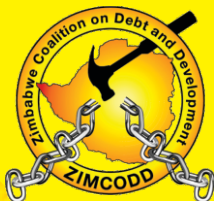


THE 2014 SADC PEOPLE'S TRIBUNAL

on the Impact of Multi-National Companies on
communities endowed with natural resources in
SADC



Held at Bulawayo, Zimbabwe
15th August 2014

During the Southern African Development Community
(SADC) People's Summit



Investing In People For Social And Economic Justice



WHAT IS THE PEOPLE'S TRIBUNAL?

A people 's tribunal is a court of justice appointed to adjudicate on some matters. It is a public exercise in the discovery of economic injustices and human rights abuse in general.

OBJECTIVES

The tribunal will seek to achieve the following:

- Provide a platform where member countries can share their experience on extractives specific to their countries through participating in the mock tribunal.
- Provide the SADC citizenry with platform to debate on issues affecting them especially in the extractive industries.
- To present to Heads of State and other stakeholders the evidence on illicit deals on extractives and declarations by the participants on issues discussed in the Tribunal.

EXPECTED OUTCOMES

- Verdict of the People 's Tribunal.
- Strengthened regional solidarity on the impacts of the extractive sector in the region.
- Increased awareness on adverse impact from the extractive industries.
- Increased whistle blowing on matters relating to extractives and land grabbing.

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1. Introduction

The Southern African Development Community (SADC) People's Tribunal was held at Bulawayo, Republic of Zimbabwe on Friday the 15th August 2014. The Tribunal was convened by ZIMCODD during the 2014 SADC People's Summit which was held at ZITF Hall No. 3 on 15th-16th August 2014. The theme of the Tribunal was *'Peoples Tribunal on the Impact of MNCs in communities endowed with natural resources in SADC'*.

A total of 151 participants registered for the gallery during the Tribunal; the number is however lower than the actual number of people since this was an open forum where people could come in from other autonomous sessions. Among the registered participants, 78 were female and 73 were men.



Figure 1: The gallery during the 2014 SADC Peoples' Tribunal

1. The Concept

A tribunal is a court of justice appointed to adjudicate in some matter. In ancient Rome, a tribune of the people was chosen by people to protect their interests. The conceptual framework informing this Tribunal is in line with the tribunals that are being held in modern times. Peoples' Tribunals have a strong root in the international experience, particularly the post-Nuremberg tribunals and public hearings. With the end of the Cold War, and following the creation by the United Nations of the tribunals for ex-Yugoslavia and Rwanda and the creation of a permanent court of International Court of Justice, the

issue of using tribunals in pursuance of national and international justice is back on the public agenda.

2.1. What is the Peoples' Tribunal?

A Peoples' Tribunal is a public exercise in the discovery and assessment of evidence of injustice and human rights abuse in general. The fact that the people primarily own the Tribunal, as opposed to the state or the international financial institutions is fundamental. The tribunal belongs to the people and victims of injustice reveal their plight regardless of the formal system's unwillingness to acknowledge a complaint.

Peoples' Tribunals rely on the willingness of victims to testify and express their feelings about their plight as well as on the participation of credible outsiders, to document this testimony and consider it within a human rights framework.

Notwithstanding their limited power in terms of legal process, Peoples Tribunals are important as one of several tools to combat the impunity at the level of government and International Financial Institutions. Peoples' tribunals are best described as quasi-legal processes. They do not pretend to have legal authority, but seek to highlight the need for public accountability. They depend on publicity and use eminent public figures that share the exceptional ability to grasp, articulate and interpret the meaning of human rights.

Most importantly, Peoples' Tribunals are important in giving the voice of the marginalized a testimony on the human rights abuses they experience everyday. In the hearings, it is the victims themselves who give evidence. The perpetrators also find an opportunity to atone for their role in the human rights abuses, if they appear at all.

