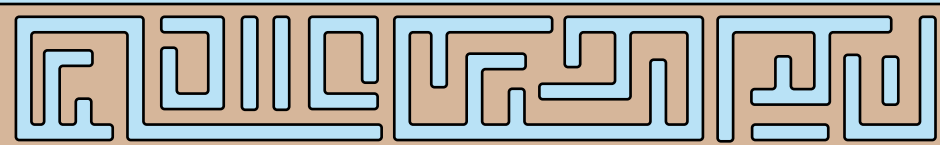


SARW Annual Report 2022



SARW Board Chair Remarks



I am honoured to address all our stakeholders in this 2022 annual report.

As we continue to push our agenda of advocating for transparency and accountability in the extractive industries of our region, I am reminded of the enduring importance of our work. In the words of Frantz Fanon (1963), we are reminded that “each generation must discover its mission, fulfil it or betray it, in relative opacity.” This statement means that every generation is responsible for deciding how to follow after discovering its mission, even in darkness.

Our generational mission at the Southern Africa Resource Watch is to ensure that our region’s natural resources are managed to benefit all our citizens, not just a select few, certainly not just an elite few. Through our research, advocacy, convening and campaigning work, we hold corporates and governments accountable for their actions while pushing for policies and practices that protect our environment, put communities at the centre and promote sustainable development.

we hold corporates and governments accountable for their actions while pushing for policies and practices that protect our environment, put communities at the centre and promote sustainable development.

I am proud to be part of an organisation that has significantly impacted the region, and we look forward to working with you all to build on our successes. Together, we can create a future where our resources are a source of pride and prosperity for all our people, not a curse, source of conflict and driver of a new scramble for Africa.

Like most groups, in 2022, our organisation faced significant challenges due to the impact of COVID-19 on our work for over two years. We navigated this impact and were able to recover and consolidate our efforts thanks to the determination and collective work of our staff, our partners, and stakeholders. The year marked a significant milestone in

our recovery journey, including working from our offices and recruiting new staff to bolster our work. We achieved some critical results in natural resource governance in the extractives industry in the Southern Africa Region.

Sadly, by all accounts and arising from our research and engagement work, evidence suggests that the region still suffers from widespread corruption, an unprecedented shrinking of political and civic space and malpractices from multinational corporations who often prioritise their profits over the economic, environmental, and cultural rights of mining host communities.

During this challenging time, we have been working tirelessly to protect the human rights of SADC citizens, including migrant workers, during and post the Covid-19 crisis. We have also taken on important projects such as mapping and monitoring rights in Chinese mining operations to document these growing regional investments’ human, environmental and economic impacts. Building this body of evidence has enriched the quality of our advocacy and engagement.

INTRODUCTION

PROTECTION
OF THE HUMAN
RIGHTS OF
SADC MIGRANT
WORKERS DURING
THE COVID-19
CRISIS

MAPPING AND
MONITORING
RIGHTS IN
CHINESE MINING
OPERATIONS

ESTABLISHMENT
OF AN ANTI-SLAPP
COALITION

STRENGTHENING
COMMUNITIES'
VOICES AGAINST
COAL MINING IN
MPUMALANGA
PROVINCE

ACCESS TO SEXUAL
HEALTH AND
REPRODUCTIVE
RIGHTS IN
SADC MINING
COMMUNITIES

NETWORKING
AND STRATEGIC
ENGAGEMENTS

To safeguard the rights of activists, human rights defenders, and organisations facing threats from Strategic Litigation Against Public Participation (SLAPPs), we worked to establish an anti-SLAPP coalition for Africa. This effort received a surprising shot in the arm. In a major victory for human rights in South Africa, a constitutional court ruling in November 2022 provided new protection for human rights defenders and activists against SLAPP suits designed to silence criticism. The court ruled that SLAPP suits target activists, journalists, whistle-blowers, and everyday people who exercise their constitutional rights, including challenging injustice, masquerading as ordinary lawsuits.

In the second judgment, the constitutional court held that companies that suffer harm to their reputation due to defamation might not claim compensation for non-financial losses if the defamatory speech forms part of "public discourse on issues of legitimate public interest". SARW will work with others to ensure the meaning and impact of these court decisions are felt at the community level and beyond South Africa.

Finally, in climate change and the push for a Just energy transition, we empower communities to have a stronger voice against coal mining and play a key role in developing solutions relevant to their needs. Additionally, we continue participating in strategic spaces to bring about policy and practice reforms.

Thank you for your dedication and commitment to this critical work. Let's continue to make progress and positive change.

Deprose Muchena

Chairperson of the Board.

INTRODUCTION

In 2022, the Southern Africa Resource Watch (SARW) was persistent in its search for sustainable and meaningful use of abundant natural resources for economic growth and development in Southern Africa. The centrality of natural resources to the developmental prospects of the region is well known, with mining alone accounting for more than 50 per cent of exports, making it the largest foreign exchange earner.

In fulfilling its mission, SARW focused on the following interventions in 2022:

- protection of the human rights of SADC migrant workers during the Covid-19 crisis
- mapping and monitoring rights in Chinese mining operations
- establishment of an anti-SLAPP coalition
- strengthening communities' voices against coal mining in Mpumalanga Province
- access to sexual health and reproductive rights in SADC mining communities
- networking and strategic engagements.

Protection of the Human Rights of SADC Migrant Mineworkers During the Covid-19 Crisis

In 2022, SARW concluded a project that was focused on protecting the rights of migrant mineworkers in the Southern African Development Community (SADC), including current and former gold mineworkers. For current mineworkers, the main objective was to monitor, record, and publish labour rights violations directly linked to the Covid-19 health pandemic against migrant mineworkers in South Africa. It sought to advocate for legal reform in labour law in alignment with emerging issues brought about by COVID-19, both as a protection for mineworkers and a preventive measure (in case of future pandemics).

The project advocated for increased social protection measures for migrant mineworkers during the Covid19 recovery, especially in their living conditions. It further sought to promote redress and reparation with the possibility of litigation and escalating issues to the African Commission on Human and Peoples Rights.

Results

For former gold mineworkers, the project assisted with their identification and registration into the Tshiamiso Trust database,¹ the first condition to receive compensation. Fieldworkers and regional Justice for Miner's chapters were trained to assist with identifying former miners in their countries. The project mainly used radio (including community radio) to reach ex-miners and their families, provided information on accessing compensation, and educated them about their rights and available services.

