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**MULTI-STAKEHOLDER WORKSHOP
PROCEEDINGS**

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WELCOME AND OPENING STATEMENT
John Chanda, Sector Co-ordinator, SADC MCU

Welcome to the Mining, Minerals and Sustainable Development Southern Africa multi-stakeholder workshop. The Mining, Minerals and Sustainable Development Project is a two-year independent process of multi-stakeholder engagement and participator analysis that seeks to address every aspect of the interface between mining and minerals sector and the concept of sustainable development.

The Mining Minerals and Sustainable Development Project involves regional processes in the world's major mineral producing and consuming regions. These include South America, North America, Australia and southern Africa. Scoping studies are being conducted in Southeast Asia, the former Soviet Union and Europe.

MMSD SOUTHERN AFRICA involves member states of SADC, namely Angola, Botswana, DRC, Lesotho, Namibia, Mozambique, Malawi, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The objective of MMSD SOUTHERN AFRICA is, by December 2001 to have in place a framework to enable the mining and minerals sector to meet the requirements of the global transition to sustainable development.

As an independent process, MMSD SOUTHERN AFRICA has engaged a broad range of stakeholders across the region. Hence we are gathered here from academic and research institutions, from industry small and large, from labour, from NGOs and from government.

Most of the governments of SADC member states have identified the mining sector as a cornerstone for economic reconstruction and development. The sector has already demonstrated its capabilities. Further, the sector has potential to accelerate sustainable economic growth. It is with this background that the SADC Mining Ministers, at their June 2001 meeting in Luanda, Angola, declared their interest in MMSD SOUTHERN AFRICA

**PRESENTATION: THE PROCESS PURPOSE AND
STRUCTURE OF THE WORKSHOP.**
ALEX WEAVER, PROJECT LEADER, MMSD SOUTHERN AFRICA.

PRESENTATION: STAKEHOLDER ENGAGEMENT
MARIE HOADLEY, PROJECT COORDINATOR,
MMSD SOUTHERN AFRICA.

**PRESENTATION: THE GLOBAL PROCESS.
ELISABETH WOOD – ASSISTANT PROJECT MANAGER,
MMSD LONDON**

**RESEARCH PRESENTATION: HIV/AIDS
VASNA RAMASAR, CSIR**

Presentation Commentary.

One of the key findings of the study was that HIV/AIDS can be factored into projects but is a real threat to marginal operations.

The mining and minerals sector must play a role in:

- Providing prevention and care

The historical leadership role of the mining and minerals industry is not sustainable. Leadership has in the past been confined to the employer level. In future greater information sharing is essential especially as expertise exists within the sector to manage the pandemic. The sector needs to maximise the utility gained from limited resources which requires genuine cooperation between stakeholders.

Key requirements for best practice:

- Existing initiatives as hubs
- Resources are secured from all stakeholders
- Resource inventories are created
- Sharing of knowledge and information
- National coordination and monitoring
- Develop guidelines and toolkits
- Strengthen community delivery structures (for people living with HIV/AIDS)
- Treat opportunistic infections (for people living with HIV/AIDS)

Recommendations:

- Recognising HIV/AIDS as a priority
- Providing leadership
- Address risk generating factors
- Adopt standards for health care
- Develop multi-stakeholder partnerships based on ethical principles

CLARIFICATION

Neville Roberts: Request for the clarification of operational statistics for AIDS
Vasna: Prevalence rates are quoted for community and operation.

Michelle Pressend: When doing interviews, what were workers and labour saying were the key driving factors in the mining environment, and was South Africa similar to Zimbabwe? Was there a regional similarity?

Vasna: Pressures are different in different countries, but the underlying drivers are the same.

Lentshwe Monare: Prevalence rates – in the mining sectors a number of studies have been done, and some mines in Botswana show a prevalence rate of round 30%. Statements of prevalence rates should be prefaced by an explanation and should indicate where samples were taken.

Vasna: A table for prevalence rates in each country was not included because of the disparity of data available. Prevalence rates are regional, not just particular for the mining sector.

