

# Are community–investor conflicts inevitable?

Community legal empowerment and conflict prevention experiences from Cameroon and Uganda

Rachael Knight, Samuel Nguiffo, Theresa Auma, Lorenzo Cotula and Doreen Kobusingye



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## Abbreviations

CED	Centre for Environment and Development
FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
IDRC	International Development Research Centre
IIED	International Institute for Environment and Development
LEMU	Land and Equity Movement in Uganda
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
RRM	Rapid Response Mechanism
RDC	Resident District Commissioners
RSPO	Roundtable on Sustainable Palm Oil

## Acknowledgements

This report presents findings from a three-year action research project in Cameroon and Uganda. The project was led by the Centre for Environment and Development (CED), which also led activities in Cameroon. The Land and Equity Movement in Uganda (LEMU) led activities in Uganda, while the International Institute for Environment and Development (IIED) provided technical support to project design and implementation. The project was funded by Canada's International Development Research Centre (IDRC).

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## Executive summary

In many parts of the world, government efforts to promote investments in sectors such as agriculture, mining, energy and tourism are increasing pressures on land, with large-scale ventures impacting the land rights of Indigenous Peoples, rural communities and small-scale producers. Pursued in the name of economic growth and job creation, these investments are often associated with displacement, pollution, livelihood insecurity and increased conflict between communities, businesses and the state. The negative impacts of these conflicts can be substantial — yet legal and technical support is often provided after communities have been displaced or evicted, lives have been lost, property destroyed, waters and soils polluted, and the local social fabric upended. In the wake of such violations, even the most effective legal support has a limited chance of repairing the damage caused.

This report presents findings from a three-year action research project aimed at developing approaches for **preventive** legal support. The intervention was implemented by the Centre for Environment and Development (CED) in Cameroon and the Land and Equity Movement in Uganda (LEMU), in collaboration with the UK-based International Institute for Environment and Development (IIED). The project piloted four strategies designed to proactively identify and resolve potential, latent or emergent conflicts related to land-based investments **before** significant harm is done. These strategies included:

- **'Hotspot mapping'** to proactively identify where investment-driven land conflicts are more likely to occur, allowing advocates to take action to prevent conflicts before they begin;
- **Participatory monitoring of investor compliance** with the terms of their contracts and national laws, allowing communities and advocates to proactively identify and address investor non-compliance before it results in serious violations of rights and/or environmental harm;
- **Rapid response mechanisms (RRM)** that enable communities to promptly access legal support before an emerging conflict escalates; and
- **Local, government-led grievance redress mechanisms** that include government officials as active partners in early-stage conflict resolution.

The research found that although community–investor conflicts often have multiple triggers, overlapping layers and complex dynamics, **land, water and natural resource scarcity is a key factor in community–investor conflict**. The data indicate that conflicts are most likely to arise where a land concession was granted and: 1) the affected community deemed the remaining land and resources insufficient to meet its needs; 2) there was limited alternative land available; and

3) the community understood the land and resource loss to be permanent. In addition, the research indicates that endemic corruption and the involvement of high-level government officials and their associates are both additional causes of community–investor conflicts, as well as obstacles to their resolution.

The research indicated **that land-based investments can exacerbate divisions within and between communities**, and that women and Indigenous Peoples bear the brunt of the negative impacts of investor non-compliance with legal requirements and of the resulting conflicts. It also found that successful early resolution of community–investor conflicts is impacted by various factors, including:

- **Information asymmetries:** communities' lack of information — about the law and their rights under national and international laws, the facts of the investment, and investors' legal obligations — can impact the incidence, severity and duration of a conflict.
- **The degree of fear and intimidation felt by community members:** if community members' fear is not proactively addressed, advocates' efforts to support empowered community action will likely fail.
- **The nature of the investor:** for example, while some international investors are more responsive to advocacy efforts, conflicts involving national investors can be more difficult to resolve.
- **Community divisions and 'divide and rule' strategies:** divisions within and between communities and investor strategies to leverage intra-community divisions or co-opt leaders make it more difficult to address investor violations and resolve conflicts.

The conflicts addressed through this project underscore the structural and emotional barriers communities face when challenging abuses. Corruption, impunity, fear, limited legal knowledge, dis/misinformation, state militarisation and the lack of functioning justice mechanisms have historically left communities either enduring violations or resorting to sabotage or violent protest to demand remedy. However, proactive interventions, such as those led by LEMU and CED, have the potential to not only prevent egregious rights violations and mitigate harm, but also to strengthen communities' ability to assert their rights and engage investors in the process of collaboratively resolving conflicts.

Overall, the action research highlighted the potential of preventative approaches in addressing community–investor conflicts. Tackling potential conflicts proactively — through dialogue, negotiation and early-stage safeguards — can help prevent conflict escalation and avert significant harm to communities, the environment, investor reputation and project operations.

Indeed, over the course of the project, CED and LEMU both observed a gradual but significant shift in how communities participating in the project responded to investor violations and/or emerging conflicts, including both a stronger propensity to raise issues with government and investors, as well as a greater emphasis on

nonviolent and dialogue-based advocacy. Such shifts have the potential to not only enhance communities' ability to protect their interests but also contribute to more stable and predictable investment environments. By equipping communities with the necessary legal support, information and advocacy strategies, proactive interventions may help foster more constructive engagement between investors and affected populations, ultimately reducing the risks of prolonged conflict and ensuring more equitable outcomes. The report concludes with various recommendations, including:

### For governments and donor-supported government projects

1. **Enhance coordination among government agencies and create a unified, cross-sectoral register of all concessions, which records data from all ministries and is made available to all government agencies.** Coordination among all government agencies responsible for granting investment concessions is necessary to avoid overlapping grants.
2. **Change how local administrative authorities and land administrators/land conflict resolution teams are organised and trained.** Land conflict resolution responsibilities are best assigned to trusted, long-standing local authorities who have deep knowledge of the area's social, political and cultural contexts.
3. **Properly identify and address the resource scarcity-related drivers of a conflict.** To prevent serious conflict, it is essential to identify and address the underlying water, land and resource scarcities driving disputes.
4. **Create or strengthen local, accessible dispute resolution/grievance redress mechanisms.** Accessible, trusted grievance redress committees, where communities can bring and resolve their investor-related grievances promptly and effectively, can help resolve concerns before they escalate into conflict.

### For private sector actors

5. **Proactively identify and engage with all legitimate tenure rights holders and affected communities.** This can support communities to claim free, prior and informed consent rights and engage in consultation and negotiation processes in the early stages of project design.
6. **Focus on early consultation, free, prior and informed consent and equitable benefit sharing.** Governments and investors should engage potentially affected communities early on in project design, at the scoping or exploration phases, initiating consent and consultation processes in line with international law and guidance. Where communities support the project, early negotiations should ensure equitable benefit sharing, representation and protection of community rights and livelihoods.

- 7. Recognise the important role local communities can play in compliance assessment and engage in regular dialogue with them.** Investors can proactively resolve community concerns and address potential violations (by workers, managers, etc.) by recognising the role of community-led compliance monitoring and prioritising regular, ongoing community–investor dialogue.

### For organisations supporting communities

- 8. Identify higher-risk areas, using predictive tools such as hotspot mapping and compliance monitoring, then proactively support affected communities.** Supporting community monitoring of investor compliance and plotting the locations of villages, concessions, protected areas and other restricted areas on a unified map can highlight where conflicts are likely to arise, and help advocates to proactively prevent or defuse conflict.
- 9. Develop solid evidence: clearly document investors' violations, then link them to specific provisions in investors' contracts and relevant national laws.** By grounding communities' grievances in specific legal violations, advocates can help to transform communities' experiences that their rights were violated into actionable complaints.
- 10. Leverage strategic alliances with government, using the legal power of the state to confront corruption and strengthen local leaders' downward accountability.** LEMU has now come to define 'empowerment' as the ability to summon multiple forms of legal power to counter intimidation, threats and other forms of illegal power.
- 11. Support communities to unite and overcome 'divide and rule' tactics.** Coordinated, organised communities are more able to resolve community–investor conflicts and rights violations.
- 12. Ensure that the perspectives of marginalised groups are heard and proactively include representatives of marginalised groups in community–investor conflict resolution efforts.**
- 13. Conduct and facilitate regular multi-stakeholder meetings at national, regional and local levels.** At such meetings, it becomes possible for communities to share their grievances and request resolution, for investors to take responsibility for their actions, and for government leaders to take responsibility for addressing community grievances and for sustaining the momentum of further conflict resolution.

## 1. Introduction

In many parts of the world, government efforts to promote investments in sectors such as agriculture, mining, energy and tourism have been increasing pressures on land, with large-scale ventures impacting the land rights of Indigenous Peoples, rural communities and small-scale producers. Pursued in the name of economic growth and job creation, these investments are often associated with displacement and land dispossession; pollution of lakes, rivers, air and soils and associated negative ecosystem and health impacts; human rights violations; livelihood, water and food insecurity, and increased conflict between communities, companies and the state.

The impacts of these conflicts are substantial. In addition, many people who have protested rights violations have been intimidated, repressed, harmed or even killed (Global Witness, 2023). Meanwhile, data shows that conflicts with local communities can cost businesses millions of dollars, negatively impact their reputation, and threaten the investment's financial viability through implementation delays and reduced projected earnings (Locke et al., 2013; TMP, 2012).

Prevailing approaches to protect land rights in the face of land-based investments are often reactive, rather than preventative. This means that legal and other support is often provided and accessed **after** communities have been impacted, displaced or evicted, and often after property has been destroyed, waters and soils polluted, and the local social fabric upended. In such instances, legal support may result in corrective and/or accountability measures; but even the most effective support has a limited chance of repairing the damage caused.

This report presents findings from a three-year action research project aimed at developing approaches for preventive legal support. Action research involves developing, testing and evaluating approaches for addressing concrete problems. It requires active community engagement in problem-solving activities; the direct involvement of key stakeholders; and collaborative, iterative reflection. The intervention was implemented by the Centre for Environment and Development (CED) in Cameroon, who also led the overall project; by the Land and Equity Movement in Uganda (LEMU) in Uganda; and by the International Institute for Environment and Development (IIED), who provided methodological support and facilitated sharing between the two countries. The project was funded by Canada's International Development Research Centre (IDRC).