Mapping and Monitoring Rights in Chinese Mining Operations

Under its Business and Human Rights Programme, SARW started a three-year project seeking to generate balanced and credible evidence to inform policy and practice reforms to improve the Chinese mining companies' human and environmental rights conduct in the SADC region. The project, known as Mapping, Monitoring, Documenting and Improving (MMDI), seeks to:

- map Chinese formal and informal mining operations in the SADC countries;
- document in a systematic manner the state of human and environmental rights in Chinese extractive companies;
- develop policy and practice reform strategies that facilitate engagement with the SADC countries on proposed reforms for improved operations and conduct;
- build the capacity of Chinese companies to be responsive to human and environmental rights through strategic engagements, training, and sustained joint advocacy with Chinese civil society; and
- build the capacity of civil society in SADC to monitor and report human and environmental rights abuses and to utilise mechanisms for redress and remedy.

In 2022, the project identified and trained 13 community rights monitors in the Democratic Republic of Congo (DRC), Zambia and Zimbabwe. Their key roles are identifying and verifying the mining companies operating their areas, identifying which resources they are extracting, and determining the level of their operations, capital investment and production. The community rights monitors also record and share human rights abuses in their communities through incident reporting.

The rights documentation focuses on the workers' situation, which includes labour rights violations and quality of life issues for workers and family members. It further investigates and documents issues relating to the environmental impact of mining operations.

1. According to the Trust's website <https://www.tshiamisotrust.com/>, the Tshiamiso Trust has been established to carry out the terms of the settlement agreement reached between six mining companies and claimant attorneys in the historic silicosis and TB class action. The Trust is responsible for compensating all eligible current and former mineworkers across Southern Africa with silicosis or work-related TB (or their dependents where the mineworker has passed away). These beneficiaries are front and centre in all that the Trust does.

Results

By the end of 2022, the project had already started mapping the operations and documentation of issues relating to the impact of mining operations on the surrounding communities' social and cultural rights through community monitors. Over 45 companies across the three countries have been mapped, and a consolidated baseline report on the mapping was released in the first quarter of 2023.

Establishment of an Anti-SLAPP Coalition

In 2022, SARW, in collaboration with Benchmarks Foundation, initiated an intervention to establish a coalition against Strategic Lawsuits Against Public Participation (SLAPPs). The Coalition Against SLAPP suits in Africa (CASA) consists of people's movements and organisations, unions, legal and community organisations, human rights defenders, media, journalists and any other persons or entities who are concerned about legal harassment and the various forms of intimidation by corporations intended to silence free speech, violate the rights of vulnerable groups, and hinder transparency.

The project's approach included identifying lead strategic partners in Western, Southern, Eastern and Central Africa who will be able to lead regional efforts of identifying and engaging with the above-mentioned critical stakeholders under the umbrella of CASA. The representation of key stakeholders in the various regions will enable the practical support of public watchdogs and advocates against SLAPPs; ensure solidarity in cases of SLAPPs under the principle 'If one is targeted, all are targeted'; secure legal, technical and financial support to profile and expose SLAPP suits and efforts of fighting these suits to challenge the culture of corporate bullying.



Results

2022 was focused on mapping the potential organisations that can participate in this coalition and plan for regional consultations as well as the launch of the coalition in 2023. Key organisations to lead the regional meetings and mobilisation have since been identified and engaged in supporting the initiative.



*Affected households in
Carolina Mpumalanga*

Strengthening Communities' Voices Against Coal Mining in Mpumalanga Province

This project focused on strengthening community voices in South Africa towards the divestment from coal as part of just transition plans. This project focuses on building women's voices in the coal mining community of Carolina in Mpumalanga to contribute to critical discussions which will impact them.

The approach to the project has mainly been to facilitate a baseline of knowledge and participation of the women in Carolina under the thematic areas of climate change, coal mining, and a just transition. This was done in three parts.



Results

Firstly, SARW held a community engagement to understand the community's key areas and vulnerabilities around coal mining, climate change, and a just transition. The engagement meeting convened 107 community members, and the focus of the meeting was to establish a baseline for the community's lived experience under coal mining operations, to understand communities' advocacy and engagements with key stakeholders, and to gauge the level of understanding regarding a just transition and climate change.

Secondly, SARW rolled out the Feminist Participatory Action Research (FPAR) in three specific communities (Silobela, Kroomkraans and Onbekend). The FPAR research entailed creating a core group of eight women researchers from Carolina, trained to use various tools and exercises to understand and amplify the women's voices under the above-mentioned themes. The findings from the research will produce a report and a community manifesto, which is tabled as an advocacy tool.

Thirdly, during the 2023 Alternative Mining Indaba, the project will launch the research findings, manifesto and documentary, which captures the story of Carolina and the key features and concerns of the women in discussions of coal divestment.

SARW Annual Report 2022

SARW BOARD CHAIR REMARKS

INTRODUCTION

PROTECTION OF THE HUMAN RIGHTS OF SADC MIGRANT WORKERS DURING THE COVID-19 CRISIS

MAPPING AND MONITORING RIGHTS IN CHINESE MINING OPERATIONS

ESTABLISHMENT OF AN ANTI-SLAPP COALITION

STRENGTHENING COMMUNITIES' VOICES AGAINST COAL MINING IN MPUMALANGA PROVINCE

ACCESS TO SEXUAL HEALTH AND REPRODUCTIVE RIGHTS IN SADC MINING COMMUNITIES

NETWORKING AND STRATEGIC ENGAGEMENTS



Pictures from the Women on Coal Report Launch in Carolina

Access to Sexual Health and Reproductive Rights in SADC Mining Communities

SARW partnered with the United Nations Population Fund (UNFPA) on a research project that assessed the state of access to sexual health and reproductive rights (SHRR) in SADC mining communities. This research focuses on three countries (South Africa, Zambia and Zimbabwe), looking into the extent to which the mining industry supports the communities in their areas of operations towards the achievement of the four UNFPA transformative results of i) zero preventable maternal deaths; ii) zero unmet need for family planning; iii) zero gender-based violence (GBV) and harmful practices; and iv) zero sexual transmission of HIV.

The research aimed to provide an overview of women's access to SHRR in mining-affected communities. The research looked at the regulatory environment and policy positions of the governments in the three countries as well as mining companies' policies and corporate social investment (CSI) initiatives. This research, the first of its kind linking SHRR to mining, is simply a tool for reflection, which could pave the way for a much deeper conversation on how to strengthen access to SHRR for women in mining communities.

