

Report of the
**International
Conference on
Artisanal
and Small-scale
Mining &
Quarrying**

11-13 September, 2018,
Livingstone, Zambia

ASMI 18

Annex I

**Mosi-oa-Tunya
Declaration on Artisanal
and Small-scale Mining,
Quarrying and
Development**

A CALL FOR ACTION

The International Conference on Artisanal and Small-scale Mining and Quarrying,

Having met at Livingstone from 11 to 13 September 2018, opened by H.E. Mr Edgar Chagwa Lungu, President of the Republic of Zambia,

Expressing deep appreciation to the Government of Zambia for hosting this International Conference,

Convened by the African Caribbean and Pacific Group of States, European Union, United Nations Development Programme, and The Government of Zambia, with the support of The World Bank, The African Union, Organisation for Economic Co-operation and Development, International Conference on the Great Lakes Region, The Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development, German Cooperation, The African Minerals Development Centre, The African Minerals and Geosciences Centre and The Pacific Community,

Recalling the Interregional Seminar on Guidelines for Development of Small and Medium Scale Mining, held in Harare, Zimbabwe in 1993, the inaugural global meeting on ASM that recognized the important contribution of ASM to national and regional rural economies and acknowledged that ASM was a fully integrated industry unlike the enclave nature of large scale mining,

Affirming the recognition by The Harare Guidelines of the central role and contribution of women to ASM, and the identification and elimination of the barriers that hinder their effective participation,

Regretting that the recommendations of the Harare Guidelines were addressed to governments and their agencies, to the exclusion of other key stakeholders, leading to slow implementation of the recommendations due to the inadequate technical, financial and human resources to action them,

Recalling the International Roundtable on Artisanal Mining held in Washington DC in 1996, where a holistic approach to upscaling ASM through multi-stakeholder partnerships was recommended and an Agenda for Action agreed that involved key stakeholders for synergized action in partnership with governments and their agencies, NGOs, artisanal miners and their associations, international donor agencies and international mining companies for holistic transformation of ASM, particularly through regularizing informal mining,

Affirming the division of responsibilities of the Agenda for Action of the International Roundtable, where governments take primary responsibility for improving the legal and regulatory conditions for artisanal mining and for ensuring that the appropriate institutions to carry out this mandate are established and adequately financed, NGOs and ASM associations support the transformation of ASM by mobilizing and organizing miners into groups and training them to mobilize financial resources and protect the environment, multi-lateral organizations catalyze the transformation by disseminating best practices and experiences in ASM, financing policy reforms and targeted actions in the sector including supporting microfinance programs, and while the actions expected of international mining companies were not clearly stipulated, they were expected to support the transformation of ASM in order to reduce social tensions with local miners and Indigenous People,

Recalling the Seminar on Artisanal and Small-scale Mining in Africa, held in Yaoundé, Cameroon in 2002, whose Vision Statement was explicit in calling upon member States to contribute to sustainably reduce poverty and improve livelihoods in African ASM communities by the year 2015 in line with the Millennium Development Goals,

Affirming the key proposals of the Seminar on Artisanal and Small-scale Mining in Africa to mainstream poverty reduction strategies into mining policy, inclusive of ASM policies, integrate ASM policy into the Poverty Reduction Strategy Paper (PRSP) process with linkages to other rural sectors, and the development of a strategic framework for PRSPs, with expanded partnerships to achieve the Vision Statement that include banks, International Financial Institutions as well as academia and research institutions,

Acknowledging the important role identified in the Vision Statement of the Seminar on Artisanal and Small-scale Mining in Africa for CASM to identify and disseminate best practice regulations, identify available resources for ASM support, review existing baseline surveys to assess relevance to “Yaoundé Vision Statement” in selected countries, and regretting that CASM no longer plays this convening role for international knowledge exchange on ASM,

Recalling the Kimberley Process Certification Scheme established after the United Nations General Assembly Resolution A/RES/55/56 in 2000 and endorsed by the United Nations Security Council in its Resolution 1459 in 2003, which supported the creation of an international certification scheme for rough diamonds,

