

URANIUM MINING IN MALAWI

A RUSH TO SWAP
AGRICULTURE FOR THE
YELLOW CAKE

KEY ISSUES

- Uranium sites in Malawi
- Mining standards in Malawi
- Kayelekera uranium mine in Malawi-case study
- Major concerns with Kayelekera Uranium mine
- Violations of human rights
- Violations of the primary legal document
- corruption and playing divide and rule
- Destruction of cultural sites
- Paladin Resources
- New mining cowboys on the block
- Hawkish approach
- Market for Uranium mining from Malawi
- Response from the Malawi government
- Response from the NGOs
- Battles won by the NGOs
- Challenges faced by the NGOs
- The uranium rush
- Stopping the uranium mining rush

URANIUM SITES IN MALAWI

- Malawi is home to ten potential uranium mines
 - kayelekera, Chilongo/Ngala, Chilumba by Paladin
 - Livingstonia, Nyika, Chinthenche by Red Rock
 - Simelemba/Kanyika-Globe Uranium
 - Majete, Lisungwe/Kirk Range by Africa Energy Resources
- All by four Australian Mining companies where uranium mining is banned
- -With Uranium now selling \$60/lb from \$7/lb in 2000; these companies are serious of mining uranium in Malawi.

MINING STANDARDS IN MALAWI

- Mining in Malawi is guarded by;
- Environmental Management Act and its guidelines
- The (colonial) Mines and Minerals act
- Some international Human Rights treaties that Malawi is a signatory to

KAYELEKERA URANIUM MINE IN MALAWI

- Located between two districts of Karonga and Chitipa about 40 kilometers west of the provincial district of Karonga
- The uranium mine is right next to a tributary that connects with a major river that drains into Lake Malawi
- The community surrounding the mine deposit survive on about 30 cents a day
- The community surrounded by the uranium mine has slight ideas of how uranium will affect them, but they have been promised jobs as they are quite a poor community

MAJOR CONCERNS WITH KAYELEKERA URANIUM MINE

- Violation of Human Rights
- Violation of International mining standards
- Violation of the primary legal document
- Environmental degradation
- Corruption, bribes and divide and rule
- Corporate and Social Responsibility
- Lack of transparency
- Destruction of cultural sites
- Illegal and improper displacement of people
- Questionable and incomplete EIA

Violations of Human Rights

- ILO treaty 169-right for indigenous/ethnic people to give consent to any project that may be undertaken on their land
- Civil, cultural and political rights- right for people to be informed about things that may affect their civil, cultural, and political heritage
- Right to life, clean water and to food
- Organization of Economic Cooperation and Development-OECD guidelines on multinational corporations
- UN norms on Business and Human Rights
- World Bank and International Finance Company
- International Labor Organizations treaties

Violation of International Mining standards

- The Mining bench mark has been violated as:
 - The right to be heard by the communities has been denied
 - There is no right to a livelihood to protect rivers, access to clean water and tools for sustainable farming has been violated
 - Community rights to basic services of clean water, electricity will be deprived as the company has secured rights to water and electricity over people
 - There is no right to equity that all people within the community, and country take part in decision making and benefit from a mine as most women have been left out of the process
 - There is no rights based approach of;
 - Free, prior and informed consent
- *Where
- Free**- consent should have been granted by the community without being forced or manipulated
 - Prior**- that communities were not informed in advance and not meaningful, informed consent was sought sufficiently by the company or government
 - Informed**- affected communities have not been informed, not given ample information, not consulted as the government and the mining company have been very selective of the process
- International Council on Mining and Minerals (ICMM)- seek community consent in an informed manner
 - ILO recommendations and treaty 169-indigenous people's rights to decide on what happens on their land
 - World Bank-IFC to follow ILO 169 on indigenous people's rights, resettlement and compensation policies