Results

Overall, the research established that none of the mining companies engaged paid much attention to SHRR issues. Generally, mining companies don't offer good health services to communities or their employees and families. In South Africa, the Marikana community has one public clinic that serves the surrounding communities. There are complaints from community members interviewed that the clinic provides substandard healthcare services due to nurses being rude, unsympathetic towards patients, and disregarding their rights. In Zambia, the Chililabombwe community faces challenges from the different dynamics and lifestyles affecting the workers, the entire community, and the people living around mines. In Zimbabwe, there was no evidence that Trojan Mine owners Bindura Nickel Company are involved in supporting the provision or improvement of access to SHRR in Bindura.

Networking and Strategic Engagements

During the year under review, SARW participated in various strategic platforms for networking and pushing regional and continental advocacy issues. Spaces that SARW participated in include the Pan African Conference on Tax hosted by the Tax Justice Network Africa. Through these platforms and beyond, SARW has incubated some key partnerships that have expanded its scope of work and resource pool.



Delegates SARW's side session during the Pan Africa Conference on Tax

Gender and Mining in SADC

In 2022, SARW initiated research on women's employment and participation in the local supplier's mining value chains in five Southern African countries. The project's main goal is to ensure gender inclusivity and equity in the mining industry in Southern Africa. The ongoing research seeks to provide real-time data on women's employment levels in SADC's large-scale mining industry and promote women's social and economic well-being through participation in the region's mining industry. SARW has conducted a desk review on women's employment in SADC's mining industry, leading to a Gap Analysis Brief on women's participation in large-scale mining companies and communities around mining operations. The research outcome will form the basis for a regional dialogue on promoting gender equality and participation in SADC's mining Industry.

The project will provide much-needed statistics on the number of women who derive income from the large-scale mining sector through direct and indirect employment or livelihood creation. This is a prerequisite for shaping national and regional policy advocacy. The project will also use the findings to influence policy interventions at SADC regional level and with individual mining companies to support the increased participation of women in the mining sector.



Fair for All or Power of Voices Project

The Fair for All project is focused on addressing human rights violations and strengthening the mining value chain in South Africa to ensure that those most affected by mining benefit from the industry in terms of financial mobility. This is done primarily through research, advocacy, and outreach activities undertaken by SARW and by identified organisations and stakeholders in the social justice sector that have a body of work or expertise that can scale up efforts to address the focus of the project activities. In 2022, SARW partnered with the Centre for Applied Legal Studies (CALs) towards the production of a research report on post-mining models and climate change. The research sought to critically examine existing and proposed mechanisms for promoting sustainable post-closure economies within the current climate crisis and the need for a just transition.

With the Worldwide Fund for Nature (WWF), SARW collaborated to host the Youth Bootcamp. The project aims to realise the effective participation in climate change governance of South African civil society organisations (CSOs), including labour and youth, in climate change governance to ensure enhanced climate policy ambition, implementation, and accountability. The boot camp strengthened the capacity of 25 young people to be key activists and champions in work on climate change.

With the Business and Human Rights Resource Centre (BHRRC), SARW collaborated on work that included engaging with the mining companies operating in Sekhukhune on the availability of grievance mechanisms for local communities and their effectiveness. This dialogue brought together community representatives, mining companies and CSOs to explore the human rights concerns faced by the Sekhukhune community in Limpopo Province (South Africa). The focus was on the availability, accessibility and reliability of grievance mechanisms for Sekhukhune community members. The engagements with the mining companies operating platinum and coal mines in the region, including Anglo American and Glencore, on operational grievance mechanisms turned out to be fruitful, with the companies committing to establishing effective operational grievance mechanisms and ensuring that these mechanisms are accessible and available in local languages.

In its direct implementation, SARW has strengthened the work in Carolina, establishing a strong group of women questioning rights issues within the coal mining value chain.

SARW Annual Report 2022

SARW BOARD
CHAIR
REMARKS

INTRODUCTION

PROTECTION
OF THE HUMAN
RIGHTS OF
SADC MIGRANT
WORKERS DURING
THE COVID-19
CRISIS

MAPPING AND
MONITORING
RIGHTS IN
CHINESE MINING
OPERATIONS

ESTABLISHMENT
OF AN ANTI-SLAPP
COALITION

STRENGTHENING
COMMUNITIES'
VOICES AGAINST
COAL MINING IN
MPUMALANGA
PROVINCE

ACCESS TO SEXUAL
HEALTH AND
REPRODUCTIVE
RIGHTS IN
SADC MINING
COMMUNITIES

**NETWORKING
AND STRATEGIC
ENGAGEMENTS**

Women's Land Rights Training Manual

In partnership with the Advancing Rights in Southern Africa (ARISA) Programme, SARW has implemented a project on women's land rights and extractive industries. A regional in-country study was undertaken. Based on the gaps identified by the country and thematic-based studies, a training manual on Natural Resources and Women's Land Rights in the SADC region was produced jointly.

The training manual was launched during a Training of Trainers (ToT) workshop in 2022. The key objective of the training was ensuring that women build their narrative and analysis of the problems they face regarding land access and natural resources. The training beneficiaries included both women and men, with four men and twenty women from the following countries: Angola, Botswana, DRC, Eswatini, Lesotho, Madagascar, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe. The training included community leaders and civil society organisations who deal with land, governance, grassroots participation, and gender issues.

The training manual has proved helpful to the affected communities, and the engagement resulted in creating a SADC-CSOs regional network on Women's Land Rights and Extractives. The next steps for the project are to continue building the capacity of the regional network for a consolidated regional voice and networking and the elevation of advocacy to the SADC parliamentary level by training members of parliament in selected SADC member states.

Dialogue on the SADC Regional Mining Vision

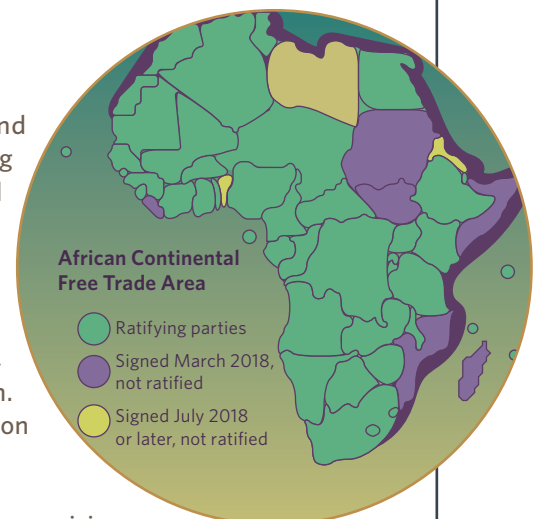
The Third World Network-Africa (TWN-Africa) and SARW hosted a two-day dialogue on the SADC Regional Mining Vision (SADC RMV) in Johannesburg, South Africa. The dialogue is one of several events that TWN-Africa and partners organised in different regions of Africa as part of efforts to reinforce the continuing importance of the Africa Mining Vision (AMV) policy agenda for Africa's progress towards structural economic transformation and sustainable development. The two-day multi-stakeholder event attracted over forty participants from SADC member countries, including CSOs, trade unions, the private sector, officials from relevant public institutions in SADC countries and related regional and continental bodies. The event was hosted as a hybrid (in-person/ virtual) event conducted primarily in plenary around presentations from resource persons and lead discussants.