2.2. What makes up a Tribunal?

The tribunal has to be orderly and credible. Credibility will also derive from its adherence to the legal principles that are binding in a democratic society:

1. Independence of the Judiciary
2. Due process
3. Neutrality and non-partisanship
4. Transparency

2.3. Examples of Peoples Tribunals

Some of the modern day Peoples Tribunals include Tribunals that investigated corporate responsibility for the industrial disaster in Bhopal in 1984, the United States' invasion of Panama, the Persian Gulf War, and the World Bank IMF structural adjustment programs and the debt crisis.

The Burma Peoples Tribunal arose from a growing concern that Burma's serious crises in the areas of basic economic, social and cultural rights are worsening. The Burma Tribunal's goal was to create greater awareness of the systemic denial of food, as the most basic human right, and its relationship to Burma's heavily militarised state. The tribunal findings were:

...enlightening, but not encouraging. In them we read no hint of hunger's demise or militarization's imminent defeat; in fact, the Tribunal suggests the opposite trends. One sees how the struggle for political power afflicts society's most vulnerable, often most blameless, members. Such strong words are discouraging, but they should not remove a sense of hope. The very nature of human rights is hope for a better life in defiance of extreme oppression. Nowhere is this defiant faith more apparent than in the perseverance of Burma's rural poor. Each season the farmer returns to till a parched field marks immense patience and fortitude; each smouldering grain of rice recovered from the ashes of war testifies to the peasant's resilience; each humble meal shared among displaced people hiding in the jungle pronounces their own declaration of human rights.

In this regard, people's tribunals on natural resources have become important advocacy tools for the international development and socio-economic justice movements. By focusing on the national situation, they offer a unique contribution at all levels of economic justice campaign. In the SADC region, the challenge is to develop a people informed linkage between debt, lack of development and the exploitation of natural resources.

3. The 2014 SADC Peoples Tribunal

3.1. Background

Natural resources form part of a country's national assets, the proceeds of which should be used to help meet national development objectives. With mineral production constituting a major source of foreign and fiscal revenues for most of SADC countries, revenue flows from extractive industries could be a lifeline for any country. The region's fastest growing economies are all resource economies. Despite this strong growth, progress in achieving social and human development remains modest. Unemployment remains high, especially among the youth, while Inequalities in incomes and access to assets and social services continue to widen, and poverty still remains high in the region. Clearly, the overarching question is how to reconcile the region's rich endowment with natural resources, which are also highly in demand globally, with its poor record of economic advancement and human development?

Poverty in the midst of plenty plus economic vulnerability holds troubling implications for peace and stability (security) in the region. Citizens are becoming increasingly vocal and are starting to ask searching questions about the continued misuse of mineral revenues. Minerals are non-renewable, finite and unevenly distributed across space. The fundamental challenge of mineral resource management is how to use the wealth it creates as an engine for growth, development and diversification, and how to sustain it long after the minerals have been depleted

In SADC, the wealth that countries generate is transient and vulnerable to misappropriation (corruption), unequal distribution between corporate and governments on the one side and political elite and citizens on the other, which are sources of divisions and conflicts, and to changing global economic environment. The cause of many SADC countries' problems is the absence of a transparent and accountable system of resource management and an efficient revenue collection and distribution system. Even in countries with relatively strong institutions and capacity to collect revenues (such Botswana, Namibia and South Africa), the challenge for revenue transparency especially when it comes to redistribution still remains.

In Mozambique peasant farmers are being displaced by Brazilian megaprojects in the Nacala Corridor. The locals are failing to secure jobs in these megaprojects as major positions are held by the Brazilians and the Japanese. Copper mining activities in Zambia have also affected the livelihoods of the people as the Mushishima River which is a tributary to the Kafue River which accounts for 40% of Zambia's domestic water supply is polluted. In Namibia uranium mine workers are dying of cancer but the Uranium mines are doing little to protect the workers. Of concern to SAPSN is also the issue of occupational health and safety in the mining sector and some mine workers are now suffering from TB and lung cancers especially in South Africa, Swaziland, Lesotho and Namibia just to name a few. Former mine workers are demanding compensation for the risks they faced during their employment tenure.

