



Universal Periodic Review: 42nd session/Zambia

Violations of the Right to Food and Nutrition in Zambia in the context of Dangote Cement Industries, ZAMPALM Limited and Amatheon Agri Zambia Limited

1. Submission by FIAN Zambia

This information is submitted by FIAN Zambia¹. FIAN Zambia is national section of FIAN International². FIAN is an international human rights organization for the right to food and nutrition and has a UN consultative status with the ECOSOC.

2. Zambia and the Right to Food and Nutrition:

Zambia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 10 April 1984 (Art.11). It also ratified all other treaties relevant to the right to food and nutrition, including the International Covenant on Civil and Political Rights – 10 April 1984 (Art. 6-1), the Convention on the Rights of the Child – 06 December 1991 (Arts. 24 and 27) and the Convention on the Elimination of All Forms of Discrimination against Women – 21 June 1985 (Arts.12 and 14). This means that, under its international human rights obligations, the Government of Zambia has the duty to guarantee the enjoyment of the right to food and nutrition, and other connected rights in Zambia.

3. Summary of cases of violations:

The case of Dangote Cement Industries

Dangote Cement Industries expressed interest to acquire land and invest in Chief Chiwala's Chieftom located in Masaiti District of Zambia. In 2010, it was decided by Senior Chief Chiwala that 400 households in Majariwa village would be displaced to pave the way for construction of the Dangote Cement Industries Zambia Limited. The Majariwa community members did not want to be relocated to other possible lands in Mutateshi, Katoniti and Chilengwa because they are unfertile and far from Ndola town where most farmers supply their produce. The targeted community members used their land for agriculture production, animal grazing, collecting wild fruits and firewood.

In July 2011, Dangote Industries Zambia Limited was granted a land of 139,0000 ha and a certificate of title was issued by the government of Zambia.

On August 3, 2012, Dangote Industries Zambia Limited was granted a mining license in respect of another piece of land in extent of 1020,3000 hectares by the Ministry of Mines and Minerals Development.

¹ FIAN Zambia: <https://www.fian.org.zm/>

² FIAN International: <https://www.fian.org/en/>

On April 15, 2014, Dangote Quarries Zambia Limited was granted another piece of land in extent of 247,8010 hectares and a certificate of title was issued by the Government of Zambia. The mining license and certificates of title issued to Dangote Quarries Zambia Limited and Dangote Industries Zambia Limited, were issued to them in form of land which was occupied and used as a residence and farming purposes by the affected community members and their generations before.

Dangote Industries Zambia Limited - US\$400m plant - was opened in the second quarter of 2015 by the Republican President of Zambia Mr. Edgar Changwa Lungu and it has all together 1407,101 hectares.

Customary land of 250 ha belonging to 234 households was grabbed by Chief Chiwala and given to Dangote Industries Zambia Limited to build the factory. So far no compensation has been made and all 234 households do not have land to cultivate.

In addition, according to a community member, 132 households in Kalulu, Chingwere and Chisoboya have been affected by the mining activities due to their proximity to the cement factory and quarry mine (e.g. cracks in their houses). The plans for the relocation of these communities have been resisted by the affected households. They believe that the evaluations on their land, houses water wells, fruit trees have not been done fairly by Dangote Industries. In addition, the new houses built by Dangote Industries for the relocation are smaller compared to their current houses and they are built on a smaller land without adequate land for cultivating crops.

The affected Community members have reported that, due to the mining activities: the underground water has dwindled significantly and this situation has caused water wells in Maliko, chingwele kapala, longwani, chisoboya and Kalulu to dry up. Affected households have to rely on one water point, which has been installed by Dangote Industries Zambia Limited after several complaints. This water point is not adequate for the entire affected population. In addition, a community member highlighted that in 2020; Dangote Industries Zambia Limited blocked and diverted the Mwatishi River. This has resulted into the River to stop flowing in its natural stream. The Mwatishi River provides water for irrigation, livestock and domestic use for surrounding villages. At the time Dangote Industries blocked and diverted the Mwatishi River, 241 households had cultivated and planted various crops and vegetables along the riverbanks. According to a community member, the loss of gardens is causing a lot of suffering as he indicated that most people including himself have to travel to other far places to buy vegetables for consumption and resale.

Their grievances highlight that:

- I. The affected community members were not adequately engaged and consulted in the process of land acquisition;
- II. The affected Community members were not compensated for 250 ha of their land that has been grabbed and exposed them to hunger and malnutrition;
- III. Water wells are drying up because of mining activities and the alternative water source that has been provided is inadequate;

- IV. The affected community members in Kalulu, Chingwere and Chisoboya are threatened with forced eviction by Dangote Industries without adequate compensation;
- V. 241 households who lost their crops as a result of the diversion and blockage of the Mwatishi River by Dangote Industries have not been compensated.

