



ZIMBABWE ALTERNATIVE MINING INDABA

30 September-2 October 2020, Bulawayo, Zimbabwe

Preamble:

We, the 149 delegates simultaneously convening in Bulawayo (in respect of COVID-19 restrictions) from the 30th of September to the 2nd of October 2020 for the 9th Zimbabwe Alternative Mining Indaba (ZAMI) drawn from the 10 provinces of Zimbabwe comprising of representatives from Government, civil society organisations, community members, faith-based organizations (FBOs), traditional leaders; local government leaders, trade unions, media, academia and researchers under the theme *"Towards an Inclusive and equitable US\$12 billion mining industry anchored on sustainable mineral resource management"* deliberated on responsible mining, public finance management, climate change, youth and citizen participation, mining policy review, gender and extractives.

This year's ZAMI came at a time when we are faced with the global COVID-19 pandemic which has affected the economy and the livelihoods of thousands, not just in Zimbabwe but across nations. Whilst it appears as business as usual for large scale mining companies, communities are wallowing in abject poverty and social and economic deprivation. This is quite evident in mining host communities which are not deriving any meaningful benefits from the resources extracted in their localities. Instead of realizing social and economic justice from mining activities in their areas, the communities are left with ecological debt, entrenched poverty and inequalities in various forms;

The 9th edition of ZAMI came against the backdrop of the implementing partners having mapped an Advocacy Strategy for the Extractive Sector, wherein community participation is placed at the centre of mineral resource governance. The 2020 ZAMI was informed by key issues and demands which came out of the District Alternative Mining Indabas (DAMIs) and Provincial Alternative Mining Indabas (PAMIs).

We are cognisant that:

- Investors have failed to fully engage locals through free, prior and informed consent which promotes the right of indigenous communities to participate in any developmental initiative while ensuring that in paving way for mining operations, the displaced are fully compensated;

- Some of the mining companies are allegedly violating human rights and failing to respect economic, social and environmental rights. Therefore, mining investors must ensure that they uphold national, regional and international frameworks on responsible investment including the Constitution of Zimbabwe, the Mines and Mineral's Act, and United Nations Guidelines on business and human rights. This will ensure that the investors respect and protect human rights, as well as provide remedy for rights violations, regardless of whether governments are able or willing to protect these rights.
- Zimbabwe's resource wealth has been associated with "poverty, conflict and corruption", as resources have not always translated into higher levels of household income and/ poverty reduction.

Now, therefore, we recommend that:

- The government must ensure that the mining induced inequality gap is closed, and that mineral revenue is equitably distributed. Thus, there is need for the formulation, adoption and implementation of a fiscal decentralisation policy so that public finance management is devolved to local authorities who can in turn control and tax mining corporations in their localities;
- The Mines and Minerals Bill must be brought to finality after adequate consultation of all stakeholders. The Bill must also capture the formalization of artisanal mining, a sector sustaining livelihoods of many who need to be legally recognised and supported;
- The policy makers must ensure that the Bill encompasses Public Finance Management (PFM)'s components that are in line with Section 298 of the Zimbabwe Constitution. Zimbabwe already has a weak PFM system which must be strengthened and aligned with Chapter 17 of the Constitution.
- The Mines and Minerals Parliamentary Portfolio Committee must push for the adoption and implementation of the mining cadastre system which will help in the generation of reliable information including mining titles, beneficial ownership, and mining contract registries;
- The Ministry of Mines and Mining Development should adopt provisions that provide for open contract disclosures, performance monitoring of mining contracts and online register of contracts in the proposed Mines and Minerals Bill;
- The Mines and Minerals Bill must provide for parliamentary oversight of mining contracts in line with section 315 (2) (c) of the national Constitution to ensure transparency and accountability in the negotiation of mining contracts;
- In the face of Zimbabwe's huge wealth potential, proper management of revenue is needed. To enhance transparency and accountability, there is need to generate political will on Extractive Industries Transparency Initiative (EITI) adoption including ensuring that the Civil Society Organizations and Parliament do an assessment on the costs (financial) of EITI Implementation in Zimbabwe;
- Noting the rise of artisanal gold mining and new large-scale coal mining investments in Zimbabwe has resulted in a spike in prospecting and mining operations in protected wildlife and forest land. The Government recently pronounced that mining in protected areas is banned. Therefore, there is need for policy and legal reform processes to align the law with the recent government policy pronouncement and international standards on business and human rights like the United Nations Guiding Principles on Business and Human Rights;
- To avoid farmer-miner conflict, the Ministry of Mines and Mining Development should ensure that in all areas where farming is also taking place, Free, Prior and Informed Consent (FPIC) procedures are conducted. Adherence to FPIC principles can help reduce farmer-miner conflicts that often happen in farming areas where minerals also occur;
- The Government should ensure the implementation of provisions in the Mines and Minerals Bill that protect farmers' rights to consent to mining and prospecting activities on their land;

- Mining communities have failed to realize the much-needed revenue from the mining operations in their localities and therefore there is need to review the Rural District Councils Act to ensure that locals fully benefit from mining operations;
- Law enforcement agents should be adequately resourced so that they contain machete wielding gangs who are terrorizing villagers, miners and mining communities;
- Access to information is a key driver in effective mineral resource governance, therefore it should be enforced as it is provided by the law including ensuring that access to information clauses are included in the Mines and Minerals Bill for easier implementation;
- Information related to mining operations should be made publicly available and accessible to communities in a way that is comprehensible to allow communities to make clear and informed decisions and commitments.
- Government should strengthen the legally binding process where communities are consulted from the administrative stage when companies first file intent to mine in the country and during prospecting, licensing and mining operations;
- Similar to South Africa, Zimbabwe should push for an enactment of Parliament for consultative guidelines that can be used to measure the performance/quality of community engagement and consultation. This means that the EIA process in Zimbabwe needs to be strengthened;
- The government and the relevant stakeholders must create platforms for local communities especially women and youths to have dialogues on issues of Climate change and Nationally Determined Contribution;
- There is need to promote gender-responsive technological solutions to address climate change, including strengthening, protecting and preserving local, indigenous and traditional knowledge and practices in different sectors and for improving climate resilience;
- The Environmental Management Agency (EMA) and Ministry of Mines must ensure there is continuous awareness raising amongst communities especially on processes such as the Environmental Impact Assessments (EIA) and the proper procedures that ensure sustainable mining;
- In all these processes, tripartite engagement at local level, involving the youth, community, business and government is needed as a strategy of addressing environmental and mining challenges.

Conclusion

Public participation is a necessary condition for sustainable development including the achievement of Sustainable Development Goals (SDGs). It is the responsibility of government to ensure active citizen participation in public resources management allowing for benefit sharing and inclusive local economic development. On the other hand, CSOs should support communities in their diverse groups (women, men, youth, people with disabilities and the elderly) to organize themselves and build partnerships with strategic stakeholders and allies. As the country moves towards localising the climate change gender action plan, social media tools, web resources and innovative communication tools must be fully embraced to enable effective information dissemination, in particular reaching out to women, on the implementation of the Lima work programme on gender and its gender action plan. We, therefore, call upon coordination among government departments to ensure that there is seamless flow of information to avoid mistrust and lack of public confidence on how mining resources are being governed.

Signed:

Date: 02 October 2020