ZAMBIA ALTERNATIVE MINING INDABA (ZAMI)
2013

Our Minerals! Our Future! Putting People First!

Ndola, Copperbelt
17th to 19th JULY 2013
Acknowledgements

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- Zambia Episcopal Council
- Evangelical Fellowship of Zambia
- Catholic Relief Services
- Southern Africa Resource Watch
- ActionAid Zambia
- Centre for Trade Policy and Development
- Christian Aid
- Norwegian Church Aid
- Dan Church Aid
- Caritas Zambia
- Civil Society Environment Fund

Our thanks also go to the various members of the organising committee for the tremendous work well done. The organising committee included:

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<thead>
<tr>
<th>1. Edmond Kangamungazi</th>
<th>11. Edward Lange</th>
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<tr>
<td>2. Susan Kirimania</td>
<td>12. Doreen Kambanganji</td>
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<td>3. Nkula Goma</td>
<td>13. Patricia Mulenga</td>
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<tr>
<td>5. Martin Kapenda</td>
<td>15. Grace Zulu</td>
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<tr>
<td>6. Penelope Kamungoma</td>
<td>16. Mutale Mukuka</td>
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1.0 Background of the ZAMI

In 2012, the Council of Churches in Zambia, Evangelical Fellowship of Zambia, Publish What You Pay and the Zambia Episcopal Conference in collaboration with ActionAid Zambia and Norwegian Church Aid in Zambia held the first ever Zambian Alternative Mining Indaba (ZAMI). It was held parallel to the Zambian International Mining and Energy Conference (ZIMEC) from 19th to 22nd June 2012. The ZIMEC, which is a government-sponsored event, attracts the interest and attendance of international investors, experts, financial institutions, decision makers, and key actors in the mining, petroleum and energy sectors of Zambia.

The ZAMI, which is held parallel to the official ZIMEC draws, the general public's attention to just how little indigenous Zambians have benefited from investments in mining and energy sector. In addition, ways are explored in which Zambia's natural resources can contribute to development and accelerate poverty reduction efforts through increased revenues from the extractive sector by way of taxes, royalties, signature bonuses and other payments. The ZAMI serves as a major advocacy event that helps promote equity, transparency, and accountability in the extractive sector.

While the first ZAMI was held parallel to the Zambian International Mining and Energy Conference (ZIMEC) from 19th to 22nd June 2012, this year's ZAMI was held between the 17th and 19th of July in Ndola on the Copperbelt province.

2.0 The Zambia Alternative Mining Indaba 2013

The three Church mother bodies in Zambia, namely Council of Churches in Zambia, Evangelical Fellowship of Zambia and the Zambia Episcopal Conference through Caritas Zambia, in collaboration with the Centre for Trade Policy and Development, ActionAid Zambia, Joint Country Program, Publish What You Pay, Southern Africa Resource Watch and the Catholic Relief Services organised and hosted the 2nd Zambia Alternative Mining Indaba in Ndola from the 17th to the 19th of July 2013. The theme was "Our Minerals! Our Future! Putting People First!"

2.1 Goals and Objectives for 2013 ZAMI

Main goal of the conference:
“To contribute to enhancing and promoting the contribution of the mining and other extractive sectors to sustainable development and poverty reduction”

Specific objectives:

- To provide a platform for CSO members to exchange experiences on the sector-specific issues with a focus on potential areas, gaps and challenges in areas of; taxation, growth and investment, land, environment, policy and legislation.
- To raise awareness and promote ways of integrating the extractive sector with other sectors of the economy so as to optimize the contributions of the extractive sector for sustainable development.
- To strengthen and explore linkages and ways of engagement and regular dialogue between and among stakeholders in the extractive industry that will enhance relationships and empower communities to participate in decision-making and fair benefit sharing.
- For CSOs to develop a common position on extractives in Zambia, which should be home driven.

2.2 ZAMI 2013 Program

The programme of the conference was spread over 3 days consisting of the following activities:

i. Addresses from Civil Society, Church Bodies and Government
ii. Community Testimonies and Presentations
iii. Regional Solidarity Messages and Salutations
iv. Indaba Presentations
v. Theatrical and Musical Show based on the theme “Our Minerals! Our Future! Putting People First!”
vi. Press Conference
vii. Presentation of the Declaration
3.0 Day One - 17th July

3.1 2013 Official Opening of the 2013 ZAMI

The 2013 Zambia Alternative Mining Indaba was officially opened by a word of prayer from Reverend Mwinga (Council of Churches Zambia) on the 17th of July 2013 at Fatmols Executive Lodge in Ndola. This was followed by singing of the National Anthem led by Charles Mulila (Publish What You Pay).

Fr. Francis Mukosa representing Bishop Banda of the Catholic Archdiocese of Ndola proceeded to give the Welcome Remarks in which he urged all Civil Society Organisations, Community Based Organisations, Faith Based organisations, Government Officials, Company and Community Representatives present and all other participants to actively participate in the ZAMI.

In his welcome address, Father Mukosa also noted that it is the mandate of Civil Society Organisations and its leaders to speak on behalf of the marginalized particularly because it is clear that the abundant resources in Zambia are yet to meet the needs of its people. He further argued that though Mining accounts for a large portion of Zambia's economy its tax contribution is small; surprisingly this is despite how important this industry is to the country.

Father Mukosa raised substantive concerns that the mining sector is yet to lead to sustainable development but instead has compromised the wellbeing of mining communities by polluting their water system, soils, air and rivers where they fish. He concluded by calling on Civil Society to note that the same things we demand from the government, investors, multinationals; the same accountability, honesty, integrity and credibility; the same values that we demand from our colleagues are the same values that we must embrace for ourselves.

3.2 Motivation for the Alternative mining Indaba

Patricia Mukumbuta from the Norwegian Church Aid (NCA) gave the motivation in which she gave a brief background of the origins of the ZAMI. In her motivation she explained that NCA had discovered that mining companies, government and other business people met annually to discuss issues around extractive industries. However, it was noted that the conference was biased towards those benefiting either through profit (mining companies) or taxes
Ms. Chisanga also mentioned job creation from additional investments in the mining sector. The quality of jobs is increasingly becoming more capital intensive, with adoption and adaptation of new technologies which therefore means that Zambia is unlikely to realize more benefits in terms of job creation from additional investments in the mining sector. The quality of jobs Ms. Chisanga stated is also a call for concern as many of the employees in the mining sector are on short-term contracts.

Ms. Chisanga also mentioned that optimizing tax revenues from the mining sector and reinvesting these revenues in long term development and poverty alleviation programs is
instrumental to the extractive industry being a means to poverty alleviation. She also noted that tax reform has been difficult with major investors opposing tax rate increases despite a fourfold increase in the price of copper between 2000 and 2011. She also pointed out that Zambia needed to relook at its tax incentives and tax treaties signed with other countries; many of which are outdated. These treaties were initially signed to avoid double taxation but are now being used as a loophole to avoid paying taxes in countries where companies are actually making their profits.

In her closing remarks, she stated that it was clear that civil society in Zambia, in Africa and indeed globally had a huge role to play to change this picture. Civil society has a role to play to ensure transparency and accountability by both government and corporate entities so that countries like Zambia are able to benefit from foreign direct investments in their countries and from their natural resources.

3.4 Theatrical and Musical Contribution

In line with the 2013 ZAMI theme “Our Minerals! Our Future! Putting People First”; a theatrical performance was staged by Trans Flight Media depicting the struggle of ownership for resource wealth between government, mining communities, mine workers, traditional leaders and mining investors. It illustrated how the desire by these stakeholders to each hold mineral wealth for themselves has translated into confusion in the governance of the sector. (See details of the theatrical performance in the annexes).

3.5 Community testimonies

Representatives of extractive communities presented case studies and stories depicting the impact that mining has had on their communities. Below is a summary of these testimonies;

a. Ndola Community

Reverend Mweemba Mwaanga from (Council of Churches in Zambia) Ndola stated that Zambia is a land which is endowed richly with abundant mineral resources. It boasts of huge mineral reserves such as copper, gemstones, cobalt and even rare minerals. There is no doubt that the mining industry has contributed to the Zambian economy enormously. But one wonders whether the same can be said about their social and environmental responsibilities to their communities.

He said the Ndola community was concerned with the Partnerships between the mines and the communities where they operate. While mines have a legal license; this is not equal to a social license to operate in these communities. There’s a need for the mines to reconsider how they
operate in our land Zambia especially in the most remote places. There is need to consider communities as partners in development and thus we are appealing to the government to help foster these partnerships. There's also a need for corporate Social Investment. The mining companies should review their corporate social investment. Rather rely on the experts (in terms of outsourcing their CSR), we call that they should involve and consult with the local communities.

Rev Mwaanga also noted that the community was concerned with the wages that mining companies were paying. There's a need to be intentional in developing policies that allowed workers to justly benefit from their labour that meets their basic need. This should not just be a matter of social security but a matter of social justice. Environment issues are also another concern; mining companies must make an intentional shift from merely making profits to issues of sustainability. These companies have a social and moral responsibility to protect people from the adverse effects of pollution and environmental degradation.

Tax avoidance has also proven to be another avenue through which Zambia is losing a significant portion of its resource income through complex tax avoidance schemes. We're calling for greater transparency on how these mining companies handle issues of tax. Government should stop providing tax incentives as these have created avenues for the country to lose its resources. In conclusion he called upon mining houses and the government to put people first rather than put profits first. It's time that the local people meaningfully benefit from these mining activities. We know and trust that the government has the capacity to engage the mines and refocus their energies to the needs of the local communities.

b. Kasempa Community

Ilunga Redson from Zenda, in Kasempa district spoke on behalf of the community. He told the conference that their forest had attracted many people from various areas who had come to fetch for minerals and timber from their areas. He indicated that these individuals used the local people and paid them poor wages while working them in unsafe conditions. These people were also destroying their forests and farming land resulting in food becoming scarce for the community.

It wasn't until the Evangelical Fellowship in Zambia (EFZ) came and started sensitizing the communities that the community was more aware of what could and could not be done in their area. This allowed the community to critically assess outsiders preventing them from walking into the communities and doing as they please. Consistent with their existing vigil, the community is up in arms over two big mines that are about to be opened in Kasempa. The
people are pushing for corporation with the investors, they are simply asking for their fair share. He closed by thanking EFZ for their work and lobbied other organisations to be proactive in their region.

c. Mbonge and Kabitaka Communities

Mr. Selest Kayumba from North Western Province spoke of the land grabs by Kansanshi Mining PLC that have grappled their communities. He stated that the people were concerned and worried as to where they would go once displaced. The Community considered the land too precious to allow the mines to just destroy it. The land produced large yields thus allowing the community to feed itself. The people feared that KMP might not compensate them, and if they would, probably the compensation would not adequately cover their losses.

