

# PERMANENT PEOPLES' TRIBUNAL

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## TRANSNATIONAL CORPORATIONS IN SOUTHERN AFRICA

Manzini, Swaziland, 16-17 August 2016

### OPENING SESSION

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## I. INTRODUCTION

### 1.1 General aims of the Permanent Peoples' Tribunal

The purpose and the objectives of this Session of the Permanent Peoples' Tribunal (PPT), set out in the introductory speech of Helen Jarvis, on behalf of the Presidency of the PPT, and of its Secretary-General, can be summarised as follows:

- a) to provide a free independent tribune of visibility and right of speech to communities representing the people most directly affected by policies and interventions of Transnational Corporations (TNCs);
- b) to recognise that respect for the fundamental individual and collective rights is the mandatory term of reference against which violations of the same rights can be assessed;
- c) to identify those affected by the violations as the primary subjects of any process of assessing responsibilities regarding the application or the violation of national and international laws. These cannot be interpreted without the prior consideration of human and peoples' rights as set out in existing international agreements.

### 1.2 The role of this opening Session

- d) to analyze a sample of cases covering different contexts of life and/or examples of government and/or corporate intervention in critical areas of the extractive industries and of land grabbing in Southern African countries;
- e) to assess the coherence and reliability of a documentation collected by means of a highly participatory methodology with the communities included in the sample (Annex 1 provides a list of the cases, whose synthetic and standardized presentations are available on request);
- f) to provide a first definition of the themes related to laws and jurisdictions, to economy, to social values, which must be thoroughly explored and debated in a comprehensive evaluation, which could allow a judgment in the final Session of the entire process;
- g) to set out the responsibilities of the parties involved; and, more importantly, formulating processes and tools which could allow for reparations due to the affected people.

The intensive two days of the hearings were organized according to the outline of the programme (Annex 2), which assured an effective and highly informative combination of direct testimonies, general reports, questions and answer time. The detailed narratives of the communities, mostly delivered in collective presentations, offered a substantial body of evidence relating to all the Tribunal's objectives.

**The Jury was composed by:**

Mireille Fanon-Mendes France (France), chairperson; Donna Andrews (South Africa); Lucy Edwards-Jauch (Namibia); Thulani Maseko (Swaziland); Gianni Tognoni (Italy);

and here presents its findings and deliberation.

## **II. GENERAL CONTEXT IN WHICH THE PPT HAS BEEN TAKING PLACE**

The Permanent Peoples' Tribunal held the hearing in Manzini, Swaziland, in the southern region of Africa, taking evidence from cases based in Swaziland (two cases), Zimbabwe (two cases), South Africa (four cases), Zambia (one case), and Mozambique (two cases).

A brief contextualization of the general situation of the African region after the decolonization process is certainly useful to better frame and qualify the testimonies heard and to frame the findings.

In general, the liberation struggles were unable to avoid the transition to neo-colonialism. The former colonial powers have modernised the mechanisms of exploitation and domination of the former colonies, in strict coherence with the restructuring of the world order based on the dynamics of neo-liberalisation of capitalism initiated in the late 1970s and early 1980s.

The African continent has had to adapt to the new balance of power on the international stage, including the new economic and military hierarchy emanating from the colonial metropolis and affecting colonial territories, with an intensified global grip of capital over reality during the last 20 years. Domination by the former colonial powers also takes place militarily.

The present movement and complexity of capital goes beyond the "age of empires". Private capital in some former colonial territories, operating in an diversified and combined manner, is also exploiting other foreign colonies with a specific concentration on the supply of raw materials. Thus, during the preliminary PPT hearing in Manzini on Transnational Corporations in Southern Africa, jurors were presented with cases in which Brazilian (such as Vale), Indian (Jindal), Russian (DTZ-OZGEO), China (AFECC) and South African (Chancellor House), Australian (MRC) and Swiss (Glencore) companies are involved.