Addressing land-based investments across wide-ranging sectors (from mining to agriculture), the project piloted strategies designed to proactively identify and address potential, latent or newly erupted conflicts related to land-based investments **before** such disputes escalate. The project explored the following main research questions:

1. What systems and protocols can help practitioners anticipate where community–investor conflicts are likely to occur?
2. What approaches can successfully resolve the immediate causes of land and natural resource conflicts linked to land-based investments?
3. What strategies can help practitioners shift from responding *post-facto* to investment-based conflict and harm, to instead anticipating and preventing harm before it occurs?
4. What strategies lead to successful resolution of emergent community–investor conflict?

To address these questions, the project supported action research in selected sites in each of the two focus countries. In Cameroon, CED focused its efforts in the Ocean, Dja & Lobo and Kadey divisions.<sup>1</sup> In these sites, the total amount of land the state allocated to mining, agribusiness, logging and conservation is greater than the size of the areas overall, resulting in overlaps with community land claims, and having the potential to engender significant conflict. In Uganda, LEMU piloted new approaches in four regions: Karamoja in north-eastern Uganda, Teso in eastern Uganda and Lango and Acholi in northern Uganda, reaching a total of more than 15 districts. In these areas of northern and eastern Uganda, the government continues to allocate significant amounts of land to investors. In particular, Karamoja's mineral wealth has attracted gold and limestone extraction investments; these mining investments are claiming lands that Indigenous pastoralist communities have grazed their herds on for centuries. Besides government allocation of lands, community members themselves give land to investors through sometimes disputed sales and leases, based on promises that the projects would bring 'development' in their localities.

In these sites, the project tested four sets of preventive legal empowerment approaches:

- **Hotspot mapping** to proactively identify where investment-driven land conflicts are more likely to occur, allowing advocates to take action to prevent conflicts before they begin. The hotspot mapping generated cartographic data on the location and boundaries of investment concessions and their overlaps with community lands.
- **Participatory monitoring of investor compliance** with the terms of their contracts and national laws, allowing communities and advocates to proactively identify and address investor non-compliance before it results in violations of rights and/or environmental harm. The activity generated real-time, 'ground-truthed' data on community observations about investor compliance, and highlighted areas where conflicts linked to investor non-compliance or partial compliance are more likely to occur.

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<sup>1</sup> The strategies developed in this project built upon years of related work undertaken jointly by CED and IIED in these areas.

- **Rapid response mechanisms (RRM)** that enable communities to promptly access legal support before an emerging conflict escalates. Centred on direct communication channels between communities and advocates to allow for rapid reporting and expedited case intake, the RRM facilitated immediate community access to legal and technical support for urgent matters. They also generated data on changing pressures on land and natural resources, as experienced by those whose rights are directly at stake; over time, the data helped to develop a 'real time snapshot' of patterns of community–investor conflicts in the regions where the project operated.
- **Local grievance redress mechanisms** that mobilise government structures as active partners in early-stage conflict resolution.

In Cameroon and Uganda, these four preventative legal empowerment approaches, which formed the core of our action research, were complemented by additional strategies that aimed to strengthen community rights and agency in the context of community–investor conflicts. These included legal education and awareness-raising, both in community meetings and over local radio; community-by-laws drafting to strengthen local land governance and natural resource management (Knight et al., 2016); constructive engagement with government, through community–government–investor dialogue as well as around policy issues (Sonkoue Watio et al., 2020); tracking investment implementation and compliance; mapping and demarcation of community lands, especially the boundaries between communities and investment projects; and regional dialogues for policy advocacy. In both countries, the project applied strict research ethics standards, including by obtaining written consent from research participants and ensuring confidentiality during all data entry, analysis and reporting.

Project activities generated a large amount of data concerning what kinds of investment are most likely to generate conflicts; what issues, circumstances and challenges most frequently trigger community–investor conflict; and how the behaviour of government and/or company officials can lead to conflict escalation or help to prevent or resolve conflict.

The remainder of the report is organised as follows. Section 2 discusses root and immediate causes of community–investor conflicts and provides an overview of key issues, including the different types of investors and how they relate to experiences of conflict. Section 3 distils insights from the main preventative intervention strategies piloted by the project, detailing their set-up, how they operate, the challenges faced, successes achieved, and lessons learned. Section 4 summarises findings and outlines recommendations. For security reasons, details of conflicts reported in this report have been omitted or made vague to protect the affected communities.

### Box 1. A note on word choice

- The report uses the term '**community**' to mean a group of individuals, households and families who collectively live within or have strong historical ties to a specific territory and are governed by a shared set of customary, Indigenous or state governance structures. Communities are not homogenous entities: social differentiation within communities may cause families or individuals to have different interests and perspectives in relation to land-based investments.
- The term '**investors**' refers to the full range of local, national or international businesses that design, finance, implement or otherwise contribute to an investment project. The action research covered investments of very diverse scales — from very large to smaller-scale activities. In some cases, government bodies and/or officials may also be directly involved in investment projects, for example as owners or shareholders.
- The report uses the term '**resources**' to mean the vast array of biodiversity within a local ecosystem(s), including land, plants, animals, minerals, waters and soils — some of which may be considered extractable 'resources' by investors and governments.
- The term '**conflict**' refers to a dispute grounded in conflicting visions, perceptions, interests, claims and/or rights between two or more actors in the context of a land-based investment.

## 2. Trends in conflicts related to land-based investment

This section summarises the wide range of factors — both root causes and acute incidents — that foster community–investor conflicts in the context of land-based investments. It also discusses the impacts of community–investor conflicts that are not prevented or addressed before escalating.

### 2.1 Understanding the causes of community–investor conflicts

Community–investor conflicts often have both ultimate and proximate causes. A nuanced understanding of the full range of causes is necessary for thoughtful and effective preventative action. Root causes of conflict include contextual factors that exacerbate pressures on land and resources even before a specific investment comes into the area. Such factors include heightened competition for land and/or water caused by climate change; population growth; skewed public policies; historical factors; corruption; commodification and individualisation of communal lands and resources; and inadequate legal protections for customary and Indigenous land rights.

Immediate causes of conflict associated with a particular investment or set of investments may involve, for example: investors' failure to secure communities' free, prior and informed consent (FPIC); multiple investors securing land and resource concessions within the same area; rights violations, including violation of investor–community agreements; limited transparency and information on land-based investments; and repression of community members. These root and immediate causes — and how they interrelate and exacerbate one another — are briefly described below, drawing on both global trends reflected in the literature, as well as examples from the action research in Cameroon and Uganda.

#### Trends contributing to community–investor conflict

Several factors create an underlying context that amplifies or compounds more immediate causes of conflict. Briefly, these include:

- **Demographic change and the consumption patterns of affluent societies.** Demographic growth increases both demand for food and pressure on lands and natural resources. In many contexts, children in farming communities stand to inherit only a fraction of a hectare, an area too small to earn a livelihood or grow enough food to feed a family. Meanwhile, consumption in richer countries and by a growing urban middle class in low-income countries is increasing demand for meat (which requires large amounts of land and resources to produce), technology (which requires minerals) and land, both for speculative purposes and for farming.

- **Climate change.** Climate change is shifting weather patterns and affecting crop production. Rising temperatures and water scarcity are leading to soil erosion, desertification, salinisation and loss of peat soils, further impacting the capability of soils to support productive agriculture (IPCC, 2019). People living in arid regions are facing a higher incidence of serious drought, while populations living in wet regions are suffering from flooding. There is already evidence of increasing competition to control land around water sources: over the past 30 years, there has been an increase in violent confrontations between farmers and pastoralists over access to the fertile lands around rivers, springs and lakes (eg Kwaja and Smith, 2020). Climate change is also driving increased community–investor conflicts related to private investments in carbon credits and green energy projects.

### Box 2. Story from the field: when resource scarcity is the true root of a ‘tribal’ conflict

CED and local partners’ field staff investigated a conflict between two communities in the Sahel region of northern Cameroon that resulted in 67 people being killed, more than 150 people being seriously injured, houses and shops being burned, cattle being stolen and dispersed, and large economic losses (International Crisis Group, 2024). As a result of the conflict, thousands of people became internally displaced (UNHCR, 2021). After visiting the area, CED and partners’ staff reported:

“We were shocked by what we saw. These two communities have been fighting for a long time, but this was the most serious violence experienced to date.

**The first lesson we learned was that there was a very close relationship between this conflict and climate change: water scarcity is amplifying conflicts dramatically.** When there is enough land for everyone, people can fight, but ultimately, they can move. But when there is not enough water across a large region, there is little else to do but fight. This is strong evidence that climate change is an issue now — not a future issue. If the climate crisis gets worse, we will see this type of violent conflict much more frequently. We found very clearly that ecosystem restoration is the way forward for conflicts driven by water and resource scarcity: if climate change-induced conflicts are likely to increase as the climate crisis worsens, then ecological restoration activities will be a good way to avoid and address violent conflict.

**“The second very clear lesson we learned is the importance of properly characterising a conflict.** In this case, despite years of effort by the local government to resolve the conflict, it was never resolved, probably because they classified it as an ‘inter-ethnic conflict’; a fight between two tribal groups. However, in reality it was a resource scarcity conflict, a situation getting worse every year. If you consider it as an ethnic/tribal issue and address it that way, you will never get to the root of the problem. But if you understand it as a resource conflict, you can then try to address the availability of resources by restoring the environment. When you have the right diagnosis, a solution and resolution become possible.” Climate change is increasingly identified as a major cause of the conflict (Africanews, 2022).