Despite the SADC national Health Ministers signed a declaration on TB in the Mining Sector in 2012, TB cases still remain high in the mining sectors in the region. The SADC Protocol on Mining that was signed in 1997 recognizes the importance of improving the living standards of the people engaged in the mining industry but the case is different on the ground as mine workers are subjected to poor working conditions and health risks. The Protocol also calls for environmental protection and occupational safety. There is need to engage the SADC member states to guarantee the Right to Health in the Extractive Sector for local people, the need to address issues of compensation for

workers and people displaced as well as for former workers who need to access their pension in any part of the region under the Portable Pensions Campaign.



Figure 2: Ms Rethabile Mohloki of Lesotho gives her testimony to the Peoples Tribunal

It is estimated that illicit financial outflows from the developing countries totalled a staggering US\$946.7 billion in 2011, with cumulative illicit financial outflows over the decade between 2002 and 2011 of US\$5.9 trillion. This money should rather have been invested in infrastructure, education and health care.

For the past three decades Zimbabwe has lost a cumulative \$12 billion through illegal financial flows ranging from secret financial deals, tax avoidance, tax evasion and illegal commercial activities. In the diamond sector, diamond mining dividend contributions to treasury have been on a steady decline from 2010 to 2013 yet diamond production in terms of carats has grown by over 500% within the same period. A research by Zimbabwe Environmental Lawyers Association (ZELA) indicated that there is a greater discrepancy between the total value of sold diamonds and the amount remitted to Treasury henceforth, a lot of revenue is leaking through illicit outflows. In the case of Malawi the uranium mines are largely owned by MNCs Paladin Africa. In 2012 Kayelekera Mine did not account for 350 000lb of uranium oxide which was valued at \$18.5 million. Such an unaccounted for value is less the total revenue generated that could

have contributed to the final profit. Illicit financial flows due to crime, corruption, and tax evasion have cost Zambia \$8.8 billion from 2001-2010, \$4.9 billion has been attributed to trade mis-invoicing, which is a type of trade fraud used by commercial importers and exporters around the world. Platinum and gold-rich South Africa lost \$100.7 billion between 2002 and 2011. Mozambique has also lost an average of US\$8.7 billion between the same periods.

Against this backdrop, ZIMCODD proposed the SADC People's Tribunal on the Impact of MNCs on Communities endowed with natural resources where by member countries represented by social movement in the region will participate. The cases to be deliberated on by the judges will be on specific extractive issues in their countries. The rulings given will be shared with the SADC Heads of states, mining companies, Environmental organizations and responsible Ministries.

3.2. The People's Tribunal Process

ZIMCODD believes that the Peoples Tribunal should start changing public opinion, and that a ruling by this tribunal will be accepted by many people in SADC and internationally as valid and correct.

For a People's Tribunal to pass its first test, it has to be authentically people centred. People's organisations have to be visible in every aspect of the tribunal. There is need to establish an alliance of civil society organisations to jointly host the People's Tribunal. This will allow the selection of appropriate case studies and testimonies presenting the personal experiences of ordinary people across the region.

Applicants' Attorneys will present the case and will call witnesses to testify as to the damage and the costs caused by mining companies and the related effects such as in the area of health, education, environment and general economic and social development. Experts on health, environment, land, financial analysts, geologists and others will also participate. In addition concerned members from the Government and other private stakeholders and press will be invited to participate.

The 2014 SADC Peoples tribunal was structured as follows;