These cases demonstrate that, under capitalism, Africa is strictly bound to its social-historical role of being a sphere of economic competition of old and new powers of

economic globalisation. This is especially true regarding the supply of raw materials.

Formally sovereign states must seek co-operation and partnership in compliance with their international commitments. The persistent dynamic of neo-colonialism and the mechanisms of subordinating dependence on foreign capital, export of raw materials and imports of manufactured goods from the former colonial metropolis and other economic powers make however this sovereignty quite relative. They have been adapted to the dynamics of a newly unequal global order. One can affirm that far from being evidence of endogenous economic dynamics, it rather demonstrates the domination of foreign capital.

The said growth was mainly driven by the oil and mining sectors, which have discovered new deposits, leading to more extractivism. Their main assets are, except for South African mining capital, largely held by Western-style transnationals.

These transnationals, supported by "their" home states act in a context called free competition, sometimes with the possibility of partnership. They are attracted to the high returns on investments and realisation of super profits and easy illicit exit of capital (through looting of resources, tax fraud, transfer pricing, and so on) experienced recently on a large scale in Africa.

This situation arose as a consequence of the reorganisation of African economies during the 1980s. Often African countries were victims of indebtedness promoted by international financial institutions which imposed neoliberal structural adjustment programmes on them, including the imposition of new investment and trade agreements as well as de-regularisation of labour.

While experiencing a suffocating financial dependence, African states have been forced into a partial transfer of sovereignty, already existing in the classic forms of neo-colonial domination. They are regularly subjected to envoys of capital, to those of international financial institutions within the framework of the Washington Consensus. A new 'civilizing' dispossession, integrated these societies into the neoliberal phase of capitalist civilisation, as colonisation had done in the phase known as the decline of classical liberalism.

In this context and framework, communities have reported their circumstances to the PPT jurors. The critical importance of the recognition of their customary rights to land on which their ancestors lived has been evoked as a core of some claims. Further, the scarce attention given to it at national and international level has been underlined as one of the juridical weaknesses of the struggles for a more comprehensive affirmation of their social, economic, cultural and environmental and civil rights. Above all, they also need to ensure that their constitutional rights are respected when transnationals arrive and settle on or near their territories.

### **III. SPECIFIC CONTEXT OF LOCAL COMMUNITIES AND WOMEN**

#### **3.1 New forms of Community Dispossession**

The testimonies mainly of women from various villages and communities across Southern Africa have brought into sharp focus how they are being stripped of their livelihoods, land and other resources over the past ten to fifteen years. In some instances the land tenure and patterns of land ownership allow for communal rights to the land over a number of generations. In other examples, the land is state-owned or fenced off by transnationals. Regardless of the tenure system, communities and women in particular have been the active custodians of the land – nurturing, conserving, producing and reproducing life. Much of this way of living reflects a rich and intricate reciprocity between the land and women of the present generation. Embedded within this is a lived understanding that land care ensures intra- and intergenerational rights.

The testimonies of the women suggest that they conceive of and experience land outside a Western framework of land as property rights.

#### **3.2 Resistance and Denial of Collective and Community Rights**

The powerful testimonies show that ordinary men, women and children in mining affected communities and communal land areas are organising to resist the current, and in some case, imminent land grabs and assaults upon them by transnational mining companies. They are excluded and silenced from determining their right to sovereignty, the right to land and the right to assume their sustainability. Their testimonies show how the legal frameworks favour the ‘rights’ of TNCs over community. Specifically, the testimonies make visible the extent to which communities are denied access to national law and international standards.

The cases demonstrate the communities’ resilience and determination to struggle for what they know to be just and to fiercely oppose the unfair discrimination against their collective and community rights.

In many cases they have engaged the national authorities seeking clarification and understanding of the denial of their rights. The evidence from all the cases suggests very clearly that the rights of TNCs are not only exercised but enforced and upheld by national states. This elevation of the rights of TNCs suggests an orientation supportive of national and global elites at the expense of marginalising and stigmatising communities.