- **Expansion of the extraction frontier, most recently linked to energy transition minerals.** Across Africa, commodity endowments and resulting resource extraction have increased pressures on land and territories, and on local and national governance systems. A recent surge in natural resource projects, particularly for energy transition minerals, is fuelling new conflict in areas previously untouched by extraction.
- **Skewed public policies that prioritise business interests over community rights.** To compete for mobile international capital, many states have reformed legal frameworks to make them more business-friendly — from national land laws and tax incentives to international treaties on protecting foreign investment, all the way to contractual arrangements that make resources available to companies on favourable terms. For example, many governments impose artificially low rental rates on land leases as an ‘incentive’ to attract foreign investment, and a global network of international investment treaties allows foreign investors to bring arbitration claims against states and seek compensation for state conduct adversely affecting their business. Public policies aimed at promoting and protecting foreign investment, without commensurate safeguards to ensure responsible business conduct, including in relations between investors and communities, are a recurring root cause of conflict. This is because even full compliance with applicable national law does not ensure that communities are properly consulted and that their land rights are respected. This creates the breeding ground for one-sided deals and ultimately for contestation and conflict (Cotula 2015, 2016 and 2020).
- **Lack of strong legal protections for customary and Indigenous land rights.** National laws often fail to adequately recognise customary and Indigenous land rights. A 2013 World Bank report concluded that “90 percent of Africa’s rural land is undocumented [...] making it highly vulnerable to land grabbing and expropriation” (Byamugisha, 2013). Even in jurisdictions like Uganda where national laws recognise and protect customary land rights, a variety of legal arrangements can make tenure rights insecure. For example, many land laws condition legal protection to proof of ‘productive use’, while agriculture-based notions of productivity undermine the resource claims of shifting cultivators, pastoralists and hunter-gatherers (German et al., 2013; Knight, 2019; Cotula, 2022). Such laws also often give state officials — and in some instances traditional authorities — extensive land allocation powers that make it easier for companies to obtain concessions, without broad consent, over vast areas claimed by community members. For example, national laws may construe a state’s eminent domain powers so widely, and define ‘public purpose’ so loosely or not at all, that government officials may use compulsory acquisition to take land for private commercial projects with little recourse for legitimate tenure holders.
- **Corruption.** Corruption within national administrative, political and judicial systems enables land to be acquired illegally or outside prescribed legal procedures. In relation to land-based investments, corruption can take place

at different levels. This includes mid-and high-level corruption by government officials, who leverage their power and influence to enrich themselves and their friends, relatives and business partners. For example, speculatively acquiring land near planned future infrastructure development to subsequently sell at a profit, or expropriating land for international investors and ensuring for themselves, as gatekeepers, a portion of the profits (Knight, 2022). Or corruption within the judiciary and associated administrative accountability mechanisms, which makes accountability systems a tool of the powerful, further entrenching corruption (see also Koechlin et al., 2018; Bach, 2011).

### Box 3. Understanding who ‘the investors’ are

Efforts to address community–investor conflicts refer to the term ‘investor’ — yet this is a broad notion that can mean many things: from international businesses to actors operating in more localised settings. The nature of the investor can have a major bearing on patterns in community–investor conflict. Broadly speaking, investors encountered in the action research conducted in Cameroon and Uganda included:

1. **Large foreign/multinational businesses.** These include agribusinesses, mining companies, forestry, logging and alternative energy companies (eg biofuel, solar). These companies tend to have significant financial power, may have some degree of backing from both home and host governments and may be financed by international lenders.
2. **Businesses run or owned by national elites.** These individuals can be wealthy politicians, family members of high-level government officials or elite businesspeople. In some cases, local businesses participate in joint ventures with international companies.
3. **Businesses run by elites operating at the subnational level, for example in regional centres.** These individuals are often based in urban or semi-urban areas distinct from the national capital. Although they may not have strong links to high-level government officials, they often have an influential role in the local economy.
4. **Local entrepreneurs.** These individuals are based in or near affected communities. They often have some degree of education and seek land for agricultural, real estate or speculative purposes. The scale of their operations is considerably smaller and less formalised than that of transnational businesses, and their degree of compliance with national regulations varies significantly.

The degree of an investor’s wealth, power and authority had a direct bearing on the courses of action available to the affected communities and their advocates in the resolution of emergent community–investor conflicts. CED and LEMU found it necessary to calibrate strategic responses based on the nature of the investor. Generally speaking, advocacy efforts proved to be easier when dealing with certain types of international investors, particularly where effective entry points for accountability (eg to shareholders, lenders, risk insurers) were available.

## Immediate causes of community–investor conflict

In more immediate terms, a range of incidents and actions often lead to community–investor conflicts. These include:

- **Failure to consult communities and secure their free, prior, informed consent (FPIC).** The right to FPIC includes both: 1) A process of engagement and dialogue, whereby a community is consulted, can ask questions, negotiate and take the time to fully understand the proposed project; and 2) The right to give or withhold consent during or after that process of engagement.<sup>2</sup> In practice, community consultations are often characterised by inadequacies, power imbalances and withheld information. For example, investors and/or government officials may carry out ‘a consultation’ as an opportunity to inform a community that an investment project will be happening. In the worst cases, communities that choose to withhold their consent to a proposed project may face coercion through the use or threat of violence, criminalisation and arbitrary arrests. In other cases, communities may not be consulted or informed at all (see Box 4).
- **Concessions increase pressures on community lands and/or overlap with a community’s residential, farming and/or grazing area.** CED found that overlap between community forests and land concessions generated community–investor conflicts. It also found that conflicts were particularly likely to arise where a land concession was granted and:
  - The affected community deems the remaining land and resources insufficient to meet its needs;
  - There was limited alternative land available; and
  - The community understood the land and resource loss to be permanent.
- **Multiple investors operating within the same area, affecting the same communities.** Multiple concessions in the same area can significantly increase pressures on resources. Lack of coordination among government agencies has also resulted in direct overlaps between concessions. Data from action research in Cameroon indicated that the intensity and diversity of land-based investments in an area characterised by local and Indigenous communities’ high dependence on land and resources is a major source of conflict. In such contexts, the risk of long-lasting conflict increases with the higher number of companies operating within the same small area. The research found that in Cameroon, the Ocean and Kadey divisions are almost entirely covered by mining permits (including exploration and research permits). Where two or more investors are granted overlapping concessions, disputes can arise both with communities and with other investors.

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2 Under international law, FPIC is required before the approval and start of any project that may affect the lands, territories and resources that Indigenous Peoples customarily own, occupy or otherwise use (see the United Nations Declaration of the Rights of Indigenous Peoples, particularly Articles 10, 11, 19, 28, 29 and 32). Consultation requirements also flow from the application of internationally recognised human rights and from international soft-law instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). Some countries have laws that require consultation processes in relation to both Indigenous and non-Indigenous communities.

#### Box 4. Mining concessions and community consultation

In Uganda, LEMU staff found that mining exploration licences are often allocated to investors without community consultation — and at times even without the community's prior knowledge. LEMU staff also found that investors used **exploration** licences to deceive community members that they already possessed **mining** licences, even though the law requires separate steps for issuing a licence to develop the mine should exploration deliver commercial finds. LEMU observed investors obtaining licences from the central government in Kampala, then proceeding to the affected communities without any formal introduction from relevant authorities or explanation of what exactly they had been permitted to do. In other instances, communities were told that an investment would be sited on or adjacent to their land but not given salient details about those investments, including the names of the companies making the investment, the amount of land allocated, the boundaries of the land allocated and the duration of licenses and leases. Without this information, community members could not hold investors accountable to complying with the terms of their concession agreements. This situation resulted in investors going beyond the mandate of their licences (eg from exploration to actual mining) and led to community–investor conflicts.

- **Abuse of power by state and/or private sector actors.** In many contexts, national and local elites, often supported by government actors and state security personnel, are illegally claiming community land for their personal use, using power, wealth, influence and intimidation to do so. In Uganda, for example, where customary land rights are recognised and protected under national law, it is not unusual for local and national elites to register communities' communal lands as their individual, private property (Irau and Auma, 2021). Throughout the fieldwork, LEMU staff observed government agencies and investors, mainly in the conservation and mining sectors, mobilising security personnel to prevent communities from accessing lands near investments and to intimidate and arrest community members. For investments backed by high-level government officials, the national military was deployed to protect the investors' assets; this was especially the case in mining operations. Community leaders reported that the presence of the armed forces led to a sense of intimidation not only among community members, but also within the local police force and local government leaders.
- **Environmental harm and other adverse impacts.** In Uganda, communities reported instances of pollution of lands and waters, degradation of landscapes and/or adverse impacts on community health and wellbeing (see eg Ojara and Dokotho, 2023). This was particularly the case in relation to small- and medium-scale mining activities; in one instance, community members reported that people had died as a result of drinking polluted water. In addition, communities raised concerns that agro-industrial investments that heavily sprayed their crops with herbicides were creating negative impacts on neighbouring community members' health and agricultural produce.

- **Investor failure to comply with the terms of the concession agreement.** In both Cameroon and Uganda, many of the conflicts documented by the project were rooted in investors' failure to comply with agreed investment terms. This included inadequate compensation or rental payments, failure to build promised infrastructure (eg health centres, secondary schools, maternity wards) or to supply promised in-kind payments and lack of employment for community members. Business operations expanding beyond the boundaries agreed and encroaching on community lands was also a recurring source of conflict, as it negatively impacted community farms, rights of way, cemeteries, sacred sites or communal resources such as forests and grazing lands. In Uganda, conflict was also associated with businesses confiscating community members' livestock that wandered into the (illegally expanded) investment area.

#### Box 5. Lack of community–investor contracts

In Uganda, LEMU found that none of the 48 investments documented through the project was found to have concluded written benefit-sharing agreements with the affected communities. Larger investments were found to have verbally promised and delivered some benefits in corporate social responsibility mode, rather than through contractual obligations. Such benefits included: constructing water sources/boreholes; distribution of food during famine; scholarships for students; distribution of seedlings; training community members in new farming methods; and employing local labour. Yet community members generally reported that the full terms of the promised benefits were not delivered. Where community members were employed by the company, they complained of low salaries, delayed payments, poor working conditions, child labour and lack of compliance with legally required safety precautions.

- **Rights violations by company workers relocated from elsewhere.** Communities reported social problems linked to the influx of migrant workers employed by investment projects. These included workers bringing alcohol, drugs or violence into a previously peaceful community; abuse and defilement of women and girls; workers driving large, loud trucks through a community at all hours of the day or night; workers claiming land for personal gardens without permission; and other behaviours that are not socially accepted in the community. For example, community members reported to LEMU that workers from outside the communities raped women and girls as they gathered firewood and water in the forests. Community members and local government officials also reported that company workers illegally confiscated and sold cattle belonging to community members that had trespassed into their lands.

Besides fuelling conflicts between communities and investors, these factors can also foster **conflict within and between communities**. For example, land acquisition for a commercial project may force members of one community to enter a neighbouring community's territory to gather resources necessary for survival, and this may result in conflict. Investments may also disrupt arrangements that pastoralists and farmers may have carefully negotiated to regulate overlapping

use rights to water and wetlands — and similar considerations may apply in areas where multiple users have overlapping use rights to a large forest, grazing land or water body.

In Cameroon, CED staff found that, in the context of community–investor conflicts, there are also different positions and interests within the same community. Even when there is a dominant grievance, there are differentiated views among different groups, reflecting each group’s relative power, wealth and influence within the community as well as the particularities of their relationships to land and resources. For example, CED found that women and Indigenous Peoples often experience the negative impacts of investment projects differently from non-Indigenous men, as their day-to-day work gathering wild foods, firewood, medicines and water may be particularly affected. CED also found that, in many of the communities visited, some men were more interested in the potential benefits of a land-based investment, while women were often more concerned about access to fertile land for the family’s subsistence and Indigenous communities tended to care more about the integrity of the natural forest.