The presence of the mine in their area has thus far resulted in families being displaced without being given alternative land to resettle. Additionally farming activities were halted due to the disturbances brought about by the commencement of the tailings dam project and the housing project leading to loss of livelihoods, families being unable to support their school going children and making food scarce as many families are now depending on the small stocks of maize available.

He also went on to raise the following impacts on the communities caused by the mining activity:

- Sulphuric acid spilling over the embankments, and flowing towards the roads leading to the remaining farming fields.
- The non-availability of alternative land for the people
- Over 300 Kakasha farmers have not yet been compensated for almost three years now
- No serious farming activities to sustain affected families due to disturbances brought about by the commencement of the tailings dam project and the housing project
- People have been unable to afford staple food as they have no money to do so
- Food is becoming scarce as most of the people rely on the small stocks of maize available
- The people are also afraid that they will be displaced again as it was rumored that they are mineral deposits where their homes are located.

He further stated that though the fight with KMP has not been easy, the community has been persistent. And due to the persistence of the community, the government has started to show interest in helping the people. He concluded by calling on other civil society organisations to come forward and assist the community as this fight continues.
3.6 Regional Solidarity Messages

a. Tanzania

Ms. Grace Masala Kulangwa from the Christian Council of Tanzania gave the solidarity message from Tanzania. In her message she raised the point that the issues we deal with are similar across Africa; issues of pollution, tax evasion and avoidance, land displacements and lack of compensation for the communities are equally prominent in Tanzania.

She further argued that it has been observed that a lot of these problems are premised on loopholes in legislation. Current legislation permits foreign investors and government to perpetuate abuses in the extractive industries. We have seen our country losing money in ways that are deemed “legal”. However, Ms. Kulangwa also noted that measures have been taken in tackling these issues, in fact the Faith Based Organisations in Tanzania have been:

- Advocating for publication of mining contracts for Oil and Gas extraction
- Commissioning of research reports in order to do evidence based advocacy
- Listening and Documenting the issues of the communities
- Promoting dialogue between the mines and communities.
- Hosting provincial Indabas between mines, mining community, and religious leaders.
- Building the capacities of our religious leaders in different issues.

In closing she encouraged all to continue their advocacy work and to not lose heart, as there will be struggles but the fight must continue.

b. Zimbabwe

Mr. Gilbert Makore from the Zimbabwe Environmental Law Association (ZELA) gave the solidarity message from Zimbabwe in which he alluded to the issues faced in the country. He acknowledged that dealing with mining companies will always be difficult because they have vested interests with deep pockets but encouraged the participants to keep it up; many regimes have been dropped with continued pressure from their citizenry.

He went on to tell the conference about the provincial indabas they hosted in order to allow the communities to speak, to voice their concerns. Mr. Makore emphasized that the CSOs took a
back seat at the Indabas and let the community members lead the sessions and make presentations. Their role was to support the communities and give them the space to speak and not necessarily taking lead all the way. He also outlined the major issues raised at the provincial indabas which included the following:

- Need for Environmental Impact Assessments
- Need to do Geo Surveys
- Need to support small scale miners
- Need for clear guidelines and compensations for relocations.
- Need to Fill in deep open pit mines
- Need to compensate communities for pollution, livestock death, etc.

He concluded by stating the importance of community driven efforts in tackling issues that affect communities.

c. Mozambique

Ms. Fatima Mimbire gave the solidarity message from Mozambique in which she elaborated on the work that Mozambique CSOs have been doing in the country's extractive industry. She mentioned that a lot of the work by the CSOs is focused on:

- Advocating for better handling of extractive communities by government and the mines
- Empowering communities to negotiate compensation with mining companies
- Pushing government to do consultations on the oil law which has thus far been done in isolation
- Contract Transparency; All contracts signed by government are signed on behalf of the people as such should be made public. The mines are not private business; they are public business because minerals belong to the nation as a whole.

Ms. Mimbire also concurred that the struggles in Zambia, in Tanzania, in Zimbabwe are similar to those in Mozambique and encouraged her comrades to continue in their work.

d. Botswana

Mr. Patson Mhlanga and Mr. Bokamoso Thokoane from the Botswana Council of Churches spoke of the mining experiences from Botswana. They stated that the Botswana Council of Churches sees mining as a justice issue in relation to the environment and climate change. They noted that Mining in Botswana is controlled through sound legislative instruments especially the mines/minerals Act which regulate issuance of exploration and mining licenses.

Mr. Mhlanga observed that the government in Botswana derives revenue from royalties, profit taxes and dividends and invests these resources in infrastructure, education and health care and
various other projects across Botswana. His colleague Mr. Thokoane also noted that Botswana has the highest level of mineral dependency in the world.

In terms of challenges, the two outlined the following:

- There has been displacement of persons from their areas of residence and subsistence
- Pollution particularly from sand mining which has recently boomed
- The lack of regulation of the sand mining has further complicated existing problems in the sector.

In response to this, Mr. Mhlanga and Mr. Thokoane posited that the government has organized two forums on sand mining and has further placed a taskforce on site to protect the rivers where sand mining is mostly conducted. The government has also put in place measures to ensure that communities living near the mines get direct benefits from the mines while simultaneously ensuring that other communities are also not excluded.

### 4.0 Break away sessions Day One

On the first day, the program for the ZAMI allowed for various presentations and subsequent plenary discussions to be done in 3 breakaway sessions. The sessions were focused on three broad themes namely:

- Extractive Industry Revenue Generation and Inclusive growth
- Managing Expectations and Benefits accrued from the Extractive Industries (Corporate Social Responsibility)
- Impact Management and Implementation Challenge

### 4.1 Extractive Industry Revenue generation and inclusive growth

**Session One: Community Development, Revenue Generation and Inclusive Growth**

This session had four presenters; Mr. Emmanuel Mutati from Mopani Copper Mines (MCP), Lubinda Haabazoka PhD, from the Copperbelt University (CBU), Mr. Victor Kalesha from Chumwe Mining and Ms. Patricia Mulenga from the Centre for Trade Policy and Development (CTPD).

**Presentations**
a. Community Development and Revenue Sharing Mechanism by Mr. Emmanuel Mutati, Mopani Copper Mines.

The first presentation came from Mr. Emmanuel Mutati from Mopani Copper Mines. His presentation was anchored on the various avenues utilised by Mopani to contribute to community development. Mr. Mutati began by providing a brief background of Mopani. Mopani Copper Mines is an open pit mine owned by three major shareholders namely Glencore (with over 73%), First Quantum Mines and the Zambian government (10%). He emphasized that Mopani had a heart for the communities it operated in and cited examples of ways Mopani had ploughed back into the community which included the investment of US$2 Billion to redevelop the mines and resuscitate the mining hub of the country; a more robust approach regarding safety of Mopani’s employees (especially miners) which was evidenced by the decline in the number of mine related accidents over the past decade; and the proliferation of jobs created in the mining sector which was coupled with an increase in wages.

Mr. Mutati further stressed that Mopani was committed to Corporate Social Responsibility and this was evidenced by its two ISO certified hospitals; Wusakile Mine Hospital & Malcolm Watson Hospital in addition to other clinics around the Copperbelt as well as its Malaria Programme and Capital investment of US$12m into a new training center that would train all artisan engineering skills with the first intake being in 2014.

Mr. Mutati concluded his presentation by stating that Mopani conducts 50% of its business with 100% owned Zambian companies to contribute to the economic development of the country. A crucial point that was also raised in connection with Mr. Mutati’s presentation was how Mopani was mitigating the negative externalities associated with its mining activities which included the creation of acid plants to reduce carbon dioxide and sulphur dioxide emissions by 2015.

b. Diversifying Zambia’s Economy with post copper era in mind by Lubinda Haabazoka, PhD, Copperbelt University.

The second presentation came from Lubinda Haabazoka (PhD) whose main focus was on economic diversification as a panacea to the existing challenge of dependency on the mining sector in Zambia. In his presentation he emphasized that the country has depended on copper too much and others sector have lagged behind in the process. He reiterated this point by marking the transitions Zambia has undergone namely the Modernization Theory - 1964 to 1967; the Dependency Theory -1968 to 1981 and the Neoliberal Theory - 1981 to present.

A common thread Dr. Lubinda identified across the three periods was the prioritizing of the sectors of Infrastructure, Manufacturing and Agriculture in terms of National Budget
expenditure patterns. He however argued that more needs to be done to remedy the status quo with regards to priorities via diversification. He argued that the reasons for the diversification of the Zambian economy are plentiful and are prompted by increased unemployment levels and consequently alarmingly high levels of poverty. The need for diversification is compounded by the realities exhibited in the current copper forecast, which reveals the short life span of the mines on the Copperbelt which would naturally breed an unstable resource base as it will suffer external shock.

Some of the recommendations he argued were a reduction of Pay as You Earn (PAYE) so as to stimulate consumption and also provide entrepreneurship opportunities. Further, Dr. Lubinda argued for the installation of a proper tax administration in the mining industry. Another recommendation he mentioned was the creation of a Copper Stabilization Fund (CSF) whose main aim will be to cushion any price reduction in the metal price and also to provide reserves for future generations. He concluded by championing a retreat to nationalization of the mines so as to give power to the people and its government.

c. **The state of Emerald mining by Mr. Victor Kalesha, Chumwe Mining.**

The third presentation came from Mr. Kalesha whose focus was on emerald and semi-precious stones mining in Zambia. Mr. Kalesha began by providing a brief background on the origins of emerald mining in Zambia which can be traced back to 1928 when the first deposit was found at Miku mine (then Ndola rural) which he emphasized is now a restricted area.

He however, expressed disappointment at how little systematic geological investigations and production had taken place since the discovery of the first deposits. He also expressed concern at how many licenses had been given out to private individuals and companies to date (totaling 619) without thorough, if any geological surveys. To further illustrate this, he mentioned that only 2 companies out of the 619 are working in the gemstone industry (namely, Kagem and Grissly) and Miku mine only minimally. According to a research conducted with Zambia Revenue Authority, Mr. Kalesha revealed that Kagem and Grissly as major emerald mines have been paying taxes according to requirements. As at June 2012, Kagem had paid US$3.9m in mineral royalty tax and US$9 million was paid in corporate.