The dialogue aimed to deepen state-society engagements around the SADC RMV and explored the prospects and challenges for using the RMV as a pillar in advancing structural economic transformation and sustainable development in the SADC region. The purpose was to reflect on the implementation of the SADC RMV in the context of assessing community, national, and continental needs to ensure that both the African and SADC mining visions succeed.

IMPACT

The conference generated some lessons from the sessions and opportunities for the stakeholders or participants to explore going forward. Some of the critical debate was around the need to understand that it is in the interest of Africans to use the minerals for their benefit and to leverage the African Continental Free Trade Area to secure its market. The overall impression was that there is a dire need to explore technology as a solution to access some of the products available in the sector. The conference was held at an opportune time, given the adoption and implementation of the regional mining vision. The conference was a step in the right direction in formulating an action plan going forward.

As a result of this project, one of the low-hanging fruits is the ongoing revision of the SADC Mining Protocol. A group of selected African CSOs has been mobilised to analyse the Protocol and give input to the SADC Secretariat.



SARW Annual Report 2022

SARW BOARD
CHAIR
REMARKS

INTRODUCTION

PROTECTION
OF THE HUMAN
RIGHTS OF
SADC MIGRANT
WORKERS DURING
THE COVID-19
CRISIS

MAPPING AND
MONITORING
RIGHTS IN
CHINESE MINING
OPERATIONS

ESTABLISHMENT
OF AN ANTI-SLAPP
COALITION

STRENGTHENING
COMMUNITIES'
VOICES AGAINST
COAL MINING IN
MPUMALANGA
PROVINCE

ACCESS TO SEXUAL
HEALTH AND
REPRODUCTIVE
RIGHTS IN
SADC MINING
COMMUNITIES

**NETWORKING
AND STRATEGIC
ENGAGEMENTS**

Another conference on the African mining vision was held in Kinshasa, DRC (face-to-face and videoconference). More than 40 people participated, including the state services of the Ministry of Mines, the private sector, universities, and civil society.

Among other objectives, the meeting focused on introducing the various Congolese actors to the SADC RMV, evaluating the state of play and prospects of the AMV, to contribute to a more vigorous public commitment to the AMV programme by increasing the visibility of the AMV and its action plan, to put the issues of mining on the agenda of decision-makers and CSOs in the DRC as well as to reinvigorate the commitment of Congolese CSOs in the implementation of the AMV programme by taking into account the role of minerals in Africa's development.

In the discussions, it emerged from the state that the DRC is a stakeholder in the AMV. At the continental level, the DRC's participation had been sparse as invitations were sent either to the Ministry of Mines or the Ministry of Foreign Affairs and Regional Cooperation. The Ministry of Mines and the Chamber of Mines actively participate in the work of the AMV.

At the national level, there has not been a formal and rational process to integrate the principles of the AMV into the DRC's mining policy. This integration was done piecemeal, particularly during the revision of the Mining Code in 2018.

In conclusion, it was noted that, in addition to the progress made in the integration of the principles of the AMV, the DRC must develop a mining policy that formally and rationally integrates the AMV, and this includes leveraging the opportunity to link the AMV to the creation of the African Centre of Excellence on Electric Batteries (CAEB) in the DRC, which aims to ensure the socio-economic development of the DRC and Africa and to become a stimulator of scientific and technological development by offering an interdisciplinary ecosystem of scientific research, entrepreneurship and innovation.

IMPACT

The meeting was the first time in the DRC since the revision of the mining code in 2018 that an evaluation of the AMV was made and a consensus was reached on the importance of this AMV, some principles of which have been integrated into the mining code. This makes it possible to increase the Congolese authorities' awareness to continue the AMV's domestication.



Dialogue on the SADC Regional Mining Vision 

Development Finance for Community Environment and Justice Defenders in Southern Africa

This project is focused on advocating for adopting a toolkit for effective and sustained community participation, grievance redress mechanisms and environmental justice financing in mining projects at the regional level. The project uses the toolkit to establish or support the community stakeholder's forum. The project seeks to diffuse the singular and negative perceptions mainly held by local communities and civil society organisations that mining projects in the region are gross human rights violators.

In 2022, three convenings were undertaken, including the toolkit launch at the Alternative Mining Indaba in Cape Town, the toolkit launch at the Zimbabwe Alternative Mining Indaba and the toolkit launch at the SADC People's Summit in the DRC. The toolkit has gone on to be translated into French and isiZulu, whilst an illustrated version is being made to ensure that most communities can understand the issues covered in this toolkit.



Participants of the Grievance Redress Mechanism workshop from Mutoko, Zimbabwe



Three community awareness meetings with mining communities and companies, including a multi-stakeholder sensitisation meeting in Gwanda Rural District, a multi-stakeholder sensitisation meeting at Tenke Fungurume in DRC, and a multi-stakeholder sensitisation meeting at Sekhukhune in Limpopo South Africa.

To ensure effective utilisation of the toolkit at the community level, three community stakeholders toolkit orientation and training sessions were hosted at Sanje Hill Iron Ore surrounding communities in Zambia (focusing on Nampundwe, Mutombe and Shichibangu Wards of Shibuyunji Constituency), at Mopani Copper mines mining surrounding communities in Zambia (focusing on Fibusa, Mpelembe, Butondo, Kwacha and Luansobe Wards of Kankoyo Constituency and Shinde, Bwembya Silwizya, Mulungushi and David Kaunda Wards of Kantanshi Constituency). For Zimbabwe, one was done focusing on the Mutoko mining community activities. Mutoko is a community where black granite operations are in process, and these are being done by local mining companies that are established through joint ventures with foreign nationals and some that most Chinese and Croatian investors own.