The testimonies highlighted several instances of intimidation, violent body harm and brutalisation, and in one case, assassination was reported.

### **3.3 Role of Women as key actors**

Much of the work of women on the land is made invisible, undermined and undervalued both by traditional customary law as well as by the state. This is regardless of progressive laws and regulations on environment. However in almost all the cases there appears to be a blatant disregard for both the peoples of the land and the land itself. Specifically, the women who ensure food sovereignty and make their livelihoods from the land are not protected or privileged by the traditional chiefs or local and national authorities.

The right of women to feed themselves or their right to plough the fields appears to be secondary and is presumed by the state to be contrary to the broader priorities of notional 'economic and social development.'

Although the women primarily mentioned land in their testimonies, it is evident that 'land' is prioritised because of the recent enclosures by TNCs. Their testimonies, however, make constant reference to land as an expansive concept, which includes, for instance, the loss, degradation and pollution, of the soil, air, water, rivers, cattle, seeds, and life.

### **3.4 Undermining of Workers Rights**

At least three of the cases highlight the deteriorating working conditions of those in the mines of TNCs. They not only indicate violations of their health and safety but outlined the extent of their appalling and inhuman treatment. They made specific reference to being fed animal meat they are not accustomed to eating and being paid much lower wages than national mining companies. It is necessary to explore if the conditions mentioned in one case in particular are similar to that of enslavement.

#### **IV. MINERAL EXTRACTION, MINING AND LAND GRABBING**

The testimonies presented to the Tribunal on TNCs and mining in the region are evidence of the blatant disregard they showed for health, labour, environmental and fundamental rights. The Minerals and Petroleum Resources Development Act of South Africa (MPRDA) is sometimes used as a model for the region. Legally, property and land rights do not extend to mineral rights beneath the soil. The law assigns the state as the custodian of mineral rights and TNCs lease minerals from the state. Although participation is affirmed, procedures to explore and obtain consent by affected communities are substantially ignored or invalidly applied.

Mining is framed as essential for socio-economic development within the national contexts and it is for this reason that communities are moved and relocated in order to facilitate “mining for development.” In the cases of community relocations, agreements for compensation have yet to be settled. Where compensation has occurred it has been inadequate in redressing longstanding ties to the land and has been unable to respect cultural heritage, ancestral burial sites and communal legacies. In addition the relocation sites are far from the ancestral sites and cities. The communities have little or no infrastructure, the promised housing never appears and transport is non-existent. Testimonials showed how jobs and livelihoods have been lost at great expense. The distance from arable land for farming or from water sources has created great strain.

The testimonies, in many instances, highlight that either no legally prescribed Environmental Impact Assessments (EIA) were conducted, or occurred after the issuing of licences. Where they were conducted, high environmental risk was flagged, but seemingly ignored. This indicates a disregard for national legal and policy mechanisms to ensure environmental conservation and sustainable eco-systems.

The cases of the mining-affected communities show that the extraction results in acid drainage, water pollution and shortages as well as air pollution. Some of the cases report that contaminated water kills off livestock and crops, but is also the cause of many illnesses and great loss of children’s lives. The testimonies clearly illustrate that mining-affected communities are living in hazardous and toxic areas. The blatant disregard for the constitutional right by TNCs to a safe and healthy environment needs critical scrutiny and attention.

TNC land grabs are leading to insecure community land tenure. In some instances, this occurs despite areas allocated as protected or communal. This suggests the need for a deeper enquiry into the state’s custodianship and oversight to lease mineral rights and its effective legitimization of land grabbing.

The cases suggest that labour and environmental governance must take into account the social and environmental effects taking place which appear to be resulting from TNCs and mining. The experiences presented of mine workers signal serious labour rights violation by TNCs, wages below national recognised norms and standards as well as the subjugation of workers to human rights abuses. The testimonies question who is liable and oblige us to recognise the effects of extractivism on communities. Why must communities carry this cost ? Which institutions will hear them? They seek laws that will protect them against the impunity with which transnational mining corporations undermine their dignity and their right to a decent life. They cannot understand why these mining companies domiciled far away have greater rights and authority than they do.

