

Harvesting Hunger in Angola's Diamond Fields



Rafael Marques

Contents

Introduction	3
A Methodological Note	4
Law versus Rights	4
The Legal and the Real	5
A History of Violence	6
Racial and Ethnic Discrimination	7
The Experience of ITM-Mining	8
Government Policies and Responsibilities	8
Strategies of Resistance	9
Recommendations:	10
To the Government	10
To the Governor of Lunda-Norte	10
To Sociedade Mineira do Cuango	10
To ITM-Mining	10
To Endiama	10
To Lumanhe	10
References	11

Introduction

Since 2004, I have been monitoring the systematic abuse of human rights taking place in the Cuango basin, in the north-eastern Angolan province of Lunda Norte. These abuses are directly related to local alluvial diamond exploration, and the conflicts of interest between industrial and artisanal mining. The information provided in this report, and the knowledge and expertise I have gathered, are the product of a hard-working and courageous group of volunteers from Lunda Norte who I have had the privilege to work with closely during the past four years.

According to information provided by the technical director of ITM-Mining, Andrew Machin, to the Weekly Mining Online, the province of Lunda Norte sits upon the Calonda formation, which is “arguably the largest diamond-bearing deposit in the world (...)”. In laymen's terms, this region produces high quality gems.

This year, Angola is set to become the fourth largest diamond producing country in the world, with production aimed at 10 million carats and revenues targeted at 1.4 billion US dollars. This sector is booming due almost exclusively to the large reserves of diamonds in the twin Lunda provinces, Lunda Norte and its southern sister province Lunda Sul: all current major exploration sites are located in this region of over 180,000 km². However, for the majority of the local people who live in the Lundas, diamonds are a curse: the very resource which should enrich their lives contributes to their impoverishment.

For the past year, I have been paying special attention to a new trend of violations, consistently committed by Sociedade Mineira do Cuango (SMC) whose mining operations are managed by the British-based mining enterprise ITM-Mining. SMC is a joint venture including ITM Mining, which holds 50% of the shares; while Endiama, the Angolan diamond parastatal, has 35%; and a private company made up of Angolan Armed Forces (FAA) generals, Lumanhe, has 15% of the holdings. The shareholders of Lumanhe include two former FAA chiefs of staff, general João de Matos and general Armando da Cruz Neto; the current head of the intelligence division, general Adriano Mackenzie; the chief inspector of the army, general Carlos Alberto Hendrick Vaal da Silva; and two brothers, general Luís Faceira and general António Faceira, who respectively commanded the army and the commandos during the war.

The new trend amounts to a practice of enforcing hunger among communities which have traditionally depended on subsistence farming. In Cafunfo village, the company usually arrives without warning at night and destroys fields where crops are cultivated. The company then takes arbitrary measurements of the affected areas in order to determine how much to pay the peasants. This practice is leaving thousands of people hungry – whilst expanding SMC concessions. The area awarded to it covers up to 3,000 square kilometres. In 2007, SMC had a production turnover of 340,002 carats of diamonds.

According to the research, SMC has been paying peasants a one-off compensation of US\$0.25 (Kzr 17.5) per square metre of land seized

– which is not enough to buy a small loaf of bread at the local market. Furthermore, it was not until local peasants organised a protest that SMC increased compensations from a much smaller and random sum for each entire farm to the current amount of US\$0.25. Moreover, SMC offers absolutely no compensation for the crops it destroys. In a region with just a handful of employment opportunities and few decent roads to enable easy access to the rest of Angola, subsistence farming and artisanal mining (garimpo) have for decades been the only alternatives left for the local population's basic survival. The token compensation paid to peasants by SMC raises serious moral and ethical questions about the company's business practices, and its attitude towards the local community, particularly against women: 80.4% of the farms it destroyed are run by women.

The Cuango basin, located in the Cuango municipality, is under the effective control of three diamond mining joint-ventures, namely Sociedade de Desenvolvimento Mineiro (SDM), Projecto Luminas, and SMC, whose concession areas were awarded by the government. These concessions incorporate most of the 7,000 square kilometres of the municipality, including villages, farmland, public roads, bridges, and public access to rivers. The Cuango municipality has thirty rivers and streams running through it, and has a local population estimated at over 100,000 people.

This report is divided into three main sections. The first examines the legal framework that allows both the Angolan government and the diamond companies to operate in an arbitrary manner in the diamond-rich Lunda provinces. It looks at the institutional legal framework and it demonstrates how the rule of law is trampled over at will and how the government acts in opposition to the rights of Angolan citizens. Essentially, the report questions why it is that the Lundas (as the two provinces are known) operate under an exclusive legal regime, distinct from the rest of the country. Second, it analyses the current public discourse of the government which, ironically, insists it is urgently seeking to guarantee food security among rural communities in the Lundas as part of its broader national poverty reduction strategy.

In the last section, the report also looks at the emerging awareness among local peasants which has allowed them to represent their own interests and to resist pressure and force imposed on them by diamond companies and the government.

A Methodological Note

In the context of Angola, there are two elements of particular importance which inform this piece of work. One is the building of solidarity among the communities to unite their voice and their cause, and therefore strengthen the community as a whole through this kind of human rights work. The second is the selfless attitude of local youth activists, to whom I express my deepest gratitude. By identifying themselves with the plight of the communities they are part of, they have devoted a great deal of time gathering information, mobilising the community and engaging with local players. My own contribution, also on a voluntary basis, has involved following up all leads, collecting critical data, cross-checking facts and information gathered by locals, pressing the authorities and companies for answers, and writing and disseminating the reports in English and Portuguese.

The goodwill and the creativity to overcome and expose an environment of violence, abuse and degradation of human dignity remains a commitment for a better future. This work is limited in scope largely due to a lack of resources: ideally I would like to broaden it in the future to include other major human rights issues facing the whole Lundas region, which spans more than 180,000 km².

