

2ND NORTH WESTERN PROVINCE CHIEFS INDABA

Communique

The Royal Solwezi Hotel, Solwezi - 24th to 25th August 2020.

“Land, Environment and Accountable Mining.”

PREAMBLE

We, the Royal Highnesses of the North Western province, particularly Mushindamo, Zambezi, Solwezi, Kalumbila, Kasempa, Mufumbwe, Manyinga, Kabompo, Zambezi, Mwinilunga and Ikeleng’e districts, met on the 24th and 25th of August 2020 under the auspices of Caritas Solwezi, Caritas Zambia, Non-Government Gender Organization Coordinating Council(NGOCC), Transparency International Zambia (TIZ), Foundation for Democratic Process (FODEP), Diakonia Zambia, Civil Society for Poverty Reduction (CSPR), Zambia Land Alliance (ZLA), Action Aid, Joint Country Programme (JCP), Extractive Industries Transparency Alliance (EITA), the Media Institute of Southern Africa (MISA) - Zambia and the Jesuit Centre for Theological Reflections (JCTR) for a Provincial Chiefs Indaba, held under the theme “Land, Environment and Accountable Mining.” This year’s Chiefs Indaba presented an opportunity to make follow ups on recommendations previously made and re-strategize, so as to come with best practices that encourage Equal Beneficiation and Meaningful, Sustainable Integral Development for all.

APPRECIATE:

We the Royal Highnesses appreciate and acknowledge the works done by the organizers in striving to bridge the gap in knowledge commonly existing in many chiefdoms, even amidst the Covid-19 pandemic. This space for dialogue has addressed many issues still prevailing from last year’s indaba, with the hope of formulating action points that will ensure progress on issues pertaining to land, the environment and natural resource management.

It has been very enlightening and informative for the various Royal Establishments and has provided a platform essential knowledge and lessons consolidating our role as custodians of the land. Furthermore, we appreciate the different presentations given by various Civil Society Organizations and partners as they shared views through different lenses on best practices to preserve our land and environment.

ENCOURAGED:

We were particularly encouraged to keep showing dedication towards the betterment of the lives of our people in the hope of promoting peace, equity and justice.

AWARE:

Having shared experiences and knowledge, we are well aware of the specific roles all present stakeholders play in championing Sustainability and Development for our province and nation.

We are aware of the ongoing amendment process of the Mines and Minerals Development Act (MMDA) which we hope has accommodated clauses which promote community beneficiation.

Land ownership is important, as land was given to the people by God with all its worth to support their livelihoods. If safeguarding of our land is not made a priority, we might have no land to call our own in the future.

CONCERNS:

1. Governance, Transparency and Accountability:

Our resources as a nation, are vested in the authority of the president and managed by the various ministries on behalf of the people. However, there remain gaps in this governance and we are concerned:

- There is a significant disjoint in communication and information sharing between Government and the Chieftainships. This has affected consultation and engagement between the Government and the Traditional leaders that has left a huge gap in the transparent collective working of the groups.
- We note with concern, the lack of relevant government representation during meetings, such as this indaba, that discuss matters of governance as should be performed by the various government departments.
- We are also well aware that the government issues out different licenses and permits to conduct surveys. However, the information on such activities within the chiefdoms on the findings is not availed to the respective Traditional leaders and their communities.
- We express further concern on the inability of government departments to carry out their duties as is their mandate; reference is made to the Kalumbila Town council which is still allowing Kalumbila Minerals to operate without title, a discrepancy that has allowed them to avoid taxes (property rates) due to the council, and meant for service delivery and development within the district.
- The developmental agenda of the chiefdoms remain haphazard and without strategic plans and very unsustainable. In addition, all revenues collected from mining activity are paid into a central account, taking away even royalty payments to chiefdoms meant for development.

2. Land:

As sons and daughters entrusted with the custodianship of our land and people, we are deeply concerned by threats to the security of land tenure in our chiefdoms. What is chieftaincy without customary land ownership?