The Case of ZAMPALM Limited

ZAMPALM is located in Chief Kopas Chiefdom in Kanchibiya District of Muchinga Province in Northern part of Zambia. ZAMPALM owns 20,238 hectares of titled land, on the Eastern side of Lake Bangweulu, to the North West of Mpika town. ZAMPALM was incorporated in 2009, as part of the ZAMBEEF group of companies, following ZAMBEEFs' acquisition of ZAMANITA Limited in order to develop an Oil palm plantation and crushing mill in Zambia. In September 2017, ZAMBEEF PLC disposed of 90% shareholding to the Industrial Development Corporation (IDC). IDC is a Zambian state agency mandated to manage state companies. ZAMPALM is now under a Private Public Partnership with ZAMBEEF and Industrial Development Corporation (IDC).

In 2008, ZAMPALM a subsidiary company of ZAMBEEF Zambia expressed interest in acquiring customary land in Chief Kopa's Chiefdom for establishing a palm oil plantation. In 2009, ZAMPALM acquired the land through forced eviction of three community members namely: Sankalimba, Namusalwa, and Kepi. Currently ZAMPALM has over 409 506 palms planted on over 3,600 hectares of land.

Following the interest to acquire land, discussions were held between the affected community members, ZAMPALM and the chief. The initial discussion was to use the land in Sankalimba, Namusalwa, and Kepi villages, to establish a palm tree Nursery, workshop and factory for ZAMPALM limited. The affected land of 73,9423 hectares was occupied by 76 families, contained two burial sites, was next to a local Baka Baka River and Bangweulu wetland.

On 21 February 2009, a written response endorsed by the affected communities, including the New Apostolic Church, representatives of Sankalimba, Namusalwa, and Kepi Villages declared support for the development of a palm tree Nursery, workshop and factory for ZAMPALM limited. They believed the created expectations by ZAMPALM that the company will provide jobs, out- grower opportunities for thousands of local farmers and boosting national revenue through reduction of oil imports.

In a written agreement, the affected community members agreed that, ZAMPALM limited shall compensate all the affected families in terms of building materials and money for labor in order to build their new houses. Furthermore, the agreement states that those with water wells will be paid the amounts as agreed with parties involved. ZAMPALM will build New Apostolic Church and compensate the families for their cassava fields and other fruits that will be destroyed.

ZAMPALM in its capacity with the support of the community members and the traditional authority shall endeavor and ensure that the new area to be acquired by the affected community members is demarcated and all necessary land alienation procedures are

followed to obtain the ownership of the new land.

According to the discussions with the affected community members in Sankalimba Village, the agreement was not respected and the affected community members were forcefully displaced. In their narration: in the early morning in 2009, between February and March, ZAMPALM conducted forced eviction of the Namusulwa, Kepi and Sankalimba villages. Noise from huge graders and excavators alarmed the community members, who in that very moment were told to leave their houses and fields. Most villagers removed their belongings from the houses and graders and excavators went on to demolish their houses and their cassava fields.

According to the information gathered from the meeting held with the affected community members in Sankalimba and Namusulwa: without anywhere to go, they were given by ZAMPALM: corrugated iron roofing sheets, bags of cement and some money for labor to rebuild their new houses. However, they were not given alternative land.

Their grievances include:

- I. Inadequate compensation of land and houses;
- II. Fencing off of the traditional burial sites;
- III. Inability of ZAMPALM to adequately compensate all the affected families in terms of building materials and money for labor to construct the new houses;
- IV. Inability of ZAMPALM to compensate water wells;
- V. Inadequate compensation given to families with cassava fields and other fruits that were destroyed;
- VI. Inability of ZAMPALM to ensure that the new area is demarcated and all necessary land alienation procedures are followed for affected communities to obtain the ownership of the new land;
- VII. Inability of ZAMPALM to compensate the lost seeds after destroying their crop fields;
- VIII. Lack of transparency and accountability in the manner in which the compensations were carried out.

The case of Amatheon Agri Zambia Ltd

Amatheon Agri Zambia Ltd (AAZ) is a subsidiary of Amatheon Agri Holding N.V., an agricultural investment company based in the Netherlands (Amsterdam) with its operating office based in Germany (Berlin). AAZ began farming operations in Zambia in Mumbwa District in 2012. It then acquired already 32.000 hectares of land in the colonial farming block called "Big Concession". The activities of Amatheon have been related to human rights abuses, including:

- I. Blockage of the Kamilambo Sable Road, which the community use to access health facility and other communities. Households who reside along this road, are required to register their names with Amatheon and to get road access permits;
- II. Casualization and denying employees the right to belong to a Trade Union by Amatheon. In addition, Amatheon Agri Zambia Limited subjects workers to long working hours beyond the legal maximum working hours in Zambia. Workers are