Law versus Rights

Apart from the legal contracts, the companies also have moral obligations which remain incumbent upon them even in situations where access to formal mechanisms of justice is unavailable, as is the case in Cuango.

Law 16/94, also known as Diamond Law, puts into place a special regime for the diamond-producing zones, affecting over one million people in both Lunda-Norte and Lunda-Sul. Three types of demarcated zones – called reservation zones, restricted zones, and protected zones – came into effect throughout the Lunda region in 1994. **Reservation zones** are defined as those areas which have not yet been subject to any mining concessions, but which are delimited with a view to the future development of diamond activities (article 16, n°1 of the Diamond Law). However, Law 17/94 (also known as the Law on the Special Regime for the Diamond Reserve Zones) decrees the **reservation zone** to comprise “the whole territory of Lunda-Norte and Lunda-Sul, not included in the restricted zones, protection zones or zones for artisanal production.” **In the restricted zones**, which are areas demarcated for mining activities, access is completely prohibited except for staff of diamond concessionaire companies, top government officials, or state employees travelling on official duty. One has to bear in mind that in the Cuango basin in particular, the areas awarded to the companies incorporate villages, farms, rivers, public roads and bridges. In short, the state gives away the local population and their means of livelihood to the concessionaires. And according to the law (article 18, n°1, *ibid.*) it is up to concessionaires to regulate the movement of people within such areas.

What is remarkable about the Diamond Law is the extent to which the state ignores the rights and human dignity of anyone living within the restricted and protected zones. It prohibits “any kind of economic activity [...], whether of an industrial, commercial, agricultural nature or

other...” (article 20, n°1 *ibid.*). Clause n° 2 of article 20 establishes that the diamond concessionaires must compensate farmers for damages caused. Furthermore, article 14, n°2 of the Law 17/94, allows the uprooted populations to engage in agriculture and ranching in the reservation zones. On the ground, this part of the legislation is translated as follows. There are no official claims that the peasants are not uprooted nor any signs determining whether the area they occupy is a reservation, restricted or protected zone. More importantly, neither the government nor the companies have taken the trouble to explain to the local communities, upon the awarding of the concessions, what implications and impact this would have on their lives, in legal and practical terms. If such a law and its implementing mechanisms are confusing, which they are to a certain extent, it should be the government and the contracted companies that pay the price for this: not the peasants who are kept in the dark about decisions and agreements that will have a profound impact on their lives.

According to the information publicly available, there has been no record of the Lunda-Norte’s governor use of the discretionary powers, set out in the Diamond Law, to limit or prohibit the subsistence farming by the uprooted populations, as is the case of the peasants affected by SMC’s destruction of farms.

SMC’s behaviour goes against the law, and it violates the locals’ basic human rights. The Law n° 9/04 (the Land Tenure Law) in article 9 n° 1 reiterates the state’s respect and protection of rural communities rights of land tenure, including those rights founded on customs and traditions. Thus, n° 2 of article 9 of the same law states that the confiscation of land belonging to the rural communities can take place for public use, if a request is made and agreed to and if fair compensation is provided.

The General Regulation for Land Concession (Law n° 58/07) defines in article 15 n° 1 the rural communities’ land as plots occupied by families from such communities and used in accordance to the local customs for housing, working on and other ends recognized by local customs and by the state’s law. The same law actually offers affected communities a choice: article 30 n° 2 establishes that individuals can either opt for fair compensation, or they can participate as shareholders in those joint ventures that are set up to exploit the area for diamonds. Clause n° 3 of article 30 determines that participation in the joint venture should not be less than 30% of the total value of the compensation, with the individual affected having the right to receive the remaining value of the compensation in cash.

In defining the meaning of fair compensation, clause n° 4 of article 30 states that such a compensation must correspond to the real and current value of the land, in accordance with its economic use in light of market trends.

Another relevant piece of law that demonstrates SMC’s total disregard of the law is article 132 of the General Regulation for the Land Concession, which states that only the state and local administrations have the authority to expropriate land for public utility use.

And yet, it is extraordinary to note that not one of the legal imperatives mentioned above has been observed by SMC. What it has done is to persuade the local administration to act in the interests of SMC as opposed to the local people. On March 15 2007, the mining operations director of SMC, Carl Niemann, sent a letter to the Cuango Municipal

Administrator, Paulo Passos, asking him to send a representative to move to the SMC premises for the duration of the land grabbing venture:

“(...) given the urgency to expand our operations North of Camabo, and facing a great number of farms on the way, we feel obliged to request the representative, as agreed, to remain in our compound for the time necessary to follow up the farms’ process.” (Annex 1)

Both the Diamond Law and the regulating mechanism, Law 17/94, do not accord the same rights to the affected populations, despite the fact that the Angolan Constitutional Law recognizes that all citizens are equal before the law, and enjoy the same rights and are subject to the same duties regardless of, among other distinctions, their ethnicity or place of birth. Article 50 of the Constitutional Law determines that the state shall provide the necessary political, economic and cultural conditions for the fulfilment of the citizens’ rights and to fully perform their duties. However, the reality on the ground is the opposite.

Furthermore, both the Land Tenure Law and its respective regulating decree (Law 58/07), as shown above, provide more protection for the rural communities. They are also very clear about the laws regarding the expropriation of land.

The Constitutional Law (article 21, n^o2) also makes clear that it must be interpreted and incorporated, as well as other legal norms related to the fundamental rights of citizens, in keeping with the Universal Declaration of Human Rights, the African Declaration of Human and Peoples Rights and other international legal mechanisms signed by Angola.