In some of the testimonies evidence suggests the realignment and shift from state mining companies to TNCs resulted in the introduction of more invasive chemicals and technology endangering the community and environment.

From the testimonies it becomes clear that women subsidise the inadequate wages of the underpaid mine workers. It is the women who mend and tend to the ecological, social and economic fallout of what they describe not as development but rather the roll-back of post-independence gains. When asked, “where are the men?” the women are surprised by this question. This is because the men are migrants – living in the satellite mining settlements and subjected to occupational diseases. These men return to the villiages to be nursed by the women when they are too sick to work on the mines or retrenched.

The responsibility of host states of TNCs arises (i) when they grant permits for exploration of natural resources without considering the impact of these activities on the fundamental rights of communities; (ii) when such permits are granted without any consultation and prior informed consent of communities and populations who will be affected by these operations; (iii) when states waive the required performance standards for companies with respect to human rights; (iv) when they relax their labour standards, environmental controls and tax regimes to promote the interests of TNCs; and (v) when they pass the external costs of the TNCs’ operations onto communities and women.

When states directly criminalize the activity of individuals, activists, community leaders and defenders of human rights and their territories and their environment, they undermine the foundations of their democratic and social values. Social movements, stigmatized and criminalized for their actions in defence of affected communities, claim that their actions are promoting a healthy environment, while protecting nature, ecosystems, livelihoods, water, cultural heritage and the right to decide the type of local development favoured by the communities.



## V. LEGAL AND JURIDICAL ASPECTS

Not long ago, states fought for liberation from colonial rule and were able to invoke the UN Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly *resolution 1514 (XV), of 1961*). This also committed them to the outcomes of the Bandung conference, upholding their rights to land, self-determination and to direct benefits from the natural resources of their country. Some national constitutions also enshrined such rights as well as the right to a healthy environment. All of these rights have been compromised by the intrusion of transnational corporations onto lands previously inhabited by local communities.

The UN Charter states that international relations should be based primarily on the desire to "*proclaim the faith in fundamental human rights, in the dignity and worth of the human person, in equal rights.*" This intention was reflected in the simultaneous adoption of two International Covenants, one on Civil and Political Rights and the other on the Economic Social and Cultural Rights.

These two Covenants should have determined the nature and form of international relations. Instead, governments, international institutions and more recently the transnationals, are driven by issues of power, domination and profit. A common article in the Covenants allows people the freedom of their political status and the pursuit of their economic, social and cultural development. They are also able to dispose freely of their wealth and natural resources, without being deprived of their own means of subsistence. To guarantee these rights, the transnationals should not be favoured. However, governments have forgotten the principles and obligations derived from safeguarding these rights.

The clear asymmetry of economic, political and juridical power between "home" States of TNCs and most "host" African States is challenging, weakening, corrupting the role of national States, making them structurally exposed to a dependence from the laws of the free market.

States are no longer the independent and responsible distributors of the benefits of the natural resources, but they have come to deprive their own people of their right to land and food sovereignty.

This right should be the guarantee of a pluralistic and democratic society, according to the formulation contained in the claim for a new international economic order of 1974. The judges heard from different communities that this is not the case.

The UN Charter enshrined the principle of the rights of people to self-determination. This was reaffirmed in the General Assembly resolution 2625 (XXV) which states that "*every State has the duty to refrain from any forcible action which deprives their right to self-determination ...of the people (...)*".