No.	POSITION	NAME	ORGANISATION	SEX	NATIONALITY
i.	President	Dewa Mavhinga	Human Rights Watch	M	Zimbabwe
ii.	Assessor	Mankhatho Selepe	Development for Peace Education	F	Lesotho
iii.	Assessor	Momodou Touray	African Forum and Network on Debt and Development	M	The Gambia
iv.	Applicants' Attorney	Jeremiah Bamu	Zimbabwe Lawyers for Human Rights	M	Zimbabwe
v.	Applicants' Attorney	Nyaradzo Mutonhori	Zimbabwe Environmental Law Association	F	Zimbabwe
vi.	Respondents' Attorney	Tineyi Mukweva	Abammeli Human Rights Lawyers	M	Zimbabwe
vii.	Respondents' Attorney	Sibusisiwe Ndlovu	Bulawayo Progressive Residents Association	F	Zimbabwe
viii.					
ix.	Witness	Molefe Moatlhodi	South West Gauteng Association for Sustainable Development	M	South Africa
x.	Witness	Rethabile Mohloki	Development for Peace Education	F	Lesotho
xi.	Witness	Cephas Gwayagwaya	Arda Transau Relocation Trust	M	Zimbabwe
xii.	Expert Witness	Mukasiri Sibanda	Zimbabwe Environmental Law Association	M	Zimbabwe
xiii.	Witness	Molefe Moatlhodi	South West Gauteng Association for Sustainable Development	M	South Africa
xiv.	Tribunal Clerk of Court	Joana Mamombe	Zimbabwe National Students Union	F	Zimbabwe
xv.	Tribunal Legal and Case Research	Tinashé Chisaira	Zimbabwe Coalition on Debt and Development	M	Zimbabwe

4. Citation

In the Southern African Development Community (SADC) People's Tribunal

SPT 01/14

Held at Bulawayo, Republic of Zimbabwe

On Friday 15th August 2014

Workers and Communities Endowed with Natural Resources And Small Scale Producers	1 st Applicants 2 nd Applicants
Versus	
(Multinational) Extractive Companies in the SADC Region And SADC Council of Ministers of Finance/ Environment And SADC Executive Secretary And SADC Chairperson	1 st Respondents 2 nd Respondent 3 rd Respondent 4 th Respondent

5. Statement for the Applicants' Attorney

Your Honor, Ladies and Gentleman Assessors,



Figure 3: Applicant's lawyer Jeremiah Bamu gives the Applicant statement

Multi-National Corporations (MNCs), companies in the extractive industries and the governments of SADC are complicit in the perpetration of gross human rights violations against the citizens of the SADC region.

The evidence in this matter will leave no shred of doubt that while these companies and SADC governments pretend to achieve greater economic good for the people, they in fact expose SADC economies to greater economic need through their insatiable greed for profit and corruption.

Today you will hear for yourself, testimony after testimony of the horrific detail of irresponsibility and violations perpetrated by these companies with the complicity of the governments of SADC states. You will hear testimonies of the callous displacement of thousands of families from their communal homes to pave way for the profiteering operations of multinational corporations on the Chiadzwa Diamond fields and ARDA Transau in Zimbabwe.

You will hear gory details of how these companies are linked to massive environmental degradation and robbing posterity of a safe and clean environment in grave violation of international treaties, charters, protocols and agreements.

You will hear of painful and horrific deaths arising from the naked brutality of state agents acting to protect the MNCs in their brutalisation of the workers in Marikana, South Africa and mines in Shamva, Kwekwe and Marange in Zimbabwe.

You will hear for yourself how the actions of the governments in the SADC region have augmented rather than mitigated the suffering of the people and the perpetration of human rights abuses. More shockingly, you will hear of how these governments have actively participated in the destitution of their own citizens in the following ways:-

- Massive loss of employment and deprivation of sources of livelihood.

- Destruction of property and forcible eviction from their homes.
- Malevolent land and property seizures with disproportionate and even no compensation at all in many instances.
- Wanton disregard to environmental concerns and the rising ecological debt.
- Failure to provide and guarantee food security and security of person.
- Deliberate connivance to relax codes of ethical conduct and the erosion of corporate social responsibility.
- The cancerous spread of corruption at the highest levels and the misuse of state facilities for private ends.

You will hear this evidence from the victims themselves, people who have directly experienced these things and continue to experience them.

You will also hear the evidence of experts on the adverse environmental impact of the extractive industries, the illicit financial flows from MNCs and its chilling effect on the poor and indigent peoples of the SADC region. These experts are professionals who have neither bias nor malice and only availed themselves to assist in the establishment of the truth.

