



AMI 2016 Final Communiqué

We, the representatives of more than 350 members of civil society organisations; faith based organisations, Pan-African networks and organisations, labour movements, industry associations, media, international partners and community based organisations, have met from 8th – 10th February, 2015, in Cape Town, South Africa, to share experiences and deliberate on the role and the impacts of extractives on communities, the environment, animal life and society at large. This marking the 7th year of the Alternative Mining Indaba (AMI) which has now grown from just 40 to more than 350 delegates, mostly from Africa.

Cognisant that Africa remains richly-endowed with a diversity of mineral resources, yet its citizens are among the poorest in the world, recognising the important role that mining and mineral resources play in the livelihoods of millions of African citizens;

Cognisant of the current decline in mineral prices and the negative impacts of reliance on a boom-bust enterprise by mineral-exporting countries;

Recognising the unbridled pursuit of profit by transnational corporations;

Desirous that the benefits accruing from mining are shared by the greater majority of Africa's citizenry;

Dissatisfied by the exclusion of mining communities in the decision-making and benefit processes of mining enterprise;

Cognisant of the duplicity of some African intellectuals entrusted with negotiating a better deal for the benefits for the majority of Africans;

Cognisant of the economic, social and political injustices perpetrated against communities in which minerals are exploited;

Realising the need to give the disadvantaged a voice;

Desirous to create strategic tools to empower these disempowered communities;

Desirous to serve as a link for dialogue between communities, business and government;

Recognising the particular legal marginalisation of African poor, women, youth and children from access to the same resources and benefits, this stemming in part from colonial legacy; and

We call upon African governments, the United Nations, African Union, international financial institutions, transnational mining corporations and other corporate mining entities, fellow civil society organisations to join hands with us in pursuing justice in the exploitation of minerals and the benefits accruing therefrom, as outlined in our ensuing recommendations and calls to action.

ACCESS TO REMEDY: LITIGATION AND MINING

1. We call on government to create and implement effective legal mechanisms to investigate and prosecute environmental damage.
2. We call on government to promote beneficiation plans.
3. We call on government, companies and civil society to review social labour plans emanating from extractive activities.
4. We call on governments and companies to protect communities' safety from the threat of coercion, duress or intimidation.
5. We call on governments and companies to recognise and respect the right of communities to say "no" to mining projects or to the terms of proposals and contracts by recognising the principles of community consent for non-Indigenous communities and free, prior and informed consent for indigenous communities.
6. We call on governments and companies to compensate beyond land value for the negative social, environmental, cultural and emotional impacts of mining activities as found through social and environmental impact assessments.
7. We call on governments to enact and implement national laws supporting and strengthening international legal instruments such as the African Charter and customary laws which recognise property and cultural rights.
8. We call on governments to be held accountable for proactively involving communities in the decision making process regarding the expenditure of tax revenues for community benefits through enhanced transparency and accountability.

9. We call on civil society to raise awareness of SLAPPs¹ (strategic lawsuits to silence public participation), to encourage communities to take legal action on activities that negatively affect them AND to support community- led litigation to defend or promote community economic, social and cultural rights outcomes.
10. We call on civil society to develop strong networks of lawyers across the world to share impacts of litigation and help establish legal principles in domestic jurisprudence to promote rule of law decision-making and environmental justice.

ARTISANAL AND SMALL SCALE MINING

1. We call for governments to decriminalise artisanal mining, hereinafter referred to as “ASM.”
2. We call on governments to enact or implement legislation that empowers ASM communities depending on mining for their livelihoods.
3. We call on governments to rehabilitate abandoned mines to help protect and ensure safety for ASMs, many of whom disappear in abandoned mines.
4. We call on government to hold police officers involved in gold smuggling accountable for their transgressions and protect community members from their abuse.
5. We call on government to formalise ASM in order to help curb violence emanating from competition for the ability to mine in specific spaces.
6. We call on governments to draft and enact legislation protecting artisanal miners from exploitation and repossession of equipment by vendors.
7. We call on governments to support sustainable rural development such that ASMs can have viable alternatives to make a reasonable living with food security and other economic, social, and cultural rights protected.
8. We call on companies to end the practice of using ASMs as providers of cheap products to then on-sell and to provide fair prices for our resources.
9. We call on civil society to help provide trainings to miners on environmental, health and safety standards and technological

¹ A **strategic lawsuit against public participation (SLAPP)** is a **lawsuit** that is intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defence until they abandon their criticism or opposition. The typical **SLAPP** plaintiff does not normally expect to win the **lawsuit**.

- improvements as formalisation of the sector occurs in order to be more inclusive of women and youth participating in ASM.
10. We call on civil society to find ways to engage mining communities where ASM activities occur within the policy process.
 11. We call on civil society to take up the pragmatic fight for the rights of ASMs beyond workshops.
 12. We call on civil society to help encourage diversification of economies in order to help communities become less dependent on minerals.