#### **Box 6. Story from the field: investment sparks intra-community conflict**

In Uganda, an investor built a tourist resort around a community hot spring. For generations, the community had used the hot spring to perform cultural rituals. The investor concluded an agreement with a local family to buy ten acres of land. The transaction sparked conflict within the community: while some were in favour of the project, others opposed it — particularly the family lineage that held cultural and spiritual rights to conduct rituals and ceremonies on that land. The conflict resulted in violent confrontations, with community members destroying part of the construction at the tourist resort and the police subsequently arresting 87 people.

## **2.2 Understanding the impacts of community–investor conflicts**

In both Uganda and Cameroon, LEMU and CED staff found that the impacts of land-based investments and associated community–investor conflicts can be substantial. To be clear: the action research did not set out to comprehensively assess the overall impacts of land-based investments. Rather, the focus was on developing practical approaches designed to prevent conflict from escalating. That said, the ‘caseload’ developed through CED’s and LEMU’s piloting of these approaches provided insights on the impacts experienced and reported by communities affected by land-based investments.

In approaching the project team, community members raised grievances about investors’ actions related to:

- Forced displacement from ancestral lands;
- Loss of access to communal forests, water bodies, grazing lands, fishing areas and rights of way necessary to community members’ livelihoods and wellbeing;

- Pollution of soils, waters and air, and ecosystem degradation, including reported instances of morbidity and mortality among both humans and animals;
- Destruction of family homes, sacred sites and other places of cultural and spiritual importance;
- Increased poverty caused by loss of family lands and lack of access to communal lands;
- Undermining of local leaders' authority and rule enforcement power; and
- Degradation of the community's social fabric, caused by company workers bringing alcohol, drugs, prostitution and violence into the community.

Once these impacts occur, they are very challenging to remediate: full restitution may take years, if not generations. For example, heavy metal pollution caused by mining can persist in the environment for a long time and is difficult to remove. Even when cases are won in court and damages are paid, it may take generations to clean up polluted water bodies, for native forests to regrow, and for communities to rebuild undermined customary or Indigenous governance systems. There is no way to repair foetal birth defects and lives lost to disease.

### **Box 7. Disproportional impacts on women and Indigenous Peoples**

In Cameroon, CED staff found that investments disproportionately impacted the most marginalised community members. When local men were involved in identifying land for investors, there was a tendency for them to propose land on which women or Indigenous communities are engaged in farming activities or the collection of non-timber forest products. For example, in one conflict, male leaders identified land for an investor that was already being used for women's farms and by Indigenous Peoples for the collection of non-timber forest products. The land allocation displaced the Indigenous Peoples and endangered the women using that land.

Indeed, CED received complaints from women about the impacts of their local farmland being granted to investors. The women reported that with the land around their villages being used by investors, many of them have had to go much farther afield to find farmland, making it more difficult to bring their harvest back to their village. They also reported security issues on the roads leading to these distant farms: many women reported being raped as they walked to or from their fields. While the survivors provided detailed information about the alleged rapes to CED's female contact persons within the communities, they have been reluctant to testify more publicly in courts or in the presence of men.

CED staff have also observed that land-based conflicts impact community members in different ways according to their livelihoods, identity and level of marginalisation. Furthermore, the solutions to land conflict proposed by dominant groups may disadvantage the most vulnerable. For example, CED staff found that when land conflicts are mediated and decided by men, women's land rights are more likely to be violated.

The resulting conflicts themselves create significant additional impacts. This can include protracted uncertainty and insecurity, as well as community members' exposure to incarceration, repression and intimidation. In several cases, community members who protested an investment or its violations were arrested by state authorities who failed to undertake a proper analysis of the underlying reasons **why** the community members blocked roads, sabotaged company equipment or crops or otherwise resisted a company's actions. The wider literature points to global trends in the use of repression and intimidation to quell opposition to land-based investments, particularly in the mining and agribusiness sectors, with many worldwide threatened, harmed or killed for their advocacy (Global Witness, 2023).

Meanwhile, data shows that conflicts with local communities can delay projects, cost companies millions of dollars and negatively impact their reputation. Research on corporate losses caused by conflict with host communities indicates that companies who have not properly consulted communities and secured their FPIC stand to lose millions of dollars to conflict and sabotage. For example, one study found that, in Kenya, the losses incurred from one community–investor conflict were between US\$31 million and US\$92 million; in Malawi, losses caused by one community–investor conflict ranged from US\$35–101 million (Locke et al., 2019).

#### **Box 8. Story from the field: community sabotage**

In Uganda, LEMU staff documented various instances of community sabotage. In one case where a fish farmer claimed land in a community's wetland to dig private fishponds, community members destroyed the ponds. In another case where an investor built a hotel on a sacred site, community youth destroyed the buildings. In a third case, an elite cattle farmer claimed land but did not fence it, which allowed his cattle to wander into community members' farms and destroy their crops; in response, community members slaughtered the cattle.

## 3. Preventative conflict resolution strategies

This chapter discusses the four main preventative intervention strategies piloted by CED in Cameroon and LEMU in Uganda, detailing their set-up, how they operate, the challenges faced, successes achieved, and lessons learned. As noted in Section 1, these strategies include hotspot mapping; rapid response mechanisms (RRM); participatory monitoring of investor compliance; and establishing local grievance redress mechanisms led by government officials. The chapter also discusses various other complementary strategies pursued in the course of conflict resolution, such as providing legal education and leveraging media exposure.

### 3.1 Hotspot mapping

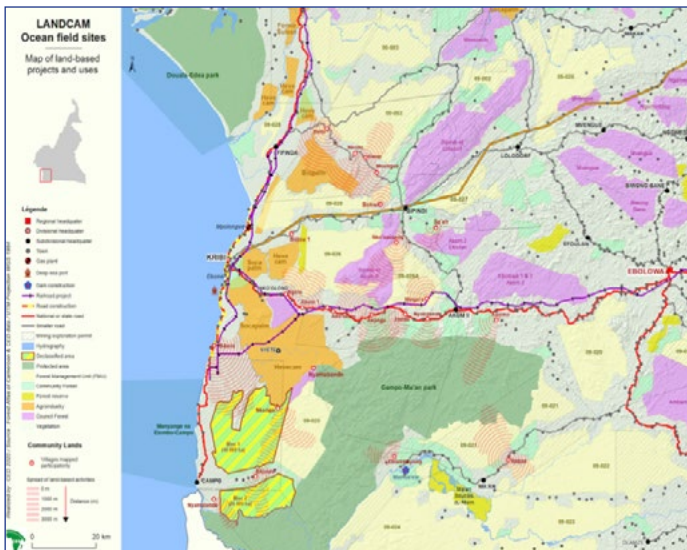
Hotspot mapping is the practice of clearly showing on a map where investment-related land and/or natural resource conflicts already exist or are likely to ignite. The aim of a hotspot mapping exercise is to enable practitioners to take action to prevent conflicts before they begin or escalate. The project supported the development of hotspot maps at two levels: at the regional level, using government data; and at the local level, using community knowledge and experience. The hotspot mapping generated cartographic data on the location and boundaries of investment concessions; the overlaps between concessions and community lands; and areas where land and resource conflicts are more likely to occur. In Cameroon, CED pioneered regional hotspot mapping efforts in the Ocean, Dja & Lobo and Kadey divisions. LEMU did not implement this strategy in Uganda. The process CED pursued is as follows:

1. **Regional hotspot mapping using government data.** CED focused its efforts on making regional maps that clearly showed the overlaps between community lands and concessions. To make these maps, CED staff:
  - Gathered data on all land allocations made by the state (for land, mining and logging concessions, protected areas, large infrastructure projects and so on);
  - Verified the accuracy of the data with national and local public administrations and private companies when necessary;
  - Plotted the data on a map of the division, noting the locations of every town and village;
  - Gathered data on the communities' use of their lands that were allocated to external actors, on activities conducted on these lands and on the community's present and future livelihood, food and water security needs;

- Travelled to the region to meet with communities to carry out village-level mapping, which allowed advocates to gain a deeper and more nuanced 'ground-truthed' picture of both community needs and emergent conflicts.
2. **Map analysis.** Once they had compiled the maps, CED staff analysed them to assess which communities were exposed to multiple investments with (at times overlapping) claims to their lands. The maps showed significant overlap: CED found that 2,255 villages have their land overlapped by mining permits of various categories (including exploration and research permits). Many of these villages hold rights to adjacent and overlapping community forests — these forests, too, currently fall within concession areas.

CED's analysis also found that the total area of investor concessions allocated by the state exceed the total area of land within the Ocean division (one of the project sites); a similar picture emerged in the South and East regions (where the Kadey division is located). Through interviews with key stakeholders in government, CED determined that this situation emerged from poor cross-sectoral, inter-ministerial coordination, communication and information sharing. Each ministry currently maintains its own map of land, mining, forest or other concessions, and each ministry's map shows that there is still land available for concessions.

**Map 1. Land allocations in the Ocean division, Cameroon**



Source: CED staff.

By looking at the maps, CED staff could see that future conflicts will likely result not only between communities and investors, but between investors who have been allocated overlapping concessions. The mapping also highlighted that the

concession overlaps are a potential source of financial liability for the state, as they contradict the state's contractual obligations with each individual investor: in these contracts, the government of Cameroon guarantees that the land is free and clear for that investor to carry out its business plan. Yet if the land is already allocated to another company, the investor could potentially bring a claim against the government, alleging material breach of the contract.

Because the issuance of land, mining and forestry concessions continues on an ongoing basis, the maps must be continually updated. As a next step, CED aims to upload these maps and create an online, electronic version.

3. **Reporting findings to government.** When CED showed these regional hotspot maps to government officials, the initial response was of shock and alarm. The sheer number of potential conflicts illustrated by the maps indicates that even if only a fraction of the overlaps lead to conflict, many conflicts — potentially violent ones — may erupt in the future. In late 2024, CED presented its research to the Cameroonian Parliament; as part of its presentation, CED pressed the government to prepare regulations ensuring that land-based investments must identify and address potential for conflict in the early stages of their development, well before official legal approval of their operations.
4. **Local hotspot mapping.** After analysing the regional maps, CED staff travelled to communities with a particularly high likelihood of future community–investor conflict to micro-map some of the areas, adding details and specificity not visible on the regional maps and providing a more nuanced picture of land scarcity and food and water insecurity. To create these maps, CED used a participatory mapping methodology: community leaders and members gathered together and drew sketch maps of the community's lands and natural resources as well as notable features such as boundaries, roads, rivers, water bodies, forests, grazing areas, residential areas, market areas, cemeteries and sacred sites. The resulting maps were then used as a basis for community-level discussions to identify where the community's land overlaps with investments, concessions, state projects and other activities, and to identify existing or potential conflict hotspots in the area.

