

LARGE-SCALE AGRICULTURE IN UGANDA



WHAT?

Large-scale agriculture including sugar cane, soybeans, maize, grains and other food crops

WHO IS INVOLVED?

The following big agriculture corporations:

- **Agilis Partners**, largest producers of grains and oil seeds in Uganda, owned by brothers in the USA
- **Kiryandongo Sugar Limited**, part of Rai Group an agribusiness dynasty located in Mauritius
- **Great Seasons SMC Limited**, believed to be domiciled in Dubai



WHO IS AFFECTED?

Reportedly 35,000 people were forcibly evicted in the Kiryandongo district of Mid-Western Uganda

HUMAN RIGHTS HARMS AND THEIR GENDERED IMPACTS



LACK OF
CONSULTATION



FORCED EVICTIONS &
DESTRUCTION OF PROPERTIES



LOSS OF AGRICULTURAL
LAND & LOSS OF
LIVELIHOODS



REPRESSION & VIOLENCE
BY STATE ACTORS



INCREASE
SEXUAL VIOLENCE



LACK OF ACCESS
TO COMMON GOODS

Women have to
walk further to
access water,
leading to an
increased risk for
sexual violence

WOMEN'S LIVED EXPERIENCES

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WHAT IS HAPPENING?

Between 2017 and 2020, over 35,000 people in the Kiryandongo District of mid-western Uganda were forcibly removed from their homes and land, purportedly at the behest of transnational agribusiness companies operating in the area, including Agilis Partners, Kiryandongo Sugar Limited and Great Seasons SMC Limited.^{xviii}

Over 100 members of the communities in the district report that these evictions were carried out with the support or supervision of machete-wielding men, private security guards and local police officers, and facilitated by government representatives. The removals took place without prior consultation, warning or fair compensation and involved violence against, and in some cases the arrest of, those who resisted. In addition to the forced displacement of people, hundreds of acres of maize, sweet potatoes and cassava were destroyed. Homes, food gardens, community schools and a health centre were also demolished.

Following the evictions, the communities faced little choice in terms of employment opportunities or the ability to avoid continued interactions with the companies involved. Women experienced significant violence, including alleged molestation and sexual violence while seeking factory employment from these companies. They have been forced to fetch water and firewood far away from their settlements following the clearing of vegetation in nearby common lands and the fencing off of traditional water sources. Impacted communities report being physically restricted when accessing gardens, fishing grounds and local water and firewood sources, or they are charged fees for access.

***“We just saw tractors during the Christmas season and started erasing our houses down and we ran away since life is important”.
Woman evicted from her land around sugarcane plantation, Uganda***

Environmental degradation linked to corporate farming activities is also a key issue. There is a

COMPANIES INVOLVED

AGILIS PARTNERS

Reportedly the largest producer of grains and oilseed in Uganda, the company operates on approximately 13,500 acres of land in Kiryandongo through various subsidiary companies. Agilis Partners is owned by brothers from the United States. It has a complex corporate structure with parent companies located in various jurisdictions and financial input from multiple sources.

KIRYANDONGO SUGAR LIMITED

Responsible for sugar cane cultivation on approximately 13,000 acres of land on leased ranches in Kiryandongo. It also produces industrial sugar, which is then sold within Uganda and neighbouring countries. The company is part of the Rai Group, an agribusiness dynasty domiciled in Mauritius, which holds full or majority ownership of various sugar plantations which constitute about 8% of arable land in Kiryandongo.

GREAT SEASONS SMC LIMITED Acquired almost 3,000 acres of land in Kiryandongo to grow soyabean, maize and other food crops. It allows local communities to grow crops on the land at present due to limited company resources. The company is believed to be domiciled in Dubai.

reported lack of compliance with environmental impact assessments or national constitutional and legislative requirements concerning environmental restoration. Significant climatic consequences have been linked to the widespread removal of vegetation cover across vast areas of land used for large-scale mechanised farming.

***“I used to live in Kapapura Nyamuntende where I had six acres of land and a permanent house, maize and bananas. We were not compensated at all. We were evicted by armed men in 2017.”
Woman evicted from her land around sugarcane plantation, Uganda***

The communities affected by the evictions had lived on the ranches for over a decade. Most

settled there after fleeing the war waged by the Lord's Resistance Army in northern Uganda, the Alice Lakwena insurgency in eastern Uganda, or earlier eviction from South Busoga Forest Reserve in the 1990s.