- It is worth noting that 80% of our land is customary, whilst 20% is state land. This said, Government Ministries have shown no regard for customary land and we now face the danger of its depletion. The Ministry of Mines, Ministry of Agriculture, Ministry of Lands and Forestry Department, among others, indiscriminately issue out licenses for development activities on customary land.
- Investors and companies prospecting for mining and processing of minerals are given preference when it comes to land rights compared to people who have surface rights. This has disadvantaged a lot of the communities in areas where minerals have been discovered. In the long-run, Zambia might still be considered mineral resource rich with Investors owning the bigger chunk.
- Knowledge on how to acquire land is limited and impedes improving the security of land and gaining access to other services such as credit. This leads to a situation where community members, particularly women, would not be aware of the available legal frameworks for land governance and acquisition; as a consequence, they cannot hold authorities accountable and access services in an efficient and just manner. This is particularly detrimental to women as they are strongly dependent on land as a resource for food security.
- Land and natural resource wrangles have created powerful cartels causing conflict in the chiefdoms, an issue requiring dedicated action from all stakeholders, the Chiefs and CSOs.

3. Licensing and Consent:

- We are saddened and disturbed by how mining licenses are being issued by the government without our consent. While the ministry issuing these licenses is in Lusaka, we only receive documentation of notice which we are expected to sign. In such cases, various chiefs have been robbed of their land.
- We the chiefs, once again dismally note the accusation that we are consenting to selling land to foreign investors. How can we be accused of selling land more than 250 hectares when we are not allowed to do so? Enough mines own land more than that. Only the president has the power to do that. We the chiefs understand the need for our land which is our birthright and that of our children that will live on it for years to come.
- We are concerned about the increased levels of corruption in the issuing of exploration and mining licenses. This has led to the loss of the Chief's autonomy in decision making regarding their land as well as the loss of benefits for the defenseless communities.

4. Displacement and Compensation:

We the chiefs note with concern the following:

- Displacements in many of our chiefdoms have seen our communities being moved from their land without proper compensation. Their homes, livelihoods, social and customary heritage are lost without commensurate compensation provided.
- The loss of livelihoods is a concern as it causes poverty and distress among the displaced communities.

5. Corporate Social Responsibilities and Infrastructural Development:

- We acknowledge and appreciate the Corporate Social Responsibilities that the mining companies have undertaken such as rehabilitating schools and hospitals. However, these projects should be consultative and reflect the priorities and needs of the people and district.
- Over dependence on Corporate Social responsibility (CSR) is not the most ideal solution to develop the community for it hinders personal development making the communities “slaves to the dollar”.
- We note with concern the need for more secondary and tertiary education institutions in the province. Whereas large scale investments are sprouting all over the province, illiteracy and lack of opportunity for our children and youths remains a problem. Schools ought to be brought closer to the people.
- A lot of minerals are being extracted by various mining companies in the province. However, we are dismayed by the bad state of our roads yet these are the same roads these mining companies are using to transport minerals and should not be neglected.

6. Environmental Degradation and Forestry:

The tradeoff relationship between industrialization and environment protection cannot be forgone. We note the following issues:

- We note with concern that the legal framework in forestry resource management is weak and does not provide for community ownership and management.
- We are concerned over the indiscriminate Cutting down of trees without promoting afforestation, in Manyinga, given licenses to buy and not cut trees, illegal timber cutters.
- Environmental degradation, pollution (land, contaminated water, air). Bad roads, no electricity in most of the chiefdoms.
- We are concerned over ZEMA’s remarks on water pollution, affiliating the cause to some other natural cause and not the mines.

- The land left for the chiefdom is not enough for their farming activities and there is little land for the people to occupy because the area is a forest reserve.