IMPACT

In the year under review, SARW introduced the toolkit to identified communities in five countries. The toolkit reached over 150 community members, environmental defenders, human rights defenders, traditional leaders, civic leaders, and regional and national leaders who work directly with affected communities. The recipients have now established community-company-government working groups or committees to operationalise grievance mechanism procedures. The next phase of this intervention is to build the capacity of community stakeholders through their respective leadership, as identified by the available governance systems.

Southern Africa Mining Decarbonisation Project

SARW has initiated a project to produce country policy briefs with a clear assessment of the efforts and interventions by both companies and governments to deal with the impact of carbon emissions from mining operations in six targeted African countries (DRC, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe). The project will endeavour through country policy briefs to assess the engagement and involvement of governments and mining companies in the decarbonisation process by implementing measures and practices to reduce carbon dioxide (CO2) emissions resulting from mining activities.

The policy briefs will reflect the government, companies, and other stakeholders' positions. They will provide further insight into the preparedness of the governments and companies to respond to the potential impact of energy transition in the respective countries and at the regional level.

Sixth edition of Alternative Mining Indaba

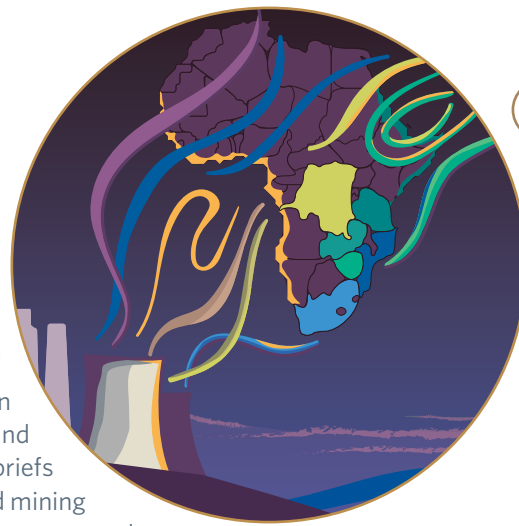
From 12 to 13 October 2022 at Pullman Hotel Grand Karavia in Lubumbashi, SARW organised the DRC's Sixth Alternative Mining Indaba (AMI) in partnership with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and Norwegian Church AID (NCA), in collaboration with the Provincial Government of Haut-Katanga. The theme was "Management of the environmental impacts of mining in the context of the fight against climate change".



Participants at the 6th AMI/DRC 2022, Pullman-Lubumbashi/Haut-Katanga



About two hundred participants from the city of Kinshasa, provinces, and abroad participated in the work of AMI 2022. These included delegates from the presidency of the republic, provincial governments, public services in the mining and environment sector, public and private mining companies (including Tenke Fungurume Mining, Rwashi Mining and SAKIMA), members of local communities, artisanal miners' associations, research centres, and members of civil society. The provincial government of Haut-Katanga was represented by the Provincial Minister of Health, Joseph Nsambi Bulanda, who opened and closed the conference. The conference was conducted in plenary and parallel sessions around several sub-themes, including climate change and its impacts on the environment and the population in the DRC, the international commitments of the DRC and the energy transition, the meeting and responsibility of provincial governments in the management of environmental issues, the experiences of state services in the implementation of policies on the management of the environmental and social



impacts of mining companies in the DRC, the experiences of mining companies in the management of environmental and social impacts, the contribution of civil society organisations and academic institutions in the management of the environmental impacts of mining activities, and prevention and management of the environmental impacts of mining activities.

Research reports on cases of environmental impacts in the mining sector and some testimonies made by members of local communities were the particularities of the sixth edition of AMI. Several recommendations were adopted, and the participants had the privilege of receiving the resolutions of the plenary of AMI Junior organised concomitantly with the work of the AMI (senior) and on the following sub-themes: Ministry of Finance (MOF) and subnational incomes, energy transition, and socio-environmental impacts. About 150 people took part in the work of AMI, including 22 women and 36 young people at AMI Junior (which included seventeen girls).

Main recommendations of the AMI and the AMI Junior

AMI Recommendations	Junior AMI Recommendations
Integrate climate change aspects into existing laws and regulations in the mining sector mainly and update the content of ESIA's with EMPs	Amend the MOF Decree by focusing on youth training and empowerment
Setting up a multi-stakeholder framework in the process of energy transition and the fight against climate change	Develop and finance training and research programmes for young people on energy transition, new technologies and futuristic disciplines
Conduct studies on the amount of greenhouse gas emissions in each extractive sector to inform climate change policies at the national level	Adapt training offers by including geological concepts, environmental management and energy transition in the school curriculum
Ensure respect for human rights in the energy transition process, in the strict observance of the relevant legal instruments	Build a pan-African university in Kolwezi, specialising in mining geology, energy transition and mining environmental protection
Mobilise internal and external funding for activities related to the energy transition and the fight against climate change, particularly through the fight against corruption and attracting green funds	Support and finance entrepreneurial projects of young people in the subcontracting of the mining sector, agriculture, and diversification of the economy
Develop and/popularise the national vision on the energy transition and the fight against climate change in the mining sector	Involve young people in the process of developing and monitoring specifications to consider their needs
Revise the law on fundamental principles relating to environmental protection to include the right of civil society and environmental organisations to refer cases to courts and tribunals in the event of environmental impacts	- Awarding scholarships, facilitating internships, recruiting, and transferring skills to Congolese youth - Train, mentor and promote youth CSOs and citizen movements on mining issues

IMPACT

For the first time in the mining sector, the issues of climate change and energy transition were discussed by different actors in the mining sector. Discussions for the first time between experts from the Ministry of the Environment and those from the Ministry of Mines shed light on the role that the two ministries must play in the fight for environmental protection and the fight against climate change. The organisation of AMI Junior on the sidelines of the work of AMI was an opportunity for young people to learn about the governance of the mining sector in general and the place of youth in this sector.



DRC Oil Conference (Nsangu ya Pétrole)

SARW and Avocats Sans Frontières (ASF) Belgium organised a round table on the governance of the oil sector in the DRC under the theme “Year 7 of the law on the general regime of hydrocarbons and the governance of the sector”, from 18 to 19 July 2022 in Kinshasa.

The main objective of this round table was to promote a dialogue starting with the evaluation of the law on the general regime of hydrocarbons, the socio-economic aspects of petroleum activities on the development of the DRC, human rights and environmental protection in the context of oil exploitation, local content, corporate social responsibility (CSR), and joint exploitation of transboundary oil resources with neighbouring states.