However, Mr. Kalesha identified a number of challenges that hindered the progress of the gemstone mining industry in Zambia but emphasized that most of the fault should be laid at the government’s doorstep as there was need for the government to create interest and intervene if the industry was to yield good results. Top of his list was the absence of deliberate policies by
government in place to develop the sector and yet it has the potential to generate over US$200 million. In addition Mr. Kalesha argued, there is an absence of required inputs that are needed to sustain mining operations. Other challenges he mentioned included the issuance of numerous gemstone sales certificates to a lot of Zambians who are usually used by foreigners to get their hands on these certificates coupled with the lack of proper mechanisms to monitor this sector and also conduct value declaration.

Mr. Kalesha concluded by stating that the entire manner in which precious and semi-precious stones mining including emeralds is managed and regulated needed a complete overhaul coupled with the debunking of a lot of the misconceptions about emerald mining.

d. Community Development and Revenue Sharing Mechanism by Miss Patricia Mulenga Centre for Trade Policy and Development.

The fourth presentation came from Miss Patricia Mulenga from CTPD who began by providing the conceptual parameters for revenue sharing and revenue sharing mechanisms. She further mentioned the three key Regimes for Resource Rent Allocations which included the Stabilization funds which apply revenues to immediate needs of economic stabilization and development, Future-generation funds to collect current revenues for future use and sustainable economic development revenue regimes that allocate proceeds for current social, environmental, and developmental purposes such as the construction of hospitals, schools, roads, and infrastructure.

In her overview of the RSM and Community Development in the pre-independence era, she observed that there was an absence of a RSM. The pre independence period reflected colonial interests where the Colonial regime concentrated on finding and exploiting the most profitable natural resources for export and remitting profits from the export of minerals to Europe to the detriment of the country. The post-independence period she argued was characterized by extensive copper mining which formed the backbone of the economy. However, Miss Mulenga noted that there was still an absence of a robust RSM. What existed was Community Allocation particularly in mining towns used to build hospitals, schools and universities, recreation facilities, provide mining communities with roads and the provision of utilities such as electricity, water and sewage and telephones, garbage collection.

In the 1970s, Miss Mulenga observed this situation changed with the economic downturn-fall in copper prices and consequently Zambia was coerced into privatizing the mines by the World Bank and IMF in exchange for debt relief and aid which had colossal negative ramifications for Zambians, particularly in the realm of social provisions.
Miss Mulenga noted with concern how the unprecedented recovery in the price of copper post 2001 still failed to capture significant resource rents from soaring copper prices due to the unfavorable conditions of the Development Agreements signed with the mining companies at the time of privatization with some mining companies paying mineral royalties as low as 0.6%. She then concluded by mapping out some of the potential benefits of a RSM and linked this to particular country case studies.

**e. Plenary session**

Mr. Mutati was questioned about what Mopani’s stance was on the displacement of people in Kankoyo and the poor living conditions of those in Wusakile Township. His response was that the new owners (Mopani) did not have responsibility over the communities previously under its predecessors care (ZCCM). Further he argued that as Mopani, he did not know who owns the surface rights of the Wusakile township area and was sad to hear of its dilapidated infrastructure and proneness to typhoid outbreaks.

Another question was directed at Mr. Mutati concerning what Mopani was doing for the people of Kankoyo, the most affected by the pollution caused by the emission of sulphur dioxide. In response to this Mr. Mutati mentioned Mopani had built an acid plant and was still building another one to capture both the sulphur and carbon dioxide emissions.

Another question was addressed to Mr. Mutati concerning the Discrepancy in the profits Mopani claims to have made as compared to those mentioned in the documentary “Stealing Africa- Why Poverty” which depicts Glencore as one of the biggest culprits of underrating profits. Mr. Mutati calmly responded that there was no discrepancy at all and that they had not manipulated any of the data hence there was no need to believe the claims made in the documentary about Mopani.

A member of the audience posed a question in reference to Dr. Lubinda’s presentation. The audience member enquired whether the statistics used in Dr. Lubinda’s paper were correct and whether he believed that they were credible. Dr. Lubinda responded that to the best of his knowledge, the statistics he used for his presentation were legitimate but maybe not as recent as such data should be.

A member of the audience from the community of Luanshya asked Miss Mulenga why incentives (in the form of a bonus) are not given to miners when copper prices are doing well on the world stage. She responded by stating that this can only take place when mining companies have legal obligations to their employees to share their profits which would only happen in a situation where mine workers held shares in the mining company and received payments in the form of dividends.
Dr. Lubinda was also asked if he had explored the extent to which the mining sector was linked to other sectors. Dr. Lubinda responded by saying that he did not look at the relationship between the contribution of the other sectors to GDP in comparison with the mining sector. He however felt that Minesweren’t contributing that much and hence emphasized that Zambia needed to diversify its economy and explore other sectors.

Mr. Kalesha was asked what his association (Emeralds Association of Zambia) was doing in Lufwanyama as a means of lobbying government to come develop the area. He responded that it was unfortunate to hear Lufwanyama was still one of the poorest districts and that development in terms of districts should come from taxes that are being paid such as mineral royalty. A percentage of these taxes must be directly ploughed back into the community. However as an association we have built a clinic and house in the emerald restricted area to cater for the needs of the community as the government has been slow to respond.

**Session Two: Forest Sector**

This session only had one presenter, Ms. Susan Kirimania for the Evangelical Fellowship of Zambia.

**Presentation**

In this session, Susan Kirimania from the Evangelical Fellowship of Zambia was the only presenter. In her presentation she spoke of how the Evangelical Fellowship of Zambia advocates for policies and institutional frameworks that will ensure that Zambians are equally beneficiaries with investors of revenues from the extractive industry including the forestry sector. We do this by actively engaging citizens, the local church in demanding for responsive governance, advocating for just and equitable contracts in the extractive sector and engaging in evidence based advocacy as well as research.

She went on to mention that the Forestry sector has been losing a lot of revenue due to the lack of adequate monitoring with the necessary standards. However it is worth noting that monitoring has slowly been improving. Forests are important and cover close to 60% of the country with most of them situated in the rural areas (traditional areas). The Forestry sector hasn’t been considered as priority sector unlike mining, agriculture etc. And thus its contribution to GDP and poverty reduction has been overlooked. There is also a lack of accountability in the supply and regulation of the sector such that it is not really known how much the industry is contributing. For example, there are no statistics available on who is
paying or not paying their due taxes in the charcoal business. Another area of concern is the amount of forest loss that occurs. This is due to:

- Wood fuel: Timber used in several activities as well as charcoal in households
- Timber production: commercial timber production is also contributing largely to deforestation in Zambia.
- Unsustainable agriculture methods: Practices that are not environmental friendly have led to deforestation.
- Encroachment in forest reserves: this involves trespassing in protected areas
- Weak policies and systems: lack of well-established legal framework and policy direction to mitigate forestry issues
- Mining operations: Mining companies engage in activities that may involve cutting down of trees for example to facilitate some of their mining operations.

She went on to mention the following challenges faced in the forestry sector:

- Rampant illegal tree-cutting taking place especially in rural areas (mostly for informal trade).
- Forest management is characterized by extensive state management with little involvement of locals; People in local communities have developed a feeling of alienation.
- Communities don't play a part in issuing licenses and permits. Forests are mostly relegated to secondary importance when there is commercial interest in using land for mining, agriculture etc.
- Non-enactment of the forestry bill.
- Lack of capital to buy machinery by the locals: Locals may be able to establish responsible operations (agriculture, timber, charcoal) that are environment conscious. However, this is hampered by lack of equipment and capital.

Among her recommendations was the need to introduce by-laws to allow traditional authorities to levy investors in the forest sector, enactment of the forestry bill into law, consultation of all stakeholders on the administration of the forestry sector as well as the need for an effective management and utilisation scheme of forestry products which will greatly contribute to government revenue and increase job opportunities.
A representative from the Forestry Department pointed out that the current government has funded the department to include community outreach as well as distribution of seedlings to the communities as part of its mandate to educate the community on forest conservation. One of the participants noted that it was cardinal to educate community members on forest conservation, its merits, how it should be done; for them to be able to protect themselves and contribute to the forestry process.

Another participant uttered that a “win-win” situation was not required between investors and the community. Investors are not even required because their sole aim is profit making. They are there to reap where they have not sown. Most of the time investors are regarded more important because of the financial muscle they wield. However, the locals are bigger investors because of their custodial role. There is need to identify which interest is more important—the new comer (investor) or the citizen? Communities are usually not involved in drafting of agreements with investors despite having an important role to play. Government is not on the ground to look after the resources whereas the communities are.

Another participant stated that there is a habit of taking gifts and parcels to the traditional leaders by the companies. As such, corruption is ripe in most of the palaces where these forests are situated. Chiefs also get compromised in most instances. With this comes the need to sensitize communities on the ownership of resources. Chiefs and traditional leaders should not be in the forefront of benefitting from the forest resources through unofficial charges because they are not the only custodians of the resources.

It was also noted that there is need to be weary of political and traditional interference. The Community should know that they are part and parcel of a system; traditional leaders should know that land is not theirs alone. There is need to remove these two elements (political and traditional interference). In addition Susan Kirimania also pointed out that the community should participate out of free will, informed and voluntary. The community should have a right to accept or reject investments. Also, Information must be made available so that communities can make informed decisions under the principle of free, prior and informed consent.

It was noted that there has not been a platform created to deliberately engage traditional leaders. Cultural factors interfere in processes of relaying information and concerns. An audience member narrated a personal experience where he was almost expelled from the
province for having noted that chiefs sometimes hinder investment processes. As a result of this statement he was summoned and humiliated not only by the chiefs but government officials as well. It is evident that Chiefs can be powerful and progressive at the same time. Susan concurred noting that instances of victimization do happen. This should not, however, stop people from speaking as this is the only way change will be effected. Guiding principle here can be taken from a Hindu proverb: “we don't inherit the earth from our ancestors; we borrow it from our children”.

4.2 Revenue Utilisation: Prioritising the Future or Present (Sustainable Development)

Session One: Managing Expectations and Benefits accrued from the Extractive Industries (Corporate Social Responsibility)

This session had 2 presenters, in chronological order, Mrs. Sombo Chunda from Diakonia and Mr. Felix Ngosa from Catholic Relief Services.

Presentations

a. Corporate Social Responsibility- do we need a Statutory Instrument? by Mrs. Sombo Chunda, Diakonia

The first presentation came from Mrs. Sombo Chunda who in her introduction linked Corporate Social Responsibility to Corporate governance and conceptualized the former as “the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large.” She further contended that for a company, CSR was about building trust in the brand, performance of the product, trust in the company to “do the right thing” and trust in the company as an employer. Mrs. Chunda reiterated this point by stressing that this trust should be evident in the ethical, economical, legal and social responsibilities a company has.