BUSINESS AND HUMAN RIGHTS

1. We call on corporations, governments and civil society to engage in all aspects of extractive industries through constructive dialogue within the framework of human rights protections as described in the Universal Declaration of Human Rights (such as the right to civil and political participation).
2. We call on corporations and governments to develop, implement and enforce appropriate grievance mechanisms for communities and individuals whose rights have been violated.
3. We call on investors to disinvest from companies that perpetrate human rights violations thus holding the companies accountable for their conduct.
4. We call on government to ensure that the rights of communities are protected and that the international law principle of free, prior, and informed consent by communities, not just their leaders, is observed before exploration licences are granted.
5. We call on governments to enact and revise laws and policies that maximise sustainable benefits for communities with input and engagement from civil society.
6. We call on governments to hold the corrupt within its ranks and within private security accountable through closer monitoring of the sector and protection of human rights.
7. We call on civil society to demand more tax revenues from extractives to fund projects that benefit the affected communities.
8. We call on civil society and governments to ensure that Social Labour Plans include a plan to combat the invasive nature of the activities undertaken by the extractives industries.
9. We call on civil society to advocate for the adoption of an internationally binding legal instrument that holds business accountable for human rights abuses.

10. We call on international human rights mechanisms to protect the rights of activists and communities and to promote their rights at an international level.

MINING AND TAXATION

1. We call on governments to create space for civil society and communities to strengthen dialogue on setting national priorities and the utilisation of mining revenue and other public resources.
2. We call on governments and companies to publish contracts for public scrutiny in order to create accountability for tax and royalty revenues.
3. We call on governments to increase the taxation on big companies by reducing incentives in order to increase the funding available for transparent funding for localised infrastructure projects such as, roads, clinics, and schools.
4. We call on governments to strengthen tax legislation, revenue authorities, and legislation as the most sustainable way to create revenues for development.
5. We call on governments to remove fiscal incentives, such as tax holidays and VAT refunds, given to mining companies and the number of deductions given based on social investments.
6. We call on governments to strengthen institutional structures responsible for mining taxation, and foster cooperation and coordination among government agencies (e.g. Ministry of Finance and Mines). These agencies should share information and specialised skill in order to overcome the complexity of administering mining revenue collection and minimise ministerial or agency discretion.
7. We call on government to strengthen collaboration on financial transparency by demanding country-by-country reporting by multinational corporations and their subsidiaries, automatic exchange of information between Africa and its trading partners and disclosure of beneficial owners of shell companies and anonymous trust accounts.
8. We call on governments to leverage on their collaboration under the African Union and the Regional Economic Communities (RECs) to harmonise their finance, investment and taxation policies to avoid tax competition. At national level, governments should develop a clear criterion for determining royalty rates based on economic and non-economic costs and benefits of extraction rather than simply benchmarking with other countries which leads to a “race to the bottom.”

9. We call on government and civil society to build and strengthen the capacity of institutions at political, regulatory and administrative levels with a view to improve negotiation skills, monitor production figures, assess profit tax liability and royalty payments and respond to, and detect transfer mispricing which is complex in nature and erodes the tax base.
10. We call on civil society and governments to conduct robust research before creating mining policy and granting mining licenses.

GENDER AND EXTRACTIVES

1. We call on companies and governments to proactively create space for women's voices in decision-making processes that directly or indirectly affect them due to extractive operations (before, during and after operations).
2. We call on companies and governments to honour legally binding contracts which include corporate social responsibility activities with all citizens, especially women.
3. We call on government and companies to include gender impact indicators within all environmental and social impact assessments.
4. We call on government to create a strong legal framework that mainstreams gender into the spending of extractives revenues.
5. We call on government need to expand economic opportunities; strengthen agency of information access as well as deconstruct norms, and facilitate institutional mechanisms for women.
6. We call on governments to respect and increase women's land rights, particularly for those using their land for agriculture purposes.
7. We call on civil society to work to increase our engagement with academia, women's rights organisations, and unions in order to ensure gender sensitivity, strong political analysis and evidence-based advocacy on gender.
8. We call on our civil society to emphasise the effectiveness, not just the numbers of women in influential and powerful positions.

We hereby affirm our commitment to the above stated issues and pledge our ongoing support on the same with unflinching resolve. We are also committed to working together with governments, corporations and communities and other progressive forces to ensure that these demands are met.

Declared at the 7th Alternative Mining indaba held in Cape Town, South Africa on 10 February 2016 with participants from: Zimbabwe, Zambia, USA, UK, Uganda, Thailand, Tet, Tanzania, Switzerland, Sweden, Swaziland, South Sudan, South Africa, Senegal, Norway, Nigeria, Netherlands, Myanmar, Mozambique, Mauritius, Mali, Malawi, Liberia, Lesotho, Kenya, Ghana, Germany, Denmark, Democratic Republic of Congo, Côte d'Ivoire, Colombia, Canada, Cameroon, Botswana, Burkina Faso, Austria, Australia, and Angola.