Stirling Habbitts: How was the issue to be addressed that certain groups were likely to boycott the process because it was perceived as an industry greenwash?

Ralph Hamann: To what extent is HIV/AIDS felt as a common purpose for stakeholders, and to what extent does it create conflict?

Vasna: Different stakeholders have different agendas and different perspectives. These tend to create conflicts. Communication is obstructed due to these different perspectives. For individuals, health is the focus, but for industry it is the economic impact of AIDS.

Andrew Parsons: Prevalence – the rate of 30% - is this current or projected?

Vasna: For the region, the prognosis is that prevalence rates will increase, depending on how countries are trying to deal with it, and the fact that many HIV/AIDS cases have not been identified. Prevalence rates differ in different countries. South Africa = 22.4%, Botswana = 36.8% and Madagascar less than 1%. All rates are expected to increase to range between 30 and 50%.

Dillo Mashale: Is there any justification for mines to support single-sex hostels?

Vasna: These are risk generators and are being addressed.

Faku Banele: Have you liaised with AIDS councils? Have you engaged with NGOs and tried to build capacity? Do you have a plan to ensure that the programmes of NGOs are sustainable? Are there recommendations for multi-party partnerships?

Paul Jourdan: The report did not cover small-scale mining. The sector is a major spreader of HIV/AIDS, and regionally important. It is highly mobile and therefore vulnerable.

Vasna: This was not covered, and it is a huge problem as it affects the sustainability of small-scale mining.

Wells Ntuli: Testing is difficult. How did AVMIN succeed?

Neville Roberts: It was completely voluntary, and supported by the unions. No names, no pack drill.

Vasna: Legislation makes testing very difficult. There has been some success in anonymous testing.

Richard Sandbrook:

An issue for consideration:

Market issues & trade barriers to commodities in EU. Fair prices for minerals traded around the world. Who benefits? Is the global price regime a satisfactory one?

RECOMMENDATIONS FROM BREAKAWAY GROUPS

Group 3

The present set of recommendations in the report focus on both actions for public health care (public sector responsibility) and the mining industry. The recommendations of this breakaway group focus only on:

Priorities for industry action:

1. Develop a comprehensive HIV/AIDS awareness programmes for the workforce. Although we recognise that this may not change behaviour, information, education and communication will allow people to make informed choices. Industry has a moral obligation to raise awareness of the risks.
2. Develop family-oriented housing rather than single-sex hostels.
3. Make suppliers (e.g. transport contractors) aware of the company's HIV/AIDS policies and encourage them to develop similar policies.
4. Encourage voluntary testing within the workforce
5. Destigmatisation of HIV/AIDS: Create a safe and supportive environment in which people are comfortable to disclose and discuss their HIV status.
6. Undertake a comprehensive examination of which interventions have succeeded, which have failed, and the learning points to take into planning for the future.
7. Reassess the health care programmes offered by companies to ensure they support HIV infected people, e.g. treatment of opportunistic diseases, flexible diets, better communication on health status.
8. Re-examine the communication of HIV/AIDS information to ensure that it is more positive (ie. that infection does not immediately lead to a decrease in the quality of life) and not misleading e.g. distinguish between HIV infection and AIDS.
9. Develop partnerships where all actors are aware of their rights and responsibilities.
10. Work with local structures and assist them to develop their own capacity. Companies can assist in building expertise in financial and project management amongst NGOs. Assist mining communities to establish care structures for home-based care

11. Improve the relationship between mine medical officers and traditional healers to reduce conflicting information and mistrust of western healthcare.
12. Shift from a curative to a preventative philosophy in health-care provision management – prevention of HIV rather than management of AIDS only.
13. Support the empowerment of women, where possible.

Group 4

The group considered the 5 categories of recommendations and identified the top 10 for “general issues” and “major risk generators” sections of the report’s recommendations.