CED staff also provided legal empowerment support to affected communities. To this end, CED:

- Provided legal information to community leaders, enabling them to support their communities in decision making and to design advocacy positions that comply with national legislation;
- Provided legal information to community members to inform their position and help them assess the legality of proposed decisions from the investor and the state; and

- Hosted a junior lawyer with communities for a limited time to help them understand the stakes of the investment and work towards the protection of their rights.

### 3.2 Rapid response mechanisms

The rapid response mechanisms (RRMs) that CED and LEMU developed as part of this project aimed to reach communities struggling with nascent or latent community–investor conflict as early as possible and provide them with the legal and technical support necessary to prevent conflicts or their escalation.<sup>3</sup> LEMU and CED staff designed their RRM to support communities to both: 1) proactively identify where investment-related land conflicts may occur; promptly and easily access legal advice; and take preventative action and/or initiate conflict resolution efforts; and 2) engage with the conflict or potential conflict from a place of agency and empowerment, choosing conflict resolution strategies that best reflect the community's interests, values, preferences and priorities.

The project initially envisaged that the RRM would function through the following components:

- A dedicated free hotline, continually advertised through posters, flyers, billboards, on radio programmes, and at community meetings;
- At least one staff member responsible for responding to calls to the hotline and/or from key informants;
- A simple database system to track and record incoming calls and requests for help, as well as what actions advocates took in response; and
- Field visits for direct intervention, either by the implementing organisation's staff member advocates, or by advocates from a network of cooperating civil society organisations (including paralegals, *pro bono* lawyers and other technical experts).

In practice, the project's RRM arrangements ended up departing from this initial design. They also differed in the two countries, reflecting different contexts, issues and response strategies. In Uganda, LEMU pursued the following process:

1. **Radio announcements publicising the hotline.** To publicise its 'early warning hotline', LEMU designed radio announcements in six different local languages for case reporting. The radio announcements, which included a toll-free number to call to report investor violations and conflicts, were aired for two months on multiple radio stations in all four project districts. LEMU expected to receive many requests for help — yet only a few calls came in. Upon further investigation,

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3 For more detailed information about how LEMU and CED's rapid response mechanisms function, as well as guidance on how to set one up, see: "Rapid response mechanisms — Supporting resolution of community–investor conflicts related to land-based investments." The toolkit is available in English at <https://www.iied.org/sites/default/files/pdfs/2024-08/22306iied.pdf> and in French at <https://www.iied.org/22306iied>.

it emerged that people were too afraid of retribution to report their conflicts with investors. This was particularly true in Karamoja district, where mining concessions to foreign investors involve high-level government officials and their family members.

- 2. Confidential meetings with leaders.** In response, LEMU set up a confidential conflict reporting system that allowed people to seek support in ways that felt safe, and which assured them that they would not be exposed to backlash, arrest or danger. LEMU's researchers began meeting privately with groups of local government officials and non-state leaders. In small, closed-door meetings, the leaders were encouraged to describe and map latent, emergent or potential community–investor conflicts. These meetings built the trust that leaders needed to reveal sensitive details about the investments. In this manner, leaders reported 48 separate conflicts to LEMU.

To supplement the private meetings, LEMU organised regional dialogues with leaders, at which LEMU explained the overall aims and intentions of the project, with the goal of helping leaders feel more comfortable calling LEMU to report emergent conflicts. LEMU found that either individually or in small groups, the leaders spoke more openly in person, when they could assess the LEMU staff and discern if they could be trusted and where there was no possibility of anyone recording the meeting or creating tangible evidence related to it. LEMU staff found that this strategy led to a 'snowball' approach to conflict reporting: once a leader trusted them, he would refer them to another leader that he knew was facing a similar community–investor conflict, who then referred them to other leaders, and so on.

- 3. 'Ground truthing'.** After a community–investor conflict was reported, LEMU would travel to the area and, with the help of community volunteers, document the investor violations and the communities' grievances, quantifying their magnitude, locating the specific violation on maps and documenting all impacts on people and the environment.
- 4. Data analysis.** To track intakes from its RRM and better analyse the conflicts, LEMU used a structured questionnaire linked to a database. Assessing the reported conflicts, LEMU staff determined that 81% of the reported conflicts were at latent stage, which indicated that a preventive approach can allow advocates to intervene before harm is done or conflicts escalate. In most cases (97%), the people reporting community–investor conflicts reported that investors were targeting communal land that was in active use by the community, while 83% of people who reported conflicts noted that they were neither informed nor consulted about the investment.

In Cameroon, CED developed its rapid response mechanism by:

1. **Creating a network of ‘confidential contacts’.** To reach affected communities, CED developed a network of ‘confidential contacts’ in each of the regions it works in. Because reporting a land-related injustice or human rights abuse by government actors or large corporations in Cameroon has the potential to endanger an informant, CED ensured that the system operated on a confidential basis. For each area, CED staff selected highly competent, motivated and trusted men and women — with a high degree of personal integrity and a proven record of advocating for community rights — to channel reports of conflicts and violations. To reach youth, CED drew its confidential contacts from an association of Indigenous youth, comprised of young men and women raised in forest-dwelling Indigenous People and pastoralist herder communities — all of them university students or young professionals. To reach women, CED began working with a women’s association whose members agreed to both serve as contacts within their communities, and to disseminate information on the impacts of land-based investments on women. CED also worked with traditional leaders.

CED supplied each contact with a small salary, a mobile phone, phone credit and funding to cover basic transportation costs. CED also provided them with training on relevant laws and the national legal system. CED made sure that, while community members knew at least one of these people (so they could report to them, in the event of a conflict), the number of confidential contacts made it difficult for those in power to trace back how the organisation got information about investor violations. CED staff explained:

“We make a serious effort to protect the people in the field as much as we can so they will not be at risk for providing information to us. People should know: if I have a problem, I can go somewhere for help. They need to know where to go/who to go to, and trust that the person they have talked to will protect them. We discovered that it was better to have a lot of different numbers that people can call — various local contact people. The communities know those people and have their numbers. We choose people that community members already see as ‘enlightened’: people come to them for advice, information, etc. So, they are talking to a friend or a resource person they know already — only the information they give goes into our system now.

“When the local informant receives information, he or she has to report on it: who, what, when, where. They provide the maximum information — and that can be done by phone. It is very informal: they use SMS, WhatsApp, or phone messages — there are many modalities of communicating with us. Sometimes we also sit face to face, taking advantage of a community visit. They may take a motorbike from a village where there is no phone network to a bigger town to report to us. There are places where we will not meet our informants in the village — if we want to meet them, we get them out of the area and meet them in a town far away. And there are other places where our organisation has

many different activities, working with many people, so if you go and have a drink with somebody, it is not a problem for them. We also bring people from the field to the office to train them and work with them.”

Having a network of local informants also helped CED address a variety of other challenges. First, selecting a diverse group of informants (youth, elders, women, men, people from minority ethnic or religious groups) opened up the possibility of a more diverse group of people reporting conflicts: women proved to be more open to talking to a female informant, while youth informants might more easily talk to another youth. Second, having more than one contact person in a region allowed CED to ask other informants to triangulate the information, helping verify or ‘ground truth’ the data.

2. **Setting up a triage system.** CED set up a reporting/triage structure in the following manner: at the most grassroots level were many contacts across multiple sites, reporting to an intermediate level composed of the staff of carefully selected, trained and supervised local civil society organisations working across Cameroon.<sup>4</sup> Once they receive a report of a case, these organisations immediately undertake an assessment of eligibility and relevance, then try to find a local solution that can resolve the conflict. If no solution can be found, the case is referred upwards to CED’s national office.
3. **‘Ground truthing’.** Over the course of the project, CED received 69 reports of conflicts. After investigating these reports, CED opened 29 ‘cases’ (not including those conflicts for which a solution was found at a local level).

In both Cameroon and Uganda, CED and LEMU proactively worked to manage risks to community members and leaders and to themselves, both as an organisation and for all staff members. They did this in two ways:

- **Working in collaboration with other civil society actors.** To reduce organisational risk, CED and LEMU worked collaboratively with like-minded national and global organisations on certain riskier community–investor conflicts. Building alliances and collaborating behind the scenes helped keep the organisations from being named as key instigators, created trust with other regional actors, and helped to resolve the underlying violation.
- **Cultivating close, trusted relationships with local, national and international journalists.** CED and LEMU staff worked to both build new relationships and strengthen existing relationships with journalists, then encouraged these journalists to report on community–investor conflicts (often those where all efforts at dialogue, mediation and peaceful resolution had failed). When possible, they worked with multiple journalists across different kinds of media; radio, print, television. This often helped to accelerate the pace of the conflict’s resolution.

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<sup>4</sup> While CED does not sub-grant to these organisations, it pays their costs, including for transportation, mobile phone fees, etc.

### Box 9. Case example: working with journalists

“Last week, a palm oil company and the communities around the concession were in conflict. One of our informants sent us information about the conflict. She said: ‘There is a conflict: the company has destroyed its old oil palm trees in order to replant. The locals are saying, ‘too close to our houses — we want our lands back!’ Yesterday, when the company tried to start planting, communities broke through, there was a conflict, and the chief of the village was arrested and put in jail. We got that information from two sources: the local NGO and one of our informants in the field. The question was: ‘What to do?’ We needed more information: why is the company planting so close to the houses? While looking for that information, we were also trying to decide what to do.

“The first thing we decided to do was to put this in the newspapers. So, we called a meeting with four local journalists, and we shared the information with them and said: ‘There is someone waiting for you to take you around if you are willing to go there.’ Three journalists — two radio and one print media journalist — went. They went to the field to gather more information, and to let the people there, including the authorities, know that it would not stay as a local issue, that it would be in the national media. This is important — for the company to know it will be known by their bosses and by everyone else. So, they went there, and it was in the TV news, and meanwhile we gathered more information about the company’s rights, their contract, etc. Now we are designing our strategy to see what to do now that we have more information in our hands. But we started with the publicity. The following day the chief was released from jail.”

In Cameroon, CED also worked with journalists from foreign investors’ home countries, facilitating their access to the sites of conflict. This approach was partly motivated by the fact that it may be less dangerous for foreign journalists to cover a community–investor conflict. In addition, media coverage in the national media of the investor’s home country had a greater chance of being seen by the company’s board members, core investors and major shareholders. In Uganda, when faced with a particularly intractable conflict, LEMU mobilised the media to highlight the matter, forcing authorities and investors to address the grievances.