Instead of protecting the community's interests, governments discriminate against them, criminalize and then condemn the inalienable principle of the right to self-determination. States organise financial benefits for a political and intellectual elite and so exclude benefits for communities. The concept of development is no longer seen as a collective goal but as a set of benefits for some restricted elites, who are imposing a new colonial order, which pretends to ignore and replace customary laws, not only with respect to property, but also to biodiversity and food sovereignty. It should be underlined that such policies and practices are in clear contradiction with, and violation of the African Charter on Human and Peoples Rights. The International Convention on the Elimination of all forms of Racial Discrimination (ICERD) clearly states also that no person, as individuals and as collectivity, could be discriminated with respect to her/his property rights.

If we consider development as a right of peoples, whether individuals or nations, it follows that governments have an obligation to support policies that promote development. This obligation implies that the rights enunciated in the Declaration cannot be alienated, restricted or supplanted. This conception of the concept of development from the perspective of people's rights is the first fundamental qualitative addition resulting from the integration of a perspective based on human rights to the right to development. Seen thus, poverty resulting from policy choices imposed by states or international financial institutions "is a violation of human rights." States must be liable for the conditions of impunity that they allow to protect the transnational corporations and the machinery of power.

In different cases the question of corruption was raised. But by asking that question, one cannot ignore how the dominant actors use corruption as a means of exercising their power over those they seeks to dominate. In legal terms, we must understand the dialectic of corruption in order to understand how it works and to make all concerned actors responsible.

## DELIBERATION

The Jurors recognise that:

- 1) each of the cases presented provide sufficient evidence that the communities exposed to the intervention on their lands and life by TNCs are victims (individually and collectively) of severe and systematic violations of their rights to life and human dignity;
- 2) at least as importantly, the communities have testified an incredible will and capacity for peaceful and creative resistance, despite the dramatic and frequent violent interventions of political and military forces, showing in this sense how deep is their consciousness of being the subjects and not the passive object of a law which should be expected to reassume its mission of defending the lives and the environment of human beings more than principally economic and financial interests of transnationals;
- 3) despite the expected variability of the contexts and of the actors, it is impressive how the patterns of impunity and the violations of rights by the TNCs are the same, irrespective of which states and which TNCs are involved;
- 4) the situation of women, who have been the protagonists of these hearings, and whose suffering and resilience has been underlined in the above analysis, must be considered with the greatest priority; not only should the Tribunal intervene on the multiple forms of discrimination to which they are exposed, but also because the affirmation of their rights requires an approach which goes beyond the failure of states to apply a host of legal measures, declarations and contracts: the women must be directly responsible for the formulation of principles and rules which reflect and promote the specificity of their lives and roles in the communities and in society;
- 5) the scenarios of impunity of the national and international, private and public actors, with their structural elements of institutional and personal corruption, have been the background of all the cases. Certainly *ad hoc* investigations and qualification are needed to identify responsibilities: as jurors who have heard even a restricted sample of cases, we feel however obliged to strongly stress the unacceptability of policies which, instead of favouring communities, deny them any access to the judicial systems and to any compensation or reparation. The gravity of this aspect of the overall condition of violation of basic vital rights is further accentuated by the absolute disproportion between the economic resources which could assure the minimum of human dignity and future to women

and the children, and the dimensions of the benefits of the TNCs and of their allies derived from extraction;

- 6) an important step forward should be made with respect to the definition of the target of the PPT, as it is evident the strict complementarity and interaction between the extractive sector (the main focus in this opening Session) and the areas of agriculture, land grabbing, environmental and climate protection.