Nevertheless, there is a practical and fundamental factor surrounding the legal system in the Lundas: a lack of legal representation for the people who live there. In the entire jurisdictional region of the Lundas, which is the size of England, Wales and Northern Ireland put together, there is not a single practicing qualified lawyer, intern or, even paralegal, according to the Angolan Bar Association .

The Legal and the Real

By addressing the legal regime of the Lundas and the near absence of the rule of law in the region, I wish to emphasize the urgent need for a more focused kind of social research and human rights reporting in the Lundas, in such a way as to “restore local subjectivities, values and memories .” The aim is to promote an end to the culture of violence, which is embedded in the exploration of diamonds, and help empower the local people and enable them to move beyond the inherited colonial stigmas of ‘backwardness’ and ‘laziness’ which are still evident today in the attitude of the dominant groups.

Understanding the way in which the status quo is maintained requires a focus on the structural workings of class and ethnic power in Angola and the Lundas, in particular. One fresh example of such a need is the recent appointment of the new municipal administrator for Cuango, Moisés Cipriano. Prior to taking up the new post, the administrator was the regional director of Endiama, in Cuango. Most of the relevant traditional authorities (sobas) in Cuango mobilized their communities to boycott the official ceremony for the public induction of the new administrator, on June 14 2008. The sobas argue that the administrator is, as Soba Muhoxi explains:

“The main promoter of tribalism and trouble in the region. He stirs up ethnic tensions between Tchokwés and Bângalas. We cannot accept this man. This is not just the view of one or two sobas, but the consensus of all sobas and the people of Cuango.”

During the official ceremony, about a dozen sobas, acting on behalf of other chiefs and their communities, declared their opposition to his appointment, and then left the event. On May 12 2007, former employees of Endiama beat up Moisés Cipriano (in his capacity as Endiama’s representative) at a meeting because they considered him a source of conflict among ex-workers and people at large. Five people ended up in jail for the assault.

The appointment of this individual is interpreted as a sign of the government’s continued disregard for the well-being of the local population, and a strategy of dividing to rule. Moisés Cipriano had previously been administrator of Cuango in the 1980s and his departure, at the time, had been greeted with great enthusiasm and a sense of relief. “This man was here as an administrator and made nothing but trouble. Then they sent him back as vice-governor for Lunda-Norte, yet he did nothing”, said Soba Muhoxi. “Last year he came as Endiama representative and just caused more confusion. Why do we have to put up with him once again as an administrator?”

Thus, in spite of the limited scope of this report, it is worth mentioning that violations addressed here should not be reduced to concerns about the functioning of the legal system. These human rights abuses have much more complex political motivations and should be viewed as such.

A further example of the limitations of a purely legalistic approach to human rights abuses may be seen in the major international campaign that sought to stem the international trade in conflict diamonds, particularly from Angola, on the basis of adherence to a United Nations resolution. In the case of Angola, the UN imposed sanctions in 1997 against the then rebel movement UNITA which was using its control of most of the diamond areas to finance its guerrilla warfare. The UN resolution demanded that UNITA hand the diamond areas back to the government, and fully comply with the UN resolutions on the Angolan peace process. On September 28 1997, UNITA effectively handed over the Cuango basin to the government. Since then the violence perpetrated by government officials and their business partners has been ignored by the UN and the international NGOs, including those that had advocated conflict-free diamonds. It is clear that the term “conflict diamonds” applied essentially to diamonds that had been mined in rebel areas. Under the auspices of the Kimberley Process, a system designed to expose conflict diamonds by creating a new certification system, the UN, national governments (including the Angolan government with some enthusiasm), and the international NGOs joined together to prevent the use of diamonds to fuel future conflicts, and to create “the conditions necessary for countries to benefit from their own natural resources”.

In the case of the Cuango, the Kimberley Process has failed to ensure that diamonds are, by definition, conflict-free. Through their dual role as agents of the state and private entrepreneurs, the main perpetrators of abuses in the Cuango region have been able to monopolize international support, despite the violence employed in the explo-

ration of diamonds in the area. According to the Kimberley Process, it is up to the government to certify diamonds as legitimate and conflict-free. With the transformation of UNITA from a military movement to a non-armed political party, the Angolan government bears exclusive responsibility for the situation in the Lundas. Thus international support has also been used to deny the human dignity and freedom people are entitled to, making it harder for such an impoverished and isolated community to win them through their own actions.

The diamonds mined by ITM on behalf of SMC are sold to SODIAM/ Lazare Kaplan International, which certifies them as clean and sells them on the international market. And yet, as outlined in this report and in previous reports about the diamond industry, one needs to consider whether it is legally, morally or ethically acceptable that a company which removes a community's ability to feed itself in order to increase its own profits is either a clean, legitimate or indeed conflict-free business. Is it right that international bodies from the UN down condone the practices of SMC despite the suffering of the people of the Lundas? It is essential that these questions are put to the Angolan government, which is obliged to protect the interests of Angolan citizens.

The next section provides a detailed account of the political and socioeconomic dynamics that have created two Angolan provinces where exclusion, human degradation and impunity – particularly in Cuango – are the norm.

A History of Violence

The seizure of farmlands by Sociedade Mineira do Cuango (SMC) and the consequent devastation of the harvest, is currently producing large-scale hunger among affected households: not only the farmers themselves, but all those who previously participate in a local economy based on agriculture at its base. I have been able to make copies of receipts issued by the company, in one operation, to 209 peasant households (Annex 2). I have also collected the names of 192 (Annex 3) other peasants who were approached by SMC after it had destroyed their farms, but received nothing. There are many other similar cases yet to be documented. These seizures are enforced by the Angolan private security company Teleservice, an outfit armed for warfare. Between 2004 and 2006, I reported tens of cases of systematic human rights abuses carried out, in Cuango, by Teleservice security guards. These included killings, torture, flogging and forced labour of *garimpeiros* and locals alike.