Recalling the Africa Mining Vision (AMV) adopted by Heads of State at the February 2009 African Union Summit following the October 2008 meeting of African Ministers responsible for Mineral Resources Development, and the aspirations for a transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development, and specifically restating the potential of ASM to improve rural livelihoods, to stimulate entrepreneurship in a socially-responsible manner, to promote local and integrated national development as well as regional cooperation,

Recalling the Framework of Action for the Development of the Mineral Resources Sector in ACP Countries, endorsed by the ACP Committee of Ambassadors in 2011, which proposed actions to enhance the capacity of public mineral institutions; develop mineral exploration and geoscientific information systems; develop the small- and medium-scale mining sectors; reduce adverse social and environmental impacts; improve energy and transport infrastructure related to mining and enhance mineral-based industrialisation and diversification of ACP economies; as well as the ACP-EU Cooperative Framework for Private Sector Development in ACP Countries, that outlines a strategy for assisting small businesses in the provision of improved access to finance and supporting transition to the formal economy,

Recalling the Lusaka Declaration of the ICGLR Special Summit to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region, held in Lusaka Zambia, in 2010, that laid out a comprehensive approach for curbing the illegal exploitation of natural resources through a (1) Regional Certification Mechanism; (2) Harmonization of National Legislation; (3) Regional Database on Mineral Flows, (4) Formalization of the Artisanal Mining Sector; (5) Promotion of the Extractive Industry Transparency Initiative (EITI) and a (6) Whistle Blowing Mechanism,

Restating that the Lusaka Declaration endorses the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High Risk areas as crosscutting to the Regional Initiative on the Fight against Illegal Exploitation of Natural Resources and calls upon companies sourcing minerals from the Great Lakes Region to be in compliance with the six tools of the Guidance,

Recalling the United States Dodd-Frank Act Section 1502 and subsequent initiatives to combat armed conflict associated with minerals trade in the Great Lakes Region,

Recalling the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals, which provides a framework for companies to identify and mitigate risks of contributing to conflict financing, human rights violations, corruption and anti-money laundering in their supply chains, as well as an Appendix calling on all stakeholders to support the creation of economic and development opportunities for artisanal and small scale miners,

Recalling the Minamata Convention on Mercury, a global treaty to protect human health and the environment from human caused mercury pollution, which requires parties with artisanal and small-scale gold mining activity to develop National Action Plans to reduce, and where feasible, eliminate mercury use, and implement steps to formalize or regulate ASM and build technical capacity to achieve the aims of the convention,

Recalling United Nations General Assembly Resolution A/RES/70/1 of 25 September 2015 where 193 countries of the UN adopted 17 Sustainable Development Goals containing 169 targets to 'Transform our World' as part of the 2030 Agenda for Sustainable Development,

Recalling the Ministerial recommendation of the First African Union Specialised Technical Committee on Trade, Industry and Minerals, held in Addis Ababa, Ethiopia in 2016, to call attention to the importance of Development Minerals making four recommendations targeting the sector, (i) Member States and RECs should report on an annual or biennial basis, their progress in the implementation of the continental agenda on Development Minerals; (ii) Member States and RECs should consider prioritizing Development Minerals; (iii) Low Value Minerals and Materials (LVMM) should be referred to as Development Minerals in regional policy frameworks and national development strategies; and (iv) Member States and RECs should put in place effective policies and programs that support women's effective participation in Development Minerals inter alia,

Noting the adoption in 2017 of the European Union Regulation that sets supply chain due diligence obligations for importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas, based on the OECD Due Diligence Guidance, and welcoming the accompanying measures to the Regulation that aim to foster cooperation between producer and consumer countries, including through joint projects on sustainable mining and good governance, recognizing the specificity of ASM,

Acknowledging the diversity of contexts in which ASM exists, and the social and economic difficulties confronted by developing countries, including the particular development challenges of Small Island Developing States which have their own vulnerabilities and characteristics associated with their small size, remoteness, narrow resource and export base, and exposure to global environmental challenges and external economic shocks,

Celebrating the significant contribution of ASM to individual livelihoods, as well as family, local, national, regional and international economies, and the huge and undeniable impact of ASM on poverty reduction and economic development at all scales,

Regretting that since the inaugural Harare Seminar and the pronouncement of several declarations, challenges persist that prevent the full realisation of ASM's potential to contribute to sustainable development,

DECLARATION STATEMENT

In view of the welcome progress, persistent challenges, and the still yet to be realised opportunities of artisanal and small-scale mining and quarrying (ASM),

We, multi-stakeholder global participants of the International Conference on Artisanal and Small-scale Mining and Quarrying, meeting in Livingstone, Zambia, 11-13 September 2018, reaffirm the centrality of ASM for enhanced livelihoods, employment creation, poverty reduction and sustainable development.