General recommendations:

1. SADC and national policies should be harmonized as a priority.
2. Clear policies and guidelines have been developed and must be made available to all sectors (for example, legalisation of sex workers).
3. Individual companies should take the initiative and begin work with their stakeholders, even if regional accord is not established.
4. International stakeholders must be identified and involved in regional and national initiatives.
5. Sub-contract services relating to HIV/AIDS care.
6. Encourage participation in benefit schemes.
7. Retain medically boarded employees in different capacities.
8. Reasonable healthcare should be provided in the sector – government must take the lead with industry playing a supporting role.
9. Monitoring and evaluation must be set up in the sector.

Recommendations to address major risk generators:

10. The trend to transform from single-sex hostels to family housing units should be accelerated.
11. The mining industry should stimulate economic development in catchment areas.
12. Create acceptance of the reality of the commercial sex trade and support appropriate management of the industry.
13. The mining sector and all stakeholders must support regional, national and local initiatives to address the root causes of infection, i.e. educational awareness and poverty.

RESEARCH PRESENTATION: SMALL-SCALE MINING. ALEX MUGOVA & BERNDT DRESSCHLER, ITDG

PRESENTATION COMMENTARY

Key problems identified:

- Scarcity and reliability of data

- Diversity across region (mineral laws, etc)
- Access to technology, markets, etc
- Contribution to economic development not quantified
- Economic and social trade-offs not known

Recommendations:

- Develop appropriate regulations
- Facilitate access to resources, natural and capital
- Develop appropriate regulations
- Skills development
- Improve technology and technical support
- Expand research and development
- Create a co-ordinating forum.

CLARIFICATION

David Murangari: In 1993 the United Nations Department of Economic and Social Development held a seminar on small- and medium- scale mining at which most countries in SADC were present. A number of guidelines emerged from this seminar, grouped into categories – legal, financial, commercial, technical. This research explored similar issues. Was reference made to this document? The research presented nothing new. We should avoid re-inventing the wheel.

Yes, the researchers were aware of the document. The purpose of this study was to scope the status quo, pull together data and present it with any new insights that emerged.

Michelle Pressend: Definition of SSM?

The issue of definition is dealt with early in the report, and various definitions are given.

Aloyce Tesha: There are too many omissions such as training in markets, environment, entrepreneurial skills. These are critical; was this by design?

David Murangari: Specific recommendations must be made.

Clive Johnson: How do we start minimizing the role that SSM plays in conflict diamonds which end up moving through SSM sector and through the region?

SSM and conflict diamonds. We didn't focus on that - it was not in the ToR.

Paul Jourdan: Access is a major constraint. EPOs are not always a restriction and are not, for example, relevant in South Africa. Not all countries in the region have a specific licence. Did you deal with creating a conducive licensing sector?

EPOs – in a country where this issue is a big one, there is a need go back to drawing board to make this non-inhibiting.

Delax Chilumbu: Take note of various government policies regarding SSM. Include constraints that are hindering SSM.

AloyceTasha: Not much detail is quoted on mandated issues.

?: Question around the role of SSM in conflicts.

RECOMMENDATIONS FROM BREAKAWAY GROUPS

Group 1

Recommendations need to be tailored to the specific context but based on the principle of maximising positives and minimising negatives.

Gaps in recommendations:

- Insufficient training
- Environmental impacts
- Cumulative impacts
- Identification of growth areas of SSM and have strategies for growth
- Develop regulations which are broader than presented in recommendations
- Prioritising actions

General recommendations:

1. Learn from successes (e.g. environmental practice)
2. Build on pre-existing forums (e.g. SADC), rather than creating new forums.
3. National and regional governments have a primary responsibility to ensuring sustainable development of the SSM sector (commitment is currently lacking) which requires greater budget allocation.
4. Proper/good policy frameworks need to be established. Once achieved, it is possible to mobilise small-scale mining associations.
5. Key player must be government, with the involvement of companies, NGOs and donors being a bonus.
6. Need to develop a situation where they can create security to access funds. Small miners should look at forming co-operatives as it is easier to finance a group of people than an individual. This provides the lender with greater security.