The agriculture that is destroyed in this way constitutes the only productive activity in the Cuango basin, aside from the extraction of diamonds.

SMC's power to seize land is illustrated by two separate but interconnected episodes described by a representative of the peasants, José Turiambe:

On April 22 2007, about 60 of us [peasants] stopped at SMC's checkpoint to convey our concerns about the destruction of our livelihood. A Teleservice guard fired at us, but fortunately none of us were hit. Enraged, we surrounded the company's checkpoint, even though we had no guns, disarmed the guard who shot at us, and beat him

accordingly. We later handed the gun to Mr. Kalunga, who is in charge of the guards.

On April 29 2007, we [the peasants] went en masse to the SMC checkpoint to protest against the land seizure. Besides the guards of Teleservice, there was a strong presence of the FAA (Angolan Armed Forces) which had been called in by the municipal administration. The Sinfo [Intelligence Services] was there as well. The argument that we heard, to justify FAA's presence alongside Teleservice, was that we [peasants] had intended to attack SMC. Thus, in face of that military apparatus we had no choice. They had surrounded us, and we had to submit to their will."

The impunity with which these actions take place can be better understood by eliciting SMC's shareholding structure, as described in the introduction. Not satisfied with a 15% share in SMC, all the generals who own Lumanhe, the Angolan private company, maximize their earnings by also being the co-owners of Teleservice. Here is a promiscuous merging of interests by the state, a Western foreign enterprise, and powerful individuals.

More importantly, the current official practice is, intriguingly, a reproduction of the policies applied in the same region under colonial authorities. Up until 1975 the international joint-venture Diamang, which had exclusive rights to operate in the Lundas, controlled the entire region. Malyn Newitt notes that even though Diamang "had no charter and was not officially endowed with administrative functions, the company became, in effect, the government throughout the whole Lunda province, and retained its dominant position until Angola became independent". What sets the colonial policies apart from the current practices of the Angolan government is the fact that Diamang was responsible for providing the basics for the local population, including social infrastructures such as health posts, roads, etc. To contrast, some of the mining companies currently operating in the Lundas actually strip the locals of their capacity to lead a basic subsistence life –

and give nothing back. Worse still, the Angolan government condones this practice.

The receipts provided by SMC reflect the interests that are being served and provide a sample of the socioeconomic communal organization of the local peasantry. Carl Niemann, who heads the mining operations, authorizes the expropriation/ compensation by appending his signature to the document and the stamp of his company on it. Most of the peasants, who are illiterate (80.2%) and overwhelmingly women (80.4%), provide their thumbprints to acknowledge the transaction, and the local administration usually undersigns. A warning, in bold, at the bottom of the receipt emphasises the authority of the company over the government: "The amount paid on this date is final for the farm in question. Any compensation for future farms will have to be duly authorized by the Director-General of the Sociedade Mineira do Cuango", who happened to be, at the time, Jeffrey Atkins, another British citizen.

When I called requesting an interview with SMC management, the response from Mr. Atkins' secretary was a brief display of the power and arrogance the company enjoys in its privileged partnership with the power holders. The secretary told me that the management, being for-

eign, was not obliged to answer any questions regarding the population in Cuango; she said it was the government's sole responsibility to handle the issue.

In my meetings with the ruling MPLA's spokesperson, Norberto dos Santos, and the CEO of the parastatal Endiama, Arnaldo Calado, I received a similar response, from both institutions, that they would look into the matter. Since last summer, to the best of my knowledge, the expropriations continue in an arbitrary fashion.

Before proceeding, one contextual explanation is required on my contacts with the authorities. During my work on the Lundas, I have had the privilege to meet with a number of ministers, the Attorney-General of the Republic and to pay two visits to the MPLA's headquarters to discuss the human rights situation in the Lundas region. In these meetings, a major criticism levelled at me was the international exposure I gave to the work. The unanimous argument, from the authorities was that if I had shared all the information with the relevant officials beforehand, steps and decisions would have been taken to address the problems. However, that was not all. Some officials with whom I spoke questioned my (lack of) patriotism. It should be noted that my last report, "Operation Kissonde: the Diamonds of Humiliation and Misery", released in 2006, was withdrawn from publication as the edition was going to press, in Luanda.

In response to the official criticism – and as a follow up to a previous meeting with the CEO of Endiama on September 11 2007 concerning the expropriation of the fields by SMC – I sent a memorandum (Annex 4) to him on January 30 2008. The memorandum addressed the destruction of the farms by SMC, and included copies of some of the receipts issued by the company, including all the names of the 209 peasants, the total amounts of the land seized and the compensation received. Regarding the documented cases, SMC seized a total of 178,758 square metres of land for which it disbursed a total compensation of US\$41,793. The total of land expropriated must be viewed only as a reference to the documentation available for, as explained earlier, the measurements were done after the destruction of farms and in an arbitrary fashion. This does not reflect the real quantity of land confiscated. In addition, more than 192 families, whose farms were also destroyed, were contacted by the company afterwards but received no receipt stating the size of the land taken and the 'compensation' they were entitled to. This investigation was also not able to reach tens of other individuals, some of whom had and some of whom had not received receipts to account for their loss.

It should be noted that dialogue with the National Police (PN), following two years of particularly abusive behaviour by the local police towards the people of the Cuango in 2004 and 2005, resulted in a successful change of attitude regarding the protection of people's rights. Today, a climate of mutual respect and peace between the locals and the police has been achieved. This was made possible through the good offices of the PN spokesperson, Superintendent Carmo Neto who, on behalf of the PN General Command, took up complaints against the police and expeditiously set to channel them to the competent departments. Tensions were diffused after certain individual policeman who had been abusing their powers were removed, and new officers from other areas of the country were brought in.

