



## COMMUNIQUE

### THE ENVIRONMENT PROTECTION DIALOGUE – EPD 2020

#### “Towards a Sustainable Mining Sector in Zambia through Green investments for Nature and People”

*By the Centre for Environment Justice (CEJ) in collaboration with Bread for the World Germany (BftW) World Wide fund for nature (WWF Zambia), and Action Aid Zambia*

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**The Delegates**, gathered here at the inaugural Environment Protection Dialogue (EPD) symposium at the Mulungushi International Conference Centre, held from 14<sup>th</sup> to 15<sup>th</sup> October, 2020 in Lusaka, Zambia; the paramount Chiefs, their Royal Highnesses from the Provinces of Zambia representing Distinguished Royal Establishment ; Government ministries among them Ministry of Lands and Natural Resources, Ministry of Mines and Minerals Development, Ministry of Water Development, Sanitation and Environmental protection. The Civil Society Organizations representatives, Youth and Women organisations, Mining Companies representatives ,the Honorable District Commissioners, representatives of Church Mother Bodies (CMBs), the Zambia Chamber of Commerce and Industries, Representatives of local communities, academia and media houses;

**Understanding and appreciating** that the sustainable development and protection of our environment, nature and people is anchored on consented efforts among the local communities themselves, the mining investors, the government, traditional leaders and the church, and that from time and again, they collectively recognize that the following are the major issues of focus and that accompanying them are identified actions moving forward as a people; **Mining communities water rights; Mining communities’ land rights and tenure; Mining communities compensations, relocation, and displacement; Mining companies level of compliance on investment agreements; Mining communities alternative livelihoods; Mining impacts on biodiversity in protected areas; and Cooperate social and environmental responsibility**

#### 1. Mining communities Water Rights

- 1.1. Realize that the **Legal Framework** of Zambia provides for matters in respect of ownership, control, and use of water by both the communities and companies for primary and secondary usages, and that whether in mining, power generation and steel manufacturing, companies particularly have the responsibility to protect and enhance the quality of that water and secure the rights and safety of other users in the mining vicinities;
- 1.2. **Commitment by mining companies** in undertaking a paradigm shift in Cooperate Social and Environmental Responsibility (**CSER**), through investments by including infrastructure to protect nearby water bodies and to ensure water originating from private



- 1.3. and public premises are treated to achieve a zero discharge of pollutants in order to enhance a culture of green mining and environmental protection;
- 1.4. **Communities and traditional leaders play a leading role** in spearheading local based mapping and storage of information relating to clean and quality water management and security initiatives;
- 1.5. Mining investors and government **promote technical and educational** support and the formation of Water Management Cooperatives that enhance the participation of small scale miners to strengthen cooperation and speedy resolution of disputes in line with policy and in the best interest of the environment and the rights of communities to access quality and safe water resources;
- 1.6. The **utilization and demand of scarce water** resources by both communities and the mining communities be sustainably managed to counter any further depletion in both volume and quality of scarce water resources and effectively mitigate the effects of climate change;
- 1.7. Further that in the protection of community water rights be it on the surface or underground, the consent of traditional authorities, and headmen be granted in order to protect the welfare of people, livestock, and eco-systems;

## **2. Mining Communities Land Rights and Tenure**

- 2.1. Recognizing that in furtherance of land acquisition tenure and security for communities, they be provided with information on land laws and rights to address the challenges of ignorance and knowledge of how to exercise their rights to access and possess customary or statutory lands;
- 2.2. Implore all traditional authorities to show willingness to approve conversion of customary land tenure to lease hold tenure, whilst retaining the role of the chiefs as custodians of the environment and that of indigenous people;
- 2.3. That Considering the scarcity and high demand for land and the value attached to both customary and statutory land, policy measures and reforms include empowerment schemes to empower the local people in acquiring land and contributing to sustainable and green economic development efforts;
- 2.4. Appealing that land demarcation and boundaries in trusts and reserves be clarified by means of maps and plans in consultation with the local communities and chiefs in addressing matters of land disputes, ownership, and litigation based on clear documentation;
- 2.5. Commercialization of land for human and economic activities including mining should take the best interest of the local people and the safety of the environment without occasioning undue displacements and alienation of fauna and flora, in line with Conventions and treaties, particularly, the UNFCCC, and the Paris agreement among others, which Zambia is a party to.
- 2.6. Consent for land rights and tenure, be given and alternatively, a prospective Miners and developer provide alternative water sources either in the form of boreholes, tapped water, or dams for both people and livestock as a service and not as a social and cooperate responsibility.



