

Case information:

2nd Session of the Southern Africa Permanent Peoples' Tribunal on Transnational Corporations

This Tribunal session involves cases that fall within the greater theme of land, food and agriculture. We want to go beyond seeing this theme as only about the immediate impact that TNC's have on farmers and food supply, but also to look at the different elements of corporate abuse that ultimately impact detrimentally on the global and Southern African food system, and especially on women. These elements include destruction of seed sovereignty, undermining of small-scale farmers by monopoly TNC's, uranium mining, criminalization of dissent, pollution of water sources and devastation of forests and the livelihoods which they provide to indigenous peoples.

Below see the description of the cases:

1. Rural Women's Assembly

Parmalat and small scale dairy farmers (Zambia)

Small scale farmers are being detrimentally impacted by the undermining of their work by Italian corporation Parmalat, and the worst affected are women farmers. Parmalat is the largest supplier of dairy products to Zambia, however, does not pay small-scale farmers enough for them to continue supplying the company. The company is instead buying its milk from larger scale farmers. While Parmalat previously purchased milk from small-scale farmers, making the company their biggest and ultimately only customer, they have not raised the payment, even though the price of feed for cattle and seeds, as well as food products, have increased dramatically in general. This is even though the price of Parmalat's products in store have increased by 300%. Farmers can no longer keep their cattle, who are dying from hunger, and they themselves are living in severe poverty. When the affected people have complained to Parmalat the response has been that the company cannot afford to pay more for the milk because they are not making any profit.

2. Justica Ambiental

Mphanda Nkuwa Dam (Mozambique)

The Mphanda Nkuwa dam is expected to cost over US\$2.3 billion, with the capacity to produce about 1,300 MW of electricity. But at least 85% of the power generated is to be sold outside Mozambique, and not for rural electrification. Much of the energy is intended for the South African utility company Eskom. Mphanda Nkuwa's reservoir will displace around 1,400 households, and it is estimated that around 200,000 people living downstream of the dam will be affected by the dam operation system.

The Mphanda Nkuwa dam is going to exacerbate the impacts of the other dams in the Zambezi river (such as Cahora Bassa) and will be the last nail in the coffin that will destroy the Zambezi river ecosystem and his delta, that is life to millions of people and listed as a 'Wetland of International Importance' by the Ramsar Convention. When the local population was informed about the dam in 200, they were given no right to free prior informed consent, not even to where they will be relocated. Mozambique's predominantly rural population is highly

dependent on rivers and riverine ecosystems for their livelihoods and the construction of a mega dam can easily destroy their livelihood (land, water, family structures and their basic rights).

3. Justica Ambiental

The Prosavana Programme (Mozambique)

The Prosavana programme was officially launched in April 2011, by the governments of Mozambique, Brazil and Japan; it is supposed to promote the development of agriculture in tropical savannas along the Nacala Development Corridor. However, almost all the land on the Nacala Corridor is occupied by peasants. This is a major problem for the developers. This is the most populated region of the country, where fertile soil and abundant rain allow millions of peasants to work and produce food in abundance. The Nacala corridor is considered the breadbasket of the region, providing food to the inhabitants of the northern provinces and enabling the survival of millions of families. The rationale and purpose of Prosavana promotes the usurpation of land and the expulsion of thousands of local farmers who depend on it. Prosavana was designed and decided at the highest political level, with no participation from civil society and still to date access to information is denied. The entire process of developing the ProSavana programme and its Master Plan has been characterised by a complete lack of transparency, public consultation and public participation. While agribusiness corporations have been part of government delegations to investigate business opportunities in the Nacala Corridor, the 4 million farmers living in the affected areas have received little or no information on the potential impacts of such a programme in their livelihoods.

4. Lawyers for Human Rights Tanzania

Paladin Uranium Mining and illegal imprisonment of lawyers and activists (Malawi and Tanzania)

In December 2016, eight Tanzanians went to Malawi for a study tour on uranium mining and its related impacts. They went specifically to visit the defunct Kayelekera mine once operated by Paladin, because the same thing is going to happen on their land in the Namtumbo Area with the development of Paladin's Mkuju River Project. The group was made up of peasant farmers, lawyers and a local journalist. Their fact-finding mission was sponsored by the local archbishop through Caritas.

