

Change in mining is needed now or we risk environmental and economic devastation

It is time for civil society and communities to be meaningfully included in the Mining Indaba and to have at least a 50% representation at the meeting.

For five years we have tried to influence the mining indaba's outcomes and we will continue to do so until we prevent mines from seeking easy entrance into communities and extrapolating our resources.

The exorbitant fees and exclusion from the programme means the mining indaba is purely investor driven. This is dangerous as those who would contribute vital information and insights are excluded and are not heard.

Oxfam's latest report states that 85 people earn more than 3,5 billion people who are living in poverty. Short-term profit maximisation driven by financial institutions and private equity players, with a view to quick riches leaves communities and the environment devastated.

Those at the mining indaba brag about the standards they have adopted and how they report, meanwhile they wreak havoc everywhere they mine. We say enough is enough: change is needed now!

Mining has vastly changed the landscape of the world. We live on a planet barely recognisable to what it was just 100 years ago. We fail to heed the warnings of the true costs of mining and its long-term consequences.

We fail to recognise that we need a more equitable sharing of wealth. We talk about growth but ignore what is really needed: an economy built on redistribution.

Imagine a mining community where workers are paid a decent living wage and communities are compensated adequately for mining on their land – this should not be a dream, this should be reality and is the best way for us to begin to build the society we want tomorrow.

It is worth noting what the Alternative Mining Indaba in 2014 had to say and I quote: *"We continue to note with concern, that the African Mining Indaba (being held at the International Convention Centre in Cape Town), has once again excluded the true owners of the land from their conference, and warn that severe hardship, social conflicts and unsustainability will result, when our land and heritage is sold at the altar of foreign governments and transnational corporations.*

We stand in solidarity with workers, women and men, young and old, who have lost their lives and livelihoods as a result of unscrupulous mining companies, and demand the protection of the rights of communities and particularly the defenders of rights, who continuously suffer under oppressive regimes.

We note with dismay the continued rush for profits by rent-seeking Trans-national Corporations at the cost of both human and animal life and the complete destruction of the environment and other sources of life such as rivers and the air; Above all else, we are appalled by the inhumane attitude displayed by the leaders of the corporations towards other forms of life and fellow humans and the poor stewardship over the land and environment."

Through our many years working on the ground, we have learnt that mineral extraction is used for perpetuating inequalities rather than bringing about a solidarity society.

We are concerned that communities continue to be marginalised in matters affecting their own lives. In South Africa for example, communities are excluded from being participants in Social and Labour Plans. These plans speak about community infrastructure and economic well-being. This is anti-democratic, and reinforces colonial and Apartheid practices. A truly democratic legislation ensures that people remain the centre of their own development.

Although we have raised these matters for some years, we continue to learn of the continued impoverishment of mining communities, and labour sending communities. These stand in stark contrast to the mass profits of the share-holders and chief executive officers.

Communities continue to cry out against the new rush for mining and extractives profits, which defy all norms of fair play, consultations and negotiations with communities. We have observed a blatant disregard for human rights and a continued externalisation of mining costs.

Whilst profits are privatised, the true costs to health, environment, ecology, economy and social wellbeing of workers and communities is ignored in law and practice by the elites in our communities and the corporations.

We find sham consultations and agreements with un-mandated elites circumventing full participation of the communities in determining whether mining should take place or not.

For us, Free Prior and Informed Consent (FPIC), is not a once-off process, but continuous processes of negotiating and consulting with communities on matters of importance to them. FPIC should be compulsory and it should also give communities the right to say NO to mining.

We are tired of the rights of people being pushed aside and ignored and have therefore resolved to name and shame companies that are found to have violated Human Rights and Environmental Rights at every gathering we have. This will be followed by cases being laid against the company involved.

On customary law we reject the current practice which gives individual and unelected chiefs all the power over the resources to his or her community. We further call on government to mobilise the political will and recognise and use customary law which will assert the customary laws and entitlements of the community as equal to statutory regulation.

This will grant communities greater rights than corporations to own, and utilise their own natural resources. We trust our government and law makers to not be confused in believing that all investment is good, when evidence says contrary.

Whilst shareholders and CEOs have raked in millions, mining communities remain trapped in extreme poverty and inequality. We call for extreme and urgent measures to relieve hardships in the short term, and to lay the basis for sustainable socio economic development which does no harm to the ecology, local communities and their wellbeing.

We call for a critical review of the whole system of revenue collection and distribution and of royalties. The review should evaluate if it works, where it works, and how it works on the continent. Participants of the Alternative Mining Indaba acknowledge that the implementation of these systems are adhoc, non-transparent and generally yield no benefit to communities.