Concerning where Zambia is as a country, she observed that presently there is no clear legislative framework governing CSR in Zambia. However, in the first quarter of this year via multi-stakeholder involvement, the Government gazetted ISO26000 as a voluntary standard through the Zambia Bureau of Standards (ZABS) whose content reflects 7 aspects including environmental issues, community involvement and development, labour issues and consumer rights. Mrs. Chunda emphasized the potential benefits of the ISO26000 which included
encouraging understanding of expectations to society, improving risk management practices, enhancing reputation, improving relationships with stakeholders and improving safety and health of female/male workers to name a few.

In concluding she raised fundamental concerns such as what makes CSR structured and whether we need a legal framework to which she responded that usually all CSR is done on a voluntary basis which works to our disadvantage as Zambians. However, it was still possible for a framework to be drafted and for companies to adhere to this. She thus suggested that CSR could take place in the following phases;

1. Conduct a CSR assessment
2. Develop a CSR strategy
3. Develop CSR commitments
4. Implement CSR commitments
5. Assure and report on progress
6. Evaluate and improve

b. Managing Expectations and Benefits accrued from the Extractive Industry (Corporate Social Responsibility) by Felix Ngosa, Catholic Relief Services.

The second presentation came from Mr. Felix Ngosa which was based on a study conducted to assess the relationship between Kansanshi Copper and Gold Mining Company and communities within and in proximity to the company's current operational area in Solwezi District, Northwestern Province. The research was based on a model developed to assess how companies engage with the communities. Mr. Ngosa explained that the study would only commence once they had received authorisation from both the community and company.

By extensively involving the community in this process, the community's capacity in terms of negotiating for Corporate Social Responsibility is developed as well as creating a space for shared understanding. Mr. Ngosa further stated that the data cannot be published if the community does not authorize its publication again giving the community a sense of control in the process. As part of the evaluation, meetings are called between the mining company, community representatives and government officials. The community is also asked to rate their relationship with the companies e.g. do they consult or empower the communities.

Mr. Ngosa also identified a consistent barrier to community empowerment which he attributed to different levels of awareness in the community. This crippled the community's ability to
rightfully demanding for what is theirs. In this regard he concluded that most of the results were short term and while most stakeholders were present government was usually absent and people wanted more commitment from them.

c. Plenary Session

A participant observed that Solwezi is at the heart of two mines, the community is supposed to benefit a lot from these mines via developmental projects but this is a far cry from reality in terms of health care, roads infrastructure. He asked if CSR cannot be made a legal requirement are the other avenues that may be used to force companies to conduct more CSR so that communities are entitled to something. This question was followed up by a comment from a participant who did not agree with Mrs. Chunda and argued that CSR is not voluntary because responsibility should be something mandatory and responsible companies should be obliged to provide CSR.

Mrs Chunda responded by stating that making CSR mandatory will be an additional tax and there is no guarantee that companies will not avoid and evade it as evidenced by the current tax practices in the country. What Zambia needed for now is companies to come up with a proper CSR plan that can be reviewed in a few years’ time and make it mandatory for mining companies to report to government on what CSR they have been involved in. In the 2008 mining mineral Act the government has put a clause to outline the distribution and sharing of benefits for the investors and community.

A gentleman in the audience added to Mrs. Chunda’s response by arguing that CSR is premised on a weak legal framework as long as we have investors involved in tokenism, this should have been in the negotiation documents and with CSR we have put all things in one basket. He asked why as a country we cannot change the strategy and instead compel those who for instance extract lime and cement, uranium to subject communities to frequent medical tests for instance as part of mitigating the risk hazards so we do not seem to be unfair to those who come into the country to invest.

Another participant also advised the participants that they should be careful not to substitute CSR for taxation. This was met with agreement by another participant who added that there is need for CSOs to exploit opportunities that compel companies to ensure communities are well taken care of. He further chided participants to employ government not to let companies neglect goodwill and also stressed the need to make use of existing structures to get CSR.
Some other participants also felt that among CSOs they have been lack of consistency and there was need to refocus energy and advocacy on the government and not the mining companies per say because the government is in charge of the mines and needs to revise the terms and conditions that they give as they sign agreements with investors.

4.3 **Impact Management and Implementation Challenges**

**Session 1: Ecological Economics, Radio Active Minerals Mining and Environmental Concerns**

This session had four presenters namely Dr. Chris Muyunda, Executive Director of Boulderview SD Centredio; Gilbert Makore from the Zimbabwe Environmental Law Network (ZELN), Mr. Morgan Katati from the Zambia Institute of Environmental Management (ZIEM) and Mr. Moses Mutambalo from the Zambia Environmental Management Agency (ZEMA).

**Presentations**

a. *Ecological Economics, Radio Active Minerals Mining and Environmental Concerns by Dr. Chris Muyunda, Boulderview SD Centredio.*

The first presentation was from Dr. Muyunda. In it he spoke of the benefits of natural resource exploitation, among them employment opportunities for locals and tax revenue obtained from exploration of the natural resources. He noted there’s a need to weigh these benefits against the environmental concerns the raise such as exposure of workers to radioactive minerals, health risks faced by the communities, the environmental concerns raised by this exploitation particularly of radioactive minerals and the need for caution as these minerals are extracted.

The challenges faced in radioactive mining include:

- Lack of technical expertise to manage radioactive or supervise the uranium mining and processing
- Lack of expertise to manage the environmental concerns associated with uranium mining
- Lack of expertise to negotiate for long term investment contracts particularly in radioactive minerals which are a new area for Zambia
- The lack of local guidelines for the mining of radioactive minerals coupled by the lack of adherence to set international guidelines

He went on to recommend that regulatory agencies should build the capacity of their staff to adequately handle radioactive mining; sign contracts with the mines that require them to
handle radioactive minerals with international best practices and require mines to provide adequate medical schemes for miners who are exposed to the extracts.


The second presentation was from Gilbert Makore who focused on mining and its link to pollution, he explained that in Zimbabwe, rivers such as the Save and Odzi were contaminated from the mining processes. The extent of the pollution was such that the water was not suitable for irrigation, infrastructure development, consumption or aquatic life. This has resulted in potential health risks to people and their livelihoods as a result of the poor mining.

He also discussed possible strategies for addressing mining pollution such as:

- The need for legislative reform in order to enhance environmental protection
- A need to partner with communities in order to adequately monitor the environment as they have first-hand knowledge what is happening on the ground.
- Evidence based advocacy to help push for change
- Media campaigns in order to promote greater sensitization of the issues on the ground

c. Ecological Economics, Radio Active Minerals Mining and Environmental Concerns, Mr. Morgan Katati, Zambia Institute of Environmental Management.

The third presentation was by Morgan Katati whose presentation opened with the background of the environmental management agency. He explained that the Zambia Institute of Environmental Management (ZIEM) is a member based institution that works to promote Environmental Governance and sustainable environmental management. He went on to state that mining operations, including associated facilities and infrastructure involve permanent alterations of existing landforms, disturbance of flora and fauna, disruption of habitats, social and economic impacts due to high level of environmental degradation and contamination.

He also spoke of the pollution associated with mining and its effects as well as how communities detect pollution, action that can be taken by the communities and the role of environmental agencies and civic organisations in environmental management. He noted the following challenges associated with pollution:

- Stunted vegetation resulting in loss of farming produce and subsequent income
Eutrophication due high nitrates and phosphates blocking water flow and compromising aquatic stock.
- Oxygen depletion in water bodies affecting aquatic life.
- Increase in drinking water purification costs.
- Bio-accumulation of heavy metals in organisms making them unhealthy for consumption
- Spread of water borne disease e.g. cholera and typhoid
- Loss of bio-diversity
- Thermal inversions

He stated that civil society organisations have a key role to play in dealing with environmental concerns. CSOs are in a position to partner with environmental Agencies to organize and educate communities on their environmental rights; educate communities on basic environmental law; do advocacy on behalf of communities; play an over sight role on environmental agencies; train communities on basic environmental monitoring as well as reporting.

\[d\]. Ecological Economics, Radio Active Minerals Mining and Environmental Concerns, Mr. Moses Mutambalo, Zambia Environmental Management Agency.

The fourth presentation was from Mr. Moses Mutambalo from ZEMA. He opened by giving a brief background of: The Environmental Protection and Pollution Control Act (EPPCA) of 1990 which created the Environmental Council of Zambia whose main focus was to control pollution and protect the environment for present and future generations. This was a robust piece of legislation for its time as it contained issues that were pertinent at the time. Due to global emerging environmental issues, it became apparent that the EPPCA had become obsolete both in terms of environmental issues covered, but also in the enforcement measures provided in the Act for the agency. It therefore became imperative that the old Act had to be replaced with a relevant legislative framework.

The thrust of his presentation was the interpretation of the provisions of the Environmental Protection and Pollution Control Act. The new act:

- Required the continuation of the work of the Environmental council of Zambia under the name Zambia Environmental Management Agency
- Provided for the use of integrated environmental management tools such as SOE’s, NEAP, EIA and SEA
- Provides for declaration of protected areas and their management
- Provides for issues of conservation of biodiversity
He then went on to highlight some of the key pollution incidents from selected mining extractive operations in Zambia. Among them:

- Mopani Copper Mines’ Mufulira West Heap Leaching Mine which resulted in acid mists in Butondo township
- Water contamination by Mopani Copper mines in Mufulira town affecting the community of Kankoyo. The mine accidentally discharged polluted water, after a pump malfunction failed to purify it, into the reticulated water system of a private water utility company
- Konkola Copper Mines polluted water in 2007 resulting in ZEMA shutting down the mine for 10 days until environmental measures were met

**e. Plenary Session**

It was recommended that ZEMA should consider establishing an office in Ndola or somewhere on the Copperbelt especially that most of the mining activity is on the Copperbelt and North Western province and not in Lusaka where the agency’s offices are currently based.

A question was addressed Mr. Makore enquiring about how their organization was surviving in terms of funding for it seemed to be doing fine compared to other similar organizations in Zambia. In response Gilbert noted that it was difficulty particularly when political threats arise. We as an organisation have focused on convincing some partners to fund our organizations, though it is very difficult to secure funding just like in any other African country.

A question was also addressed to Dr. Muyunda on whether or not any other stakeholders were involved in the formulation of a radio activity policy? In response he said that there are some civil society organisations like Council of Churches Zambia that have actually been spearheading the formulation of the document which is now in the government’s hands.

**Session 2: Labour and Safety in the Mining Sector**
Under this session, Yewa Kumwenda from the Miners Union of Zambia (MUZ) and Mr. Francis Banda from the Association for the welfare of former Miners in Zambia covered the subject matter.