Violation of the primary legal documents

- Environmental Management Act of 1996
 - section 26(1) that seeks a precedent for Malawi to learn from
 - section 26(3) that the public consultations be called by the mining company
- The Mines and Minerals Act of 1981
 - That all mining be guided by its own registration on each particular mineral; no registration on uranium yet in place
- Section 37 of the Malawian Constitution-(information disclosure)

Environmental degradation and pollution

- The mining company has failed to come up with a comprehensive waste management plan
- The mining company is failing to commit that it will be responsible for the reclamation cost
- The mine is within a catchment area of a major river that drains into lake Malawi
- The river if contaminated would pollute Africa's third largest lake and one of the world's few fresh water bodies

Corruption, bribes, divide and rule

- The mining company has put local chiefs on a payroll without the chiefs working for the mining company
- The mining company flew the member of parliament for the constituency where the mine is located. The MP is also the minister of Justice in Malawi
- The mining company provides monthly allowances to senior mining engineers who are employed by the Malawi government but do not work for the mining company
- The mining company has tried to offer money to NGOs on a number of times on condition that the NGOs do not announce that the money has been given by the mining company
- The mining company wants to bribe everyone on the way
- The mining company has divided the local community as it has chosen to work with other local chiefs and putting them on a payroll while neglecting others
- The mining company is getting involved in the selection of local chieftainship which is a traditional process

Corporate and Social Responsibilities

- The company refuses to engage with communities in form of legally binding negotiated agreements with local people, traditional chiefs, and CSO in an informed manner so that something can stay in the community
- The company has failed to come up with measures of long term sustainability to reduce community's dependency on a mine that has a short life-span
- The company is not willing to abide by some international human rights instruments on corporate community investments as it does not want to commit even to building a school block or a community clinic
- The company has shown no respect for the cultural diversity of the people by destroying community shrines

Lack of Transparency

- Section 37 of the Malawian constitution obliges the Malawi government to share information of such projects with the public, but the Malawi government has chosen to stay mum on the project and its effects to the community and the environment
- The Malawian government was suppose to invite public comments as per Environmental Management Act stipulations and then incorporate them into a final EIA, but instead the mining company did it
- The mining company has kept mum on the adverse effects of the projected uranium mine on the community and the environment
- The government has received 15% shares from the uranium mine project, but the government has refused to come out in the open of who the beneficiaries

Destruction of cultural sites

- The mining company destroyed a cultural site
- The cultural site had a sacred place where the local people hold bi-annual prayers and offer sacrifices to their spiritual fathers for better rains and harvest
- The communities were angry and ganged up to approach the company
- The mining company choose to hire the spiritual leader and other senior people from the community to silence them from making noise about the sacred sites that were destroyed
- Efforts to bring the community back into one voice proved futile as the company divided them by providing jobs to local spiritual and opinion leaders

Illegal and improper displacement of people

- Paladin has displaced local communities to clear room for its mine
- People have not been compensated for their structures nor the crops that they had
- The company has failed to relocate the family's grave yard and rumors are ripe that they will build the mine on the grave yard
- The family of 54 people has been relocated to a hilly area where farming is quite hard for them
- The family also lost fruit plants like mangoes, papayas and bananas, and yet the mining company never paid them for the fruit plants

Questionable and incomplete Environmental Impact Assessment- (EIA)

- Environmental Management Act and its guidelines-scoping and public consultation
- Draft EIA ; reference to 1990 data, TORs granted before public consultations
- *The process is questionable-(scoping/public consultation was not inclusive of all the stakeholders) if the public consultations were not done in good faith
- Lack of inclusiveness for all the stake holders and community left out of the decision making process
- The most vulnerable in society which are the women and children were not part of public consultations and yet they will be greatly impacted by the uranium mine
- The EIA fails to comprehensively extrapolate on the waste management plan
- EIA done by the mining company and it may choose to mitigate on the spills over effects as its an interested party in the project
- The EIA lacks some independent assessment as the Malawi government did not consult with any independent scientists and instead it has solely depended on the information from the mining company