## **RECOMMENDATIONS AND PERSPECTIVES**

- A comprehensive assessment of the political, beside the socioeconomic, role of the transnational corporation in Southern African countries should be provided, with a focus on their country-specific relationship with the State Governments.
- It is pertinent for the Tribunal to explore conceptions of land as nature, land as community, land as autonomy for rural women beyond conceptions of land as property by state or TNCs. The testimonies suggest a deeper injustice beyond current dispossession and displacement by TNCs for extraction. The relationship to the land by rural communities and women in particular requires further exploration.
- Detailed information must be collected to ascertain linkages between transnationals and state military and police, as well as to identify the areas of natural resources exploited by transnationals and how these relate to the establishment of foreign military bases, such as those hosting Africom.
- The role of South Africa in the region as a facilitator of BRICS in Southern Africa and in particular the evolving and emerging role of China should be well documented.
- Women's inalienable rights are being undermined. The testimonies have alluded to and in some instances made direct reference also to sexual exploitation and the undermining of women's ability to defend their bodily integrity. Many women have indicated that in their communities some women are engaged in transactional sex or/and sex work.
- The testimonies suggest a discursive strategy and practice of national states to develop a type of xenophobic position against communities living at the periphery which must be thoroughly investigated, and confronted with the failure of the promises of jobs, investment and infrastructure made by TNCs and foreign direct investors in general.

- The broader role of TNCs with regards to the agricultural trade agreements, specifically GMO seeds and the rise of agribusiness as well as agro-fuels with a specific attention to EPAs, AGOA and BRICS, must be fully assessed.
- Priority attention must be given to the relation of customary law to national and international law, by exploring also what lessons we can draw from the recognition of customary law in relation to other (though related) areas of law, such as family and inheritance law, land and natural resources law, constitutional law, human rights and criminal law, and dispute resolution in general.

**To fully respect the rules of transparency, which have been shown in the course of the evidence offered to be so easily and systematically violated by TNCs and their allies, and in compliance with the rules of an independent Tribunal, it will up to the PPT to inform interested parties of its procedures and to assure their right to a defence.**

According to its terms of reference, an opening Session does not foresee a verdict. It is not the conclusion, but the critical starting step in a process, which has roots in the life and experience of the many communities in the various countries of the region. The cases heard by the PPT were represented very effectively, with the facts and the narrative of the sufferings and of the even greater will to sustain their struggles.

Forty years ago, in Algiers, the Universal Declaration of Peoples Rights, which is the fundamental pillar of the PPT, was originated. It emerged during the time when countries faced the first dramatic transformation of the colonial order. It proposed a profound revolution of the role of law: from being the guarantor and instrument of those who have the power to be a flexible companion of the struggles of the marginalized majorities and minorities.

The PPT recognizes the continuity of that provocative moment in the process which is opened in Southern Africa, and also acknowledges strong effective connections with the other networks resisting enclosures, looking at and working for a different future.

The preparation of the forthcoming sessions must be seen as a time of intensive research and interaction.

**Annex 1**  
**Permanent Peoples' Tribunal**  
**Transnational Corporations in Southern Africa**

**Cases presented**

**Case 1**

Coordinated by: Foundation for Socio-Economic Justice and Swaziland  
Economic Justice Network (Swaziland)

Company: Maloma Colliery, owned by Ingwenyama (Swazi national  
trust), Government of the Kingdom of Swaziland, Chancellor  
House Mineral Resources (South Africa)

Area of Operations: 25km west of Nsoko and Lubombo regions, Swaziland

**Case 2**

Coordinated by: Amadiba Crisis Committee (South Africa), Legal Resources Centre

Company: Mineral Commodities Ltd (Australia)

Area of Operations: Xolobeni, Eastern Cape, community of Xolobeni, South Africa

**Resource testimony 1:**

Presented by: Dick Forslund (AIDC)

Company: Lonmin

Topic: Lonmin, the Marikana Massacre and the Bermuda Connection

**Case 3 and 4**

Coordinated by: WoMin (South Africa)

Companies: - Somkhele Anthracite mines- Tendele Mining, owned by Petmin (South  
Africa)  
- Fuleni Anthracite mines- Ibutho Coal (South Africa)

Area of operations: Communities of Somkhele and Fuleni, Kwazulu Natal, South  
Africa

**Resource Testimony 2:**

Presented by: Tom Lebert (War on Want)