RECOMMENDATIONS:

We hereby make the following recommendations:

- We note that there is a need for a policy that will compel investors to pay royalty to the chiefdoms so as to facilitate infrastructure development.
- Need to change the compensation policy.
- CSOs and other stakeholder need to support chief to advocate for a legal system that insures ownership land with its resource.
- CSO need to empower people with knowledge do that they can defend themselves.
- We opt for mechanisms that will protect the less privilege from losing their land and livelihood.
- CSO to liaise with Chiefdoms in the drafting and development of the strategic plan
- We should not be perceived as enemies of development but should be seen as partners to the government in order to achieve our objective of promoting development and reduce poverty amongst our communities.
- There is need to have a policy in place that will allow the local people to have equal opportunity.
- We hope to see the community's capacity built so as to reduce and further stop deforestation and promote afforestation so as to curb negative impacts.
- As chiefs we should know how much as being allocated to cooperate social responsibility for accountability purposes.
- There is need to conduct due diligence to determine whether the authenticity of prospective investors before issuing out land.
- Development is driven by the people themselves and the role of CSO is to hold government and the investors to account.
- CSOs to normalize having action points so that this platform does not become an academic exercise. They should not fall into slumber and only awake in time for the next indaba.

Action Points

The following were the agreed upon action points as per responsible party.

Traditional Leaders

- Surveyor General of cadaster department to review and reconcile Chiefdom boundary maps.

- Document Chieftainship succession plans (Family trees, both matrilineal and patrilineal).
- De-politicization of Chieftaincy.
- Call for advocacy for transparency on how much government receives as revenue, how it is administered and how it is redistributed for benefit of the communities.
- There should be a deliberate move by government officials to be visiting chiefdoms and share information to the royal highness on issues concerning the land, environment and mining.
- The chiefs must be a united front in addressing the issues or problems that arise in the chiefdoms (*unity for purpose*).
- Identify pieces of legislation that support the role of the Royal Highnesses in National and Natural Resources Governance and community beneficiation, then advocate for the Amendment of legislation that does not support this. There should be a harmonization of the necessary laws governing the country.
- Promotion of dialogue amongst their Royal Highnesses.
- Traditional issues to be handled by the traditional institutions (structures).

Civil Society Organizations (CSOs)

- Identify of legislative authorities (Government Ministries) and lobby them in advocacy for empowerment of local structures to have legal power to address some of the challenges the chiefdoms are facing.
- The Provincial House of Chiefs to engage the provincial administration on their role in addressing chieftaincy challenges.
- Engage and work with stakeholders that includes CSOs, government and other partners to address some of the issues.
- CSOs to work with and empower Traditional leaders on protection of customary land as well as land security.

Media

- Need to advocate for government to consult and get consent from chiefs in the issuance of mining licenses that centrally issued in Lusaka.
- Educate, inform and interpret the traditional authority to the masses.
- Amplify the voices of traditional leaders & citizens.
- To bridge the gap between the traditional leaders and subjects by disseminating authentic and verified information.

Name

Signature

1. HRH Senior Chief Mujimanzovu- Mushindamo
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2. HRH Senior Chief Sikufele- Manyinga
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3. HRH Senior Chief Musele- Kalumbila
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4. HRH Senior Chief Sailunga- Mwinilunga
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5. HRH Senior Chief Ishindi- Zambezi
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6. HRH Chief Ntambu- Mwinilunga
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7. HRH Chief Mumena- Kalumbila
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8. HRH Chief Kakoma- Mwinilunga
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9. HRH Chief Ingwe- Kasempa
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10. HRH Chieftainess Nyakuleng'a- Zambezi
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11. HRH Chief Mulonga- Mushindamo
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12. Representative Chief Kapijimpanga- Solwezi
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13. Representative Chieftainess Ikeleng'e – Ikeleng'e
.....

14. Representative Chief Chinyama Litapi- Zambezi

15. Representative Chief Chizela- Mufumbwe

16. Representative Chief Kalunga- Kabompo