PALADIN RESOURCES

- Hawkish approach
- New mining cowboys on the block

New mining cowboys on the block

- Paladin Resources trades on the Australian, Canadian and Germany stock exchange and its share prices have increased tremendously in the past two years
- As a company it has never run a uranium mine before
 - Namibia will be their first uranium mine
 - Then Kayelekera
 - They just bought the Valhalla mine in Queensland
- Paladin is not a member of the western Australian chambers of mine
- Uranium mining is banned in Australia and the policy is no more new uranium mines other than the current ones
 - Paladin holds rights to Oobagooma and Manyingee deposits but they cannot mine
- Uranium mining is banned in Australia
- They are a new mining company that wants to maximize on making profits without regard to how its operations may affect communities which it does not want to support
- The company is run by an aggressive cowboy who is hawkish and self centered

Hawkish approach

- “The Australian and Canadians have become over-sophisticated on the social and environmental concerns as in regard to uranium mining, the future is in Africa” John Borshoff, Melbourne Sun Herald 3rd April 2006.
- The company has applied a lot of pressure to the Malawi government
- Paladin Resources is refusing to apply stringent mining standards in Malawi that are used in Australia
- The company looks at objective criticism as a hindrance to the mining project

MARKET FOR URANIUM MINE

- China will be buying the uranium from Malawi
- Uranium will be transported through the port of Dar-Es-Salaam, Tanzania
- The road from Malawi to Tanzania is in a bad shape and spills of uranium will be disastrous as these countries may not have the technical skill and capacity to contain spills
- There is no assurance that there will be no spills while the uranium is in transit
- Countries like Tanzania which will be used as an exit port for uranium from Malawi are not well informed about this issue
- There are concerns of what purposes uranium will be used as China has reports of gross human rights violations
- The uranium prices on the global market are quite attractive and chances are high that uranium from Malawi will continue finding global markets and sell a hot cake
- The US government does not seem to be pleased the idea that uranium mining from Malawi will be going to China at a time that the US is suspicious of China's growing
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RESPONSE FROM THE GOVERNMENT OF MALAWI

- The Malawi government has relaxed its policies to lure in some mining investors
- The government is looking at mining as a new way to raise its revenue as agriculture products are not selling well on the market more especially tobacco
- The government wanted to give a 16 year tax break to a mining company
- The government has shown excitement about the project and this has made the company to do some short-cuts in the processes it has been taking to be granted a mining license
- The government has not defended the rights of its own people and it cares less as the mine is located in an area of the minority Ngonde ethnic tribe
- The government has joined hands with the mining company in staying mute about what the adverse effects of the uranium mine are to the local community and nationally
- The government has used its state machinery to oppress NGOs
- The Government of Malawi has granted a mining license to the mining company without all the legal procedures to the issuance of the mining license being undertaken by the mining company

RESPONSE FROM THE NGOs COMMUNITY

- The NGOs formed a mining network which comprises of Citizens For Justice, Centre for Human Rights and Rehabilitation, Foundation for Community Support Services, Institute of Policy Interaction, Uraha Foundation Malawi, Church and Society of Livingstonia Synod, Centre for Environmental Policy and Advocacy and the Catholic Commission for Justice and Peace
- The NGOs launched community awareness programs to inform the people about the adverse effects of uranium mining in Malawi
- NGOs started to empower the people to understand and advocate for their human and fundamental rights to be considered in the project
- The NGOs have launched an international campaign to send a word of the activities of Australian mining companies in Malawi
- The NGOs are taking a stand that the uranium project should not go on until all the legal procedures have been considered and that the mining company is willing to adopt some stringent international uranium mining standards
- The NGOs have involved a prominent national lawyer to apply for an injunction or stay order on the project at the Malawi High Court