Your Honour, Ladies and gentleman assessors, the sum total of what you will hear today will satisfy you that we are being modest in our claim. We should have sought punitive relief, but all we want is to secure restorative justice for the innocent victims. We therefore urge you to award adequate compensation for each of the victims and direct an immediate cessation of illegal land grabbing. You will also find it necessary to intervene and save our environment to ensure continued food and ecological security for today and succeeding generations for a prosperous and healthy region. You will feel compelled to direct the Chairperson of SADC and the Executive Secretary of SADC to facilitate the implementation of a sustainable way forward for poor communities, workers and peasants and the down trodden masses.

You will no doubt hear from the defence, that these companies in the extractive industries and MNCs have in fact created employment in the

SADC region. They may throw figures around of how many jobs they have created, but the bigger question remains, how many locals have they displaced to set up their operations. What use is it to displace tens of thousands from their homes to employ less than a tenth of them. When you see through the numbers of jobs created, you will realise that the locals are subjected to menial tasks and low level skill capacities while the higher paying jobs are reserved for expatriates and non-locals. They have merely applied lip-stick to a pig. The bigger question that you will be faced with for the rest of your lives is this, if these MNCs have contributed so much to employment creation, why do we still have high rates of unemployment hovering above the 95% threshold in countries like Zimbabwe? Where have the jobs gone? Where are they being created and who is getting those jobs?

You will no doubt be told that these MNCs are large contributors to tax revenue. The harsh reality however is that these MNCs bring with them relaxed codes of social ethics that serve to exploit the neediness of developing nations, rather than to provide the critical support necessary for economic and social development.

The real test, and the real question that you are being asked to determine today, is simply this...Why has the existence of MNCs and companies in the extractive industry led to further suffering of the people they are meant to benefit. More importantly, what can be done to remedy the situation?

5.1 Testimonies



1. *Cephaz Gwayagwaya-Arda Transau Relocated Community from Chiadzwa Diamond Fields.*

Before our relocation, when people from Kimberly Process were there, the people were promised good houses per family, that is, per every wife who was cooking alone. These promises were not fulfilled. People were promised jobs but they got nothing. People

were also promised food handouts. However at Anjin we got food just 3 times and the handouts ended in October 2011. Farming inputs have also remained a pipe-dream.

2. *Ms Rethabile Mohloki-Lesotho*

The people of Lesotho are suffering. Dams have been constructed as part of the international water program called The Lesotho Highlands Water Project but local communities are suffering since the dams are for water export deals between Lesotho and South Africa.

3. *Mr. Molefe Moathodi -South Africa*

Workers have died from naked brutality arising from State-Corporate complicity, in mines in South Africa among other SADC areas. South African mining companies are bringing death on the tables of South Africa's poor. Mining is not the *second largest employer* outside government in South Africa. It is the *second largest exploiter* outside government in South Africa

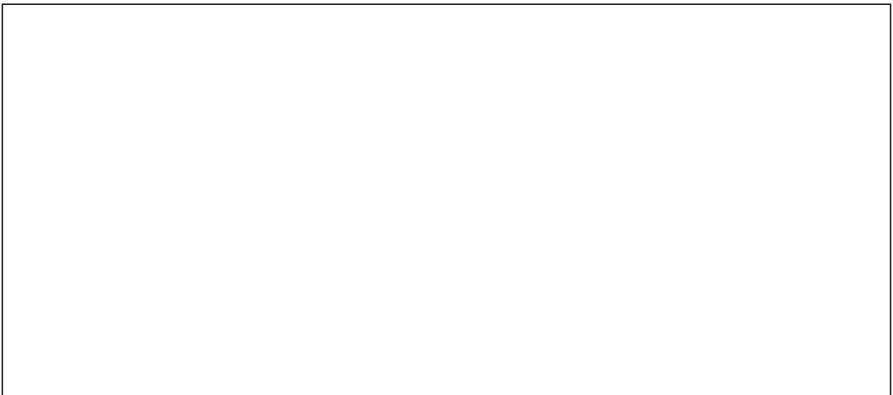


Figure 4: Mr Molefe Moathodi (South Africa)

4. *Lainah Ndlovu-Binga Small Scale Fisher woman.*

There are severe challenges in obtaining fishing permits from Harare which is 900km away from Binga. When the people fish 'illegally' they are arrested. Those with permits still suffer from high taxes imposed by the national parks which they cannot afford;

Boat hire for fishing is \$20.00 / month

Licence is \$10/month

Council tax is \$20/month

They make \$6.00/day

If you fish 22 days a month you make $\$6 \times 22 = \160 , less taxes and boat hire = $132 - 50 = \$82$, this is a gross that does not include packaging and refrigeration, at the end of the day they do not benefit from the natural resources in their area.