**Presentations**

**a. Labour and Safety in the Mining Sector, Mr. Francis Band, Association for the Welfare of former Miners in Zambia.**

In his presentation Mr. Banda contrasted safety levels in the period when the mines were under the Zambian government and when the mines have been under private owners. He noted that when ZCCM run the mines, safety was a priority and miners were intensely sensitized on the importance of safety in their duties. They received training in terms of what to do in cases where a miner was injured underground and investigations were instituted to find out what the cause was. This is in contrast to the current system where workers are not given adequate safety training or equipment. It seems the focus of the current mine owners is to ensure that the workers simply produce copper and the mine collects on its profits. He said that what is of even greater concern is how the government has turned a blind eye to the situation on the ground.

He also noted the following issues under the current mining culture:

- Safety attires are only given every six months regardless whether one’s attire is already worn out
- Contractual employment in the mining sector
- Unprofessional approach to safety obligations
- Ineffective and inefficient mining safety department
- The lack of MAPO (Mine Accident prevention Officers)
- Little to no safety sensitization
- Lack of refresher courses or stiff disciplinary action taken against those who cause accidents

**b. Labour and Safety in Mining Sector session, Mr. Yewa Kumwenda, MUZ.**

In his presentation, Yewa Kumwenda alluded to MUZ and its mission to protect and promote the interests and welfare of mine and allied workers in the mining industry in Zambia and to organize and unite mine workers into strong miners as a basis for promoting social justice,
positive economic and safe working environment. He further explained the labour situation in Zambia as well as challenges faced by the mine unions such as:

- Massive loss of employment after privatization from 56,582 in 1991/2 to 31,033 in 1998 and now 40,000
- Negligence of corporate social responsibility by the mines. The mines ever since the 1930s and throughout the history of the ZCCM from 1982 up to 2000, the mines established a corporate culture which extended past a workplace involvement.
- Secrecy of the Development Agreements signed by GRZ and the Mining companies. The Unions were not involved in the process.
- Multiplicity of unions after a change of one industry one union law. Workers no longer represented with one strong and united voice;
- Unsafe mining and processing methods
- Poor compensation rates for the injured miners by workers compensation fund;
- Introduction of new technology led to the loss of jobs by many people working in mining;
- Casualization and informalisation of labour - non pensionable jobs and poor gratuity rates (hard for unionization)

He recommended that there is a need to consult the MUZ when contracts are signed with government and the mines, greater sensitzation and training among miners in terms of mine safety; a need for more effective and efficient safety departments at the mines; greater involvement of the private sector in terms of value addition as well as technology and skills transfer.

\[c. \text{ Plenary session}\]

A participant asked Mr. Banda whether Zambia as a country has a deliberate policy to counter the problems faced in terms of safety regulations by the mines as there is a growing need to enforce regulations to ensure the interest of the Zambian workers are protected. In response Mr. Banda said that regulations are in place but enforcement is poor. There is a need for greater political will to ensure that mining companies are compliant with the country’s rules and regulations. At the same time, the association will continue to push for higher safety standards by the mines.

5.0 Day Two-18\textsuperscript{th} July 2013

5.1 Welcome Remarks
Day two of the Mining Indaba was chaired by Nsama Chikwanka who gave the welcome remarks. He went on to give a summary of the activities carried out and pertinent issues that arose on the first day of the Mining Indaba. This was followed by an opening prayer and the theological reflection by reverend George Chipalo.

5.2 Theological reflection

In his theological reflection, Rev. Chipalo focused on creative stewardship in relation to the mineral resources Zambia is well endowed with. He made reference to the biblical story of the master who gives talents to his three servants. From the story he pointed out that one of the servants was commended by his master for creatively increasing the initial talent. Reverend Chipalo emphasized that it was not so much for profit that affirmation was given but that the servant had diligently used the talent given by the master.

He went on to encourage Zambians to emulate the servant through their talents of creative leadership and stewardship when it comes to governing the vast mineral resources the country is blest with. Reverend Chipalo however, showed displeasure at the fact that as Zambians there is a tendency to navigate a painful paradox of flowery statistics and indicators in terms of profits generated from the mining sector versus the reality of arrogantly high levels of poverty and under-development. It is a sad situation he further stated that we cannot reconcile these high level tables into something tangible and this situation is exacerbated by those given the power to govern being driven by greed prompting failure to utilise the little resources appropriated.

Reverend Chipalo however, mentioned that there was still hope as Africa was a continent on the ascendancy. He recommended that as Zambians, we should begin by posing an extraordinary or different spirit, a misfit if need be where one refuses to be a routine manager but a creative steward and daring to make a difference and he cited organisations like Actionaid that had gone to such lengths.

Reverend Chipalo also recommended that there was need for the government to prioritize accountability, transparency and integrity regarding resource utilisation and emphasized the need to be conscious about the non-renewable nature of our natural resources and thus engage with this reality in mind by prioritizing diversification. He further urged Zambians to ensure strategies are put in place for us to keep something for the future and warned against the danger of shelving the resolutions made in the Mining Indaba and only to pick them again at the next Mining Indaba. He concluded with a message of hope that together we will find breakthroughs and answers and Africa will rise with its people.
5.3 Report on the thematic sessions

Patricia Mulenga from the Center for Trade Policy and Development went on to highlight a number of key issues that were raised in the thematic session of day one, among them:

- The lack of a clear legislative framework governing Corporate Social Responsibility in Zambia and the need for a framework to be drafted and for companies to adhere to.
- The Absence of deliberate policies by government to develop the Gemstone mining sector despite over 619 Gemstone licenses having been issued and the sector having a revenue generation potential of US$200 million.
- There is lack of accountability in supply and regulation of the forest sector such that it is unknown how much the industry is contributing. This was followed by a call for Government to hasten the process of enacting the forest bill into law.
- The need to have Enhanced transparency and broad participation in the management of revenues coupled with a simple, constant tax system that is predictable to foster investor confidence but this should not be mistaken for unreasonable hospitality to the extent that the country is ripped of.
- The lack of consistency among CSOs and a need for them to refocus their energy and advocacy on the government and not the mining companies per say because the government is in charge of the mines and needs to revise the terms and conditions that they give as they sign agreements with investors.

5.4 Regional solidarity message

a. South Africa

The Legal Resources Foundation through their representative Henk Smith gave the solidarity message from South Africa in which he shared insights on the law and legal resources in South Africa in relation to the Zambian scenario. Mr. Smith noted that failure of social-labour plans can lead to confusion such as the Marikana mine incidence in South Africa.

He also stated that it is important for social labour plans to be done in consultation with the communities in which the mining activities are being carried out. Also, Mr. Smith pointed out the fact that Social-labour plans alone are not good enough because they do not comply with general standards that Africa has set as well as general standards in most localities. He stated that the LRC is excited to learn from the Zambian case/scenario because there is continued development of legislation (e.g. Bill of rights) and various mining laws in the current constitution making process and discovery of different mineral resources giving rise to different opportunities.
He argued that the ongoing developments to legislation still leave room for putting people first in negotiations in order to boost bargaining power. The community has the right to accept or reject proposals and investments brought to their communities and this should be respected. They must respect customary law and decision making processes of the localities they choose to operate in. Mr. Smith also reported that a Working group on Extractive Industries has proposed informed consent as a principle and Zambia is the only country not represented in the working group butis planning to visit Zambia. This is of benefit as CSOs, Community and Community Based Organizations have been invited.

5.5 Community voices

A. Musele Community

The first community presentation came from Pastor Njolomba from Musele Task Force who began by providing a situation analysis of Kalumbila Mining Limited. He referred to Leonid Brezhnev 1973 quote to explain the mind-set of the Investor, whose aim was to “gain control of the two great treasure houses on which the West depends. The energy treasure house of the Persian Gulf and the mineral treasure house of Central and Southern Africa.”

Unfortunately, Pastor Njombola mentioned this was not the picture that Africans, Zambians to be specific had regarding the Investors, instead Zambians usually view investors as people who come to the country to give tokens to the people of Zambia, to better the lives of the people of Zambia thus negatively raising their expectations.

He went ahead to map out the root causes of the stand-off between the community and KLM. Among his premise was the argument that though mining companies provide Foreign Direct Investment; communities provide investment in the form of land. He went further to question why the interests of KLM should take precedence over those of the communities who had entitlements to the land.

Pastor Njolomba went on to say that the community sees the presence of KLM as a threat to their citizenship's land rights and that land defines their roots and is anchored in their culture. Land for our community goes beyond security of tenure. As a result of KLMs activities, he went on to say that there has been mass internal displacements coupled with unjust compensations and the community has accused KLM for laying siege of the settlement and causing trauma for a period of over 2 years.

Pastor Njolomba concluded by expressing concern on how a company of KLMs stature has no regard for the negative externalities associated with its mining activities in terms of the
environment. He recommended that legislation should be reviewed and perhaps as CSOs we could use the constitution as a platform to steer this change.

B. Luanshya Community

A second community testimony came from Reverend Davies Mumba on behalf of the Luanshya community. His testimony focused on community participation and experience from the mining extractive industries in Luanshya. He explained that the state of infrastructure, roads, markets, healthcare, recreational and social amenities in Luanshya in the post privatization era left much to be desired as the new private owners were solely concerned with profits and downplayed the needs of the community. Moreover, the changing of hands of Roan Copper mines time and time again had resulted in the closure of shafts and consequently worsened living conditions of the community. The present experiences mirrored a plethora of negative ramifications which included:

- Job losses
- Repossession of houses
- Unsustainable farming activities
- Charcoal burning, separation of families
- The proliferation of divorces and single parent/children headed households
- An absence of an environmental protection policy
- Meager pension packages due to colossal loans among miners from credit institutions
- An increased use of Automation and less reliance on human capital.

He concluded that there was need for a host of mitigations and interventions to be instituted concerning the issues mentioned above and emphasized that CSOs should awaken and strengthen their network on the Copperbelt.

6.0 Break away sessions Day Two – 18th July

Like the previous day (day one of the ZAMI) the program for the second day of the ZAMI allowed for various presentations and subsequent plenary discussions focused on three broad themes namely:

- Extractive Industry Revenue Generation and Inclusive growth
- Revenue Utilisation: Prioritizing the Future or the Present (Sustainable Development)
- Impact Management and Implementation Challenges
6.1 Extractive Industry Revenue Generation and Inclusive growth

Session One: EITI in Zambia: Benefits, Challenges and Contract Transparency in the Extractive Industry

This session had 3 presenters, in chronological order, Mr. Siforiano Banda from EITI, Mr. Jimmy Sakala from Ministry of Finance and Mr. Carlo from Publish What You Pay.

Presentations

a. EITI Implementation in Zambia by Mr. Siforiano Banda, EITI.

