



PRESS STATEMENT

A CALL TO GOVERNMENT AND INVESTORS TO PRIORITIZE CITIZEN'S RIGHT TO DIGNITY AND LIVELIHOOD

For immediate release: Monday, 29th June 2020, 12:00PM, Golf Course Hotel, Kampala

We, civil society organizations working on trade, investment, human rights, environment, women's rights and labor rights related issues, wish to register our apprehensions for the continued promotion and protection of the rights of commercial investment schemes such as factories, flower firms, and plantation-based investments, at the expense of individuals, communities and environmental rights.

Our concerns are informed by the fact that even prior to the outbreak of the COVID 19 pandemic, and also during the pandemic, a number of investment schemes have continued to violate the rights of some of the most marginalized individuals in society.

For instance, [reports](#) by organizations like Food Rights Alliance, International Accountability Project, GRAIN, and Witness Radio indicate that many evictions involving commercial investment schemes have left more than 30,000 families homeless through the use of excessive force, illegal arrest, and detention, harassment, intimidation, demolition of schools, worship centers and homes. Investments such as Kiryandongo Sugar Ltd, Agilis Partners, Kafu Sugar Ltd and Great Seasons Ltd have been reported to take ownership of the land of Nyamalebe Farmers Association. Aside from Kiryandongo, many reports of evictions from districts of Kassanda, Mubende, Mityana, Wakiso, Nakasongola, Mayuge, Abim, Napak, Kotido, Mukono, Kayunga, Kaberamaido, Bunyangabu, Kyankwanzi and Mbale among others have been issued, but government has not been proactive in addressing this anomaly.

Investment companies are dispossessing poor communities of their land to grow the same cash crops, like sugarcane, maize, coffee, palm fruits, soy bean as those of the displaced communities. They then convert the initially self-sustaining and food secure communities into their laborers after depriving them of their means of livelihood and grabbing their most important asset: land.

As laborers, these people have been subjected to very poor working conditions. Findings from a report recently published by Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI) Uganda and Urgent Action Fund reveals that workers, especially women are adversely affected by the poor working conditions i.e. lack of appropriate personal protective gears which exposes them to chemicals that burn and irritate their skin and nose ; very low wages as low as 4,400 Uganda shillings per day; very heavy work load involving carrying up to 1,200 kilograms of load a day; lack of access to paid maternity leave as a consequence of pregnancy and annual leave; high levels of labor casualization which exposes them to job insecurity; subjection to forced cohabitation; unfair dismissal from work, among others. We are concerned that these violations and the resultant effects have continued even during the lock down period, and could get worse as companies and government



pay less attention to human rights protection while seeking to lower their cost of production, and to revive the frail economy.

It is our considered view that this situation has been proliferated and aggravated by the existence and absence of appropriate investment related legal frameworks to ensure the protection of citizens against business related human rights violations.

We note specifically, that the Investment Code Act, 2019, despite recently being amended does not provide for a requirement for Human Rights Impact assessments to be undertaken by investors prior and during the implementation of investment projects. The Employment Act, which is currently before Parliament, also does not protect workers against casualization of labor. The Occupational Health and Safety Act puts workers in an untenable situation when it includes an exception on the basis of which employers can relegate the responsibility for provision of personal protective equipment to the employees. Uganda has signed a number of Bilateral Investment Treaties (BITs), of which 6 of the treaties are in force. The treaties focus on protecting the rights of investors at the expense of citizens' rights. As such, investors have not been held accountable for the acts they have committed in violating people's rights.

With the increasing spread of the pandemic, and the effects of the responses to curb its spread, we predict that this situation could get worse as companies seek to lower their cost of production while paying lesser attention to human rights protection. We also predict that the government is more likely to hold back on its role to promote and protect human rights as well as hold private sector players accountable for human rights violations.

In amplifying the voices of farmers, workers, women, youth, whose rights have been violated by the operations of factories, flower firms, and plantation based investments, Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI) Uganda, Center for Food and Adequate Living Rights (CEFROHT), Women's Probono Initiative (WPI), the Uganda Association of Women Lawyers (FIDA) Uganda, and the Advocates for Natural Resources and Development (ANARDE), and the Uganda Consortium for Corporate Accountability (UCCA) wish to call upon the Government of Uganda and investors to prioritize citizens' right to dignity and livelihood over profits during this Coronavirus (COVID-19) pandemic.

It is our petition therefore, that the Government of Uganda:

1. Investigate into the situation of workers in commercial investment schemes such as factories, flower firms, and plantation investments with a view to secure redress for the affected persons.
2. Direct all investments to take up the full responsibility of providing workers, both casual & permanent workers with proper & adequate personal protective equipment on a sector by



sector basis & task by task basis, and for protection against exposure to various injuries, and chemicals during their work; and against COVID-19.

3. Amend the Investment Code Act, the Employment Act, and the Occupation Health and Safety Act to protect people's right to dignity and livelihood.
4. Urgently finalize the enactment of the Minimum Wage Bill, 2015 to ensure that Ugandan labor is protected from exploitation through payment of very low wages.
5. Investigate into the situation of land dispossession of communities by commercial investment schemes such as factories, and plantation investments with a view to secure redress for the affected persons.
6. Urgently enact a legal framework specifically designed to address Largescale Land Based investments given the peculiar challenges that face communities and individuals directly affected by such investments, and the differences in the dynamics involved in their establishment
7. Urgently act to implement and enforce the African Union Guidelines for Largescale Land Based Investments
8. Review & terminate all Trade & Investment Treaties (BITs) to balance between protection of the right to dignity & livelihood of Ugandans and the right of citizens, & to balance between the rights & obligations of investors.
9. In order to secure policy space to undertake these actions, we call upon government to withdraw its consent from the Investor State Dispute Settlement (ISDS) provision in Trade and Investment Agreements, and investment contracts which allows foreign investors to challenge government action to regulate their actions.