



**Media release by the Alternative Mining Indaba,
Cape Town, Monday 5 February 2018**

Mining legislation in Africa gone back to colonial days

For immediate release

Mining in Africa has reverted to the pre-independence days of colonialism in which legal regimes exist primarily to facilitate profit for mine owners, according to Dr Yao Graham, executive director of Third World Network in Ghana.

Dr Graham was speaking at the Alternative Mining Indaba, a platform for the voices of civil society and people impacted and affected by mining, in Cape Town this morning.

He pointed out that the majority of African countries opted to nationalise mineral resources at independence, a choice which vested ownership of mines in the state on behalf of the people of that country.

“Legal regimes in Africa, however, today exist primarily to facilitate the profits of mining. Laws make corporate welfare possible,” Dr Graham noted.

Decisions about how minerals are exploited should be based on how best the interests of people – those living as well as future generations – were advanced. Any policy framework should have at its heart the notion of sustainability and inter-generational equity.

All elements of community struggle can be regrouped under the concept of collective ownership of mines, Dr. Graham said.

He added that it was a huge paradox that communities campaigned against this situation in fragments: “We talk about communities sharing the benefits, managing environmental benefits, workers enjoying better benefits – but these are all fragments. We have lost awareness of most important legal provision – public ownership of mineral regimes on this continent. We have not tried sufficiently to interrogate what this should mean.”

Dr Graham said that it was flawed logic to argue that the best way to share minerals is for multinationals to manage them and then share some of their profits with governments for people.

“Our ownership of minerals should mean that communities make much bigger demands for accountability. Currently, our laws are very defective in accountability, with too much left at the discretion of the authorities,” he added.

Current practice had led to a pattern of unsustainable exploitation, whereas value needed to be added by transforming minerals into other assets, so that less minerals are used, leaving sufficient for future generations.

Earlier in the morning, delegates heard about a community in Botswana that has been left bereft by the closure of a mine in 2015.

Keineetse Kealeboga Maswabi of the Mmadinare community in Selebe Phikwe told the conference that when people in the community were ordered to move in the early 1970s to make way for a mine, they welcomed it and did so without demanding any compensation.

Although services in their new location improved, they were not allocated land to own. Neither did the mine carry out an environmental assessment or establish a sustainability fund.

After the mine closed in 2015, unemployment rose and affected communities found that they had not been given certificates of rights to plough land. This certificate was now required in order for farmers to access government assistance schemes.

“The land board now treats them as squatters,” Maswabi said.

Ends statement

The Alternative Mining Indaba presents an alternative voice - the voice of communities - to that of corporates, governments, investors and financiers who meet yearly during the African Mining Indaba. Through effective advocacy, the AMI aims to enhance transparency and accountability in the governance of natural resources and lead to a continent that extracts minerals sustainably and distributes natural resources revenues equitably.

The objectives of the AMI are to:

- Provide a platform to empower communities affected and impacted by the extractives industries to reclaim their rights through the formulation of alternatives;
- Advocate for transparent, equitable and just extractives practices in the management, governance and distribution of national resources through policy and legislative reform;
- Create meaningful decision-making processes for communities, advocating for just national and regional policies and corporate practices;
- Provide space for engagement for the inter faith communities, governments, CSOs and private sector to share information and experiences; and
- Provide space for the inter faith community to lead and accompany affected and impacted communities.

The AMI is organised by the Economic Justice Network of the Fellowship of Christian Councils in Southern Africa (EJN of FOCCISA) in collaboration with:

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[Christian Council of Mozambique](#)

[IANRA \(International Alliance on Natural Resources in Africa\)](#)

[Tax Justice Network Africa](#)

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