As fisher people we are not allowed to sell, if we are found selling we are fined \$400 and the boat confiscated and when we are not working we can not even raise that \$400 so it is very difficult, we walk long distances to get a fridge to store fish at a high cost. Corruption of officials demanding bribes is also rampant.

5. Defence/Respondents' Remarks

The Respondents tried their best to defend the case. However the attorneys were just callous and boisterous. The defence claims that mining and the MNCs were bringing food on the tables of the SADC poor were shot down by the testimonies. The Applicants witnesses clarified that MNCs were bringing death on the tables of the poor people.



Figure 5: Attorneys for the Respondents listen to the Applicants' Submissions (L) and defend their case(R)

6. The Verdict

Having carefully weighed the issues raised and the evidence presented before this SADC People's Tribunal, in consultation with the assessors, I am satisfied that the Applicants' legal team have proved their case beyond a shadow of doubt, I therefore accordingly find Multi-National Companies (MNCs) guilty as charged. I also find SADC government guilty of being complicit in the violation of the basic rights of SADC citizens by MNCs. The SADC Chairperson, Executive Secretary and

Council of Ministers are guilty of omission, the failure to protect the rights of SADC citizens and failure to put in place adequate mechanisms through which SADC citizens may seek redress in the event of violation of their rights. Accordingly, this SADC People's Tribunal issues the following order:

1. The SADC People's Tribunal orders that Multi-National Companies (MNCs) in the extractives sectors, as required by the laws of SADC member-states, should adopt a Human Rights Based Approach (HRBA) to all their investment projects in the SADC States. This includes ensuring that, prior to implementation of development projects, Social Impact Assessments (SIA) and Human Rights Impact Assessments (HIA) are carried out and that affected communities are properly consulted, relocated in accordance with the law and receive just and adequate compensation. MNCs are, at law, compelled to put in place mechanisms to implement fair labour practices and to ensure preservation of the environment.
2. All SADC member states should put in place mechanisms within their jurisdictions to ensure that individuals and communities have recourse to remedial judicial action in the event that their rights are violated. Local courts must be duly constituted, accessible and impartial.
3. The SADC Chairperson, acting through the SADC Executive Secretary and Council of Ministers, should re-store the full authority of the SADC Tribunal which sits in Windhoek, Namibia, to receive individual complains from individuals whose rights maybe violated by States or MNCs anywhere within SADC.
4. The SADC Chairperson, acting through the SADC Executive Secretary and Council of Ministers, should urgently develop a legal framework to prevent illicit financial flows from the SADC region, to curb corruption and to entrench transparency and accountability in the extractives industry across the region. There is a direct relationship between rampant corruption and human rights violations for communities in cases where government officials act in collusion with MNCs.
5. The SADC Chairperson, acting through the SADC Executive Secretary and Council of Ministers, should urgently establish

effective structures to enable direct and continuous engagement between SADC citizens, civil society and various SADC structures including the SADC Summit. Presently citizens do not have formal and direct access to SADC structures and processes.

6. The SADC People's Tribunal orders SADC governments to strengthen their oversight mechanisms over MNCs in order to ensure that all investments in the region are not detrimental to the environment and the rights of SADC citizens.
7. The SADC People's Tribunal orders the SADC Chairperson and SADC Executive Secretary to implement pro-poor and people-centred policies that lead to sustainable development in which our resources, loaned to us by future generations, are used responsibly and in ways that do not harm SADC citizens.
8. The SADC People's Tribunal urges civil society organizations across the SADC region to continue to work together in regional solidarity towards building a regional vibrant social movement that defends the rights of the poor and champions good governance, observance of the rule of law and human rights respect.