### **3. Mining Communities Compensations, Relocation, and Displacement**

- 3.1 Appreciating the role of our traditional authorities, as representatives of the people of Zambia, a summit to deliberate on matters of the environment particularly in relation to mining displacements, compensation and relocation of households, and considering that there are custodians of customary and heritage of the people from time in memorial, a summit to be overseen by stakeholders including the Ministries of Environmental Protection, Lands and Natural resources, Chiefs and traditional affairs, and Civil Society be convened annually, ahead of or on the margins of the Environmental Protection Dialogue (EPD) or other similar platforms;
- 3.2 National Policies and laws affecting the displacement, relocation and compensation of communities living in the vicinity of the mines, activities and other businesses, be implemented in the interest of both the rights of people, the environment, and their biodiversity superintended by a body of independent stakeholders including ZEMA, the Church, and Traditional authorities in fulfillment of current efforts to develop a National Biodiversity Strategy and Action Plan (BSAP) and the New Policy on the Environment;
- 3.3 An inclusive compensation administration body to advise and determine the criteria for relocation and displacement of affected households and individuals be constituted to protect indigenous land ownership rights and natural resource benefits;
- 3.4 Ongoing efforts and Programmes to promote green economic development and recovery from pandemics such as Covid 19 take into consideration the welfare of people in mining communities where relocations and displacements have potential to increase the risk of social economic instability including landlessness, homelessness, as well as food insecurity for interest groups such as women, youths, and people with disabilities;
- 3.5 That available resources such as the Environment Protection Fund be utilized by the government to support and empower households that are likely to lose livelihoods as a result of relocations and displacements and inadequate compensation by mining companies in the mining districts of Zambia;

### **4. Mining Companies level of Compliance on Investment Agreements**

- 4.1 **The Government and Mining Companies are employed to play more targeted roles** in relation to the Investment Agreements (IAs) and strengthen the roles of ZEMA as follows-
- 4.2 Take concrete steps to eliminate the dangers and effects of minimal or noncompliance to investment agreements that have been noted in Ministerial statements and Parliament outlining water sources, land and air pollution in incidents caused by identified seven key mining facilities whose emissions exceeded national standards and known conventions;
- 4.3 Taking note that during the National Conservation Strategy and the National Environment Action Plan in 1985 and 1992 respectively, environmental problems that were identified as key problems include air pollution, water pollution and land degradation, attributed mainly, but not limited, to mining activities;



- 4.4 According to the Mines and Minerals Development Act of 2015, section 4, states that: the following principles shall apply to the mining and development of minerals— (a) mineral resources are a non-renewable resource and shall be conserved, developed and used prudently, taking into account the needs of the present and future generations;
- 4.5 To promote ownership and efficiency of compliance on IA, traditional leaders, and local community groups and cooperatives be involved, in the assessment, monitoring, and implementation procedures prior, during, and after the assessment take place;
- 4.6 Alliances of Civil Society and platforms of stakeholders such as traditional leaders be created and supported to contribute towards the Global and European Community Green deal agenda objectives, and the Zambian New Deal for Nature and People campaign, that complement government's efforts in implementing a people driven and environmentally friendly development culture;
- 4.7 Underscoring the importance for indigenous mining community benefits through CSER and the provisions of the Zambia Environmental Management Act for exploration, and commencement of extraction for loss of inheritance and protection of biodiversity;
- 4.8 Priority is given to the Environmental-economic benefit cost versus sustainability analysis when ZEMA EIAs are conducted for mining investments to achieve holistic growth through policy integration for planet, people, prosperity, partnership, peace, and participation.
- 4.9 And that the **Environmental Impact Assessments** by the Zambia Environmental Management Agency (ZEMA) take a consultative and informative approach prioritizing the rights of communities and the safety of the environment whilst giving precedence to water and biodiversity security matters at all technical stages pre, during, and post operations.

## 5. Mining Communities and Alternative Livelihoods

- 5.1 That they collectively recognize and claim the urgency and importance of enhanced sustainable and alternative livelihoods in Zambia's mining communities, and achieve circular economy through the promotion of original and indigenous green chains to drive community driven green and sustainable economic growth.
- 5.2 That growing consensus in policy making and implementation on best practices through structured dialogues between government, traditional leaders, the mining companies and communities themselves, is key in not only creating alternative livelihoods for the vulnerable and displaced communities, but also in reducing dependence on jobs created by the extractive industry,
- 5.3 That Utilizing the already existing capabilities such as household assets including both material and social resources possessed by the families, will assist communities build economic resilience, cope with and recover from stress and shocks associated with lives beyond mining, in a sustainable matter.