The first presentation came from Mr. Banda who provided a justification and introduction over the concerns raised over resources in developing countries such as oil, gas and minerals that were non-renewable. These countries, Zambia inclusive, have fallen prey to a particular paradox in that they are still experiencing arrogantly high levels of poverty and conflicts arising from the lack of transparency in the use of natural resources despite being well endowed with vast natural resources which he referred to as the resource curse e.g. Zambia has been involved in mining for over 100 years but we have seen very little benefits.

Mr. Banda then stressed the need for transparency and integrity in terms of payments made on profits from natural resources by disclosing what is paid by all Mining conglomerates and what is received by the government. He also stated the benefits of implementing this initiative the (EITI) which included increased revenue collection (all discrepancies are paid by government), the creation or enhancing of corporate rating and most importantly raising the general living standards of the people.

Mr. Banda also explained that while the EITI is a global initiative of donors, resources rich countries and CSOs, it was domesticated in Zambia because of the country's’ vast natural resources base and simultaneously its consistent arrogant levels of poverty. Its long term objective in Zambia is to contribute to sustainable economic development as the benefits should be felt by the entire spectrum of the economy. He concluded by stating that Kofi Anan emphasized that Africa was losing a lot of monies via tax evasion even more than the aid received from donors.

b. Mining Taxation and its challenges in Zambia by Mr. Jimmy M. Sakala, Ministry of Finance.
The second presentation came from Mr. Jimmy Sakala from the Ministry of Finance which focused on understanding mining and fiscal policy in Zambia vis-à-vis government policy. Mr. Sakala noted that the mining sector is a significant contributor to the country’s economy as Zambia is a major producer of copper (7th largest producer in 2012), cobalt (9th largest producer in 2012) and produces a variety of other mineral products, primarily gold, nickel and gemstone. Further, it was learnt that between 2006 and 2011 the contribution of the sector to GDP had averaged about 3.8% while mining tax revenue as a ratio to GDP was recorded at about 3% in 2011. Also, Mr. Sakala noted that the sector is a significant contributor to employment and with new mines opening and increased investment; the sector will employ more people thereby contributing to tax revenue. He further stated that it was government’s intention through policy to ensure gains from the mining sector benefit the people.

Mr. Sakala identified the following as some of the challenges in the mining sector:

- No proper monitoring mechanism of mineral production and contents; there are no mechanisms in place to monitor mineral production and contents, government is losing out as precious metals, e.g. silver, gold, palladium exported in anodes, slime & concentrates that are not properly accounted for.
- Inadequate capacity at Mines department and Geological survey department with specialized skills such as engineers, metallurgists to monitor production levels mainly due to low employment and retention rate.
- Most mining companies are still in loss positions, for tax purposes. Indications are that this trend will not change before 2016.
- The lack of administrative capacity to capture multinational corporations’ transactions.

Mr. Sakala however made the following recommendations:

- There is a need to enhance transparency and broad participation in the management of revenues in order to realize full benefits.
- There is need to have a simple, constant tax system that is predictable to foster investor confidence and security of investment.
- There should be enactment of legislation to enhance proper valuation of weights and minerals as a means of effective revenue collection.
- Production levels of copper and taxes collected employment in the mining sector and its contribution to the economy should be long term benefits for the country irrespective of the transitions in the mining sector.

**c. Some arguments in favour of contract disclosure by Mr. Carlo Merla, Publish What You Pay.**
Carlos Merla, Publish What You Pay - Africa Program Manager presented arguments in favour of contract transparency. He informed the delegates of the benefits that accrue to the government, citizens and companies from contract disclosure. He informed the conference that company representatives on the EITI International Board have indicated that if countries require contract disclosure, their companies will comply. This willingness suggests that the release of contracts will not significantly hurt their commercial interests.

A Contracts Confidential study that surveyed over 150 oil and mining contracts showed that even contracts with confidentiality clauses can still be disclosed. Most confidentiality clauses allow the parties to a contract to publish information by mutual consent. Despite claims to the contrary, contracts do not typically contain information that is commercially sensitive. In the few cases where they do, it could be allowed for the redaction of this specific information. Rather than damaging company prospects, contract transparency may in fact improve market efficiency and strengthen a company's license to operate.

He also noted that contract disclosure is becoming the new norm with Liberia's 2009 EITI Law requiring the public disclosure of all contracts, which appear on the Liberia EITI website. Niger's 2010 constitution mandates the publication of all oil contracts. Sierra Leone, Sao Tome & Principe, and Guinea all embedded contract transparency requirements in their oil/mining sector legislation and codes. Nigeria has included a mandatory contract disclosure provision in its pending Petroleum Industry Bill. In Colombia, and to some extent Mexico, governments allow for disclosure under freedom of information laws and policies.

d. Plenary session

An Indaba participant asked Mr. Banda if as EITI in Zambia they have formed a registration for mining companies not paying tax or have real discrepancies and what has been done concerning policies in our countries allowing mining companies to be involved in transfer pricing etc.? In response Mr. Banda said that a study was carried out to gauge the possible challenges faced and it was discovered that a lot of MNCs avoid and evade tax. The government has introduced statutory instrument SI55 as a tool to be used to monitor balance of payments and this will hopefully yield a positive result to address transfer pricing.

An Indaba participant from the Extractive Industry asked Mr. Sakala to clarify his point about a unit within the Ministry tasked with checking mineral production and what the government was doing to improve skills to monitor? Mr. Sakala responded by stating that the government was currently training staff at ZRA on how to audit mines and had set up a specialist wing called the mining unit at ZRA to deal specifically with these issues.
Mr. Banda was also asked about yesterday’s news that Kofi Anan used figures that were being cooked concerning mining production and wanted to know Mr. Banda’s stance on this. Mr. Banda responded to this by stating that Mr. Anan was speaking at the Economic summit in South Africa and social scientists would argue we start with theories first and carry out a study to be based on empirical studies which needs to be done to find out if what he said is true and not mere declarations. Another question addressed to Mr. Banda enquired about the inclusion of Forestry and Fisheries in the EITI. In his response Mr. Banda said that the EITI aimed to cover all the sectors even manufacturing and was moving towards that.

Mr. Sakala was also asked to clarify how as a country with good policies the government was ensuring that it reinforced the law? Mr. Sakala responded that we need to have a vision of what we want but let us not compare ourselves to other countries. We have a narrow tax base and looking for other areas to generate revenue but we will increase export checks for mineral ores to build our economy. Another participant from MUZ mentioned that there was too much illegal on-goings in the mining sector and asked Mr. Sakala what government (MOF) was doing about this? Mr. Sakala mentioned it was a pity that was obtaining on the ground and that the government was committed to ensuring its citizens are well looked after but also mentioned the lack of capacity as an impediment to sorting out these illegal practices. Nonetheless, he mentioned that government was doing its best.

Another participant asked Mr. Sakala why Zambia was still signing new tax treaties when the current ones were not helpful? Mr. Sakala did not make a satisfactory response to this question but instead argued that government was making tremendous efforts to change the current tax regimes and asked for patience as this could not be done overnight.

A participant also asked Mr. Banda if the EITI from 2001 and 2013 had recorded any improvement in the mining sector. Mr. Banda responded by saying that as EITI now an achievement is that more information is now in the public domain. Another participant in the audience directed a question to Mr. Banda concerning improving governance on mineral resources as it has been the most important challenge. What resource-use policies can the country come up with, how do we hold leaders accountable in terms of this? And can we put in place mechanisms to monitor the production of mineral ores? Mr. Banda responded that we need to carry out an audit of production for all minerals including sales. Further he felt that monitoring e.g. through the recent local auctioning of Precious minerals was a step in the right direction so the money remains here but government needed to come up with a proper revenue utilisation scheme to ensure monies were spent on priorities.
6.2 Revenue Utilisation: Prioritizing the Future or the Present (Sustainable Development)

Session One: Land Displacement and Compensation

In this session we had three presenters namely Reverend Njolomba from Musele Area, Mwiya Mwendaweli from Action Aid Zambia and Edward Lange from Southern African Resource Watch (SARW).

Presentations

a. Situational analysis of the Kalumbila Mine by Rev Njolomba, Musele Community.
In his presentation Rev Njolomba gave a situational analysis of the Kalumbila Mine. He noted that the situation in Kalumbula has the potential to spark conflict over land, over utilisation of natural resources as the community is highly sensitive to what belongs to them. There’s a need for business groups to learn to sit with communities and not only the government. Once on the ground, these investors are in contact with the community and not the government. This would allow them develop a greater relationship which could go a long way.

He explained that in the initial agreement with KLM, the mine needed a small area for mining and ZEMA even gave them permission to go ahead and people were comfortable with this arrangement because none of the communities were threatened. KLM later applied for a move to another place near the Kasombo River which runs into Kambompo River. The location they are currently seeking will endanger the livelihoods of many people. The area they now want to capture has uranium, gold and other minerals at the cost of the livelihoods of the communities. The Rural population is being displaced and thrown into oblivion.

The community is demanding that under this new arrangement, they want a 40% stake in the mine across the board stating that their equity contribution will be the land. The community hopes to use the revenues collected to invest in education and health, etc. He stated that since the land is customary the government has no claim on it, the community wants a significant stake in the mine otherwise the community is not willing to release this land.

b. Presentation by Mwiya Mwandawende, Extractive Industry Transparency Alliance (EITA)

In his opening statement Mwiya noted that we need the mines, the question is how to minimise the adverse effects. We have a lot of resources but our nations are poor, what is the difference? What is the problem Africa is facing that makes it difficult for us to get to the level of Chile, Norway, etc.? He noted the following problems:
- Mines place emphasis on job creation. In the rural areas there’s a conflict with this notion as the elderly wanting to protect the agricultural land while the youth want jobs from the mining company.
• Pollution from the mines leading to further distraction. He gave an example of kankoyo where people cannot grow vegetables due to the sulphur dioxide emissions.

• Social issues such as the breakup of families due to separation of miners and their families, pregnancy of young girls by the miners; the effect of mines on families is over looked, it is not a cost that can be measured.

• Legislation: the new constitution has a close that all land where they are minerals will be state land. This law is robbing rural farmers of their ancestral land.

c. Presentation by Edward Lange, Southern Africa Resource Watch

In his presentation Mr. Lange spoke of how many communities were victims of the 1995 land act. He noted that under this act, 94% of land was under customary law at the time. What is happening now is that once land is made statutory, it cannot be returned to customary law.