On March 14 2008, many members of the local population stoned the then municipal administrator, Paulo Passos, and his convoy as a protest against the people's suffering. The police took the necessary and peaceful steps to avoid a showdown between the population and the authorities, firing into the air to disperse the crowd as opposed to firing at the protesters.

It is therefore disappointing that despite the memorandum which was sent in good faith to try and inspire dialogue between the authorities, the companies in question, and the local people, I received no official response from Endiama. More recently, on June 11 2008, Endiama's spokesperson, Sebastião Panzo, told me that an internal commission established to investigate the matter raised in the memo has found no illegal or inappropriate actions to have been carried out by SMC. Mr Panzo also requested more time for a final and more formal response from Endiama. Since then, I have received no further responses to the memo.

In contrast, it is interesting to note the initiatives taken by the director-general of Sociedade de Desenvolvimento Mineiro (SDM), Maurício Neves, to address human rights violations. In July 2007, I flew with Maurício Neves to Cuango for a very open meeting also attended by SDM's director of operations and security supervisors, and the then representative of Endiama in Cuango: the same Moisés Cipriano who later was appointed for a second time as municipal administrator of Cuango. One of the results of this meeting was the decision to establish a clear set of guidelines for security operations for the private security company Alfa-5, as well as other steps to ensure respect for human rights. It is regrettable that a lack of resources has so far prevented me from following up on this meeting to check that the issues we agreed on are being implemented. Nevertheless, what this shows is that dialogue is possible.

Racial and Ethnic Discrimination

There are two fundamental aspects behind the attitude of SMC in continuing with practices that even the authorities privately acknowledge are illegal. Apart from General Mackenzie, a former top UNITA commander who joined the FAA in 1992, all the other generals are members of the capital's MPLA elite which possesses affective bonds with Portugal, the former colonizer. The Lundas region, by contrast, is among those where the influence of the Portuguese culture has been extremely limited in comparison with other parts of the country. The social tension derives from the mulatto (mixed-race) and assimilado categories, established by the Portuguese to divide and rule. The assimilado was a legal category the Portuguese assigned to any black person who had entirely abandoned the way of life and customs "of the black race"; who spoke, read and wrote the Portuguese language, and essentially, had become culturally Portuguese. This historical point is important in the sense that the country, to date, has not been able to face up to such a legacy of colonialism so as to provide a platform of dialogue for inclusion. On the contrary, the government promotes such discrimination by, for instance, including race in the national ID cards (black, mixed-race, and white).

It is through this inheritance, embedded in the lack of public information, that the Lunda-Tchokwé people, the major social group in the Cuango basin, continue to be viewed as ignorant and disposable by the

dominant discourses. One of the most recent examples of such discrimination was heard on June 16 2008, according to a corroborating testimony I collected in interviews with Helena Maxingo, Sofia Jerónimo, Maria Catarina, Teresa Mateus and Angela:

“On Monday, we [five female peasants] went to speak to Mr. Ladislau, the SMC employee in charge of paying us. He called us donkeys, backwards, matumbas, and illiterate all because we denounced his scams to keep for himself some of the money he was supposed to hand out. When, for instance, a peasant has two or three different plots of land, he [Mr. Ladislau] pays only for one plot and disappears with the rest. This young man treats us as dogs, as if we had no children. No respect at all.”

According to another interviewee, José Turiambe, Angolan public officials also use similar discourse when speaking to and about the local peasants:

“Last May, during the peasants’ meeting with the municipal Administrator of Cuango [Paulo Passos] he told us to stop complaining for we were the bottom of society, and thus he would not give us plots of land elsewhere for us to return to farming. We had also raised the issue brought about by Mr. Ladislau that we were being paid so little, because the municipal administration top officials had already “eaten” our money. The administrator told us to lodge complains wherever we wanted for no one would pay attention to us.”

The involvement of the municipal administration in scams to further reduce the token payments awarded to the peasants reflects not only the scant regard the authorities show for certain Angolan citizens, but also the extremely low level of state representation in the area. Mr. Turiambe explained a particular episode which illustrates this point:

“My mother, Matesso Toca, from the area of Nossa, was supposed to receive a compensation of US\$1000 for her huge farm, but João Eugénio, the municipal delegate for agriculture, got hold of the envelope, gave her only US\$150, and kept US\$850 with him. He told us that the money was for Mr. Passos, the administrator. Later, I personally confronted the administrator to return the money, but he refused.”

My efforts to contact the provincial authorities have not yet resulted in any success, although the new Governor of Lunda Norte, Ernesto Muangala, who was appointed last May, has signalled his willingness to speak to me.

The Experience of ITM-Mining

As the main shareholder and manager of the SMC joint venture, and thus the body directly responsible for the destruction of farms, ITM advertises itself as the leader in alluvial diamond production in Angola, and reassures its commitment “to make a positive contribution to sustainable development.” This privileged position of ITM as “a mining industry leader stems from an exemplary business acumen, which takes cognisance of Angola’s social needs.”

Cheerfully, ITM claims in its brochure that one of its main virtues is “the integration of the quality of life of local communities”, which, “in

turn produces a contented workforce, increased performance and improved returns, consequently expanding and developing ITM-Mining.” Furthermore, according to its self-portrait “ITM-Mining recognises the importance of investing in the community so that the community, partners, clients and ITM flourish.”

On September 26 2006, in response to a request by the Business and Human Rights Resource Centre (based in London) for a comment to the report “Operation Kissonde: The Diamonds of Humiliation and Misery”, ITM decided to comment on my accusations of SMC’s spearheading of grave human rights abuses in Cuango, which included killings and torture of Angolan nationals and other African citizens. Although the company has always refused to answer my calls directly, it stated:

“ITM Mining has a motto ‘tradition, innovation and progress’. These define the spirit that must orientate not only the work and the relationships within the company, but also determine the ethical conduct that each professional at its service must adopt, respecting the ethnic, cultural and moral values of the communities where it operates.