About 50 people participated in the work, including 13 women, delegates from civil society organisations, universities, the presidency of the republic, the National Assembly, the provincial government of Kongo Central, the Boma and Assolongo sectors in the territory of Muanda, and the European Union.



Round Table on the Governance of the Petroleum Sector of the DRC, Sultani-Kinshasa

Four sessions focused on a detailed evaluation of the law on the general regime of hydrocarbons, the challenges of transparency in the oil sector and the impacts of oil exploitation on local communities in the territory of Muanda; the socio-economic impacts and human rights in the context of oil exploitation; local content, corporate social responsibility and the analysis of Addendum No. 8 and No. 9 signed between the DRC and Perenco; and the exploitation of joint oil resources with neighbouring states. In addition to these plenary sessions, workshops focused on the following sub-themes: identification of strengths and weaknesses in the implementation of the law on the general regime of hydrocarbons and the question of amendments to petroleum conventions, expectations, and challenges of petroleum activities in the DRC and cohabitation between oil companies and local communities: challenges, opportunities, and areas for improvement.

Key recommendations

	<ul style="list-style-type: none"> » Revise the Petroleum Resources Act and Regulations to address inconsistencies with the Act and Regulations.
Government	<ul style="list-style-type: none"> » Be actively involved in the creation of an independent, supra-ministerial structure, endowed with the necessary means to serve as a framework for inclusive and permanent consultation between the parties' stakeholders in hydrocarbon activities. » Legislate on the fee due to provinces and ETDs.
Parliament	<ul style="list-style-type: none"> » Revise the law on hydrocarbons by improving and including the repressive regime much more restrictive than the existing one, making it adaptable and applicable to the Congolese context » Use experts in the process of drafting legal instruments governing the hydrocarbon sector
Extractive companies	<ul style="list-style-type: none"> » Comply with the 2015 Hydrocarbons Act. » Respecting their commitments to local communities and the environment » Apply in good faith the provisions on CSR policy and local content for indigenous and local populations with obligation
International NGOs	<ul style="list-style-type: none"> » Regularly support local NGOs in trials of crimes in the hydrocarbon sector » Organise regular round tables.
Local NGOs	<ul style="list-style-type: none"> » Reflect and prepare for the advocacy of civil society in the sector to revise the hydrocarbons law » Taking legal action for violations of the law or the Hydrocarbon Regulations » Taking legal action for violations of the Petroleum Resources Act or Regulations » Taking legal action for violations of the Petroleum Resources Act or Regulations » Raise awareness and support local communities in their efforts to claim against extractive industries

IMPACT

The evaluation of the law and amendments 8 and 9 signed with the company Perenco showed the irregularities orchestrated by the government and the oil company, which requires a revision of both the law and the hydrocarbon regulations. Muanda communities were given space to express themselves freely and present the results of a study on the impacts of oil activities in Muanda. Participants noted that the hydrocarbon administration and oil companies need to promote transparency. This conference had its merit in pushing civil society organisations to continue to demand transparency in the Congolese oil sector.

Muanda communities were given space to express themselves freely and present the results of a study on the impacts of oil activities in Muanda.



Monitoring of environmental impacts of TFM's mining activities in Kabombwa village

The monitoring conducted in the case of the Kabombwa village, impacted by the effects of the Tenke Fungurume Mining (TFM) hot plant, remained one of SARW's concerns in 2022. Following the complaint of the population of this village who had approached SARW in 2021 of the case of pollution of their village (air, soil, vegetation and river), SARW had advocated with the company and the local authorities so that appropriate solutions were found for the conditions of their survival. After the report was produced in 2021, SARW approached the Governor of Lualaba Province by its letter of 25 March 2022, transmitting the investigation report about Kabombwa village. Following this report and the exchanges between the Governor, SARW and TFM, a commission was set up in 2022 to examine the situation and propose the decision to be taken by the provincial governor.

To date, the members of the commission on which the company sits have finally decided to relocate the population of Kabombwa village.

In addition to complaints from the people of Kabombwa, three other villages had complained to SARW about the drying up of their rivers, causing significant challenges to their agricultural production.

IMPACT

The population of Kabombwa village have won their case, and they will be relocated. The company, with the government commission, is currently carrying out the process of this relocation because of the advocacy led by SARW.

Open day on current issues in the mining sector

SARW and the Coordination of Advocacy of Civil Society Organisations involved in natural resource governance organised, on May 20, 2022, a conference debate on four current topics in the mining sector. These are the Manono mining project (AVZ), the agreement between the Congolese government and Dan Getler's Vantora Group, the partnership between the government of the DRC and AJN Resources INC, and the operation of the Entreprise Générale du Cobalt (EGC). More than seventy participants were involved in intense discussions (face-to-face and videoconference). This report will focus on three issues.



Conference-debate on current issues in the DRC mining sector, CEPAS-Kinshasa

The Manono mining project is a joint venture between the Australian company AVZ Minerals and the Congolaise d'Exploitation Minière (COMINIÈRE) intended to exploit the lithium deposit as part of the JV DATMONT. AVZ owns 75% of the Manono project and COMINIÈRE 25%. Between the two partners, a conflict is around the financial capacity, the procedure for approving feasibility studies, and the problem of the sale of shares in COMINIÈRE. Concerning this mining project, it was recommended that issues such as the financial capacity of AVZ Minerals and the reliability of the feasibility study be resolved between the two partners so as not to delay the development of Congolese lithium minerals. Such questions may be settled either at the level of the organs of society or in the courts and tribunals.

Following the US economic sanctions imposed on Israeli billionaire Dan Getler for corruptly acquiring mining and oil assets in the DRC, he reached an agreement with the government to return them to the DRC in return for payment. This agreement poses a transparency problem because its annexes must be published. It was recommended to the government that the annexes to the agreement be published to understand the scope of the transaction and not to forget the judicial dimension in the settlement of the Getler case.

For the remaining topical issue, the Entreprerisse Générale du Cobalt (ECG) is a subsidiary of Gécamines created to exclusively buy and market artisanal cobalt to restore control of this mineral to the Congolese government. Indeed, the failure of the ECG is apparent insofar as the company has not functioned because of the absence of the legal and regulatory framework necessary for its operationality, the resistance to the launch of the activities of the EGC by some local politicians who take advantage of the craft sector, and weak political will. The participants in these discussions reviewed all the challenges surrounding the implementation of this project, and it was recommended that all stakeholders be mobilised to support this enterprise, the operation of which could contribute to the formalisation of artisanal mining and the improvement of the living and working conditions of artisanal miners.



