
Rising for the Right to Say NO: Southern Africa Peoples Permanent Tribunal

The Southern African Peoples Permanent Tribunal on Transnational Corporations has been an important tool for communities to share their struggles and build solidarity as well as to challenge the status quo by rising up to say NO to corporate power, state impunity and a destructive development agenda.

"We do not want mining. We don't want its child. We don't want its grandmother. We don't want its family. We have no desire to chat or have any conversations with the people of the mine."

These powerful words were uttered by two representatives of the Amadiba Crisis Committee at the Third Southern African Peoples Permanent Tribunal on Transnational Corporations, which was held in November 2018. The Amadiba Crisis Committee represent the Xolobeni community, which has been fighting for sixteen years to prevent Australian mining conglomerate, Transworld Energy and Minerals (TEM), from mining the titanium-rich sand along the Wild Coast of South Africa. (1) For the Amadiba Crisis Committee, land is an intrinsic part of the community's identity, past, present and future. Nonhle Mbuthuma, a founding member of the group says, **"We believe that we know who we are because of the land. We believe that once you have lost the land, you have lost your identity."**

In April 2018, the Committee took their case to South Africa's High Court in a brave push for justice. (2) Now, months later and just over a week after the Peoples Tribunal, **the courts have ruled in favour of the community, declaring that the Department of Mineral Resources must obtain "full and formal" consent from the people of Xolobeni before granting mining rights.**

Across South Africa, and beyond, the Xolobeni struggle has become an emblematic case for communities resisting extractive-driven development agendas and fighting for the right to say NO. Already this landmark victory has galvanised communities across the continent, a welcome reminder that **justice is possible through sustained organising, movement building and solidarity.**

It was this very spirit of solidarity and courageous resistance against corporate power that drove the third session of the Southern African Peoples Permanent Tribunal on Transnational Corporations. (3) This was the last of a three-year process of hearings where communities have presented cases against transnational corporations, exposing their human and collective rights abuses and unchecked over-exploitation and destruction of territories. Corporations, in collusion with States and International Financial Institutions, such as the World Bank, propagate this devastating extractivist development agenda that prioritises profit over people and the planet—all in the name of "progress."

"We have been struck by the extent of the ruthless extraction, dispossession, displacement and brutality shown by the transnational corporations in search of profit," reads the Jurors' closing statement at the end of the three-day tribunal. **"All this has been done frequently with the collusion of the State and its actors and organisations in carrying out repression and in some cases massacres of citizens."**

Throughout the tribunal process, communities have put forward a total of twenty cases against TNCs in Madagascar, Malawi, Mauritius, Mozambique, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. These cases range from mining companies and mega-dams to major agribusiness and land grabs – and each one speaks to the complicity between corporations, governments and financial institutions in upholding a system of global impunity. ([Read about the cases here](#))

Fighting mega-dams: Stop Inga 3!

One of the cases presented at the Tribunal was that of communities speaking out against the Grand Inga mega hydropower dam project in the Democratic Republic of Congo (DRC). (4) With its promises to “energise and unlock regional industrialisation” by electrifying the DRC and the African continent, the Inga Hydropower Dam Scheme (Inga 1 and 2) has already displaced communities in DRC. If Inga 3 goes ahead as planned, around 37,000 more people whose livelihoods are based around the Congo River will suffer the same fate.

Mining companies have benefited the most from the hydro-powered electricity generated by the two first Inga projects, leaving many communities without reliable energy supply. Currently, 85% of the population in DRC has no access to electricity. (5) The recently launched South Africa’s Integrated Resource Plan is moving ahead with a DRC-South Africa deal that will guarantee 2500MW of electricity for the latter by 2030. (6) Meanwhile, **the people most directly impacted by this mega-project will not reap any of the benefits while electricity is sent through six countries to power mining and other extractive industries in South Africa.** “We sleep on Inga’s dam site but we live in the dark,” said Jane*, a Congolese woman activist leader who spoke at the Peoples Tribunal.

At the Tribunal, activists also emphasised the particular burden that women carry when it comes to mega-projects like Inga that threaten lives and livelihoods. One woman activist stated: “We are dependent on agriculture – how will we feed ourselves? How are we going to feed our children? How are we going to survive? We, the women who live in Inga, depend on agriculture – that is what enables us to feed our children. We are now seeing a drought because of the dam. Our food production has diminished because of the infrastructure. My husband has to go to the next village to find small game because here the animals have begun to disappear. Us, who live close to the dam, we don’t even have electricity.”

The communities fighting against the Inga 3 dam have already engaged with the involved States, writing a letter to the South African government. They have also launched a campaign to *Stop Inga 3* ([sign the petition in support and solidarity](#)). They are demanding the withdrawal of Chinese, Spanish and South African companies as well as any State involvement in the scheme. **Their resistance is inspiring. They work in an increasingly repressive context to fight for the right to Say NO as well as to call for compensation for those who were displaced by the Inga 1 and 2 dams.**

Communities from South Africa have already begun to respond to their appeal, seeing the clear opportunity for joint strategizing and solidarity in holding the South African government accountable. “The Congo river belongs to the people but it has been taken away from them. The communities were never consulted. We, in South Africa, were never told that we would get electricity from the DRC. And even if we were going to get it as community people, we can’t enjoy it knowing the violence, militarisation and destruction that is taking place in DRC,” said Caroline Ntaopane from the African Women network against destructive resource extraction (WoMin Alliance).

The Peoples Tribunal has been an important platform for communities around the southern African region to share their struggles and build solidarity, present critical cases of corporate

violations, and challenge the status quo by exposing the brutal underbelly and unsustainability of so-called “development.”

Those communities and many more, are currently working together to build a campaign for the *Right to Say No*. This campaign is “a broad mobilisation and convergence of transnational activism and solidarity.” It is grounded in the principles of Free, Prior and Informed Consent (FPIC) and builds on the dynamic organising of movements, unions, women’s organisations and many others in communities like Xolobeni in south Africa and Inga in DRC, who are rising up to say NO to corporate power, state impunity and a development agenda that harms people and the planet.

Maggie Mapondera

WoMin African Alliance, <http://www.womin.org.za/>

** The name of the activist leader was changed for security reasons*

- (1) CIDSE, [Xolobeni Community and the Struggle for Consent](#), November 2017
- (2) The Guardian, [South African community wins court battle over mining rights](#), November 2018
- (3) <https://www.stopcorporateimpunity.org/permanent-peoples-tribunal-transnational-southern-africa/>
- (4) Daily Maverick, [SA does not need the Grand Inga Project](#), November 2018
- (5) [No to Inga 3, Yes to accessible energy across Congo](#)
- (6) [South African government releases Integrated Resource Plan draft](#), August 2018