Figure 6: Tribunal President Mr. D Mavhinga (Zimbabwe) delivers the judgment, flanked by one of the assessors, Ms M. Selepe (Lesotho)

By Order of the SADC People's Tribunal

Hon. Dewa Mavhinga (LLBs Hons, UZ, LLM, Essex), President of the Tribunal

8. Conclusion

The 2014 SADC People's Tribunal was the first of its kind during the SADC People's Summit. There was diverse participation from different countries within SADC and even from beyond the region. There is need for more timeous preparation for the 2015 SADC people's Tribunal, including the dissemination of information concerning the Tribunal, its purposes, objectives, procedures and follow-up mechanisms. The Tribunal will also come up with records of matters brought before the tribunal for submission to law libraries and policy makers' offices.

Annexure A: The 2014 SADC Peoples' Tribunal Charge Sheet

The charges before the Tribunal were laid out. The charges stipulated that:

1st Charge: Companies in the Extractive Industry are accused of violating environmental, human and people's rights in communities endowed with natural resources in Southern Africa

The investors and companies operating in the extractive industry have committed numerous violations of environmental and human rights in the SADC Region. Communities have been forcibly relocated, with the complicit of SADC Governments, from areas like Chiadzwa Diamond fields in Zimbabwe into ARDA Transau.

The forcible and unilateral relocation of people deprives people of meaningful livelihoods and dis-empowers communities. The respondents have, in forcibly relocating people from their traditional lands, violated Article 1.2 of the International Covenant on Economic Social and Cultural Rights:

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence (Our Emphasis)

The Companies have caused massive environmental degradation in the extractive-rich communities. Companies are also massively involved in the depletion of fish, minerals and animal life from various communities throughout the SADC Region.

The violations by these companies have led to diseases, homelessness and lack of security around the region.

By these acts the companies in the extractive sector such as Anjin, Mbada Diamonds, Lonmin and the SADC governments that have contacted them have violated Article 32 of the Protocol to the SADC Charter on Finance and Investment(see Annexure 1) which states that:

State Parties shall promote the use of their natural resources in a sustainable and environmentally friendly manner.

Human rights are being violated with impunity through pollution and unsafe working conditions. Workers have died, from these conditions and from naked brutality arising from State-Corporate complicity, in mines at Shamva, Kwekwe in Zimbabwe and Marikana in South Africa among other SADC areas. These acts have violated the right to safe working conditions as provided for by Article 7 (b) of the *International Covenant on Economic Social and Cultural Rights* which provides for the right to 'Safe and healthy working conditions'. And ultimately the right to life provided in national constitutions and in Article 3 of the *Universal Declaration of Human Rights* and Article 4 of the *African Charter on Human and People's Rights*.

2nd Charge: Multinational Companies are accused of grabbing land and natural resources and causing food insecurity amongst small scale producers.

Land Grabbing has taken place due to government-MNCs deals. Of note is the ProSavanna Programme in the Mozambique Nacala Development Corridor, affecting 14 districts in the provinces of Niassa, Nampula and Zambezia, covering an area of approximately 14 million hectares? In Zimbabwe small scale farmers 's cotton and maize fields are being mowed down to pave way for the Macdom-Green Fuel sugarcane plantations in Chipinge.

The ProSavanna projects are openly coordinated by the Ministry of Agriculture of Mozambique, the Japan International Cooperation Agency and the Brazilian Cooperation Agency. On the other hand in Zimbabwe, small scale farmers in Chipinge are suffering at the hands of expanding plantations on land taken over by Green Fuel ethanol production companies. Green Fuel Private Limited is a joint venture between the Government of Zimbabwe's Agricultural Rural Development Authority (ARDA) and one Billy Rautenbach's companies Macdom Investments and Rating Investments.