Recommendations for companies:

7. Provide prospecting information
8. Training
9. Access to smelters

10. Access to markets
11. Build on core competencies

Recommendations for donors and NGOs:

12. Supplement government intentions and act as mediators
13. Between them, in particular help develop SSM associations
14. Success of all other actors depends on sufficient commitment of government

Group 2

Recommendations:

1. Harmonisation of the regional legal framework to enable activities of small-scale miners to be conducted in an orderly and systematic manner.
2. Provision of appropriate fiscal incentives and financial mechanisms (eg joint ventures, banks) adapted to the specific requirements of small-scale miners.
3. Facilitation of appropriate skills training suitable for small-scale miners, eg attachments, exchanges, short courses.
4. Identify, promote and disseminate appropriate technology for small-scale mining.
5. Increase access to technical information such as on geology, beneficiation, marketing and mineral value.
6. Encourage research and development to improve environmental management and technology.
7. Increase regional cooperation and collaboration among small-scale miners.
8. Encourage and emphasise occupational safety and health for labour.
9. Encourage equitable gender balance in ownership of and involvement in of small-scale mines and ensure elimination of child labour.

RESEARCH PRESENTATION: MINING AND SOCIETY
PAUL KAPELUS, AICC

PRESENTATION COMMENTARY

Issues around local development:

- High level of optimism around liberalisation policies in SADC, however, poverty levels remain high.
- Little progress in evolution of policies to promote community development.
- Isolated mine-community interaction

Recommendations for local community development planning:

- Government's Integrated Community Development Plan should consider the private sector.
- Business plan of mine – if there is one –should be linked to community development plans.
- Mine social management plan – from feasibility to post-closure stage – is required.
- Development competencies of the mine must be analysed and promoted.

Recommendations for the organization of development opportunities:

- Internal mine environment (structure, resources, culture) to be aligned with development context.
- External environment (political, ideological, social, economic, institutional) should engage mine.
- Organisational issues to be addressed: managing tension over control and access to opportunities; legitimacy; diverging interests and agendas; lack of capacity; corruption.
- Short-term gains – enclaves - become liabilities. Promote partnerships for long-term sustainability.

Recommendations for privatisation and social management:

- Transparency is critical.
- Governments need to provide structures and processes that support sustainable development.
- Companies need to engage development without creating dependency.
- Civil society must foster conditions that promote participation via awareness campaigns.
- The impacts of privatisation must be investigated and monitored by government and corporates.

Recommendations for addressing gender issues in the workplace:

- Focus on growth areas within the mining sector as key areas to increase women's participation.
- Translating policy into practice is a key challenge which requires political will.
- In order to promote sustainable development there is a need to rapidly upscale the integration of women into mining at all levels.
- Need to develop measurable indicators which should be reported on.
- Require more information and research.
- Consider non-core business areas for increasing the number of women working in the mining sector eg. Sub-contracting opportunities.

Recommendations for addressing gender issues in the community:

- Mine social management plans must account for gender issues both internally and externally.
- Social Assessments must include gender considerations.
- Women must participate in decisions that affect their lives from mine construction to closure.
- Women's roles and strategies in reducing poverty must be recognised and strengthened.
- Promote entrepreneurship and mine employment.
- Implement programmes to support alternative livelihoods for sex workers.

Recommendations for involuntary resettlement:

- World Bank Operational Directive 4.30 to be considered as the minimum framework for all involuntary resettlements.
- Resettlement Action Plans and Social Development Plans must be given adequate resources for planning, implementation & monitoring.
- Need clearer definition of responsibilities between mining companies, authorities and communities.
- National resettlement guidelines should be developed in SADC.
- Compliance with UN Human Rights Charter.

CLARIFICATION

Glen Mpufane: Liberalization – why do you say there is a high level of optimism around it, when reality says there are increasing levels of poverty?

Paul: Our justification for saying that there is optimism is based on the political view, macro-economic indicators and opportunities to open up resources and mineral rights. Practical realities emerging from that do not tell a story of decreasing levels of poverty. The political scene in SA around privatisation is interesting.

Eliud Simkoko: MMSD is acting as an advisory body therefore recommendations should be more practical and should reflect regional issues.