- not paid extra pay for the extended hours. Workers work without protective clothing and they have to walk from their homes to farm fields which sometimes could be beyond 10 kilometers;
- III. Confiscating community livestock (cattle and goats) and charging community members for any livestock found straying in Amatheon property. In this regard, Amatheon has not installed a physical boundary, which was recommended by its own expert study. This makes it easier for livestock to stray in Amatheon Land. Once the livestock strays, it is confiscated and kept at Amatheon until the owner pays a sum of 500 Zambia Kwacha about 28 USD for each animal in the absence of assessment of damages done by designated Government agencies. One of the examples is of Laston Mwinga whom in 2019, his 65 cattle strayed in Amatheon land. He went to retrieve his cattle the following days and he was told to pay a fine of K500 for each animal. Upon return the following days, 24 of his cattle were missing from the previous day count. When he demanded to be given his cows, he was harassed and later taken to Mumbwa Police where he was detained for 4 days without any charge. He has not been given back his 24 cows;
 - IV. Amatheon has been threatening to evict people by force. One of the examples is of Gerald Mukabe a resident in Katonga Farms who has been severely threatened by Amatheon Agri Zambia on his land. Maximum force including the use of Fire Arm has been used for Gerald to leave his land by AAZ;
 - V. Inability for Amatheon to fully pay land that they bought from community members. One of the examples is of Juliet Kolala who owned 350 hectares of land from which she sold 250 hectares to Amatheon in 2012. Amatheon did not pay the agreed full amount;
 - VI. Physical assaults to some of the affected community members by Amatheon security guards. Hamainde a farmer in the big concession farming block, on 4 September 2019 a group of security guards from Amatheon picked him from his house and told him that he was a suspect in a theft of an empty plastic water tank. He was handcuffed and taken to Amatheon Farm (Katonga farm), where he was beaten severely. He later took legal action against one of the security personnel that apprehended and assaulted him. The court ordered that Hamainde be paid K1, 800 to which he has only been paid K1, 200;
 - VII. Community members living at the Kabwashe River reported that access to water has been severely limited since 2017, when Amatheon built dams at upstream for its irrigation. Community members downstream reported that since that time they had to stop cultivating vegetables, which provided a major source of income and nutritious meals.

Recommendations

During the UPR, the following recommendations should be given to the State of Zambia:

The case of Dangote Industries

- To ensure that compensation is done for all affected community members in Majariwa, whose land of 250 hectares was given to Dangote Industries, and the affected households of Kalulu, Chingwere and Chisoboya are not evicted and or relocated without adequate compensation;

- To ensure that Mwatishi River is restored to its natural flow which would allow the affected community members to irrigate their gardens;
- To ensure that 241 households who lost their crops as a result of the blockage of the Mwatishi River are compensated;
- To ensure that water table is not dried-up due to the activities of Dangote. In this regard the Government of Zambia should conduct an independent Environmental Impact Assessment to determine the environmental damages posed by Dangote activities to the water table;
- To provide alternative water points for communities whose water wells have dried up;
- To ensure that the activities of Dangote do not cause cracks into the houses of the affected community members in Kalulu, Chingwere and Chisoboya;
- To ensure that the affected community members are consulted and involved in decisions that concern their lives.

The Case of ZAMPALM Limited

- To ensure that the affected community members are adequately compensated by ZAMPALM on their houses, land, water wells, cassava fields, lost seeds, and fruit trees;
- To ensure the conduct of an independent Environmental Impact Assessment to determine the environmental damages posed by ZAMPALM industrial agriculture activities to the Bangweulu wetland;
- To ensure that the Baka Baka river is accessed by the affected community members and their fishing and collection of reeds to weave traditional baskets and other art crafts are protected;
- To ensure the establishment of the terms about the use of the Bangweulu wetland, taking into consideration the fair and equitable sharing of the benefits between the affected communities and ZAMPALM;
- To ensure that ZAMPALM removes the fence on the graveyards and allow the communities to access their burial sites.

The case of Amatheon Agri Zambia Ltd

- To ensure that Amatheon installs a physical boundary so that the animals from either side are restrained from straying, and follows the law when resolving livestock straying;
- To ensure that Amatheon engages with NUPAAW (National Union of Plantation, Agriculture and Allied Workers) based on the signed and active recognition agreement ;
- To ensure – for example through unannounced labor inspections - that national laws and international labor standards are respected;
- To ensure that the affected community members who have lost their animals as a result of their confiscation are compensated;
- To ensure that the affected community members who have paid money to Amatheon for confiscated animals are refunded;
- To ensure the protection of community members from human rights abuses;

- To ensure that an agreed framework on how to resolve conflicts of animals trespassing/straying from either side is established;
- To ensure that Amatheon gives free road access on the Sable Road to the affected community members;
- To ensure that the blockage of water through Amatheon dams does not impede the right to food of communities living downstream.