- 5.4 Considering their contributions to employment and impact on the environment, Government and the Mining Companies consider supporting or legalization of vibrant and small scale artisanal mining activities by providing financial capital, mining tools, health, and safety equipment, as alternative Livelihood support programme to facilitate resilient and green local economies;
- 5.5 Bemoan the lack of Alternative Livelihood activities particularly in agriculture, art, and crafts which make those who are not employed in the mining communities by the mining companies to feel left out and become socially isolated from opportunities the various streams of income economies of scale are likely to create;
- 5.6 Create Women and Youth led Cooperatives focusing on livestock, crafts, gardening in order to assist children involved in extracting coal and manganese mining such as in Chifunabuli District among other mining communities a move that would curtail the spread of HIV/AIDS and encourage equity by economically empowering young people who may be involved in other vices to survive;
- 5.7 Contributions to Alternative Livelihoods for local households of the proceeds of Extractive industry through job Creation be increased, to enhance and contribute to National GDP and income in line with the provisions of the national financial inclusion policy and related action plans;
- 5.8 For protecting and sustaining alternative livelihoods of mining communities, traditional leaders and communities, become shareholders in all mining investments taking place in their chiefdoms be it artisanal, small, and large scale mining;

## **6. Mining Impacts on Biodiversity in Protected areas**

- 6.1. Recognize that in the interest of protecting Zambia's biodiversity in protected areas and reduce dangers of climate change on nature and humanity, identified areas and landscapes be preserved for the services the majority of the mining communities depend on to sustain their livelihoods;
- 6.2. Efforts made by the government and traditional leaders, the mining companies, in recognizing the importance of scarce natural resources be supported and further integrated to the various national natural resource management policy and action plans;
- 6.3. The action Frameworks designed to actualize Zambia's commitment to the United Nations Framework Convention on Climate Change (UNFCCC), and the Nationally Determined Contributions (NDC), include a Multi-Stakeholder Action Platform that will supplement governments coordination and implementation efforts towards reduced carbon emissions, and strategically include community voices in strengthening regulations around extraction of fossil fuels, in an effort to protect endangered ecosystems and biodiversity.
- 6.4. Government and Community Watch Groups enhance the management and good governance of fauna and flora and by addressing existing limitations. This is through strengthening on-site infrastructure/equipment for patrolling, poaching control, and capacity development of communities, traditional cultural systems and structures, and civil servants in biodiversity management;
- 6.5. Mining Companies use methods and equipment that causes minimal pollution and contamination as part of environmental protection Programmes and invest in water conservation Programmes aimed at decarbonizing works in accordance with the objectives



and requirements of the United Nations Framework Convention on Climate Change (UNFCCC), and the Nationally Determined Contributions (NDC) efforts to reduce emission of carbons and greenhouse gases for a better Zambia;

## **7. Cooperate Social and Environmental Responsibility**

- 7.1 Mining Companies and local businesses uphold the values and principles of Social and Environmental Responsibility (CSER) as a key component between local business and local communities and an effective approach in achieving a set of mutually agreed developmental and environmental needs that directly address the impact of mining activities on man and nature;
- 7.2 CSER is considered as an effective approach in response to its impact on both the environment and the public and on that basis, it is proposed as follows;-
- 7.3 CSER principles become a frame work for best practices desired to mitigate increasing concerns over the negative impact of mining operations on the surrounding communities and lack of commitment to address social and environmental challenges that come with mining;
- 7.4 CSER planning and programmes involve communities and their traditional leaders including women, and youths in decision making and identification of priority needs of the people and resources distribute based on priorities set by the communities and stakeholders;
- 7.5 Plan and design CSER activities to make it more inclusive and legitimate by drawing input from a wide range of stakeholders among, Local Councils, Government departments, Traditional leaders, Women, and Youths;
- 7.6 CSER should not be restricted to basic social services such as health care, education support and companies invest in water, and air pollution prevention, and treatment of contaminated air and water sources, as well as restore the environment through tree planting among other initiatives that enhance green economic development;
- 7.7 CSER investment plans by the mining companies and other businesses focus on supplementing government efforts as a service in building social and economic equity for all groups within the mining communities by the provision of health care, schools, water points, arts and culture;
- 7.8 A CSER model is enhanced, adopted, supported and implemented as a service, that guarantees a systematic and inclusive direct mining community benefit mechanism to complement benefits that accrue from the existing mining taxation system;