BATTLES WON BY THE NGOs

- The NGOs ganged up to critic the Malawi government's decision to grant a 16 year tax break to the mine company
- The campaign was made through media as in press releases, newspaper articles and press conferences with media houses in Malawi
- The NGOs also provided a thorough written summary of why the mining company should not get a tax break because its from an OECD country and tax exemptions are a punishable act
- The Malawi government and the mining company came out of the media to say that the negotiations of a tax break will not continue anymore and the government said that they will not give a tax break to the mining company
- The NGOs have come out strongly on the position of the Malawi government to stay relaxed on the implementation of its own mining and environmental law and policies
- The NGOs have managed to raise the issue of Uranium mining in Malawi on a high Profile as the whole nation is now aware of the uranium mining its detrimental effects
- The NGOs also publicized some of the OECD guidelines that the mining company is suppose to follow and this made the company aware that we know about OECD member countries guidelines for Multinational Corporations
- The NGOs have managed to raise international attention of uranium mining in Malawi
- The NGOs are on the run to record another achievement when we win the injunction at the Malawi high court to stop the Kayelekera

CHALLENGES FACED BY THE NGOs

- Threats from the government and the mining company
- The government and the mining company have ganged up in which the government uses the state police to harass NGOs
- The mining company has bribed some local chiefs who intimidate NGOs when they go into communities to do some public awareness campaigns
- The fact that the NGOs lack resources is a major challenge to our work as we fall short of empowering the community to stand up for their fundamental and constitutional human rights
- The Mining network can be vulnerable to divide
- The NGOs are working in a hostile environment in which threats exists, but the cause is noble and worth the sacrifice

THE URANIUM RUSH

- Malawi has no technical capacity and skill to handle nor comprehend uranium related concerns
- There is no single official in the ministry of mines in Malawi who is an expert in the Uranium mining field and the government has publicly acknowledged it
- Our health system is not capable of detecting cancerous diseases, and the mining company is refusing to build a health centre for the local community
- Malawi exists in a weak governance zone and the Executive Director of the mining company went on record to say that is why he was coming to Africa
- Malawi cannot stomach the spill over effects of uranium mining as western countries are now marinating spending billions in clearing uranium and nuclear waste
- The Malawi government is looking at the economic benefits without weighing how the spill over effects of short life span uranium mine can affect the future generations and the environment
- Uranium mining is banned in Australia and so are many other countries
- Malawi is now home to ten potential uranium mines and all by Australian mining companies
- This is a big rush that ought to be stopped and we need your solidarity

STOPPING THE URANIUM RUSH

- Taking a legal action to apply for an injunction or stay order so that the Kayelekera uranium mine does not go on until all the legal procedures and international stringent mining standards have been applied in the project
- Reforming the mines and minerals act in Malawi to incorporate best international mining standards
- Reforming the Environmental Management Act of Malawi to incorporate some stringent mining and environmental standards for company adherence
- Create the office of the mining ombudsman
- Adoption of locally accepted and Internationally recognized environmental mining standards to protect our environment, biodiversity, communities and to avoid resource exploitations
- Government to implement or reform its monitoring measures so that companies can adhere to the local and international laws/guidelines
- Registration for safe and conducive work environment for mine workers including forming mine workers union which does not exit
- Advocating for improved skill and technical capacity for Malawians to gain modern mining expertise more especially in uranium
- Government to prioritize the fundamental rights of Malawians in mining ventures and to promote Corporate Social Responsibility and Corporate Social Investments

WHY SHOULD FINLAND GET INVOLVED

- We live in a global village
- The debate of a 6th nuclear power plant is hot in Finland
- With globalization Finland may get Uranium from Malawi
- The Uranium would be used in the nuclear power plants in Finland
- Saying 'NO' nuclear power means saying 'NO' to uranium mining which fuels nuclear power plants

WAY FORWARD FOR FINLAND

- Finland should take a leading role in anti-uranium movement campaign in the EU and globally
- Belgium should be an example as they are dropping anything to do with Depleted Uranium
- Finish people cannot allow nuclear power plants and then say 'NO' to uranium: this is self contradictory
- Globalization is a formidable force and what happens in Malawi can affect people in Finland
- Don't trust the mining cowboys because they are full of propaganda
- Say 'NO' to uranium mining and say 'NO' to nuclear power plants for a free nuclear arms.