

Democratic Republic of Congo Globalization Corporate Responsibility

Illegal Demolitions in DRC – George Forrest International Refuses Compensation for Dispossessed Villagers, say NGOs. Belgian OECD National Contact Point fails the victims of alleged corporate abuse

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NGOs expressed their deep disappointment that the attempt by the Belgian National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP) to negotiate compensation for about 500 families, who were forcibly evicted from their homes three years ago, has ended in failure.

In April 2012, the NGOs brought a complaint to the Belgian NCP after it became clear that the Congolese authorities were blocking an inquiry by the prosecutor into the forced evictions and when all attempts to have a constructive dialogue with the company in the Democratic Republic of the Congo (DRC) and Belgium had been rebuffed. “The OECD Guidelines make clear that the corporate duty to respect human rights exists even when States fail to uphold their international human rights obligations” said Marceau Siveude, FIDH’s Africa Desk Director. “However, the company treated the whole process with contempt”. On 24 November 2009, the Compagnie Minière du Sud Katanga (CMSK), which operates the Luiswishi mine in DRC, supported and participated in the demolition of hundreds of houses in the villages of Kawama, in the vicinity of the mine. More than 500 homes were crushed by bulldozers belonging to CMSK and several people were injured. Entreprise Générale Malta Forrest (EGMF), a subsidiary of the Belgian group, GEORGE FORREST INTERNATIONAL (GFI), had a 60 per cent shareholding in the CMSK joint venture. In September 2012, just before the mediation was due to start, GFI announced that it had sold back its shares in CMSK to GECAMINES (the Congolese state-owned mining company).

The company denies all responsibility for the demolitions and other human rights abuses. According to GFI its mine had been invaded by artisanal miners (“creuseurs”) and that it was the Congolese authorities who authorised and carried out the evictions. “After the demolitions Forrest paid the miners \$300 each to leave, but perversely refused to compensate the villagers, who lost their homes and all their belongings” said Patricia Feeney, Executive Director of the British NGO, Rights and Accountability in Development (RAID).

In the months leading up to the demolitions, conflict between the mine and artisanal miners had been mounting. The poorly trained security guards and police were allegedly responsible for a number of deaths and injuries. On 9 November 2009, one Kawama resident, 58-year old Boniface Mudjani Tumba, was hit in the chest by a stray bullet (fired by police in pursuit of artisanal miners) while he was taking a bath in his home. “The injury to M. Mudjani is life-threatening. We had hoped that the Belgian NCP would use its good offices

to persuade GFI to pay for him to have an operation to remove the bullet, which is lodged near his spine" said Emmanuel Umpula Nkumba, Executive Director of the Congolese NGO ACIDH. According to industry sources in Katanga, GFI sold its shares in CMSK for \$52 million. The level of compensation being sought was about 1 500 \$ per affected family and \$ 20,000 for the rebuilding of dispensaries, hotels and other permanent infrastructures including M. Desire MUKÉBA's dispensary. "All most of the villagers wanted was help to rebuild their homes and replace their cooking pans and mattresses." said Benoit Van der Meerschen, Honorary President of the Belgian Human Rights League.

Forrest International through its charitable arm, the Fondation Rachel Forrest, said it would be willing to undertake some community work at Kawama such as repairing wells to provide access to drinking water; improving maternity services; and building a dispensary/pharmacy for the benefit of the village. But both the NCP and the company made clear that no individual compensation would be contemplated. On 25 November 2012, representatives of the affected households decided to reject GFI's offer because it did not address the suffering and losses that each of the affected families had endured as a result of the demolitions. The NGOs believe that there is nothing to prevent the Forrest Group from carrying out philanthropic works for the general good of the population of Kawama. However the company and the NCP should acknowledge the fact that the proposed actions do not mitigate the adverse impacts that the demolitions have had on the lives of the affected families.

The NCP proceedings are seen by the government as a way of improving the image of Belgian companies overseas; on this test it has been a failure. The NCP did not operate in an impartial and transparent manner and refused to share all relevant documents with the NGOs. As such the process failed to meet the criteria for an effective non-judicial remedy for victims of alleged corporate abuse.



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