



JOINT COUNTRY PROGRAMME ZAMBIA

NORTHWESTERN PROVINCIAL CHIEFS INDABA COMMUNIQUE'

Held in Solwezi, Potani Lodge, 3rd to 5th September 2019

PREAMBLE

We royal highnesses of the North Western province, namely from Mushindamo, Solwezi, Kalumbila, Kasempa, Mufumbwe, Manyinga, Kabompo, Zambezi, Mwinilunga and Ikelenge, met on the 3rd to 5th of September 2019 under the auspice of Caritas Solwezi, Caritas Zambia and the Jesuit Centre for Theological Reflections (JCTR) for a provincial chiefs mining indaba, held under the theme “Land and the Environment, Our Future, Care for Our Common Home.” The chiefs’ indaba presented an opportunity for us to share knowledge, experiences and best practices on land and environment in our respective chiefdoms. We further appreciate the Government for the conducive in which they are operating.

APPRECIATE:

We the royal highnesses appreciate and acknowledge the works being done by Caritas in organizing such a platform for dialogue on the various issues affecting communities in terms of land, environment and natural resource governance. 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 government departments and civil society organization as they shared insights on the challenges and implications government of current practice on land and environment.

ENCOURAGED:

We were particularly encouraged by Rt. Rev Charles J.S Kasonde Bishop of the catholic Diocese of Solwezis’ opening remarks where he reminded us that God has blessed us with Land, and He has made us stewards of this land. Truly, as he said **“We may be poor but we deserve better”**. These words embody not only the essence of who we are, but also of who we ought to be as owners of this land. We the people ought to be the true beneficiaries of the gifts that God has given us (minerals, water, forest, rainfall and land etc.) and because of such platforms, we will stand for this.

The platform has encouraged us to learn from each other, as well as seek advice from those that have experienced similar problems. We realize the need for synergies amongst ourselves because no man can stand alone in our quest to attain a common objective.



Furthermore, we are encouraged to be more aware of issues concerning our land, natural resources and people, be vigilant and take charge in matters affecting our common home. We believe that our people are our lifeline and that their benefit should always come first. We are the primary custodians of this right, therefore, we take seriously the right and power to consent or not to consent always putting our peoples' desires, aspirations and benefits first.

AWARE:

- Having shared experiences and knowledge, we are aware of legislation and practice relating to licensing, consent, displacement, compensation, infrastructural development, environmental degradation, land and forestry. From our perspective, though there are many progressive provisions in our laws, some of these have had detrimental effects on the welfare of subjects in our chiefdoms.

CONCERNS:

1. Land

We are concerned with the slow pace of Government's development of the Land Policy and development of the Act which has exacerbated land ownership disputes.

- It was noted with concern that due to the government's quest or desire to promote foreign investment, the circumstances under which land may be alienated or granted to non-Zambians have been increased from those obtaining under the Amendment to the Land Act of 1985.
- Investors and companies prospecting for mining and processing of minerals are given preference when it comes to land rights compares to people who have surface rights. This has tended to disadvantage a lot of the communities in areas where minerals have been discovered
- 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.

2. 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, with utter dismay, 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? 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 lack of a prescribed criteria for the issuance of exploration and mining licenses. This disadvantages potential investors that could bring meaningful development to the mine host communities because the dormant investors hold on to licenses for too long without doing anything.

3. Displacement and Compensation:

According to the latest Disaster Management Mitigation Unit (DMMU) report, 11,000 people have been displaced internally over the last 10 years due to developments in the country, North Western Province included. 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.
- There should be adequate compensation to sustain themselves after they have been displaced from their original settlements

4. 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.
- We note with concern the need for more secondary and tertiary education institutions (Universities) 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.

5. 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.



- Mining in North Western Province is mostly open pit leaving much of the land degraded. Mass cutting down of trees and depletion of forests in the province is a cause for concern. Droughts and the looming effects of climate change would only be some of the effects of this issue. There is, therefore, need to maintain the natural state of the forests which are of ecological, social and economic benefit. The case of Muhongo forest located in Chana cha muhinga ward is worth mentioning; should mines be opened, the birds will fly away the blue monkeys will also disappear. In essence, the biodiversity will be lost along with the natural habitat that would have been destroyed.
- The Chinese investors camping in the sites are only allowed to buy logs but they are instead cutting them without consent from the chief in Manyinga.
- Environmental degradation, pollution (land, contaminated water, air). Bad roads, no electricity in most of the chiefdoms.

RECOMMENDATIONS

We hereby make the following recommendations:

1. We demand that Government prioritize the awarding of mining rights to local communities, as this is a meaningful way of ensuring the local communities benefit from their God given resources. The case of the gold deposits in chief Chibwikas chiefdom of Mwinilunga is classical example. God has given us Gold, why should we prioritize awarding licenses to someone who will take it away and only share a small piece of the profits with us? We refuse to continue to be beggars of our own resources.
2. We demand for the protection of water body sources as these are in the province as the current state of affairs, we stand to contaminate our source of water as a country.
3. We demand that Zambia environmental starts enforcing laws governing pollution
4. We demand for a public University in the province as the province does not have any public University. Additionally, we demand for more Girls secondary schools to help reduce on early marriages
5. Government should put in place frameworks that safeguard communities' rights to customary ownership and control over their lands, especially as this is a fundamental precondition for a people's Free Prior Informed Consent (FPIC) in relation to extractive industries. In doing so, government and central government administration must recognize the authority of communities in this process to manage, conserve, and develop their resources according to their own customary institutions and laws. This should include the following:
 - The Ministry of Mines and Minerals Development should issue mining and exploration licenses only after consent letters are given by the chiefs and the communities have agreed to the proposed projects.
 - In consultation with communities, CSOs, academia, traditional leaders and the government must enact and amend their mining and related laws and take all necessary legislative and administrative measures to assure that communities enjoy ownership of and benefits from the natural resources on or under or otherwise pertaining to the lands



they historically occupy and use, and address the urgent need for the genuine recognition of indigenous religious, cultural and spiritual rights, including their sacred sites in the context of extractive projects;