### 3.3 Community monitoring of investor compliance

Community monitoring of investor compliance is the process through which affected communities collect and analyse data on a company’s actions. This is to monitor whether the company is acting in accordance with: national and international law; contractual obligations it has with the national government; and relevant business standards. These are set either by the company itself or by certification bodies such as the Roundtable on Sustainable Palm Oil (RSPO) or the Forest Stewardship Council (FSC). Government agencies are responsible for conducting formal monitoring of investors’ performance, but state monitoring is often insufficient, as resource constraints often limit its scope to one annual compliance visit. By continually monitoring compliance, communities can highlight

issues as soon as they emerge and liaise with government and/or the business to address the issue before rights violations or activities that have the potential to do long-term environmental damage occur.

Community monitoring of investor compliance can support a community to become aware of violations as soon as they begin to occur; raise those violations with the company with specificity, data and proof, potentially resulting in the company's immediate resolution of the problem. It can also bring specific, detailed and evidence-based complaints to government agencies and international oversight bodies, should the company refuse to remedy any problem(s) identified.

The approach involves training community members to capture compliance data on an ongoing basis, share it with the company and ask for remediation. Should this fail to remedy the problem, the compliance data can be shared with the state, any international lenders involved with the project, certification bodies, corporate risk insurers and other stakeholders with an interest in company compliance. Where business activities in breach of legal requirements harm community members, the community can also use this data to file formal complaints and initiate grievance proceedings.

In Uganda, LEMU's initial efforts to support community members in compliance monitoring faced obstacles. LEMU's assumption that community members would be keen to monitor investor compliance proved overly optimistic, as community members were generally too afraid to be seen publicly 'questioning' the investors' activities. LEMU staff learned they had been underestimating the level of fear that local communities hold in the context of the power differentials with investors. In addition, community members had little awareness of national and international norms that protect their interests and rights, while some investors sought to co-opt community leaders and sow disagreement within communities.

To address these challenges, LEMU staff themselves gathered data from community leaders and members during meetings related to investor compliance with 1) boundary agreements; 2) negotiated community benefits; 3) national environmental standards; and 4) labour, safety and contractual obligations. Generally, LEMU found low levels of compliance among all investors across all four areas. For example, in one instance, a medium-scale mining operation extended its boundaries into community lands, left open large gold mining pits that children and animals could fall into and used mercury to wash gold, which discharged into local rivers and wells.

In Cameroon, CED staff designed its community investor monitoring process to serve three purposes: provide a framework for communities to monitor companies' compliance with national laws, contractual breaches and industry standards; support communities to engage investors and government officials in generative, productive dialogue and collaboratively resolve any violations before significant harm occurs; and provide companies with a framework to identify possible sources

of conflicts and take steps for their prevention. By using the compliance monitoring process, CED staff aimed to support communities to approach companies, public administrators, and members of the Parliament with concrete, specific data, from a place of agency, empowerment and greater legal strength. CED followed the following process:

1. **Preparing a simple questionnaire.** CED first prepared a 'general' questionnaire that communities could adapt and use to monitor investors' compliance with their legal and contractual obligations. CED staff designed this monitoring tool to help communities identify when investors are:

- Breaching their obligations under contracts signed with the government;
- Breaking national laws they are required to comply with;
- Failing to comply with international law and standards and with supply chain requirements of their clients, where applicable; and
- Failing to comply with their own corporate policies, including the standards of any parent companies, lending agencies or relevant industry bodies.

Because each company has its own specific contractual obligations, operating rules and adherence to home-country and industry standards (eg in the logging, mining, agribusiness, carbon markets and alternative energy sectors), a one-size-fits-all questionnaire would have been inadequate. CED thus supported communities in creating bespoke questionnaires adjusted to suit the specific obligations of each company, taking into account their particular claims to be socially responsible — such as a corporate commitment to zero deforestation or FSC or RSPO certification.

CED staff worked to track down this information and relevant investor–state contracts, which often proved challenging. CED then turned the information into a series of 'yes' or 'no' questions. To do this, CED worked iteratively to simplify technical legal standards into simple, low-literacy questions; it also reduced the number of questions to a small set that would not be overwhelming to community members. CED then tested its monitoring questionnaires in four communities. In each community, discussions took place in separate groups of women, men and Indigenous Peoples, with each group completing the questionnaire separately. CED then supported the communities to analyse the data resulting from community members' compliance monitoring.

2. **Supporting communities to use the tool.** In promoting use of the tool among the participating communities, CED staff talked with communities about how compliance monitoring can help address issues before harm occurs and/or conflict ignites. CED staff also highlighted that bringing vague grievances to government and company officials is less effective than providing specific details

about non-compliance clearly linked to national laws, contractual obligations and industry standards. CED staff explained:

“There is a position between getting angry, violent and arrested — and getting angry but being afraid to act. You are angry, you have to act, but don’t block the road. You have another way to act — we will help you. Without evidence, what you think the company is doing that is harmful to you is perceived by the government as your ‘opinion’. And if they ask the company, the company will say, ‘we are not harming them’, which is their opinion, which makes it one opinion against another opinion. The government cannot take any action between those opinions. They need more concrete information.

“If you were in court, you would need evidence. Tell us exactly on what points they are harming you — not what you were expecting, but what they promised to do and are obliged to do that they are not doing. You must have a clear explanation of what exactly are the problems and the unmet obligations. Then you have a point; the government cannot deny this. And international companies are less likely to dismiss the concern once the data is there and they know that other organisations and the government also have this data.”

To protect communities, CED made its involvement clear to the investors: while it was working through the questionnaires with the four communities, CED proactively contacted company representatives and informed the companies that the local communities would be assessing their compliance. CED staff also gave the questionnaires to the company, explaining that they would return with the community’s results, and that CED would then support the company to have a dialogue with the community about any gaps between their obligations and actual performance.

To date, the communities have completed the questionnaires, but community–investor dialogues have not yet occurred in the four sites (though CED supported community–investor dialogues in other sites, see Sonkoue Watio et al., 2020). Going forward, CED staff hope to use more fully developed versions of the investor compliance monitoring questionnaires with a large number of communities. To do this, and to support scale-up, CED is creating a ‘how-to guide’ for state actors and other non-governmental organisations (NGOs) to be able to create similar questionnaires for other communities impacted by other companies.

### Box 10. Social differentiation during community monitoring of investor compliance

When CED staff gave the monitoring questionnaire to the various identity groups within communities, it found significant differences between the answers of women and men, and between the answers of Bantu-descended peoples and Indigenous Peoples. CED staff reported that:

“The men in the Bantu community tend to agree more with the company, seeing fewer problems and challenges than the Indigenous Peoples. Their score, when you look at how they assess compliance, was always higher — they report fewer problems than the Indigenous men. Many Bantu men think: ‘if companies come, I will have a job’. It’s a low threshold for positive reviews. The forests have already been destroyed, the land has been taken and they have a higher tolerance for bad actions if they can participate in the benefits. But the Indigenous Peoples have different perceptions, more to lose, and they are more interested in conservation than the Bantu-descended people. Overall, the Indigenous Peoples’ assessments of the investors’ performances were worse than the Bantu-descended community members’ assessments.

“Across both groups, the women’s perception and assessment of investor compliance is the worst. Women are looking at the impacts of everything on their daily lives, their livelihoods, and the family — the impacts on their children and on water quality: they know what they are losing. Men look at the big picture; women look at the detail and it’s in the detail that you see the impacts.

“When we discussed the results of the questionnaires filled out by the Bantu-descended men with the Indigenous women, their response was essentially, ‘they don’t know what they are talking about’. And yet: when we talked with the Bantu-descended men about what they **thought** that the Indigenous women think, the men gave the answers that the Indigenous women did more or less give. They know the experience and perception of Indigenous women, but this does not matter to them, or they say, ‘This is not true’. You can’t resolve that.”

## 3.4 Local grievance redress mechanisms

In Uganda, LEMU’s Rapid Response Mechanism unearthed a number of complex community–investor conflicts, many of which had been percolating for years without adequate intervention. Over the course of the three-year project, LEMU constructively engaged with district government officials to strengthen their political resolve to address community–investor conflicts, ultimately turning them into allies and restoring community members’ trust in local government. At the inception of the project, community leaders had given up approaching district officials for help resolving their conflicts with investors — they reported that whenever they did so they felt ignored, or that government officials were on the investors’ side. By the end of the project, community leaders were notifying district officials of emerging conflicts. LEMU staff described this strategy in the following manner:

“We took this strategy because we realised that these investors were too powerful, and LEMU could not confront them on our own. We went for legal power to confront illegal power. It is only the legal power of the state that can actually counter the illegal power of the investor. So, we needed multiple forms of power. The RDCs [Resident District Commissioners], the appointed politicians, the elected MPs, the civil service, the army, and the police are now getting involved with the local leaders — this is a show of power. Then the investor cannot victimise LEMU — they see the police and the RDCs at the front.”

Indeed, LEMU found that when confronting the extreme power asymmetries involved in community–investor conflicts, collaboration with district officials was most effective. This collaboration filled the leadership and action vacuum that had previously existed vis-à-vis community grievances and complaints related to investor violations. In many instances, once district officials liaised with central government ministries that could activate suspension or termination of the investors’ operating licenses, investors started to respond to and address community grievances. LEMU now defines ‘empowerment’ as being able to summon multiple forms of legal power to counter intimidation, threats and other forms of illegal power.

The creation of government-led grievance redress mechanisms at the village, parish, sub-county and district levels took time and patience. As part of its collaborations with the government, LEMU staff very intentionally made clear that their goal was not shutting down investments but rather making sure that 1) investments were more effective and 2) citizens’ rights were protected.

LEMU’s process, which often involved pursuing various tactics simultaneously, may be summarised as follows (CED did not pursue this strategy):

1. **Training local leaders.** First, after documenting the reported community–investor conflicts, LEMU held trainings with local state, traditional and religious leaders. These aimed to raise awareness of national laws and mandates and help them understand their responsibility to protect the rights of Ugandans as well as companies’ investments. These trainings drew from both national laws and international frameworks promoting responsible investment.
2. **Leveraging required Memorandum of Understanding (MOUs) to invite the active participation of district officials.** In Uganda, as in many countries, NGOs must inform the local government of their intended work, and effectively seek their permission, which is then granted in the form of an MOU between the government and the NGO. LEMU staff leveraged the standard MOU process to establish strong relationships with both district and sub-county officials: on a regular basis, LEMU wrote up the findings, proceedings and impacts of all its field visits, sent them to the sub-counties and the district, and invited sub-county and district officials to attend ‘District Feedback Meetings’ with the LEMU team. At these meetings, they reported on the community–investor conflicts they had been called to support, the actions they had taken and any results. They asked

officials for feedback and critique, then together looked for gaps that could be improved upon, brainstormed solutions to these conflicts, and identified ways that LEMU could better support the government officials' work.