Topic: UK mining companies in Africa

### **Case 5**

Coordinated by: Centre for Trade Policy and Development [Zambia]  
Company: Glencore Mopani copper Mines  
Area of Operations: Kitwe, Northern Zambia

### **Case 6**

Coordinated by: Amalgamated Trade Unions of Swaziland  
Company: Maloma Colliery, owned by Ingwenyama (Swazi national trust),  
Government of the Kingdom of Swaziland, Chancellor House Mineral  
Resources (South Africa)  
Area of Operations: 25km west of Nsoko and Lubombo regions

### **Case 7**

Coordinated by: Zimbabwe Environmental Law Association (Zimbabwe)  
Company: Anhui Foreign Economic Construction Company t/a Anjin  
Investments (Pvt) Ltd and as Jinan Mining (Pvt) Ltd (China)  
Area of Operations: Marange, Zimbabwe

### **Resource Testimony 3:**

Presented by: Riaz Tayob  
Topic: Bilateral Trade Relations and Investment Agreements

### **Case 8 and 9**

Coordinated by: Justica Ambiental (Mozambique)  
Companies: Vale (Brazil) and Jindal (India)  
Area of operations: Tete Province, Northern Mozambique

### **Case 10**

Coordinated by: Centre for Natural Resource Governance (Zimbabwe)  
Company: DTZ-OZGEO Penhalonga Coal mines  
Area of operations: Penhalonga, Zimbabwe

## **Case 11**

Coordinated by: Southern African Green Revolutionary Council (South Africa)

Companies: Glencore – Graspan Coal Mine  
Shanduka (Glencore Subsidiary) – Wonderfontein Coal Mine

Area of operations: Mpumalanga, South Africa



**Annex 2**  
**Permanent Peoples' Tribunal**  
**Transnational Corporations in Southern Africa**

**Program of the Opening Session**

**16 -17 August 2016, Manzini, Swaziland**

**Day 1,16-Aug-16**

- 09:30-10:30 Official inauguration of the PPT Hearing & presentation of Jurors  
Gianni Tognoni, Secretary General of the PPT  
Petition of the Reference Group  
Southern Africa Context
- 10:30-11:15 Case 1: Amadiba Crisis Committee - Mineral Commodities Ltd. (SA)
- 11:20-12:05 Case 2: Rural Women's Assembly – Parmalat (ZAM)
- 12:05-12:15 Break
- 12:15-13:30 Case 3 and 4: WoMin: Anthracite mines at Somkhele and Fuleni (SA)
- 13:30-14:30 Lunch
- 14:30-14:45 Marikana Commemoration
- 14:45-15:30 Expert Testimony: Dick Forslund (AIDC) - Lonmin, Marikana and the Bermuda  
Connection (SA)
- 15:35-16:20 Case 5: Centre for Trade Policy & Development - Glencore Mopani Mines (ZA)
- 16:20-16:30 Break
- 16:30-17:15 Case 6: Zimbabwe Environmental Law Association - Marange Diamond Fields  
(ZIM)
- 17:15-18:00 Expert Testimony: Tom Lebret (War on Want) - Illicit Capital Flows
- 18:00-18:15 Day 2 Schedule and Close

**Day 2, 17-Aug-16**

- 09:00-11:00 Grand Opening of the People's Summit
- 11:15-11:30 Welcome and outline for the day
- 11:30-12:45 Case 7 and 8: Justicia Ambiental (JA!) - Vale and Jindal Coal (MOZ)

12:45-13:30	Expert Testimony: Riaz Tayob - Role of Trade and Investment Agreements in creating the architecture of impunity
13:30-14:30	Lunch
14:30-15:15	Case 9: Mining Communities United in Action - Glencore Coal (SA)
15:20-16:05	Case 10: ATUSWA - Chancellor House Maloma Collieries (SWA)
16:05-16:15	Break
16:15-17:00	Expert Testimony: Women, agriculture and land sovereignty
17:05-17:45	Jurors' thoughts and comments
17:45-18:00	Next steps and close