- Require social, cultural and human rights impact assessments to be undertaken for all extractive industry projects impacting communities in the chiefdom. Social impact assessments should be required by law and should be undertaken prior to any phases of any extractive industry project. Assessment should be monitored to ensure full compliance at all stages of the project;
- Ensure that communities who are actually or potentially impacted by business activities have complete and timely access to all relevant information in order to ensure they are able to participate effectively in the key decisions that affect them and put in place grievance mechanisms that are accessible to communities in the event that their rights are violated.
- Government must ensure transparency and accountability, especially in governance institutions and bodies that deal with mining, forest and land. Cases of alleged corruption must be addressed;
- We implore the Government to curb the indiscriminate cutting down of trees for charcoal. In the midst of climate change, we need to be discouraging charcoal and development alternative energy sources.
- Government should sensitize the people on the areas marked for Game and forest reserves

In addition, we

- Demand the expectation that all business enterprises domiciled in its territory respect human rights throughout their operations;
- Recognize customary laws and traditional mechanisms of conflict resolution and there is need to carry out capacity-building for communities in the chiefdoms to develop their own representative platforms, to ensure they are able to participate effectively in the key decisions that affect them;
- We demand that the Environmental Impact Assessment report is disseminated in a language that the local people.
- Demand that the government and mining company should have the responsibility to respect the decision of the communities underpinned by concept of Free Prior Informed Consent, the government having the responsibility to protect and stand by community decision and the community to have a full access to duty bears remedy;
- Call on communities affected by mining to unite in provincial and district to fight for social and economic justice in the exploitation of mineral and other natural resources in their communities.
- We demand for the reintroduction of the mineral sharing mechanism and guidelines on how it will be administered to foster accountability and transparency
- We demand that chiefdoms own shares in the mining investments so as to foster social and economic development even after the mines are gone as they have a limited lifespan.



We also pledge to:

- Meet regularly. There is need for the royal highnesses to meet on a regular basis to discuss the issues affecting our communities, how to address them and hold Civil Society accountable.
- Monitor the situation of our communities and large-scale investments to ensure that they comply with laws and policies in our chiefdoms.
- We continue to insist that customary laws on ownership of our land and natural resources be respected by government and business enterprises without exception.
- Learn and work together. We acknowledge that we must learn to work and consult each other as traditional leaders including the headmen on issues of compensations and displacement as well as any other in the hope of finding solutions among ourselves. The chiefs are encouraged to seek advice from one another on who, how and where the projects should be done, the consequences, and benefits to their subjects.
- We pledge to maintain and update all relevant documents relating to our chiefdoms (i.e. land certificates, village registers). We shall remain well aware of the land that we possess; how much we give away and how much we retain as customary land for the purpose of safeguarding our cultural heritage.

We also urge:

- Civil Society Organizations to use the leadership and guidance of communities in our chiefdoms to develop activities and support for communities in their relationships with extractive industries. This should include the developing of guides and monitoring tools that can be used by communities to better protect their fundamental human rights as well as provide support for communities to develop their own extractive industries;
- Civil Society Organizations have a duty to make the communities understand the strategic plans of the government on how the funds are shared and as chiefs we have the responsibility to ask for the strategic plan in order to know more on development issues as well as know the funds that have been allocated to them and follow up on the matter to the appropriate duty bearers.
- Civil Society Organizations to engage the Ministry of Health on the budget for drama groups that help with the sensitizations on issues affecting our Girl children and women.

Signed

1) Senior Chief Kanongesha (Represented)- Mwinilunga



2) Senior Chief Ishindi (Represented by the Prime Minister)- Zambezi

3) Senior Chief Sikufele – Manyinga

4) Senior Chief Sailunga- Mwinilunga

5) Senior Chief Kasempa (representative)- Kasempa

6) Senior Chief Ndungu (represented by the Prime Minister)- Zambezi

7) Senior Chief Musele- Kalumbila

8) Senior Chief Kalilele(representative)- Mushindamo

9) Chief Mumena (representative)

10) Chieftainess Nyakulenga- Zambezi

11) Chief Kapijimpanga- Solwezi

12) Chief Nyakaseya- Ikelenge

13) Chief Ingwe (representative)- Kasempa

14) Chief Musaka- Mushindamo

15) Chief ChinyamaLitapi (representative)- Zambezi

16) Chief Mulonga- Mushindamo

17) Chief Chizela (representative)- Mufumbwe

18) Chief Ishima (representative)- Zambezi

19) Chief Kanyama (represented)- Mwinilunga

20) Chief Kalunga- Kabompo



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21) Chieftainess Ikelenge (Represented)- Ikelenge

22) Chief Ntambu- Mwinilunga

23) Chief Chibwika (represented)