We also call on government to regulate the corporations without fear or favour, and ensure that mining and other extractive companies are held accountable for the true costs of mining as they impact on local communities and individuals.

Corruption and mismanagement of our natural resources undermines sustainable development and is a loophole for corrupt and unscrupulous individuals in government and in corporations. We call for community vigilance in exposing these acts and ask the law enforcement agencies to prosecute those found wanting.

Communities are debating setting up a Community Fund to galvanise their resources and strategies to effectively challenge corporate power. One area of work that would be funded is litigation which we hope will systematise how we challenge corporate abuses of the environment and communities in our countries, on the continent and in international tribunals. Another is the establishment of an independent fund that all mining companies contribute to. The money will be used to level the playing field, and give communities access to expertise to negotiate more equitably when mines want to begin or expand activities.

In lieu of the three spheres of sustainable development, namely environment, social and economic impacts, the governments should embrace the concept of beneficiation that entails value addition and the transformation of a mineral to a higher value product, which can either be consumed locally or exported.

We call on all the national governments of different countries to beneficiate all the minerals with a large share of development being vested for hosting communities as prescribed by negotiations with the communities; the beneficiaries of all extractives must first of all benefit communities before other so called stakeholders, but it must cause no harm to the ecology.

The Alternative Mining Indaba expressed outrage last year, when it learnt that more than half (56%) of illicit flows of Finance (estimated at USD 50 billion per annum) from the African continent arose from oil, precious metals and minerals, iron and steel and copper.

These illicit flows in the extractive sector are by and large facilitated by corruption, illegal resource exploitation, tax evasion and avoidance. The only ones benefitting from this are corrupt government officials, TNCs and their subsidiaries.

We call on African governments to prioritize the scourge of illicit financial flows in the mining sector by strengthening the capacity of regulatory institutions in order for these Institutions to effectively carry out their work in identifying and curbing illicit financial flows.

Government must redouble their commitment to strengthening and enforcing tough disclosure measures that are timeous, transparent, and accountable to parliament and communities. We believe it is high time to enact legislation that promotes mandatory reporting of revenue payments on production figures, sales, profits and taxes paid by all Transnational Corporations in all jurisdictions where they operate in their audited annual reports and tax returns. Governments must make this information public to the general citizenry. For this to be effective, government should build the capacity of regulatory institutions to carry out their own independent audits to validate reports of the companies.

We also call upon all governments, in particular those in Africa, to enact legislation that prohibits public officials from engaging in business activities, owning shares or sitting on a board of a company

or companies that will conflict with or compromise their public responsibilities in the sectors that they are supposed to be regulating.

Complete transparency of Beneficial Ownership/registry of TNCs is essential. The control and accounts of companies, Trusts and Foundations in each jurisdiction that these entities operate must be made public.

We call on our government to embrace Automatic Exchange of Tax Information amongst governments. This shall be done by collecting data from financial institutions on the financial assets within their domain and automatically provide it to governments where the non-resident individual or entity beneficially controlling the structure is located.

We call upon African governments to harmonise laws that deal with the offences for money laundering including tax evasion and fraud, as well as crimes committed both at home and abroad.

We note the new fad that is taking root in the world, is fracking. We oppose fracking, because it pollutes the water supply and distorts the ecosystems supporting our livelihoods.

Communities consistently speak out against current iniquitous land laws in many countries where ownership only refers to surface land. In addition, the new scramble for Africa's resources starts with land grabbing. This undermines not only our food sovereignty, but also communities' capacity to sustainable livelihoods.

We demand genuine land reform, and fair and equal compensation for those evicted to make way for mining. Even this decision must be subject to communities' approval. It is women and children who are most affected by evictions and displacements caused by these land grabs.

The concept of energy sovereignty which provides for small-scale, community-owned, participatory, renewable energy solutions must be provided. These alternatives including solar, wind, water, etc. can be sources of energy that put the needs and aspirations of people and their communities, and the environment above the race for profits. More resources must therefore be made available to poor communities to reduce their reliance on charcoal burning.

All members of the Alternative Mining Indaba, made up of civil society and Faith Based organisations from all over Africa, have committed to struggle for these ideals: for a more sustainable and human-friendly world as well as for a more just economic system.

We have vowed to remain vigilant and to continue monitoring the practices of all mining companies to ensure just and equitable outcomes. We will never give up fighting for the rights of those who are affected by mining.

2015's African Mining Indaba is set to be filled with great debates, discussions, training, and calls to action. Through our marches, protests and meetings, we will push our agenda and ensure that our voices are heard, no matter what

Rt Rev Dr Jo Seoka

Chairperson Bench Marks Foundation and member of the Alternative Mining Indaba