In this spirit, ITM-Mining believes that all economic activity has, as its final objective, the continued improvement of the human well-being.”

In the particular case of ITM operations in Cuango, through SMC, its practices are the opposite of what it preaches as exemplary and ethical business standards, as well as respect for local communities. This is only possible with either the omission or complicity of both the Government, at local and central level, and Endiama.

More importantly, the ruthless destruction of farms in such a fashion completely ignores the Government of Angola’s Poverty Reduction Strategy in Cuango, as will be explained below. Indeed, ITM’s claims of contributing to the sustainable development of the communities where it operates are false in the case of Cuango.

Currently, ITM is involved in two other diamond mining projects in Lunda-Norte: Sociedade Mineira do Chitotolo is a joint venture between Endiama (45%), ITM (40%) and Lumanhe (15%); while at Sociedade Mineira do Calonda, ITM is solely the mining operator for shareholders Endiama (51%) and Sociedade Portuguesa de Empreendimentos (49%).

Government Policies and Responsibilities

In its Poverty Reduction Strategy Paper the government stresses the quality of governance by the state institutions to ensure the deliverance of public services to the most needy and, “to lead the process of social and economic development, guaranteeing the observance of the norms and fundamental principles” [Constitutional Law]. Thus, the programme includes policies aimed at promoting good governance at various levels, such as the “strengthening of the judiciary, and its efficiency in the protection of the rights and freedoms of the citizens as well as the enforcing of contracts” and, among others, the decentralization of public administration to take it as close as possible to the communities.

As the main causes of poverty in the country, the government identifies the weaknesses of the institutional framework, the disenfranchisement and depreciation of human capital, and unemployment. Moreover, the government states that the rural areas are most affected by poverty and, as such, it insists on the importance of promoting rural development in order to achieve food security and end poverty. The Poverty Strategy Reduction prioritizes both traditional and business initiatives on agriculture and cattle breeding as the bedrock for the population's food security, both at local and national levels. The Strategy set itself a target: to raise the level of food self-sustainability by 50% in certain target areas including Lunda-Norte in 2006.

On July 2 2008, Angolan President José Eduardo dos Santos, held a meeting of some of the most senior ministers, which, unusually, was solely dedicated to the current situation of Lunda-Norte. The new governor, Ernesto Muangala, outlined initiatives aimed at ensuring food security for the local populations as a priority. The strategy would promote food production through incentives to private investors, community cooperatives and the peasantry.

On June 26, 2008, the government announced a national strategy to increment internal production to stave off the global food crisis. The government is aware of rising food prices in the national market and seeks, according to the strategy, to provide immediate support for agricultural production and trade. The aim is to reduce food prices by increasing the production of the staple crops.

In all these official strategies, as far as the rural areas are concerned, women should play a crucial role. It has been established, and most recently observed in Cuango, that "rural households depend strongly on women's food production and, whenever possible, the marketing of surplus produce". As noted earlier, 80.4% of the farms seized and documented, are run by women. Mr. Turiambe highlights that two elderly female peasants, Anita Conceição e Aida Armando, whose subsistence farms have been seized, "died from a combination of hunger and lack of medical care. What do we do?"

Another element of concern is the failure of the government's policies towards gender equality in Cuango, because women are more affected than men by the destruction of the peasant's livelihoods. The fact that a large majority of the farms are run by women is due, as the study on gender equality observes, to "their different economic and social roles in the family and community, as well as their unequal access to resources and services." In the particular case of Cuango, men still can take up garimpo, the informal mining of diamonds. However, garimpo is currently the target of violent suppression, both by the government and the private security companies, which are attempting to stop informal miners, from operating in the Lundas.

To conclude this section, it is evident that despite the official policies of the Angolan government, and even the company publicity of mining companies such as ITM, the reality of life for communities in Cuango is miserable. They are going hungry as a direct result of diamond mining, and female headed households are the most affected.

Strategies of Resistance

Among the various acts of resistance adopted by the Cuango peasantry against the state authority and the diamond companies, there is

one defining episode which provides a context for the current espousal of a human rights and legalist discourse by such a disenfranchised group. On February 22 2004, two diamond companies went on a mission to remove a set of five disused power generators which had provided electricity to the village of Cafunfo in the 1980s. Upon hearing rumours of an eventual scheme by the local authorities to sell public property, the villagers mounted a major demonstration to prevent the removal of the generators, chasing away the employees of the diamond companies. In response, the police intervened and eight protesters were killed on the spot. A further 18 were seriously wounded by gunshots and severe beatings, and a total of 170 people were arrested. The peak of the unrest coincided with the return of the peasants from their farms at mid-afternoon, and another rumour that some bodies of the victims were being kept at a police station. Several hundred peasants converged on the police station with their farming tools: they stormed the premises, captured the commander, René, and severely beat him. They then burned the Angolan national flag.

The case gained national prominence. In a bid to head off further embarrassment, the government set a trial for 17 youths selected from the 170 initially arrested. All of them were the sons of peasants. In spite of the deployment of all its might and trickeries, the government had no choice but to release the youth a year after their arrest, having failed to produce any substantial evidence that they were guilty. The authorities also were aware that the longer this fiasco continued, the more they risked alienating the local population. This 'success' in terms of community action was possible for three reasons: first, the population kept good records of the events including pictures of the victims, and sent them to human rights activists and journalists in the capital Luanda; secondly, the police tortured the prisoners, paraded them naked, and shot one of them, thereby revealing its own brutality; and third, the locals organized financial and in-kind contributions to care for the prisoners. In fact, the peasants were far better organized than the authorities and, thus, achieved an important goal of self-representation and mutual solidarity in their demand for justice.