Based on the above considerations, we hereby:

General Issues

Affirm that artisanal and small-scale miners and quarry workers must be at the heart of any efforts to transform ASM, and call on all stakeholders to recognise the initiative and leadership demonstrated by miners and their representatives; actively listen to all issues, concerns and suggestions raised and seek to understand on the ground realities; eliminate any language, discourse and behaviour that worsens the stigma associated with ASM; and act in a way that empowers miners to chart their own vision of development.

Formalization

Recognise that for any society to maximize the positive impact of an economic activity, ASM inclusive, it must be formalized, responsible and well governed.

Welcome all efforts to bridge the gap between current realities and policy visions, and call on governments to establish context specific legal and regulatory frameworks for ASM that balance the legitimate interests of all stakeholders, emphasising that all stakeholders must share their part of responsibility in this process.

Context-specific Legal and Policy Frameworks for ASM

Regret that many countries do not have provisions that differentiate artisanal, from small- and medium-scale mining and quarrying in law and policy, with consequences, such as the imposition of limitations on size of concession, production levels, and acquisition of mining equipment that prevent ASM from transforming, and call on governments to enact measures that distinguish different mining scales, adopt a 'developmental perspective' that supports the transformation of ASM, and is not overly burdensome.

Recognize the need for the mineral rights of ASM to include; rights of transfer and upgrading of the mining concession, rights to successive permit renewals, rights to exclusivity, access to land for exploration, extraction and processing, rights to mineral processing and rights to access markets and sell products at market price, and call on governments and their agencies to carry out their legislative and oversight mandate for a rights-based ASM legal environment.

Gender Mainstreaming

Reject the notion that mining is an activity only for men and recognise that a very large number of women participate in all aspects of the mining value chain.

Commit ourselves, and call on all stakeholders to create more avenues for women to participate in, benefit and be empowered from mining and its value chains, including the removal of any underlying structural, cultural, social and economic barriers.

Integration of ASM into the Development Agenda

Welcome the increased focus on ASM by governments and development cooperation, yet call for greater commitment to match the scale and importance of ASM to development.

Acknowledge the need for sustained commitment to ASM development, and call upon governments, private sector, multi-lateral institutions, financial institutions and development cooperation to reflect the importance of ASM in international, regional, national and local development agendas, policies, and plans and for governments to raise this importance with financing and technical partners.

Development Minerals

Affirm the recommendation of the ACP-EU Development Minerals Programme to refer to minerals and materials that are mined, processed, manufactured and used mainly domestically in industries such as construction, manufacturing, infrastructure, craftsmanship and agriculture, as Development Minerals, due to their exceptional contribution to local, domestic and regional economies and potential for structural transformation of developing nations.

Acknowledge the role of Development Minerals in sustainable development is not pre-destined and requires concerted efforts from all stakeholders to overcome environmental, social, labour and other challenges and that all minerals are development-relevant in their support for the livelihoods of artisanal small-scale miners.

Regret that preceding international conferences, discourse and action has not been inclusive of the full spectrum of minerals and materials mined by ASM, and call on all stakeholders to ensure that no part of the ASM sector is neglected.

Representation and Support of Miners

Urge all stakeholders to find a common ground on how to streamline governance and support for ASM, and emphasise the need for representation and support of miners by their own organisations.

Encourage ASM representative organisations, associations and business development organisations to invest in the development of business, technical and operational skills of their members and constituents.

Request international development cooperation and governments to invest in capacity building on enterprise skills, market analysis, investment promotion, technology, geological skills, mine and quarry management, environment, health and safety, community relations and grievance handling, labour rights, and other practical skills that will empower ASM.