Over time, the officials who came to their meetings began to feel respected, included and 'enrolled' in their work. Throughout, LEMU assessed which local and district leaders had the highest integrity, then established regular communication and clear feedback mechanisms with them. As explained by the LEMU field team, "We created an environment where we built synergies with the leaders, making networks for collaboration so they felt they were part of our project. We made sure that all these leaders held our hands, that we worked together as a system. If we failed, we failed together."

- 3. Changing government officials' political will.** To get political leaders interested in strengthening local structures for community–investor conflict resolution, LEMU demonstrated how government failures to protect rural communities' rights was making the government unpopular. The LEMU field team explained:

"We do the research, then bring it to the discussion. So, whatever we complain about, we have the paperwork and evidence. We report on boundary conflicts, allegations of rape, livestock being taken, employment violations — we tackle them bit by bit. We let the proceedings talk for themselves, so the district government leaders have no choice but to listen. We don't criticise the government; we invite them to a discussion: this is something happening, what can we do, can we hold the investors accountable and try to create a better environment for everyone? We ask the government leaders: 'Is this the mandate?' and remind them, 'It is the mandate of [state agencies] to make sure that investors are held accountable, and as a leader, you can play a role and take responsibility for ensuring that accountability'.

"We called on the government leaders to take action against the ongoing violations, as they are the ones that have the power to bring the investor into compliance. And through this project, these leaders have stepped up. We were able to show them that these kinds of violations, when they are so massive, make the government unpopular. It is not in high-level state leaders' interest (especially the RDC) to make the ruling party unpopular in the eyes of the community."

- 4. Encouraging local leaders to bring community grievances to district government leaders.** Simultaneously, LEMU staff worked with community leaders to encourage them to report investor non-compliance to district authorities. Despite local leaders' initial resistance, LEMU eventually succeeded in this regard and agreed with communities that LEMU would only intervene if the district officials were informed of the conflict and themselves invited LEMU in as an equal partner.

**5. Documenting community grievances in a manner that made the legal violations clear — then presenting this evidence in ‘town hall’ meetings.**

Like CED in Cameroon, LEMU identified that a key challenge faced by communities was the lack of specificity in their complaints. To remedy this, LEMU gathered data in a manner that connected investor violations to specific breaches of law or contract, clearly identifying which clauses of the contract had been violated, or which national laws had been broken. This helped to establish a foundation of ‘evidence-based’ advocacy, making the claims against the investor more concrete. It also made it easier for the grievance redress committees to mandate the actions necessary to resolve each dispute or violation.

At times, LEMU found it necessary to call public ‘town hall’ meetings to bridge the gap between district leaders and the community, allowing direct interaction and understanding of the community’s issues. At one town hall meeting, affected community members cried as they shared the impacts of the investor’s actions on their lives; the RDC was visibly touched by the stories being told. After the meeting, she personally investigated the violations and made clear directives to begin to remedy them. Her engagement was a turning point in that district; that RDC slowly became a central actor in efforts to resolve community–investor conflicts in her district.

**6. Establishing government-led grievance redress mechanisms.** Building on this collaboration with increasingly motivated government officials, LEMU then supported the officials to establish government-led grievance redress mechanisms at village, parish, sub-county and district levels. By partnering with LEMU to address the grievances being raised by the community members against investors, local government leaders were able to effectively pressure investors to respond and address community grievances.

The overall impact of LEMU’s work has restored community trust in the district leaders’ political resolve and capacity to resolve conflicts with investors. By the end of the project, in the Lango region of northern Uganda where 217 grievances had been documented from 17 investment projects, 93% of the grievances had been resolved by government officials via the new grievance redress mechanism committees established through the project.<sup>5</sup>

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<sup>5</sup> Notably, this approach did not achieve full success in all 14 districts that LEMU worked in.

**Box 11. Story from the field: using mediation and dialogue to address community grievances**

In 2008, the Uganda government leased Awer Central Forest Reserve to a private investor for a period of 49 years. Community members reported a number of grievances in connection with the investment, alleging confiscation of community members' livestock, land encroachment at the boundaries of the forest reserve and desecration of family graveyards enclosed within the forest.

In collaboration with government officials and through establishment of a grievance redress committee, these disputes were resolved. The committees used mediation and dialogue to address the conflicts between the investor and the local community, while political leaders put pressure on the investor and the National Forest Authority (NFA) to respond to the grievances. The NFA agreed to carry out a boundary re-demarcation of 220 hectares of land and to return all land taken from community members outside those boundaries. The investor also agreed to work with LEMU to ensure resolution of all remaining complaints.

## 4. Findings and recommendations

### 4.1 Findings

This project aimed to understand how to proactively prevent and/or resolve latent, potential and emergent community–investor conflicts before significant harm is done. To this end, CED and LEMU piloted strategies ranging from hotspot mapping and investor compliance monitoring to mechanisms for responding to and addressing community grievances. Although it is too soon to assess the long-term effects of these approaches, the pilot phase generated nine key insights.

- **Community–investor conflicts often have multiple triggers, overlapping layers and complex dynamics.** Community–investor conflicts are rarely straightforward. Often, the instigating incident is only a small part of the larger conflict landscape — and the main actors only a fraction of the actual stakeholders involved. For any given community–investor conflict, there are likely to be secondary and tertiary intra- and inter-community conflicts that can undermine conflict resolution efforts. For this reason, conflict prevention and resolution strategies must be grounded upon a rich, nuanced understanding of the multiple layers of the conflict and the way that it plays out across the full range of local and regional circumstances.
- **Land, water and natural resource scarcity is a key factor in community–investor conflict.** Project data indicate that the rapid allocation of commercial rights over rural land also claimed by local and Indigenous communities is a major driver of conflict. Conflicts are more likely to arise when people are no longer able to access land and resources that they consider to be theirs and which they have traditionally depended upon for their livelihood and survival. In Cameroon, for example, the most contentious community–investor conflicts erupted where land-based investments caused a sudden increase in land or resource scarcity — either by claiming a substantial portion of what had previously been community land, or causing a change in the **quality** of the remaining land and resources available, due to deforestation or environmental pollution. In the absence of strong actions by government to reverse the trend of granting large land concessions to investors, food and water security are likely to become a growing issue in rural areas, leading to increased conflict.
- **Endemic corruption and conflicts of interest are often a cause of community–investor conflicts and/or an obstacle to their resolution.** In both Cameroon and Uganda, the field teams documented instances of high-level government officials and/or their family members or associates partnering with investors, then leveraging their position to claim community lands. These situations make it harder for communities to address violations of their rights, for example because law enforcement agencies may themselves be co-opted.

During project implementation, LEMU and CED often wondered whether legal empowerment is even possible in such contexts: how can an NGO ‘empower’ the community to overcome violations by state-backed investments?

In response, LEMU concluded that it is only by leveraging the legal power of the state that communities can successfully confront illegal power. LEMU’s efforts working with local government officials to establish local grievance redress committees and support the peaceful resolution of community–investor conflicts show some promise in this regard. CED’s and LEMU’s use of the media also strengthened communities’ positions. In Cameroon, CED used media exposure to bring investors to the table and engage with communities to resolve conflicts; while in Uganda, LEMU found that the prospect of media exposure opened the door to quiet negotiation with government actors backing a project who were determined to avoid negative press.

- **When investors pursue ‘divide and rule’ strategies, conflict resolution may be more challenging.** Both LEMU and CED found that unified, organised communities with strong leadership are better able to resolve community–investor conflicts. However, both CED and LEMU reported investor strategies designed to co-opt local leaders and leverage intra-community divisions. In various conflicts, CED and LEMU encountered situations of investors paying off previously empowered leaders to stand down or adding leaders onto the company’s payroll, thus transforming them into representatives of the company’s interests. Such tactics leave communities fragmented, disempowered and more vulnerable to exploitation. Without a strong leader calling and convening meetings — or with a co-opted leader actively undermining meetings — efforts to increase community agency and successfully broker resolution of community–investor conflict become more challenging.
- **The nature of the investor can impact efforts to resolve community–investor conflicts.** In both Cameroon and Uganda, CED and LEMU observed that certain types of international investors are more responsive to public advocacy, due to opportunities for accountability offered by legal frameworks in their home countries; the requirements of lenders, risk insurers and industry oversight bodies; and consumer expectations in export markets. Advocacy efforts may be more difficult in instances where international investors’ home countries have weak accountability frameworks, or where conflicts are instigated by the actions of national investors — particularly where well-connected national elites are involved. Overall, initiatives to address conflict must be based on careful analysis of the investor and its wider network of funders, suppliers and buyers, and on opportunities for engagement with relevant government agencies.
- **Fear often plays a major role in shaping community response to investor violations.** When investments are sponsored by high-level government officials and/or their family members or associates, state security forces may be stationed around the investment, intimidating community members. Even where security

personnel are not actively present, community members are often aware that the project is supported by high-ranking elites. These situations can foster fear within communities, making community members reluctant to hold government and businesses to account. Indeed, CED and LEMU found that if community members' fear and intimidation are not proactively addressed, advocates' legal interventions or efforts to support empowered community action are likely to fail.

- **Information asymmetries can foster community–investor conflict and undermine conflict resolution.** Both CED and LEMU found that communities' lack of information — about the law and their rights under national and international laws, the facts of the investment, and investors' legal obligations — can impact the incidence, severity and duration of a conflict. Both LEMU and CED found that lacking clear information, communities are less prepared to challenge rights violations and more prone to investor intimidation. LEMU and CED concluded that conflict resolution efforts must be grounded in first understanding community conceptions of the conflict and correcting misinformation and misunderstandings.

Equally, local-level government administrators may lack information and training on approaches for conflict resolution. In Cameroon, CED found that appointed representatives of the central State at the local level (the *sous-préfet*) are inadequately trained in conflict resolution. Indeed, CED determined that the very structure of these local administrative authorities' appointments (in which non-local administrators are transferred approximately every three years, by design) could predispose them to incoherent conflict resolution efforts, as it may take years to fully understand the nuances of complex conflicts.

