

LUAPULA MINING INSAKA  
CHARTER OF DEMANDS



## **Current Problems Surrounding Mining in the Province**

### **1. Centralized Issuance of Mining Licenses**

The Ministry of mines lacks a comprehensive and transparent licensing and mineral rights management system which is decentralized and participatory. Such a situation is causing vulnerability to displacements and food insecurity as most of customary land is being lost to mining

### **2. Non Compliance to legal and Policy Frameworks**

Illegal mining is high and most of the licensed mining companies do not adhere to the provisions of law on mining, environment, employment and tax returns.

2.1 Artisanal and Small Scale Mining - The province lacks viability, progressivity and sustainability of the artisanal and small-scale mining subsector to enhance its contribution to growth and development through access to training, extension services, finance, marketing and cleaner, efficient technologies

2.2 Community Participation – despite the Mines and Minerals Development Act providing for developers to seek consent and approval from traditional leaders and their subjects before mining commences, community members are not involved in decision making and are rarely consulted nor engaged in public hearings through the EIA process.

### **3. Inadequate Knowledge on Mining**

The province lacks geological and minerals information systems to underpin investment, exploration and mine development. Miners have no qualifications, trainings or supervision which has resulted to numerous deaths and injuries including vulnerability to pollution and diseases. Most mines do not have mine managers contrary to the mines and minerals act.

### **4. Child Labour**

Children below the age of 14 years work on the mines contrary to the employment and child protection policies. Majority have dropped out of school and are working under hazardous conditions without any health, safety and environmental knowledge.

### **5. Casualization and Exploitation of Women**

The majority of workers in the province are on casual basis and work without contracts or any form of social protection or security to hold the employers liable for death or injury. Those who are in permanent employment are paid below the minimum wage and work without protective clothes. A lot of women are involved in mining but are doing so in risky conditions due to lack of knowledge, compliance to law and lack of investment capital to improve mining.

## **6. Environmental Degradation**

Majority of the mines in the province have no Environmental Impact Assessments and do not contribute to the Environmental Protection Fund. There is need to strengthen environmental, social, economic and cultural protection policies, laws, systems and capacities of communities to engage

Both the Mines Safety department and ZEMA are found on the Copper belt which makes it challenging to address health, safety and environmental issues

## **7. Loss of Revenue**

There is need to strengthen policies, laws and practice or systems and institutions for transparency and accountability in the management and use of mineral revenue Assessment. Currently local people are not benefiting from mineral resources because there is no transparency and accountability in the way revenue is collected and distributed.

## **8. Loss of Customary Land**

Customary land is not secure because traditional leaders do not know their boundaries and where mining is being conducted, there are no exit plans hence the land is left degraded and no longer suitable for habitation or other land uses.

## **Our Demands**

### **1. Decentralize Issuance of Mining Licenses**

The Ministry of Mines should develop a comprehensive and transparent licencing and mineral rights management system that involves the mining bureau in decision making and issuance of licenses. All stakeholders involved should be consulted and obtain consent as provided for in the mines and minerals act. When issuing licences local people must be given first priority.

### **2. Compliance to legal and policy frameworks**

All mining companies and their related value chains should conducted mining and trade in accordance with the law, failure to which they should be fined and their licenses revoked.

### **3. Increase communication, information sharing, trainings and capacity building in mining**

All persons working in the mining sector should obtain such training or qualification of some kind to prevent deaths and injuries and environmental challenges, and every mine should have a mine manger and supervisors.

### **4. Stop Child Labour**



Children below 14 years should not be allowed to work or enter mining areas unless on education tours under guidance and supervision and those above 16 should be taken in on internship to learning the skill and trade of mining.

**5. Create descent and safe jobs**

All mine workers should be given contracts by employers and employers should be liable for the welfare of their workers. Women should be given fair treatment and equal pay to men and should be involved in decision making.

**6. Increase awareness and protection of the Environmental**

All mines should make their EIA/EPB public and should have visible environmental management plans and policies and should also contribute to the Environmental Protection Fund. ZEMA and Mines Safety Department should be decentralized and they should conduct regular inspections to ensure that mines are complying with the environmental laws.

**7. Improve compliance to tax returns**

Mining companies must publish what they pay in terms of revenue through platforms such as the EITI and also be accountable to the people. Where revenue has been submitted, it is the role of the receiving institution to ensure that the mining communities benefit from the minerals by way of road infrastructure and improvement of education, health facilities, water and sanitation and any other need as may be proposed by the communities.

**8. Preserve Customary Land**

There is need for traditional leader to have maps and clearly marked boundaries to protect customary land from diminishing. Chiefs need to provide customary land certificates to their subjects for protection against displacement and also develop a conflict sharing mechanism that will help resolves issues of land conflicts to avoid people being displaced due to mining.

**Roles and Responsibilities**

**Provincial Administration** – through the office of the Permanent Secretary should engage with the Ministry of Mines and ensure that these demands which are people driven are taken into consideration and all relevant stakeholders are engaged to improve mining in the province

**Mines Bureau** – the bureau should conduct a needs assessment based on these demands and advocate for decentralization of licensing and also improve on inspections, and have representatives within their premises from the Zambia Environmental Management Agency and the Mines Safety Department.

**Civil Society Organizations** – conduct a validation exercise on the demands, sensitize communities in the mining areas and the general public on the demands and make follow ups to ensure that the demands are met

**Traditional leaders** – share and raise awareness of the demands among their subjects and make follow ups with relevant stakeholders to ensure that the demands are fulfilled.

**Community Members** – follow up with relevant authorities and stakeholders to ensure that the demands are fulfilled.