Data Management

Acknowledge that accurate and transparent data collection and analysis on ASM contributes improved knowledge, accountability and more effective support to miners.

Urge governments, research and training institutions, the private sector, and civil society to collaborate on data collection and data sharing, including contributing to open databases, integrate ASM into general census and surveys, and use data for improved policy making and transparency.

Note the value of data collected from ASM and call on all stakeholders to ensure that the benefits of data are fairly shared.

Inclusive Finance

Emphasise that lack of access to affordable and tailored financial products is a key constraint often cited by ASM, that leads to stagnation and eventual abandonment of ASM business ventures.

Urge all stakeholders to improve access to affordable and tailored financial products for ASM, for example, by sensitizing financial institutions about the development and business potential of ASM, by facilitating the provision of credit guarantee facilities in partnership with private and public financial institutions, and by fostering knowledge sharing.

Acknowledge the need for governments to grant mining rights to ASM with appropriate duration, size and production amongst others, to allow their use for collateral for access to credit.

Protection of the Environment

Recognise that the health of the natural environment is critical to the livelihoods and the health of everyone, including artisanal and small-scale miners and their communities and that mining practices that maintain the integrity of rivers, oceans and forests are important both in their own right, and for ecosystem services such as firewood, food, and clean drinking water.

Recognise that seasonality has led many miners and farmers to practice both agriculture and mining as part of livelihood diversification strategies and that the environmental impacts of ASM are one part of the cumulative dimensions of impact in resource regions.

Urge miners and their representative associations to do all possible to avoid and minimize the environmental harm caused by the extraction, processing, beneficiation and use of minerals and materials, in particular from the use of process chemicals, such as mercury.

Urge governments to strengthen effective oversight and ASM compatible regulation for environmental protection; and all other stakeholders to play their part in safeguarding the integrity of ecosystems for future generations.

Health and Safety

Recognise that lack of knowledge, identification and control of health and safety affects ASM workers, their families and communities and call on stakeholders, especially workers and their representative organisations, mine owners and governments to redouble their efforts to eliminate fatalities, injuries and disease through capacity building, appropriate controls, and regulatory oversight that promotes good practices in mining and quarrying.

Child Labour

Recognise that child labour and the presence of children at mine and quarry sites can present serious human rights concerns and consistent with ILO Convention 138 and 182, work performed by persons under 18 years of age must not jeopardise schooling or social, moral or physical development.

Emphasise the need to combat the worst forms of child labour while taking into account the complexity of the issue and the diversity of situations where children come to be present on a site as well as factors like age, whether the child is accompanied by a parent, the duration on site, whether the child is working, and if so the type of work and hours of work.

Conflict and Human Rights in ASM Supply Chains

Acknowledge that risks of conflict financing and human rights violations may affect any mineral supply chain.

Restate the primary role of governments is to protect human rights as set forth in the UN Guiding Principles for Business and Human Rights, and call on the national, regional and international private sector to ensure production and sourcing practices do not contribute to adverse human rights or conflict and its financing, through the implementation of instruments such as the OECD Due Diligence Guidance in all mineral supply chains.

Acknowledge, the need to balance the legitimate interests of all stakeholders, especially the most vulnerable members of the supply chain and call on all stakeholders to redouble their efforts to ensure fair burden sharing of the efforts to develop responsible supply chains and active support for ASM to realise economic and development opportunities.

Integration of ASM into Local, National, Regional and International Supply Chains

Emphasise that informality along the whole supply chain impedes the sustainable development of ASM and call on the private sector and relevant stakeholders along the supply chain to work together for a formalized, profitable, inclusive and responsible sector and for governments to put in place an enabling business operating environment.

Promotion of Transparency in Mineral Supply Chains

Acknowledge the need for transparency as a tool to enhance trust and accountability, and call on the domestic, regional and international private sector to enact transparent practices across the supply chain; governments to improve decision-making processes and revenue management and support local civil society to transform transparency into accountability; and international organisations, such as the Extractive Industries Transparency Initiative to further efforts to include ASM into reporting taking into account the specifics of the sector.

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