

POSITION PAPER ON THE SUGAR CANE FARMERS' PROTECTION BILL

1.0 Introduction

The sugarcane industry significantly contributes to the welfare of many persons and communities in Kikuube district by providing employment and income to them. However, the industry faces numerous challenges, including environmental concerns, child labour, and the need for sustainable practices. This has created an urgent need to address these issues and ensure the sustainability and long-term viability of the industry.

FIDA Uganda a member of the UCCA is currently implementing a project supported by ENABEL which has paved the way for the implementation of a transformative two-year project entitled "Addressing gender-based discrimination and gender-based violence (GBV) to support women and youth empowerment in the agriculture and tourism/ hospitality sector in Western Uganda." This initiative is strategically positioned to impact the districts of Kabarole, Kamwenge, Kikuube, Masindi, Bunyangabu, Hoima, Fort Portal, and Kibaale. Part of the actions the institution is undertaking in collaboration with other like-minded institutions and networks like UCCA is to influence policy and practice that touches GBV in the place of work and it is upon this background that we are making contributions to this Sugar Cane Farmers' Protection Bill.

2.0 Sugar Cane Farmers' Protection Bill

The Sugarcane farmers' protection bill for Kikuube district seeks to ensure improved management and good environmental conservation, food and nutritional security, and a harmonious relationship between key stakeholders in the sugar cane industry.

3.0 General Comments on Key Provisions of the Bill

Part I	Contents of the Provision	Comment	Proposal/Observation
Clause 1	Provides for the Short title	The short title should reflect the intended title upon enactment	We propose; THE LOCAL GOVERNMENTS (KIKUUBE DISTRICT COUNCIL) (SUGAR CANE FARMERS' PROTECTION) BILL, 2023

Clause 2	Provides for the mandate as emanating from the Local Government Act.	This is a critical inclusion, that may further be improved.	We propose the inclusion of the specific sections that provide the mandate immediately, below the title. Thus; <i>(Under sections 38, 40, and 41 Local Governments Act, Cap 243)</i>
Clause 3	Provides for the Background/preamble	The background and the preamble are too wordy, spanning close to two pages. These will indeed be important during the presentation of the bill but need not be reproduced in the entirety in the final ordinance adopted.	We propose making the background and preamble short. Thus; The bill aims to address issues caused by the excessive cultivation of sugarcane by farmers, leading to a decline in food production and livelihood challenges. It outlines requirements for the proper growing of sugarcane alongside other crops, as well as the formalization of sugarcane farmers' activities. Additionally, the ordinance mandates adequate welfare facilities at sugarcane factories and agro-based companies. Overall, it is intended to enhance the productivity of sugarcane farming, while ensuring acceptable practices and long-term sustainability of the industry.
Clause 4	Provides for the date of assent.		We propose correction from 'accent' to 'assent'
Clause 5	Provides for the date of commencement	The paragraph should only speak to the date of commencement, not implementation.	We propose the cutting of the paragraph that begins "The local government..." and placing it under a separate clause on implementation.

Clause 6	Provides for the interpretation		We recommend that other key terms such as 'child' be defined and the abbreviation GBV be cut from the interpretation section alongside the repeated 'sugarcane farmer'.
Clause 7	Provides for the citation		We propose the title to be as earlier provided.
Part II: LAWS AND PENALTIES			
Clause 1	Provides for sugarcane production and marketing		<p>-We recommend the heading to include 'land use'. Thus; 1. Land use, sugarcane production, and Marketing.</p> <p>We further recommend the refinement of the provisions to ensure clarity and certainty.</p> <p>-Proposing that 'land owners' be defined to include ". all persons who have interest in the land shall sustain...". Uganda's land regime is such that more than one person might have an interest in the piece of land. Many times, women might not have the land title but will have a legally recognized interest in the land. So perhaps then we can add it to the interpretation section</p> <p>-Emphasis must also be placed on the conformity of these provisions to other existing laws, thereby ensuring legality and easy implementation.</p>



