INVESTORS NEED TO PRIORITISE PEOPLE, PLANET - SEATING BOSS

An investor should support and complement what is already here, not compete against it.

Nalunga says government needs to bring in investors who do not just take from the country.

What are some of the good things you have seen happen in 2023 in terms of trade policies or what not?

My highlight for 2023 was the impressive processes at the United Nations (UN) focusing on business and human rights. But here’s the thing that bothers me — the government does good work at the UN, creates these good documents, but once they’re back, it’s all silence. That’s a real low point for me.

We’ve got to bring these things back home, domesticate them. The African Union’s guidelines on large-scale land-based investments, for instance, should be in our investment code. It’s a low point for me that they’re not there yet.

Then there’s the UN tax convention that was passed. In the past, we’ve seen standards and policy guidelines from the Organisation for Economic Co-operation and Development (OECD), but some are biased and not really fair. Our point is, let the UN, where we have a seat at the table, handle these issues. That was definitely a high point for me.

How would you describe the kind of investors that we have in this country?

The kind of investors we have aren’t really balanced. It feels like investors are just taking, with hardly any obligations on their side. Look at how some investors handle labour with so much casualisation. President Yoweri Museveni mentioned not pushing for a minimum wage because it might scare away investors. So, the investments we’ve got lack balance. It’s all about the rights of investors.

We've got to take a step back and figure out why we're at this point with trade and investment. Right now, the investments we see are all about short-term gain, without any longer-term benefits. We need to think about the wider social benefits that might trickle down, like jobs and industries. It's been this capitalistic-neoliberal thinking at play. The gains for people, the planet and the state — it's more like an accidental byproduct, not the actual reason for investment.

The way we really need to be is a balance. You, as investors, bring in the cash, want it to grow, and rightly so. But you've also got to ensure that wherever you're investing, the people there benefit too. It's about that win-win situation we want to see.

What policies should government prioritise to make sure investments impact the people?

Making that happen needs a really robust policy framework. We're saying our current policies have gaps. They just cannot do what's needed. Take our investment code, for example. It does not include a human rights impact assessment. So, when an investor plans something like setting up a banana plantation, we have got to know how that's going to affect the people living on that land. That assessment's key, and we need measures in place to handle any impact.

I mentioned earlier that we need specific requirements in our policies. Right now, there's no pressure on investors to meet certain standards. We're talking about creating decent jobs, sharing technology, getting into joint ventures. The issue is, some might say, 'We've got that in another law.' Investors can kind of pick and choose what suits them. Our legal setup lacks clear provisions for joint ventures. To make investments work for us, we've got to start by defining what we want. If it's about jobs, the agreement should look in decent jobs. Let me give you an example from South Africa. After they gained independence, they set up a Black Empowerment Programme. They made it a law that any investor seeking a contract had to show how many black South Africans they were employing. And not just in the kitchen, but across their whole organisation. South Africa went as far as cancelling all their bilateral investment treaties. Their investment treaty model is one of the best ones out there. There are lessons we can learn from them.

You did highlight that some of our policies are not fit for purpose and do not attract the investors we need. What are some of those policies that are bad for us?

Remember that Tullow Oil case against the Ugandan government? That provision in our laws is just terrible because any investor can drag our government to court. The whole process was bad. And you know, when you look at all these cases where they've taken our government to court, we end up losing a lot of money.

Now, with the focus shifting to energy transition and climate change, it's becoming a headache to dictate terms to investors. Most of these Investor State Dispute Settlement (ISDS) cases regarding climate change involve governments telling investors what they must do. That's why we're pushing for a change in our investment code. We need a provision that clearly states the government's right to regulate in the public interest.

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As the year draws to a close, we had the opportunity to speak with Jane Nalunga, the executive director at the Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), to gain insights into the year’s developments within trade and policy environment. Below is an abridged conversation she had with Ali Twaha.

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Countries like Malaysia, in their investment code, they’ve got these carve-outs. They say an investor cannot dive into agriculture unless it’s a certain amount of acres, and they need to involve outgrowers. But here, we’ve got investors coming in as retailers. Why should an investor handle retail work? Also, when you look at our investment code, these carve-outs are not there. An investor should support and complement what is already here, not compete against it.

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Making that happen needs a really robust policy framework. We’re saying our current policies have gaps. They just cannot do what’s needed. Take our investment code, for example. It does not include a human rights impact assessment. So, when an investor plans something like setting up a banana plantation, we have got to know how that’s going to affect the people living on that land. That assessment’s key, and we need measures in place to handle any impact.

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EXPRESS OF INTEREST

We, COOEC INTERNATIONAL CO., LIMITED together in consortium with CHINA PETROLEUM ENGINEERING & CONSTRUCTION CORPORATION (CPECC) Uganda Limited are currently executing the Kingfisher EPC3 Project facilities near the eastern part of Lake Albert Basin.

If you are a local subcontractor (which shall be approved by PAU) and has executed similar size of scopes in Uganda, you can demonstrate your interest in the following identified works/supply of subcontract packages and doing business with us by replying by the following email address to express the interest before 11/01/2024.

E-mail: wangkan01.se@cnpc.com.cn; sh_KFEPC3@cooec.com.cn; wago144@yahoo.com

Company’s performance, provide at least three similar performances, including the name of the performance project, contract amount, client, the contract text without cost, which are sufficient to demonstrate the performance.

Registration on the NSD. The Company shall be a local Ugandan company which registered and qualified on the 2023 National Database (NSD) by the Petroleum Authority of Uganda and shall be able to remain the NSD qualification valid till the completion of the Subcontract herein. Please note that:

1) Your submission as required above will be further evaluated provided that all the aforementioned information required is correctly submitted in a timely manner. The aforementioned information required is critical for Contractor to evaluate and qualify for the tender but does not represent the only requirement in deciding the bidder’s qualification. Contractor shall also have the right, at its sole discretion, to decide the bidder list for the tender in accordance with its qualification procedure and standard, which may not be fully presented hereinabove.

2) This is just the first step in demonstrating your interest in relation to the Tender. Your submission does not guarantee that you will be qualified and/or approved as a Subcontractor or Supplier.

4. Company’s performance, provide at least three similar performances, including the name of the performance project, contract amount, client, the contract text without cost, which are sufficient to demonstrate the performance.

3. Company’s operating status, including the financial, registration location, registered capital, and any information which are sufficient to demonstrate that you are capable of performing the work scope above.

2. Quality Management System Certificates (Number, Issuing Date, Expiry Date, Issuing organization) and any other information which are sufficient to demonstrate that you are capable of performing the work scope above.

1. Company presentation and Company organization, including establishment time, registration location, registered capital, the composition and quantity of employees and other information, which are sufficient to demonstrate that you are capable of performing the work scope above.

Please provide us the following information with your interest letter, please note that interest without the required information will be not further evaluated.

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<thead>
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Please contact us for further information.