This example is also important for establishing the outsourcing of land expropriation and violence to private companies in order for the state to maintain a degree, at least in appearance, of legitimate authority in front of the population. Meanwhile, the peasants learned that mass protest against the local authorities was a course for greater tragedy. They needed to find other ways to defend their rights – ways which would not result in the deaths and detention of their friends and relatives.

Thus when, in mid 2006, SMC set out to destroy and occupy certain farms, the affected peasants mobilized and decided to seek representation for their case. They contacted a local activist, Caxita Fernando, who became the coordinator of a small but effective local group of volunteers which monitors human rights abuses. The first task of this representation was to send a letter to the Attorney-General of the Republic on July 25 2006, denouncing the destruction of the crops and the seizure of land by SMC, without the peasant's consent, as required by law. The letter also denounced the establishment of a joint commission between the company and the municipal administration to oversee the act, about which the peasants were not informed, and thus requested their involvement in the negotiations. Although the letter never led to a

reply, it demonstrated the hope and the willingness of the locals to seek an institutional remedy for their suffering, and engage constructively with the very same authorities which continues to deny their basic rights. Caxita Fernando further told me that since his nomination to represent the peasants, the company has never called him for any meeting nor has it responded to his requests for discussion.

The peasants have built up a very well documented case, through formal correspondence, access to information pertaining to the corruption of the local administration officers involved in the case, and to present a counter-proposal for compensation. In their proposal of February 21 2007, the peasants demanded the profits of two days' worth of diamond exploration in areas which had been taken from them. They sought to put the money into a trust fund which would be used for the benefit of the local people. If that was not possible, they were prepared to accept a large financial compensation for the loss of land as well as jobs for every peasant who had been affected by the actions of SMC. Neither the company nor the local administration responded to this proposal.

José Turiambe stresses that "we [the peasants] never agreed to the compensations paid out to us, and we stand ready to meet with SMC, Endiama and the local administration, which might make such claim, so that we can expose it as a lie."

The peasants argue that the local administration avoids any serious meetings with them. According to Turiambe, "the management of SMC send only their security personnel to talk to us, and the Endiama representative never spoke to us". Another peasant, Sofia Jerónimo, recalls that on April 30 2007, when the peasants were able to meet with SMC's lawyer, whose name she does not recall, "he told us that we were farming on the company's property, and therefore we only deserved 25 cents of a dollar per square meter and nothing else. It was not a negotiation, but an imposition."

As Scott argues on peasants' constrained forms of protest "they are stubborn bedrock upon which other forms of resistance may grow, and they are likely to persist after such other forms have failed or produced, in turn, a new pattern of inequity."

Recommendations:

To the Government

- It must take unequivocal and public steps to safeguard the rights of the Cuango peasantry by taking administrative and legal actions to ensure that SMC pays the peasants fairly for stolen land and destroyed crops.

- It must clearly demarcate the areas granted to diamond concessionaires, and enforce the laws that require the due payment of compensation to farmers evicted from those areas.

- It must enforce, in the Cuango basin, respect for its own Poverty Reduction Strategy, and its promise to guarantee food security in the country.

- It should establish a commission with a view of providing arable land in other areas for the peasants to resume their activities.

- It must stop neglecting the cries of the communities in the Cuango.

- It must put an end to all business practices that cause harm to the local communities, on the basis that the State's primary responsibility is

to defend its citizens.

- It must develop clear guidelines for Endiama to adopt a code of business ethics and transparent principles of Corporate Social Responsibility.

- It must take full political responsibility for allowing these abuses to take place, and individuals must be held to account for such deeds.

To the Governor of Lunda-Norte

The Governor must honour his recent plea to roll out an emergency programme to guarantee food security in the region, by starting to address the plight of the Cuango peasantry.

To Sociedade Mineira do Cuango

- It must pay fair compensation as stipulated in the Land Tenure Law, The General Regulation for the Land Concession (Law n° 58/07), the Law 17/94 (also known as the Law on the Special Regime for the Diamond Reserve Zones).

- As well funding for seeds and farming tools, it should provide every peasant affected by SMC practices with funds to enable them to restart their activities in other areas which will be allocated by the Government.

To ITM-Mining

- As a foreign company, it must not only abide by the laws of Angola but also by international standards of business ethics and morals in dealing with the communities where it operates .

To Endiama

- As an Angolan parastatal, Endiama must ensure that its partners respect the communities where they operate, establish respectful relationships with them and contribute towards their well-being.

- It must develop clear principles of Corporate Social Responsibility as well as those of its foreign partners and create the necessary mechanisms to put them into practice.

- It must adhere to its strategic plan (in effect until 2010) to strengthen relationships with the traditional authorities, with a view to promoting community development in the diamond areas. In Cuango, such a relationship is virtually nonexistent.

To Lumanhe

- As a private Angolan company, it must not only be concerned with profiteering at all costs,

- It must also directly engage with the local communities, understand them, and contribute towards their well-being.

- The generals should be aware that their military services to the country must not be used to engage in business malpractices, which are harmful to the well-being of the people they swore allegiance to defend and protect.

- The generals should respect the law and demand that their business partners do the same.