The land grabbing is taking place in direct violations of international resolutions. In May 2012, the UN Committee on World Food Security of which most SADC states are members, adopted a landmark resolution to promote the human rights of peasants and other people living in rural areas including the rights to access land ownership, collectively or individually, the right to control water resources, the right to have access to farming equipment, the right not to be forcefully expelled and equality between women and men. The guideline was the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Land grabbing is a direct violation of not only the above guidelines but also the frameworks governing food security, in various sectors of previously marginalised people, namely Articles 24(2)(c) and 27(3) of the Child, Articles 12(2) of the Convention on the Elimination of All Forms of Discrimination Against Women and Articles 25(f) and 28(1) of the Convention on the Rights of Persons with Disabilities .

3rd Charge: SADC Governments are accused of being complicit in the violations of environmental and human rights by assisting the extractive industry and MNCs through various legal and administrative mechanisms and lack of transparency.

By being the political and administrative centres of Power ,the SADC Secretariat, SADC Council of Ministers and the SADC Chairperson representing the SADC heads of state and Government Summit are jointly and severally liable for the environmental and human rights violations perpetrated by the companies that they register in their countries.

Cases of government officials receiving bribes and other favours abound throughout the region. In Zimbabwe Government officials are always taking each other to court over bribes received from MNCs. In South Africa the story is the same with business families going to the extent of using state defence facilities for their private functions.

The Green Fuel project in Zimbabwe and the ProSavanna projects in Mozambique clearly highlight that governments are complicit in land grabbing and environmental and human rights violations rampant in the SADC Region.

The Lesotho Highlands Water Project was also outlined as an example of local communities suffering as a result of water export deals between Lesotho and South Africa.

About Zimcodd

ZIMCODD is a socio-economic justice coalition preoccupied with the quest for Social and Economic Justice. The Coalition was established in February 2000 to facilitate citizens' involvement in making public policy and practice pro-people and sustainable. Its vision is the attainment of Sustainable socio-economic justice in Zimbabwe through a vibrant people based movement. Its mission in pursuit of this vision is to take action against the Debt burden and Social & Economic Injustices. This will be achieved primarily through:

- *Building and mobilizing a vibrant people's movement*
- *Formulation and promotion of alternative policies to the neoliberal agenda.*

Drawing from community-based livelihood experiences of its membership the organization implements programs targeted at:

- *Educating the citizen*
- *Formulation of alternative policies.*
- *Facilitating policy dialogue among stakeholders*
- *Engaging and acting on socio-economic governance at local, regional and global levels.*

Its specific objectives are:

- *To raise the level of economic literacy among ZIMCODD members to include views and participation of grassroots and marginalized communities;*
- *To facilitate research, lobbying and advocacy in order to raise the level of economic literacy on issues of debt, trade and sustainable development;*
- *To formulate credible and sustainable economic and social policy alternatives;*
- *To develop a national coalition, and facilitate the building of a vibrant movement for social and economic justice.*

ZIMCODD represents a broad cross section of citizens groups. Membership is currently based on the coalition model, bringing together various institutions and individuals to collectively implement its mission and objectives. The thematic groups that the organization works with range from faith based organizations, students, residents, labour, women groups, people with disabilities, people living with HIV/AIDS and small scale farmers. These members share the organization's goals, and together they constitute the Annual General Meeting (AGM). One key element of the ZIMCODD activities is the Social and Economic Justice Ambassadors, SEJA's. These are activists drawn from various thematic groups within the coalition who play a leading role in the delivery of programs.

ZIMCODD's headquarters are in Harare with a regional office in Bulawayo. The headquarters and regional office are responsible for coordinating regional activities in the rest of the country and the country is divided into Northern and Southern regions. To achieve its objectives, ZIMCODD employs a number of strategies and tactics which feed into and from each other.

ZIMCODD is the host of the Zimbabwe Social Forum (ZSF), a platform where social movements come together to share experiences and to strategise. ZIMCODD is a member of the Southern African Peoples Solidarity Network (SAPSN), Zimbabwe Network Against Illicit Financial Flows (ZINAIF), Jubilee South, Publish What You Pay Campaign and the Tax Justice Network.

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