- **Social differentiation shapes the way that conflict-driven land and resource scarcity is experienced within and across communities.** In Cameroon, for example, CED found that women and Indigenous Peoples are more likely to suffer the impacts of land concessions and be more aware of and impacted by investor violations. However, women and Indigenous Peoples are also less likely to be present at or involved in community–investor conflict resolution efforts. This is often due to traditional gender roles (women have not historically been included in community land and natural resources management discussions) and to historical and social factors underpinning the marginalisation of Indigenous Peoples in Cameroon. Yet, CED and LEMU found that the involvement of women and Indigenous Peoples is essential to 1) include their perspectives, knowledge and wisdom; 2) ensure that their interests and needs are addressed by conflict resolution outcomes; and 3) leverage these conflict prevention processes to include marginalised actors in the management of shared spaces and resources.
- **Land-based investments can exacerbate divisions within and between communities.** CED and LEMU observed that, as land and available resources become more scarce, people begin questioning others' belonging and right to live and work within a community (a process CED staff have referred to as the “spiral of scarcity”). In Cameroon, CED observed that this phenomenon

is inflaming ethnic divides and leading to conflict, which has dangerous implications in a country of more than 200 different ethnic groups. In sites around some old agro-industries where land scarcity is exacerbated, communities are increasingly questioning or openly challenging the right of non-native individuals to own agricultural lands.

The conflicts addressed through this project underscore the structural and emotional barriers communities face when challenging rights violations. Corruption, impunity, fear, limited legal knowledge and the lack of functioning justice mechanisms have historically left communities either enduring violations or resorting to subtle means of sabotage or violent protest to demand remedy. However, proactive interventions, such as those piloted by LEMU and CED, have the potential to not only prevent egregious violations and mitigate harm, but also to strengthen communities' ability to assert their rights and engage investors in the process of collaboratively resolving conflicts.

Overall, the action research highlighted the potential of preventative approaches in addressing community–investor conflicts. Tackling potential conflicts proactively — through dialogue, negotiation and early-stage safeguards — can help prevent conflict escalation and avert harm to communities, the environment and investor reputation and project operations. It can also help to avoid extended legal battles and allocate resources toward sustainable community prosperity and wellbeing.

Over the course of the project, in both Cameroon and Uganda, CED and LEMU observed a gradual but significant shift in how communities participating in the project responded to conflict — including both a stronger propensity to raise issues with government and investors, as well as a greater emphasis on nonviolent and dialogue-based advocacy. LEMU and CED also observed tangible improvements in the quality of community–investor dialogue and the extent to which community concerns were heard and addressed. Such shifts have the potential to not only enhance communities' ability to protect their interests but also contribute to more stable and predictable investment environments. By equipping communities with the necessary legal knowledge and tools, proactive interventions may help foster more constructive engagement between investors and affected people, ultimately reducing the risks of prolonged conflict and ensuring more equitable outcomes.

## 4.2 Recommendations

### Recommendations for governments and donor-supported government projects

1. **Enhance coordination among government agencies and create a unified, cross-sectoral register of all concessions, which records data from all ministries and is made available to all government agencies.** Coordination between all government agencies responsible for granting investment concessions is necessary to avoid overlapping grants. Developing unified maps

that plot the locations of all concessions, protected areas and other restricted areas can show overlapping claims, help to identify where conflicts are likely to arise and allow government officials and other advocates to proactively initiate interventions to defuse conflict.

2. **Change how local administrative authorities and land administrators/land conflict resolution teams are organised and trained.** Land conflict resolution responsibilities are best assigned to trusted, long-standing local authorities who have deep knowledge of the area's social, political and cultural contexts. Such authorities should have training and support to identify the roots of the community–investor conflicts they are adjudicating; to properly characterise their drivers; and to comprehensively address both underlying and immediate causes. Religious and spiritual authorities could also be trained to play a role in land conflict resolution, where they have significant legitimacy in the eyes of affected people.
3. **Properly characterise and address the resource scarcity-related drivers of a conflict.** To prevent serious conflict, it is essential to identify and address the underlying water, land and natural resource scarcities driving disputes. At a minimum, communities must retain ownership, control and management over enough lands, waters and biodiverse ecosystems to sustain their long-term wellbeing and livelihood. Ecosystem restoration projects may also alleviate resource-based conflict, particularly in regions facing environmental degradation or climate change impacts. These projects can be cost-effective and offer tangible benefits for communities while reducing the drivers of violent conflict.
4. **Create or strengthen local, accessible dispute resolution/grievance redress mechanisms.** Governments and NGOs can facilitate the creation of accessible, trusted grievance redress committees where communities can bring and resolve their investor-related grievances promptly and effectively, before they escalate into conflict. Such efforts might proactively strengthen local officials' political resolve by underscoring the importance of peaceful conflict resolution to both community prosperity and investor profit.

### Recommendations for private sector actors

5. **Proactively identify and engage with all legitimate tenure rights holders and affected communities.** This should include holders of customary rights, even if not legally protected or registered in official records — as encroachment on or compression of these rights can result in difficult conflicts. It should also include communities that stand to be affected even if they do not hold tenure rights within the concession area, for example due to impacts on water sources or wider ecosystems. Proactive identification and engagement can enable authentic FPIC, consultation and negotiation processes in the early stages of project design.

6. **Focus on early consultation, FPIC and equitable benefit sharing.** If community engagement only occurs after key land concession decisions have been made, it may be too late to create trust, reorient approaches and prevent disputes. Governments and investors should engage potentially affected communities early on in project design, at the scoping or exploration phases, initiating FPIC and consultation processes in line with international law and guidance. Where communities support the project, early negotiations should ensure equitable benefit sharing and protection of community rights and livelihoods, as these aspects can help prevent the ignition and escalation of community–investor conflict. Benefit-sharing arrangements should be crystallised in written contracts containing specific and enforceable clauses, as well as effective arrangements for compliance, monitoring and accountability.
7. **Recognise the important role local communities can play in compliance assessment and engage in regular dialogue with them.** Investors can proactively resolve community concerns and address potential violations (by workers, managers, etc.) by recognising the role of community-led compliance monitoring and prioritising regular, ongoing community–investor dialogue. Dialogue throughout the lifetime of the investment, with deliberate arrangements to ensure equitable participation by community members (including women and Indigenous Peoples), can enable airing and addressing concerns early on and help prevent conflict.

### Recommendations for organisations supporting communities

8. **Identify higher-risk areas, using predictive tools such as hotspot mapping and compliance monitoring, then proactively support affected communities.** Predictive tools offer opportunities for forecasting where community–investor conflicts are more likely to arise. This includes mapping the location of villages, concessions, protected areas and other restricted areas and supporting communities to monitor investor compliance on an ongoing basis. In turn, this can enable advocates to proactively support communities on exercising their rights and taking steps to prevent or defuse conflict.
9. **Develop solid evidence: clearly document investors' violations, then link them to specific provisions in investors' contracts and relevant national laws.** Support communities to articulate the links between the investors' actions and violations of national laws and/or contractual terms. Robust evidence can pave the way not only to more effective accountability strategies, including litigation, but also to more informed dialogue processes. By grounding communities' grievances in specific legal violations, evidence can help to transform communities' experiences into actionable complaints.
10. **Leverage strategic alliances with government, using the legal power of the state to confront corruption and strengthen local leaders' downward**

**accountability.** Advocacy efforts may be most successful when partnering with government allies to confront unlawful practices and enforce national law. Depending on the context, this may require the training of government officials and enhancement of their political will to support communities in the peaceful resolution of community–investor conflicts. Such efforts may engage with investors as well, as early and effective intervention will ultimately protect their interests over the long term.

11. **Support communities to unite and overcome ‘divide and rule’ tactics.** Coordinated, organised communities are more able to resolve community–investor conflicts. The more broadly a community can mobilise, the more likely it is that it will secure the remedies and changes they seek. NGOs can support these efforts by 1) providing legal education and ensuring that community members know their rights under national and international law; 2) exposing ‘divide and rule’ tactics; and 3) building ‘community power’ through effective organisation and representation and supporting communities to bring their grievances to local government officials. Strengthening accountability mechanisms within communities is key for community members to hold their leaders accountable and reduce the risk of leaders being co-opted. This can be done by supporting communities to develop bylaws that strengthen bottom-up local governance and by creating local platforms for different voices to be heard.
12. **Ensure that the perspectives of marginalised groups are heard and proactively include representatives of marginalised groups in community–investor conflict resolution efforts.** Social differentiation shapes the ways in which the impacts of land-based investments and of investment-related conflict are experienced within and across communities. To address the disproportionate impact of land investments on marginalised groups, conflict resolution mechanisms must actively ensure that marginalised voices are heard and respected throughout the process. They should listen to and reflect the unique perspectives of women and Indigenous Peoples. Separate consultations may be necessary to prevent dominant narratives from overshadowing the experiences and interests of marginalised groups.
13. **Conduct and facilitate regular multi-stakeholder meetings at national, regional and local levels.** These regular meetings can be a space where government officials, investors, community members, policymakers, donors and other actors converge to dialogue about community grievances stemming from investments and agree on how to resolve them. At such meetings, it becomes possible for communities to share their grievances and request resolution, for investors to take responsibility for their actions, and for government leaders to take responsibility for addressing community grievances and for sustaining the momentum of further conflict resolution. Such multi-stakeholder meetings offer particularly promising opportunities for NGOs and government actors to come together and provide complementary support to prevent rights violations and community–investor conflict.

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# Research Report

June 2025

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**Law, Land acquisitions and rights**

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*Keywords:*

Conflict, investment disputes, land rights, land-based investments, mining

This report presents findings from a three-year action research project in Uganda and Cameroon that aimed to preventively address conflicts related to land-based investments. Predominant approaches to investment-related rights violations are reactive, rather than preventive: legal support is often provided after property has been destroyed, waters and soils polluted, and communities devastated. In such cases, reactive legal empowerment has a limited chance of remediating the damage caused. This project piloted four strategies designed to prevent and/or resolve latent or emergent conflicts related to land-based investments before significant harm has been done. These strategies included: 1) mapping investments to assess 'hotspots' where conflicts are likely to emerge; 2) supporting communities to monitor investor compliance with laws and contractual obligations; 3) creating systems that allow communities to promptly access legal and technical help; and 4) establishing local, government-led grievance redress mechanisms that communities can approach at the first indication of conflict. The research findings indicate that such proactive interventions have the potential to not only prevent egregious rights violations and mitigate harm, but also to strengthen communities' ability to assert their rights and engage investors in the process of collaboratively resolving conflicts.