HISTORICAL CONTEXT

The evictions in Kiryandongo took place in the broader historical context of challenges connected with the allocation, mismanagement and under-utilisation of ranches in Kiryandongo. This has led to conflicts between tenant pastoralists and absentee ranch landlords, a government commission inquiry, associated land use reforms over several decades and ongoing uncertainty for communities regarding land ownership and tenure security.

IMPACT ON WOMEN AND COMMUNITIES

Women in Kiryandongo experienced specific impact through gender-based violence in employment contexts as well as impact arising indirectly from corporate land use and farming practices. The knock-on effects of such violence are severe, with women facing unwanted pregnancies, health complications and secondary victimisation through unsupportive police responses. Women are also under pressure to remain silent to avoid stigma and are fearful of diminished social value and the breakdown of marriages. The destruction of community gardens prevented women's capacity to provide food for their families and ensure their livelihoods, while the destruction of schools is expected to lead to the increased likelihood of child marriages, which disproportionately affects girls.

The evictions and associated corporate activities arguably give rise to a wide range of human rights abuses and violations. These include: the right to an adequate standard of living including adequate food and housing; the right to life; protection from torture and cruel, inhuman or degrading treatment or punishment; the right to personal liberty and security; the right to liberty of movement and freedom to choose one's residence; the right to protection from arbitrary or unlawful interference with privacy, family or home; the right to self-determination; the right to health; the right to education; the right to the enjoyment of just and favourable conditions of work; the right to a clean, healthy and sustainable environment; and cross-cutting guarantees of non-discrimination and equality.

COMMUNITY ACTION AND VISIONS FOR THE FUTURE

In response to the evictions, the affected communities started a number of legal cases against the companies in the Masindi High Court in February and April 2020, arguing a violation of the constitutional protection from deprivation of property. The claimants are seeking a comprehensive assessment of damages, compensation and a return to their land or permanent resettlement on land with space to cultivate food for their families.

The communities also call for mechanisms in Uganda that ensure free, prior and informed consent (FPIC)^{xix}, adequate legal aid service provision, and awareness-raising regarding relevant legal frameworks and use of the law in practice.

This will support communities facing such abuses and those who would like to regularise land tenure. And they call for gender-responsive standards for companies, including due diligence, from inception to exit.



A woman in the sugarcane plantation at Kiryandongo, Uganda

CHALLENGES

To date, the cases remain ongoing, and communities have described significant challenges in pursuing justice, including an escalation of harassment by company employees, a lack of police support in response to reported crimes, hurdles in accessing promised compensation, a lack of available legal aid and support, and a fear of injustice due to perceived corruption and perceived protection of transnational companies by the government.

This situation persists despite a national legal framework which includes constitutional and legislative protections against illegal evictions, laws governing, variously, agriculture, investment, gender equality and the land rights of people in vulnerable situations. Exacerbated by lengthy court processes, hearing delays, lack of access to relevant documents and high legal costs, there are still 15 to 20 families squatting on road reserves awaiting court decisions.

UN HUMAN RIGHTS EXPERTS

Events in Kiryandongo have also prompted the engagement of UN human rights experts. In December 2020, they wrote to Ugandan government, the companies involved in the allegations, and the governments of their parent companies to express concern, request further information and reference relevant international human rights law.^{xx}

FREE, PRIOR AND INFORMED CONSENT

Free, prior and informed consent (FPIC) is a specific right that pertains to Indigenous peoples and is recognised in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage.

Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. This is also embedded within the universal right to self-determination.

In various places, including Africa, FPIC is understood as applying more broadly to both Indigenous and non-Indigenous communities. In undertaking human rights impact assessment, states should also pay particular attention to women, Indigenous and customary people's rights.