The tour was co-organized in collaboration with a Malawian organisation, but on the day after their arrival they were arrested by the police taken to the Karonga police station, court and thereafter transferred to Mzuzu Prison where they were detained until April 2017.

At the Kayelekera uranium mine, issues of environmental abuses and crimes have well been documented. It is now public that the license holder, while placing the mine on care and maintenance following uranium price slump on the world market, has contributed to significant pollution of Lake Malawi and radioactive contamination has been detected in effluents from Kayelekera Uranium mine.

The arrests and subsequent court case were highly political, the arrests were staged and the state could not substantiate the charges. The convictions and subsequent sentencing were fabricated and not based on any defense counsel's submissions and court proceedings. Very few contracts in Malawi for the extractives sector are in the public domain and the contract-awarding process faces major challenges in terms of transparency and procedure. The Government of Malawi has signed two agreements for mining (one with Paladin Africa

for Kayelekera Uranium mine in Karonga - where the Tanzanian's were alleged to have 'trespassed'; and another with Nyala Mining for a ruby mine in the Ntcheu district.

5. Rural Women's' Assembly

Monsanto and Farmer Input Subsidies Programme (Malawi)

This case is directly related to the RWA's FISP campaign. The case highlights the way government budgets and subsidies are captured by TNC's, and in this case specifically by Monsanto. Malawi is home to about 17 million people, more than 75% of whom are poor according to the World Bank in 2016. About 11 million Malawians engage in subsistence farming on small plots and Malawi has a FISP programme central to bolstering agriculture to grow the economy.

The FISP Programme was rolled out in 2004 by the late President Bingu wa Mutharika and started off well where farmers' subsistence farmers received hybrid seeds, legume seeds and fertilizer. However, the government continues to import more and more hybrid seeds when they should be implementing strategies to mitigate the impacts of climate change which have hit the farmers hard.

And another big problem with hybrid seeds is that they destroy the local seed systems. Women are worst affected, as female headed household receive a smaller quantity of FISP vouchers than male headed households, increasing the level of inequality between men and woman.

6. Research and Support Centre for Development Alternatives

Madagascar Resources and ilmenite mining (Madagascar)

The Madagascar Resources Company is about to commence operations on a large-scale ilmenite mining project in the southern region of Madagascar. The mining perimeter of this project covers the territories of 12 villages, and encroaches on the Mikea forest that is home to the Mikea indigenous group.

The Mikea Forest plays a vital role in the daily life of the Mikea people who are recognized as 'indigenous peoples, which means that they are unique and culturally different from other Malagasy, maintaining distinct customs and social institutions, living in precarious conditions, and spiritually, culturally, socially, and economically dependent on land and forest resources, including medicinal plants. The impacts on the peoples will be restricted use of resources needed for livelihood and health related activities, especially for the women, including the cutting of vegetation for charcoal production; hunting of endemic animal species for food; collecting fuel wood; collecting medicinal plants; collecting potable water; collecting materials for house construction; fishing; pasturing livestock, and collection of natural materials used for weaving baskets and mats. The Manombo River will be polluted and no longer produce fish, and women would need to walk a long way to access clean water.

In this regard, it is also necessary to understand that companies usually enter into negotiations only with men, excluding women from the community decision-making process as well as from the compensation payments, and ignoring women's development interests and aspirations. In sum, mining is resulting in many specific impacts on women, who are losing out in almost all aspects related to the development of this activity. The experience with large-scale mining projects in Madagascar shows that these further push women into poverty, dispossession and

social exclusion.

7. Rezistans ek Alternativ

Illicit financial flows and tax evasion (Mauritius)

The REA will present a case on Mauritius as a tax haven and illicit financial flows into the country. At this point I cannot provide more detailed information, but will send as soon as I have.