IMPACT

The discussions during this open day made it possible to dig into issues that had remained sensitive. The actors learned about specific problems surrounding the Congolese mining sector, mainly the governance issue.

How are Chinese mining companies in Africa responding to public protests? A survey of Chinese companies TFM and COMMUS

A survey was conducted in the DRC and Guinea Conakry on how Chinese investors respond to the demands of populations and agents. The study was carried out in collaboration with the German University of Bayreuth, and four mining companies were selected as case studies, two per country.

This study has identified some positive points related to the presence of Chinese companies and some protests or demands raised by both the population and the workers of these four companies. Companies have contributed to opening these regions, creating jobs, paying taxes, and realising some local development.

Their activity has led to population growth due to the arrival of people from other regions searching for employment.

Most people's protests are linked to relocation, land grabbing, environmental impacts, drying up of water sources, etc. To some extent, companies have held consultations or put complaint mechanisms in place, but overall these mechanisms fail to resolve public concerns and need to be fixed.


The analysis of these situations shows that Chinese companies do not organise frank dialogues with the population, let alone with agents. When the population organises demonstrations, some, if not all, of them, prefer to use the services of the government to quell the demands of the population or agents.

Dissemination of the EITI State of Perception Report

In March 2022, SARW signed with the Extractive Industries Transparency Initiative (EITI) DRC National Committee (CN EITI-DRC) a memorandum of understanding (MoU) for the organisation of the dissemination of its report entitled "State of play of the distribution and allocation of mining royalties as well as the retrocession of 10 per cent of category B oil revenues to producing provinces, financial years 2018-2019 and 1st half of 2020".

Twelve towns and cities were affected by this release: Lubumbashi, Likasi, Fungurume, Kolwezi, Goma, Bukavu, Kindu, Isiro, Mbuji-Mayi, Miabi, Matadi and Muanda. These are towns or cities where mining and oil activities are related to the levying of the mining royalty.



Miabi/Kasai Oriental-DRC Province 

Under the MoU, SARW had the mission to coordinate the dissemination of the report with the active participation of local civil society organisations. Indeed, all workshops were organised by local organisations with the support of delegates sent by SARW, and the number of participants was set at 50 people per site. SARW and its partners ensured the representation of women and youth. There were important discussions about the lack of transparency in managing the mining royalty collected by the authorities. Several challenges have been identified in different cities that require improvements in collecting and allocating royalty revenues.

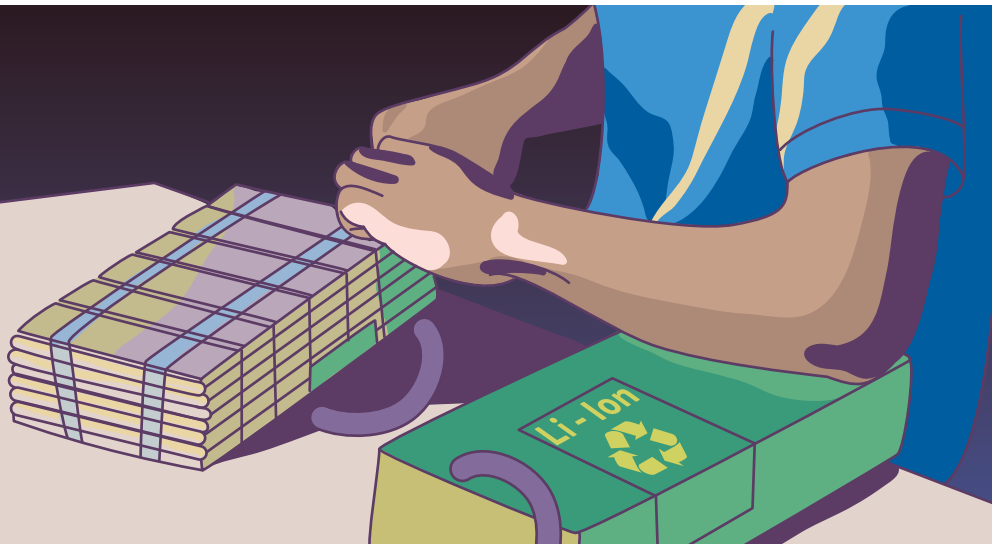
IMPACT

This activity allowed SARW to strengthen its leadership and conviction on the need for civil society to work in synergy between all its actors at national, provincial, and local levels while respecting the autonomy of each organisation and sharing responsibilities. The same applies to cooperation with public authorities in a spirit of mutual respect, transparency, and independence.



 Isiro/Haut-Uélé-RDC Province

Local manufacture of batteries for electric vehicles



Workshop of Congolese experts in support of the Congolese government's initiative on the local manufacture of batteries for electric vehicles

Following the fifth edition of AMI-DRC, which had as its central theme 'The valorisation and local processing of mineral substances of the Democratic Republic of Congo' and the DRC-Africa Business Forum organised by the government, SARW organised an expert round table to support the initiative of the DRC government in the manufacture of batteries for electric vehicles on 28 February 2022. The objective assigned to this round table of reflection was to formulate concrete proposals to be addressed to the government to enable it to complete its project to manufacture batteries.

Experts believe that to succeed in this, the DRC has four tasks:

- First, the government must instruct mining companies in the State Portfolio to present the state of play of their mining assets (owning minerals that contribute to the electric mobility industry) that may be affected by this battery manufacturing initiative.
- Second, the state must invest in geological studies to discover other mineral reserves under its control (these studies will have to range from research to the production of feasibility studies).
- Third, organise consultations with private metal-producing companies to involve them in the initiative of local battery manufacturing. This involvement may aim to create partnerships in establishing this industry or obtain their investment with state facilities to materialise this Congolese government objective.
- Fourth, activate the provision of the Mining Code concerning the 10 per cent quota reserved for the Congolese government.

These four options should be supported by the following steps:

- Conduct a feasibility study for the establishment of a battery manufacturing plant.
- Launch a call for tenders to subscribe to the implementation of the installation of this electric battery manufacturing plant.
- Conduct an economic market study on the profitability of the project.
- Ensure regional economic integration of the project to pool resources with other countries such as South Africa, Zambia, and Zimbabwe to achieve the goal of local manufacture of electric batteries. A team should be established to study options for a regional battery manufacturing project.

IMPACT

The recommendations from this round table were transmitted to the president of the DRC and to the government, which has established several initiatives to develop its strategic minerals. Agreements have been signed with Zambia and the United States, and a Centre of Excellence has been set up within the University of Lubumbashi. SARW identifies experts and can be consulted at any time.