Focus group discussion with a group of women where they raised their issues they face by having investors in their community. The community was Mutunda subcounty, Kiryandongo district, Uganda



PATHWAY TO A FEMINIST CORPORATE ACCOUNTABILITY FRAMEWORK

Women around the world continue to experience business-related human rights abuses and violations differently and disproportionately: from significant barriers to access justice and discrimination in the labour market, to gender-based violence, uneven domestic workloads and unpaid care duties. Systemic gender impacts connected to corporate activities are particularly felt by women in the Global South. Business activities often have a negative impact on people and the planet. The need for a feminist corporate accountability framework in line with human rights obligations and planetary boundaries is urgent.

CURRENT STANDARDS ON BUSINESS AND HUMAN RIGHTS

In the context of the international human rights framework as well as through voluntary commitments, global steps have been taken to adopt rules relating to women, business activities and human rights.

With a specific focus on corporate activities, the UN Guiding Principles on Business and Human Rights (UNGPs) were endorsed by the UN Human Rights Council in 2011 and designed to protect and respect human rights, prevent adverse impacts and ensure access to remedy for business-related harms. The OECD Guidelines for Multinational Enterprises further set out guidance around human rights due diligence requiring businesses to identify, prevent and mitigate adverse impacts and to account for how they address them.

However, the voluntary nature of these existing standards has not translated into meaningful change. And women's experiences are largely excluded from corporate accountability frameworks.

GENDERED IMPACTS OF CORPORATE CONDUCT

Case studies, such as this one, offer specific examples of how women from groups in various contexts experience corporate-related abuses in different and disproportionate ways.

For example, in Uganda, over 35,000 people were forcibly removed from their homes in Kyriandongo by agribusinesses linked to the Global North.

Following the evictions, women experienced violence, loss of livelihoods and restricted access to water and firewood.

Granite mining, in Zimbabwe, connected to Chinese and European companies and investors has impacted on the region's small-scale agriculture due to widespread clearing of vegetation. This male-dominated sector has a knock-on effect for women such as a lack of employment opportunities and increased likelihood of gender-based violence.

In Guatemala, nickel mining by the Swiss-based Solway Investment Group causes significant environmental damage in El Estor, Izabal. Women active in community advocacy have experienced impacts on their lives through ongoing criminalisation and repression.

Large-scale sisal cultivation in Taita Taveta County in Kenya raises human rights issues connected to land dispossession and employment circumstances. Women face gender-blind working conditions and a loss of livelihoods due to environmental degradation.

A FEMINIST PERSPECTIVE

Since 2014, in the context of an open-ended working group of the UN Human Rights Council, states come together every year to advance on an international legally binding instrument on business and human rights. Significant progress has been made to secure a gender-responsive treaty, including acknowledgement of the disproportionate impacts on women and girls, agreement on the need for states and businesses to integrate a gender perspective and gender-sensitive access to justice.

Despite advances, the adoption of a treaty is still several years away. Powerful business lobbies and a lack of engagement of a number of major economies, where transnational companies are based, hamper the treaty process. At the same time, while it is a positive step, the development of mandatory human rights due diligence laws at national and regional levels can also undercut progressive approaches at the international level.

With these concerns in mind, constructive engagement of states to incorporate a feminist perspective and build upon progress that has been made so far is needed.

A UN Treaty on business and human rights offers an opportunity for states to fulfil their obligation to respect, promote and protect human rights, put an end to harmful corporate activities, and harmonise international rules for businesses.

FIVE KEY RECOMMENDATIONS

To address the structural and gendered impacts of transnational corporate activities during the upcoming session of the working group on the UN Treaty, we call upon states to:

- 1. Engage constructively in the treaty process, build on previous negotiations, and harmonise with human rights and environmental obligations**, including by maintaining and strengthening gender-responsive provisions.
- 2. Ensure women are at the heart of the conversation**, leading with maxim “nothing about us, without us”.
- 3. Prevent harm to people and planet**, including provisions that encourage effective substantive equality analysis and practice.
- 4. Make things right when harm occurs**, ensure that systems of legal liability and provisions governing access to justice, remedy and support services are gender-responsive.
- 5. Put corporate accountability at the heart of broader measures towards economic, climate and ecological justice and transformation.**

This case study is part of the report “Pathway to a Feminist International Corporate Accountability Framework: cases from Uganda, Zimbabwe, Guatemala and Kenya”, which can be found at actionaid.nl/UNBT

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ABOUT THIS REPORT

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A woman in the sugarcane plantation at Kiryandongo, Uganda