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			<p>(ix) Payment to farmers shall be made within 30-days' maximum after supplying their sugar cane/produce with consideration for the unique challenges women sugar cane farmers face. Failure of sugar Cane factories and other agro-based factories/Industries/companies to observe this shall attract a prosecution of 100 currency points. Additionally, this clause should clearly state what happens when payment is not made in the stipulated time.</p> <p>Introduction of a new clause Sugar Mills shall not impose any unreasonable or discriminatory terms in the Contract Farming agreements that disproportionately affect women and other marginalized groups of sugar cane farmers.</p> <p>(x) In case a farmer takes a loan, sugarcane factories and other agro-based factories/Industries/companies shall provide a loan agreements and statements containing all the details of the loan including the installments and interests against the said loan or any other terms and conditions of the loan. Sugar Cane Farmers, including women, shall have the right to negotiate and mutually agree on the terms of the Contract Farming agreement. Failure to</p>
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			<p>observe this shall attract a prosecution of 200 currency points.</p> <p>(xii) Sugar Cane factories and other agro-based factories/Industries/companies shall only contract companies with insurance cover and gender-based violence and discrimination prevention policies to protect workers especially women who are disproportionately affected and their workers to ease compensation in case of accidents. Failure to observe this shall attract a prosecution of 200 currency points</p> <p>Introduce a new clause The local government shall ensure provision of targeted subsidies, training, and technical assistance to farmers, including women sugar cane farmers and other groups of persons involved in the farming, to enhance their productivity, skills, and decision-making capabilities.</p>
Part III: AMENDMENT			
Clause 1	Provides for amendment of the ordinance		We welcome this provision which acknowledges the evolving aspects on regulation.
Section 4	Industrial and Labour Relations	Missing clause; proposal to make	Introduce this new clause:

		<p>addition of a new clause</p> <p>This clause doesn't include a labour officer in the process</p>	<p>A Sugar Cane Farmers Grievance Redressal Committee shall be established, with equal representation from women sugar cane farmers, to address any disputes or complaints arising between Sugar Cane Farmers and Sugar Mills.</p> <p>b. The Committee shall have the authority to mediate and resolve disputes in a timely and fair manner, with emphasis on addressing the unique concerns and challenges faced by women sugar cane farmers.</p> <p>Proposal to include the labour offices in this redress avenues. The redress mechanisms need to be clearly stipulated under this clause</p>
Section 5	Levies and taxes	The clause doesn't clarity where payments are made. This leaves a lot of room for scrupulous persons to cheat farmers	Proposal to include where this payment is made. It should also clearly state that the payer will be receipted.



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		<p>vi) Each sugar cane farmer with a sugar cane garden located in Kikuube district shall be required to pay an annual Local Service Tax fee of 5 currency points. These fees shall be collected by responsible sugar Cane factories, other agro-based factories/Industries/companies at the end of every calendar year and remitted to the district. Failure to observe this, shall attract an annual prosecution of 20,000 currency points on the side of the responsible sugar Cane factories, other agro-based factories/Industries/companies that fail to comply</p>	
Section 6	Health and Safety	<p>The clause doesn't clearly provide for the sanitary needs of women yet research and practice in this work has shown that women will usually need unique considerations for their sanitary needs</p>	<p>Proposal to rewrite it as such; (a) shall include establishment of hospitality and welfare facilities such as a shed/shelter furnished with chairs in the farmers waiting section where farmers can sit, water for drinking, a canteen where they can buy food or things of choice and good sanitary facilities with a toilet</p>

		<p>The clause ought to speak about sexual harassment and other forms of GBV which is common in this trade.</p>	<p>for both men and women with unique consideration for PWDs, first aid kit etc. and other interventions such as but not limited to, rendering health care support to dispensaries and health centers, water and sanitation projects, general cleaning exercises, tree planting and support to education institutions.</p> <p>(iii) All Factories and industries as mentioned in this bill shall prepare and approve a Health and safety policy including that on sexual harassment and other forms of violence in the workplace. These policies shall state the minimum safety standards for all employees.</p>
<p>General Observations</p>			
<p>We propose a further reorganization of the provisions;</p> <p>Part I – Preliminary</p> <p>Part II – Land Use and Sugar Cane Production</p> <p>Part III – Environmental, Health and Safety</p> <p>Part IV – Prohibited Activities (place child labour here, gender-based violence, etc)</p> <p>Part V – Special protections (place protection of women and other vulnerable groups here)</p> <p>Part VI Levies and Taxes</p> <p>Part VII Miscellaneous (Place amendment here and offenses and penalties)</p>			
<p>Schedule</p>			<p>We recommend the inclusion of the schedule to define the monetary equivalent of the currency point.</p>

4.0 Conclusion



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In conclusion, the bill presents an opportunity to formalize the activities of sugarcane growing in Kikuube district and address emerging concerns on the long-term viability of the industry.