The insurance of mining licenses is another problem he noted. The licences were given outside consent of the chiefs which was the case in Luapula province by government officials. Once these licences are issued, communities on this land are displaced and no proper compensation measures have been put in place leaving these communities destitute. This constitutes land grabbing and not by foreigners but government officials who the people had elected to take care of them.

d. Plenary Session

The facilitator narrated a touching story of how challenging it was for a chief to get a legal opinion on a bulky document handed to him by a mining company which contained what where termed as benefits that would accrue to the local people if the chief was to sign and approve the establishment of the investments. When he sought legal counsel, the lowest charge he received from the lawyers was K35, 000. What the lawyers were demanding was so high that the chief was unable to meet this cost. This was seen as a lack of patriotism by the participants.

It was noted that the thrust of our entire advocacy should be to protect the people, families, putting people first. Development should protect the family, our development agreements past present and future must invest in building communities. We need to center our advocacy on keeping our families together; they must be housing communities for husbands, wives, and children so that families are not separated when a family member works for the mines.

A participant from Zimbabwe asked Rev Njolomba if the community has looked at soliciting the support of various government officials. In response, Rev Njolomba stated that yes we have, it has taken the mine over a year to acquire access to Musele due to the work of some patriotic people in power who had put their foot down. These individuals have put it on record that they aren’t for this move even if the overall state powers over powers them. Another participant pointed out that a lot of the new investment is premised on job creation as a benefit for the
locals. We need to ask ourselves what type of jobs the locals are receiving. Mostly casual jobs that eventually result in the miners being replaced by the machinery. As we advocate, we should never leave behind the quality of jobs, not only the number of jobs.

A premise was put forth that there's a need for constitutions that are based on the rights on people, need to have a system where government consults with the chiefdom and its communities. Need to use the law to draw attention to put power in the hands of the communities. This will allow us to come from a position of power.

6.2 Impact Management and Implementation Challenges

Session 1: Investing Mining Revenues for Sustainable Economic Development Future Stabilization Fund Proposals/ Considerations

This session had only one presenter, Mr. Trevor Simumba from Sub-Saharan Consulting Group Zambia Limited.

a. Utilizing Extractive Industry Revenues for sustained economic development"

From the onset of his presentation, Mr. Simumba noted that Economic development is for people, that is, for citizens of a country. With the discovery of new large deposits in Kansanshi, Lumwana, and recently Kalumbila - Zambia will remain a major international player in the mining sector for another 30 to 40 years. If the benefits of economic growth fail to reach the majority, in the long run then there will be no development.

He noted that the continued failure to translate resource wealth into the expected economic growth has been due to:

- The so-called “Dutch Disease” — the syndrome of rising real exchange rates and wages driving out pre-existing export and import-competing industries;
- Rent-seeking (corruption) by elites and others that otherwise could put their energies into profit-making activities;
- Volatility of prices and the “asymmetry of adjustment” (it is easier to ramp up public expenditure than to wind it down again);
- Inflexibility in labour, product, and asset markets; and
- Tensions between resource-producing and non-resource producing regions within countries.
He then made various recommendations to the challenges he had elaborated on such as establishing:

- Revenue Stabilization Fund that will ensure that we stabilize revenue even when the cycle turns against us in a bust. Zambia should not repeat the mistake of 1973 when we spent at the wrong time instead of saving for a rainy day.
- National Equity Fund that will lend to citizens as defined in the CEEC Act at lower discounted interest rates. This should be targeted at the manufacturing, tourism, rural development, skills development and the commercial agricultural sectors.
- Development Fund that would finance big infrastructure projects on a public-private partnership basis that would also receive money from donors.
- Public service debt fund to reduce Government’s indebtedness to local suppliers of goods and services. This would free up a lot of money into the economy.
- Rehabilitation and refinancing of all the public universities and upgrading of our technical vocational colleges to offer much needed training in skill areas where Zambia is lacking, particularly, in technical and scientific skills.
- Ensure adherence to investment licensing conditions by local and foreign investors.
- Encourage the rehabilitation and expansion of energy, road, transport, and communications infrastructure to support investment in new areas of the country.
- Regional and local equity initiatives (e.g. regional funds) should be encouraged across the provinces. Such equity programmes should be created in parallel to the development and support of regional and local business angel networks as well as business incubators and industrial clusters.

b. Plenary session

A member of the audience mentioned there’s a need for civil society organizations to influence government to invest in research and development in order to develop policies that are based on evidence and an understanding of underlining issues.

Another point made was that achieving sustainable development has proven difficult given the lack of correlation or consistency between national development plans and governments projects.
It was further felt necessary that CSOs should advocate for a consultative and assessment platform with the private sector and government to address such issues as the establishment of a stabilization fund.

7.0 Day Three - 19th July

7.1 Press Conference

A press conference was held on the third and final day of the Indaba. During the press conference, participants were dressed in work suits and helmets while carrying placards and singing solidarity songs. During the press conference the Declaration was read out by Abraham Chikasa from the Council of churches Zambia. Refer to the annex for the Declaration.

7.2 Final Reflections

Following the press conference; participants through buzz groups were asked to table their final thoughts and recommendations in relation to extractive industries. Some of the following were raised:

- One of the most important issues brought out was the need to create platforms for regular meeting by civil society organisations and the communities to discuss development issues.
- There’s a need to make follow-up action to all the resolutions raised during these deliberations. We need to address what type of action should be taken?
- There was a call for formation of collusions at district level of all civil societies to assist the steering committee with provincial mobilization.
- There's a need to advocate for the Freedom of Information bill to help with advocacy.
- Greater engagement with grassroots communities is necessary particularly that many are not aware of the Indaba.
- It was acknowledged that a lot of work has been done by Civil Society Organisations in fighting for increased taxes, but there's still a need to go a step further and advocate for proper use of these taxes, greater transparency on the revenue collection and expenditure sides.
- It was noted that no measures were put in place to measure the success, the achievements of the indaba. We need to change our attitude in the next meeting and
follow up the petitions that are presented in the indaba. We have an obligation to really fill the voice of the voiceless role.

- EITI Reports should be disseminated at community level and reports should be used to bring people to task. In Tanzania mining companies are tasked to pay money to the local councils for local development. Using the EITI reports, communities have the power to take the council to task because they know how much was paid by the mines for the community according to the reports.

- There should be greater use of the media in order to send out information. This will help in information dissemination and advocacy.

- There's a need to interact and engage with the house of chiefs. A lot of writing has been done but now action should be taken. One way is to use the traditional leaders.

- The Alternative mining indaba should go alongside national indaba in order to gain greater coverage. Civil Society should also use the National Indaba as a preamble and show holistic concern for human care

- Civil Society should assist the Kalumbila community to source Human Rights lawyers who could take up their case pro bono.

- There is need to give feedback on the last year's indaba and get what was done and what was left out and also engage the government in the meeting. We have to invite government to this meeting so they can have a feel of what we discuss in the meeting and above all else engage the community who are at grass roots level.

- There's a need for discussions with investors on what should be done when relocating communities to ensure that the investors of what communities truly lose when they are displaced in order for an appropriate compensation to be put in place.

### 7.3 Conclusion of the ZAMI

The indaba ended with a vote of thanks from the Indaba Chair Nsama Chikwanka who thanked the attendees for their active participation and for the information they had shared. He further called for unity among the participants as they continue working towards a better tomorrow in the extractive industries. The meeting was closed with a word of prayer.
WHOSE MINE IS IT?

A Poetic recital

Written
By
Leonard Koloko

Produced and Directed
By
Edward Lange
Presented to
The Zambia Civil Society Mining Indaba,
On the 17th July, 2013,
Fatmols Lodge in Ndola,

For
Southern Africa Resource Watch

– JULY 2013 –

CHARACTERS

1. SCHOOL CHILD
2. CHIEF
SCENARIO:

- A traditional chief, an investor, a politician and a miner enter on stage and carry out their daily activities. E.g. Chief walks around swinging his whisk; investor dressed in a suit walks about majestically with his brief case; politician addresses a rally in mime; miner enacts some rock breaking activities.

- The above actions are to a low drum beat in the background.

- Enter a Schoolchild. Bare footed, books in the hand and a tattered uniform.

CHILD: Whose mine is it?

OTHERS: Mine!

CHILD: Whose mine is it?

OTHERS: Mine!

CHILD: Whose mine is it?

OTHERS: Mine!

CHILD: Confusing isn’t it?

Confusing for everyone claims it is theirs.

Disturbing isn’t it?

Disturbing for I don’t know the owner.

Devastating isn’t it?

Devastating because I am the innocent victim

At school I’ve been told my country is very rich

Yes, so rich in many minerals

At school I’ve been told we sell a lot of copper, cobalt,

Gold and emeralds,

Yet my school has no desks

No chairs

No books

No pencils

Where does the money go?

Just whose mine is it?

CHIEF: Mine!

(All others freeze)

CHIEF: I am Chief Katwishi

Traditional ruler of the Katwishi Chiefdom

So vast,

So rich in minerals

Yes, this is the traditional land vested in me by my ancestors.

They say they discovered the minerals in my land
But yet my ancestors mined from the same land.  
We had our own way of mining, smelting and selling.  
They called it primitive.

I am Chief Katwishi  
Traditional ruler of the Katwishi Chiefdom  
So vast,  
So rich with minerals  
They brought in big machines to mine more  
And said they’ll sell galore  
They promised modernity, wealth and development  
Yet my people still live in poverty.  
Just where does all the money go?  
Katwishi, I don’t know?  

( Freeze )

CHILD: Whose mine is it?  

INVESTOR: Mine!  
Mine, because I am the investor,  
The chief financier,  
The provider of the big machines  
To mine galore,  
And sell a lot more.  
Yes, when we first stepped into this land  
We found people mining  
But those small mines were only benefiting  
A few people.  
( Boastfully )  
When we came  
My money paved and tarred the roads  
When we came  
My money ran the rail lines  
When we came  
My money built the towns,  
When we came  
My money tapped the water  
When we came  
My money lit up the cities  
When we came  
My money built the hospitals  
When we came  
My money built the schools  
Yes, I am the investor,  
The chief financier,  
The provider of employment;
The architect of development.  

[The Child looks confused]  

CHILD: Whose mine is it?  

MINER: Mine!  
They call me Shimaini —  
Yes, the owner of the mine.  
I am the rock breaker  
Sweating underground  
I am the rock breaker.  
Sweating in the open pits  
I am the rock breaker  
Sweating in the smelter furnaces  
Yet so little trickles down to me.  
The place I call home  
Is a haven of air-pollution  
The water I drink is impure  
Contaminated with mineral impurities  
The soil in my yard grows nothing  
But stunted plants  
Still the mine is mine  
Together with my fellow miners – Ba-Shimaini  
We need a better share.  

(Freeze)  

[The Child looks even more confused]  

CHILD: Somebody please tell me, whose mine is it?  