References:

- 1 See Copans, Guy (2008) *Exploration Company Hits Jackpot in Angola*, in Mining Weekly Online, February 29.
http://www.miningweekly.com/print_version.php?a_id=127585
- 2 Estimates provided by Endiama's commercial director, Hélder Milagre, to the Portuguese News Agency Lusa, on June 12 2008.
- 3 The company's address in London is Wembley Point, 1, Harrow Road, Wembley, MIDDX HA9 6DE. Tel : + 44 208 9036444, Fax : +44 208 903 6797.
- 4 Diário da República (1995) *Luzmanhe*, III Série – n°49, 8 de Dezembro, p 1899. Imprensa Nacional.
- 5 Based on the receipts issued by SMC.
- 6 Assembleia Nacional (1994) *Lei n° 16/94 de 7 de Outubro – Lei dos Diamantes*.
http://www.endiama.co.ao/pdfs/Lei16_94.pdf
- 7 Remain, here, has been literally translated from the Portuguese *permanecer*, but the actual meaning is to move in and stay. This factual interpretation is based on what we have learnt on the ground through conversations with the peasants who engaged with the head of the municipal department for agriculture, João Eugénio, appointed by the then administrator to follow up the destruction of farms as per SMC request.
- 8 OAA – Ordem dos Advogados de Angola (2005) www.oaang.org/Gcidades.htm
- 9 Wilson, Richard A. (1997) *Representing Human Rights Violations: Social Contexts and Subjectivities in Human Rights, Culture & Context: Anthropological Perspectives*. Wilson, Richard A. (ed.). Pluto Press, p. 157
- 10 UNITA – National Union for the Total Independence of Angola
- 11 United Nations General Assembly (2007) *The Role of Diamonds in Fueling Conflict* – A/62/453.
http://www.kimberlyprocess.com/documents/united_nations_en.htmlhttp://www.kimberlyprocess.com/documents/united_nations_en.html
- 12 Ibid.
- 13 Lazare Kaplan International is a United States of America based company, an enterprise of diamond dealer Maurice Tempelsman.
- 14 See Marques, Rafael and Campos, Rui F. (2005) *Lundas: The Stones of Death*.
<http://www.wilsoncenter.org/topics/docs/ADDMarq.pdf>, and Marques, Rafael (2006) *Operation Kissonde: The Diamonds of Humiliation and Misery*. www.cuango.net
- 15 Diário da República (1994) *Teleserviço*, III Série – N°33 – 12 de Agosto, pp. 999. Imprensa Nacional.
- 16 Newitt, Malyn (1981) *Portugal in Africa: The Last Hundred Years*. C. Hurst & Co., London, p. 92.
- 17 Ribeiro, José Carmona (1944) *Regulamento do Fôro Privativo dos Indígenas de Angola: Crítica e Formulário [Rules for the Indigenous Peoples of Angola: A Critique and Forms]*. Imprensa Nacional, Luanda, p.5.
- 18 *Matumba* is an Angolan term that can be roughly translated as “idiot”.
- 19 ITM Mining Limited (2008) Lefeat. http://www.infomine.com/graphics/careers/partners/ITMMini-ng/folheto_ITM_ing_frenteE.pdf 21 Ibid., p.56.
- 20 Ibid.
- 21 ITM-Mining (2006) *Comments to Mr. Rafael Marques Report*. [Letter sent by ITM-Mining to the Business and Human Rights Resource Centre] <http://www.reports-and-materials.org/ITM-response-re-alleged-abuses-by-security-firms-Angola-26-Sep-2006-page-1.JPG>
- 22 Governo de Angola (2008) *Estratégia de Combate à Pobreza: Reinsenção Social, Reabilitação e Reconstrução e Estabilização Económica*, p.7. <http://www.mirror.undp.org/angola/linkrtf/ecp-angola2005.pdf>
- 23 Jornal de Angola (2008) *Chefe de Estado Analisa Situação da Lunda-Norte*.
<http://www.jornaldeangola.com/artigo.php?ID=87367>
- 24 Santos, Domingos (2008) *Governo Aumenta Produção Interna para Travar Crise Alimentar Mundial*, in Jornal de Angola, June 26. <http://www.jornaldeangola.com/artigo.php?ID=87043>
- 25 Swedish International Development Cooperation Agency (2000) *Towards Gender Equality in Angola: A Profile on Gender Relations*, by Kajsa Pehrsson. Secretariat for Policy and Socio-Economic Analysis.
- 26 Ibid.
- 27 The companies were Sociedade De Desenvolvimento Mineiro (SDM) one of the three operators in Cuango, and Sociedade Mineira do Lucapa (SMI), which operates in the municipality of Lucapa.
- 28 Marques, Rafael and Campos, Rui F. (2005) *Lundas: The Stones of Death*.
<http://www.wilsoncenter.org/topics/docs/ADDMarq.pdf>
- 29 The Endiama representative, Moisés Cipriano, was appointed, last June, municipal administrator of Cuango.
- 30 Scott, James C. (1985) *Weapons of the Weak: Everyday forms of Peasant Resistance*. Yale University Press, New Haven and London, p. 273
- 31 Although I have not been able to find a copy of ITM's code of ethics I urge the company to live up to its commitment to “acting effectively and efficiently and in conformity with our ethical code, always respecting our corporate beliefs and values”, posted at www.itmmine.com/english/all.htm

32 Endiama (2008) *Estratégia*. <http://www.endiama.co.ao/emp.php?cat=estrategia>

Legislation

- Diário da República (2007) *Regulamento Geral de Concessão de Terrenos*, I Série – n° 84 de 13 de Julho, pp.1245-1291. Imprensa Nacional
- Diário da República (2004) *Lei n° 9/04, Lei de Terras*, I Série – n° 90 de 9 de Novembro, pp. 2118-2136. Imprensa Nacional
- Assembleia do Povo (1992) *Angolan Constitutional Law*.
<http://www.angola.org.uk/law.htm>
- Assembleia Nacional (1994) *Lei n° 16/94 de 7 de Outubro – Lei dos Diamantes*.
http://www.endiama.co.ao/pdfs/Lei16_94.pdf
- Assembleia Nacional (1994) *Lei n° 17/94 de 7 de Outubro – Lei sobre o Regime Especial das Zonas de Reserva Diamantífera*.
http://www.endiama.co.ao/pdfs/Lei17_94.pdf

Rafael Marques
rafael@snet.co.ao

Paginação e Designer:
Vladmir André “Menongue”