Challenging extractivism and taking ownership of our resources for people centred development'



Co-organisation of the 2022 SADC People’s Summit

On the sidelines of the 42nd session of SADC Heads of State and Government held in Kinshasa from 17 to 18 August 2022, Southern African civil society organisations organised the SADC People’s Summit under the theme: “Challenging extractivism and reclaiming our resources for human-centred development”. SARW was designated by the Southern Africa People Solidarity Network (SAPSN) as the focal point. In this capacity, SARW brought together other CSOs to form the Local Organising Committee of the Summit. The SADC People’s Summit in Kinshasa in 2022 was a success despite some logistical difficulties. About 200 people participated in this conference from SADC member states, including Zimbabwe, Zambia, Malawi, South Africa, Namibia and Botswana.

At the end of this they made recommendations to the leaders of this regional organisation. These include:

Gender Justice and Women’s Rights

1. Legally binding mechanisms were recommended to protect and safeguard the interests of women and children living in local communities around mining sites. This involves measures to prune provisions in mining laws that favour mining and that primarily benefit elites and transnational corporations.
2. Governments are to allocate adequate resources to health (in particular, maternal health care to prevent high infant mortality and childbirth-related infections) in line with the Abuja Declaration. The Abuja Declaration states that governments must allocate a minimum of 15 per cent of national budgets to health.

Youth

1. Participants condemned of the structural and systemic exclusion of young people from the socio-economic and political processes that determine the trajectory and outcomes of development at the national and regional levels.
2. Youth laws need to be enacted to strengthen and frame young people’s inclusion and meaningful participation in social, economic and political spaces.

Democracy, Human Rights, and Governance

1. The deployment of continuous election monitoring missions, as well as missions to address the escalating human rights situation in regional hotspots such as DRC, Eswatini, Lesotho, South Africa, and Zimbabwe with monitoring missions to include civil society and allow for a real-time response;
2. Re-establishment of the SADC tribunal to deal with human rights violations, the demilitarisation of the region and the use of dialogue and engagement to resolve the ongoing militarised conflicts in Cabo Delgado and eastern DRC, and the condemnation of planned xenophobic violence, particularly in South Africa and the condemnation of the Rwandan military intervention in eastern DRC.

Economic Justice and Equality

1. Consider urgent and decisive regional measures to dismantle the undue influence of transnational corporations, private, bilateral, and multilateral creditors and armed groups in the social, economic and political affairs of the region .
2. Remove non-tariff barriers and accelerate the implementation of the SADC simplified trade regime.
3. Reduce extreme regional inequalities through fair and equitable redress and social protection mechanisms targeting women, youth, low-wage workers and other vulnerable groups.
4. Strengthen regional cooperation to determine the value of the region’s resources, advance regional

integration and negotiate competitively through collective bargaining to maximise benefits for people and prospects for industrialisation.

- 5. Finalise the revision of the Mining Protocol, ensuring that it reflects the African vision of mining and harmonise and implement its policies, particularly those related to artisanal and small-scale mining.
- 6. Create a regional fund to increase the region’s capacity to engage in a just and inclusive energy transition, prioritising increasing access to decentralised and cheaper renewable energy, reducing household energy poverty, and feeding key economic sectors.

IMPACT

After the work in Kinshasa, a network was established to follow up on the recommendations of the SADC People’s Summit, and particularly to continue exchanges with the Executive Secretariat and the rotating presidency of SADC (assumed by the DRC and the Minister of Regional Integration of the DRC in his capacity as Chairman of the SADC Council of Ministers). SARW ensures coordination at the DRC level.

Mapping skills and occupations in the oil and mining sector in Central Africa

In August 2022, SARW and the International Labour Office (ILO) signed an agreement to conduct a mapping of skills and occupations in the oil and mining sector in Cameroon, Central African Republic, Congo-Brazzaville, Democratic Republic of Congo and Gabon to identify occupations with a high proportion of migrant workers and to identify ways to promote skills transferability, mutual recognition of professional and training standards, and foster mutual learning and quality improvement in technical and vocational education and training (TVET).

SARW recruited five consultants from these countries who wrote country reports. SARW consolidated the five expert reports and then forwarded them to the ILO after exchanges of several comments. This study shed light on the mismatch between the demand and supply of skilled workers in the extractive sector in Central Africa. It gave SARW a general overview of migrant labour in Central Africa’s extractive industries.

IMPACT

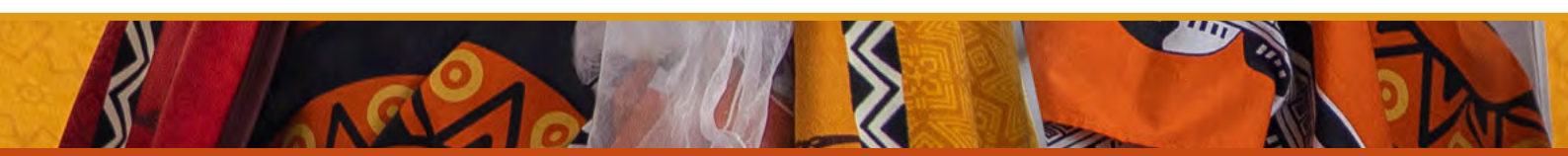
The study gives a regional perspective on the extractive sector. It lists the migratory movement in the region, the issues of “professional standards”, and the main issues around the so-called “less skilled” trades within the extractive industries of the Central African region.

The implementation of the Synergy -Climate Environment and Ecological Transition platform

SARW pushed for establishing a platform of civil society organisations in the DRC to promote activities related to climate and the environment in general, called Synergy Climate Environment and Ecological Transition (SCETE). Created by nearly ten organisations, SCETE’s missions include:

- 1. Exchange on all issues related to climate change, including the environmental and social impacts of extractive industries activities and threats to the livelihoods of local communities.
- 2. Analyse the legal framework and public policies of the environment sector, climate change and ecological transition and proceed to their popularisation.
- 3. Take a stand on all issues related to environmental governance, including ecological transition, climate justice and sustainable development.

The platform’s activities will strengthen civil society’s participation in all environmental governance issues. SCETE aims to be the government’s interface in the fight against climate change.





SARW

Southern Africa Resource Watch

Southern Africa Resource Watch

41 Holt Street,
Parkmore
Sandton, Johannesburg,
2196
South Africa

Phone: +27 10 745 4572
Email: info@sarwatch.org

www.sarwatch.org