POLITICIAN: Mine!  
I am the politician  
The custodian of people’s welfare  
I find the right investors  
And sieve out impostors  
Yes,  
I collect the taxes  
To build better roads,  
I collect the taxes  
To build more schools  
I collect the taxes  
To build more hospitals  
Child I am your government  
You are my responsibility.  

Chief, I am your government  
You are my reliability.  

Investor, I am your government  
You are my accountability.
Miner, I am your government  
You are my dependability.

I am the politician  
The custodian of all your welfare

CHILD: But my school has no desks and books …

CHIEF: And my village has no hospital and medicine

CHILD: My school has no books and pencils …

CHIEF: And my village still has no tapped water.

CHIEF, CHILD & MINER:  
(Holding hands, in unison)

All mining stakeholders hear our cry!  
All mining stakeholders look into our plight!

– End –

Annex 2

THE ZAMBIA ALTERNATIVE MINING INDABA
NDOLA, COPPERBELT
17TH – 19TH JULY
DECLARATION

We, the participants of the Zambia Alternative Mining Indaba under the theme “Our Minerals! Our Future! Putting People First!” having gathered at Fatmols Lodge in Ndola from 17th -19th July 2013 under the auspices of the three Church mother bodies namely: Council of Churches in Zambia (CCZ), Evangelical Fellowship of Zambia (EFZ) and Zambia Episcopal Conference (ZEC), to deliberate on issues around extractive industries. Participants were drawn from traditional leaders, Civil Society Organizations (CSO) and representatives from communities in South Africa, Zimbabwe, Mozambique, Tanzania, and Botswana who shared experiences and knowledge pertaining to the detrimental effects of extractive Industries. The participants note with concern that Zambia despite being rich in mineral resources, more than 60 percent of the people live under poverty datum line and the 2010 Human Development Index put Zambia on 150 out of 169 countries.
According to Matthew 25:14-30 (The lord has told us what is expected of a good steward, He gave the biblical story of the master giving talents to his servants; the servant who creatively increased the initial talent was commended by his master. It was not so much for profit that affirmation was given but what was applauded. Hence the need for us to use our talents to be good stewards, what he requires of us is this, to do what is just, to show constant love and to leave in humble fellowship with our God) thus humanity has the biblical mandate to care for God’s creation, through good stewardship.

1. **Corporate Social Responsibility:**

We note with concern that Corporate Social Responsibility (CSR) as a tool for poverty reduction is taken for granted by both the Government and the Extractive companies; the current CSR practises are unlikely to play a significant role in reducing poverty in Zambia because they are manipulated, ignored or excluded to suit a particular interest /groups.

We therefore demand that: CSR should benefit the communities in which Corporates operate, in a more meaningful, consultative and structured manner:

- Government must ensure that mechanisms and guidelines are put in place within CSR to link it to already existing national, provincial, and district plans within communities.
- Extractive Industries should be more consultative in their CSR commitments as opposed to driving their PR agenda. They must establish processes to ensure free, prior, informed and continuous consent from affected communities.
- CSR must be underpinned by transparency, accountability and respect for Human Rights by providing quantifiable information on what goes into CSR projects.
- Government should ensure that Companies do not use CSR as a substitute to paying the correct taxes.
- Government must come up with laws and policies that will protect displaced communities and ensure that they are given alternative land and are adequately compensated for loss of livelihoods.
- Corporations must establish, implement and enforce decent labour practices and working conditions that clearly define benefit sharing mechanisms for workers, communities and corporates.
- Government must strengthen the current weak governance systems which render them vulnerable to corporate dictates.

2. **Investment and contract transparency**
The Alternative Mining Indaba also notes with concern that the Zambian Government lacks the political will and capacity to negotiate contracts that should result in maximising the benefits of mining, and also notes that mining contracts are shrouded with secrecy while promoting ethical investment. This has resulted in inadequate and in some cases lack of inclusive participation and engagement with local communities in policy and decision making processes.

We demand: Transparency and Disclosure in investments and trade contracts/agreements to benefit governments, citizens and companies.

- Realizing that mining contracts are shrouded with secrecy we demand that there must be a clear publicly disclosed and consistent contracting mechanism
- As owners of the natural wealth we demand that Zambians be given the first priority in owning mining claims and awarding of contracts.
- A fifty one (51) per cent ownership of all mining contracts to be owned by Zambians
- Government must have a clear, transparent and consistent contract awarding mechanism that will result in maximizing the benefits of extractive industries while promoting ethical investments
- Government must review all current extractive contracts based on best environmental management and social standards
- Parliament should be actively involved in the review and ratification of mining contracts to protect the interest of the Zambian people and enhance accountability

3. **Environmental Management and Protection**

Extractive industries contribute to environmental degradation through deforestation, air, soil and water pollution and these are key factors to climate change and climate variability. Most communities depend on natural resources in particular forests for their livelihoods. However, due to weak legal frameworks and inadequate enforcement mechanisms, forests remain unprotected from degradation and corporate exploitation. In addition, the Mines Act supersedes all Acts including the forestry Act. This has resulted in unjust relocation of the Zambian people from their lands. Land dispossession, grabbing and alienation with marginal or no compensation has resulted in poor health, increased poverty levels among communities as well as ecological damage, thereby perpetuating violence against nature and livelihood resources of peoples.
We recognise the efforts by ZEMA and commend them for putting in place the protection order for the construction of the Chisola dam in Kalumbila - Solwezi and lower Zambezi mining project.

We demand: Responsible and sustainable exploitation and utilisation of natural resources

- The ministerial task force on the Kalumbila project to give a clear position on the status of the project.
- Government must impose a moratorium on current and future mining operations in ecologically fragile and sacred land and domain
- Government must review statutory instruments on Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) to ensure compliance and stiffer penalties for non-compliance
- Government must increase the budget allocation to Zambia Environmental Management Agency (ZEMA) to enable them engage communities in monitoring of extractive industry activities and also enable them to restructure in accordance with the new Act.
- Government must review the Mines and Minerals Development Act (2008) and the 1995 Lands Act to ensure that it gives mandates to traditional leaders and communities on the issuance of land to potential investors
- To ensure effective monitoring of extractive industry activities, government must strengthen the institutional and legal capacities of its agencies and departments and enable them collaborate more efficiently.
- Government must establish an environmental court to address ecological claims or cases and develop and implement local or national legal mechanisms to ensure that mining companies are made accountable for ecological debt, post mining rehabilitation and other socio-economic costs of their operations

4. Forest Management

Poor policies and weak institutional capacity to monitor forest management have contributed to the poor status of the forests in Zambia. Lack of public participation, transparency and accountability, and equity in sharing of costs and benefits has also significantly contributed to poor forest management.

We recognise Government effort in afforestation and including the forest sector on Extractive Industry Transparency Initiative (EITI).

However we demand: The immediate presentation of the 2012 Forestry bill before parliament for consent in order for the 1998 policy to be operationalized.
Full disclosure of information on forest use and management as forest communities are often totally excluded in various forest decisions and transactions.

Government guarantees public access to information relating to the entire chain of operations of the timber industry within the public domain.

Urgent measures must be put in place by the government to finance and improve management to the forestry department to mitigate the high levels of deforestation as an adaptation mechanism for climate change.

5. **Mining tax, revenue and transparency**

The existing tax regimes in the mining sector are inadequate and undermine the socio-economic benefits for Zambians from the extractive industries. This has resonated from lack of transparency and accountability across the whole mining value-chain, coupled with narrow scope and levels of the fiscal arrangement. The multinational corporations continue to undermine and manipulate national laws, standards and regulation resulting in the worsening of the situation on the ground. In addition the Zambia Revenue Authority limited capacity to monitor, collect and enforce tax laws has worsened the status quo.

We recognise Government efforts to improve the taxation policies pronounced which include capital allowance revision from 100 to 25 per cent, introduction of Profit Variable Tax, revision of mineral royalties from 3 to 6 per cent, introduction of SI 55, formulation of the EITI policy.

We however demand that: Government enhances revenue mobilisation by putting in place effective tax policies and administration systems that are transparent and ensure maximum citizen benefit and accountability.

- The government should revise the current Mining tax regime in a way that would enable them to collect commensurate royalties on mineral sales, gross production and tax on mining profits.
- Strengthen the institutional and legal capacity of Zambia Revenue Authority (ZRA) to monitor, collect and enforce tax laws.
- Implement the revenue sharing mechanism stipulated in the 2008 Mines and Minerals Development Act.
- Government must recognise the importance of EITI implementation in Zambia, and the initiative must be expanded to look beyond what the companies are currently mandated to pay.
We shall not relent in our quest for social justice in the management of our natural resource.

The government should ensure that the EITI moves from voluntary to being compulsory by enacting an EITI law.

Government mining policies should move away from the strong focus of giving incentives to foreign investments but instead put in place appropriate tax policies to ensure that the proceeds from mining benefit the population as a whole.

In order to get better revenues, government should explore other taxing frameworks such as; basing taxation on expenditures, commodity taxes, production and sells mechanism.

Government must ensure effective and efficient implementation of the statutory instrument 55 to minimise tax avoidance and capital flight.

Government should review all existing double taxation treaties.

Government should establish a copper stabilisation fund and set up mechanisms to monitor its utilisation.

We shall not relent in our quest for social justice in the management of our natural resources to benefit the ordinary Zambian people!!!!!!

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**Annex 3**

**2013 Zambia Alternative Mining Indaba**

“**Our Minerals, Our Future! Putting People First!”**

17th – 19th July 2013, Fatmols lodge- Ndola

**PARTICIPATION**

*Note: These statistics are based on Attendance sheets collected during the Indaba.*

**Gender Breakdown**

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### Representation Breakdown

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### ATTENDANCE SHEET

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<td>ZIMBABWE ENVIROEMNTAL LAW ASSOCIATION</td>
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<td><a href="mailto:gkalambo@yahoo.co.uk">gkalambo@yahoo.co.uk</a></td>
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<td><a href="mailto:Sarah.garayavga@ncanogmail.com">Sarah.garayavga@ncanogmail.com</a></td>
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<td><a href="mailto:jesintakundai@gmail.com">jesintakundai@gmail.com</a></td>
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<td>MALE</td>
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<td>12 MARY M MULENGA</td>
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<td><a href="mailto:Mulengarymary14@yahoo.co.uk">Mulengarymary14@yahoo.co.uk</a></td>
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<td>SUSEN KIRIMANIA</td>
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<td>RAY O. MWALE</td>
<td>JCTR/JUBILEE ZAMBIA</td>
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<td><a href="mailto:romwape@yahoo.com">romwape@yahoo.com</a></td>
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<td>FELIX NGOSA</td>
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<td>GEORGE C PALO</td>
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