## **8. Other Emerging Issues and Actions**

### **8.1. The Protection of Heritage Sites and Powers of Traditional Authorities**

- 8.1.1 For the sustainability of Zambia's cultural and heritage sites, government and the mining Companies , working with communities, must make frantic efforts and put in place policies so that cultural Heritage cites are protected from being demolished and depleted through excessive mining activities;



- 8.1.2 In the interest of preserving and safeguarding the powers of chiefs as custodians of natural resources, legal and policy reforms be considered and supported by government as proposed and suggested during the Environmental Protection Dialogue;
- 8.1.3 Understanding the challenges and impact the Covid 19 pandemic has occasioned to the welfare and gains Zambia has made over the years, economic recovery plans take concerted efforts including managing the consequences of climate change in order to facilitate sustainable recovery and a green economy supported by all Zambians and asking for contributions from traditional leaders, communities, civil society;

**Recalling** the purpose of the Environment Protection Dialogue (EPD); convened by the Centre for Environment Justice, World Wide Fund for Nature (WWF), Action Aid Zambia (AAZ), and Bread for the World (BftW) of Germany to facilitate a communication channel for citizenry, stakeholders, and communities in the engagement, negotiation and advocacy for environment justice and protection;

That the delegates are deeply moved by the challenges faced by vulnerable communities in the mining districts of Zambia likely to escalate climate change, endanger biodiversity and deplete natural resources if not mitigated;

**Reaffirming** the emerging importance for dialogue to find amicable solutions among Traditional Authorities, the Civil Society Organizations, Communities, and government and mining companies for the sustainable development and environmental security;

**Mindful** of the current environment policies put in place by the Zambian Government, and the right and aspirations of the citizenry to enjoy their natural endowments, and live in secure and safe environments;

**Cognisant of** the untold dangers and threat unsustainable economic activities in mining, and industry may pose to the survival and integrity of local ecosystems; biodiversity, and the livelihoods of communities, and capacities to cope with adverse effects of climate change;

**Recognizing** that the environmental protection dialogue process must run side by side with reconciliation of divergent interests, and in the spirit of policy reforms, national building, and coexistence, unity of purpose, tolerance and sustainable management of natural resources;

**The Delegates and Royal Highnesses, welcome** the National Environmental Protection Dialogue (EPD) efforts, initiated by the Centre for Environment Justice (CEJ) with support from Bread for the World (BftW) Germany, World Wide Fund(WWF Zambia) and Action Aid Zambia and in liaison with Government to bring together stakeholders to exchange experiences and information and ponder on best practices;



**Further Support** the consolidation of resolutions and actions so as to address the seven key issues identified above and that they be considered along other broader related aspects for implementation;

**Recommend** mining companies adopt CSER model that prioritized community initiatives as part of company CSER policies and plans;

**Ensure** that the Zambian Government undertakes implementation and upholds commitment towards adherence to sustainable environment and extraction policies and regulations;

**Underscores** that the Zambian people through stakeholders and the media present have increased information on the identified seven key issues affecting mining communities in Zambia and their anticipated short and long term actions;

**Appreciate**, the efforts of Centre for Environment Justice, World Wide Fund (WWF), Action Aid Zambia, and the Zambian Government, among others for contributing towards achieving successful results in ensuring the security of the environment, and natural resources in the interest of the people;

**Implore the** Centre for Environment Justice(CEJ), WWF Zambia, and Action Aid Zambia to remain proactive and pursue a robust engagement agenda with other stakeholders in pursuing desirable practices in environmental justice, water security, climate change, agriculture, and energy policy frameworks;

**Explore** actions surrounding issues of policy, plans, mechanisms and frameworks, as well as capacity to attain set national objectives in protecting our natural resources, ecosystems, and biodiversity surrounding our people;

**Anticipating** to exploring models of community engagement in environmental management practices as a strategic intervention;

**Hereby**, call upon all stakeholders, and the Government of Zambia to heighten efforts and collaborate towards attaining the action areas, identified strategies and outcomes of the National Environmental Protection Dialogue (EPD), of 2020.

**Done at Lusaka, Zambia, 15<sup>th</sup> October, 2020.**

**Date of Release, 3<sup>rd</sup> November, 2020.**