Paul: Different countries are at different levels with respect to wars, finance, investors. Practical recommendations cannot be given for all, but each recommendation is located in the mining life cycle. For example, in Mozambique recommendations around explorations is probably more relevant, while in South Africa recommendations for managing closure are more relevant.

Delax Chilumbu: Please clarify the concept of the mine social management plan. You said it should be implemented from feasibility to post-closure with regard to rehabilitating the society around the mine. Social management plans vary from loose policy guidelines through to definitive guidelines whereby the company commits itself to action. Even if the company is at a development stage, it should still have plan, but this raises expectations. This should even be applied to geologists on site. Often professional social

managers have to undo damage caused by exploration. IFC requirements help in this regard. This raises the question of self-regulation.

Karin Ireton: Gender issues tended to be anecdotal. This weakens those sections. A gap in the report is the issue of why mining is not holding its female professionals. With regard to the issue of resources, there are never enough. Is the bar not being raised too high, the standards being set out of reach of the majority of companies. There should be some exploration of appropriate standards. This is alluded to but needs further exploration. There is also the dilemma of how to meet social expectations without social dependencies. Don't create new expectations.

Paul: Our emphasis is that not enough resources are focussed on local government. Few companies fall into this category. Much of the cost around social issues is in self-regulation. Social reporting is not generally required in southern Africa. Social impact assessments are required in some instances. Gender and community case studies are anecdotal as they consisted of participative interviews. The researchers tried to gather information from around SADC on women in mining, but this proved impossible. Professional women leaving the mining industry are frequently snapped up by the petroleum industry. The reason was not investigated but could be in future. Previous research indicates that there are improved conditions in these other industries. In mines the lower ranks of women are not migrating. Standards: many standards are not too high. Large companies are taking a leadership role in setting standards. Globalisation is pushing these standards up. The petroleum industry is ahead of the mining industry and sets high benchmarks and therefore the mining industry performs badly in comparison. Creating social sustainability without dependency requires a new mindset. Partnerships are key. Social plans must make business sense – there needs to be an overlaying of the business case with the social case.

Richard Sandbrook: Is there anything which puts the sector in relative strength? Consortia of common approaches, not specific to mining?

Paul: There is no inter-sectoral approach. Mining is dominant here and takes the leadership role in the region. In South Africa we could compare mining, forestry and sugar. All are similar enclaves and take a lead in development. In these, mining is in the lead. No consortium approaches were looked at. Spatial development approaches do move in this direction e.g. the platinum corridor. This is an opportunity for the mining sector to link up with other sectors, for example linking mining to tourism, roads as conduits for other forms of economic activity. Mozal has helped Mozambique with, for example, the malaria programme in Mozambique and HIV/AIDS management.

RECOMMENDATIONS FROM BREAKAWAY GROUPS

Group 5

Privatisation

Recommendations:

Comment: The term 'privatisation' is not appropriate. 'Restructuring' is a better term as this can be applied to companies selling off components such as a recreation club as well.

1. The complex and dynamic nature of the social situation following restructuring/privatisation needs to be understood by both governments and civil society.
2. Implement the idea of a forum ("Futures Forum/Community Development Forum") bringing together all stakeholders to plan, implement and monitor process. Must provide ongoing, dynamic interaction between stakeholders.

Local development

Gaps in recommendations:

- Policy framework: This issue was considered too broadly. For example, the issue of resource rent distribution (between local and national structures; tax deduction) is complex and controversial.
- The need for mutual learning.
- Need to gather case studies.

Recommendations:

1. Priorities in terms of recommendations? They are all complementary and should be considered in terms of an integrated whole. The overriding consideration should be to improve local benefit from mining and mineral developments.
2. Consider the establishment of a "social fund". This fund would provide funds for the locality, but it is important to consider "how" local development proceeds:
 - Process is important
 - Economic self-empowerment
 - Integrated Development Plans need to be consistent with regard to sustainable development and done in a participatory manner.
 - Capacity building for partnerships
 - Linkages with outsourcing/downstream contractors.

Group 6

Gender – community issues

Recommendations:

1. Mining operations should develop a contextualised social plan which includes all gender concerns. Facets of this are:
 - Multi-sectoral stakeholders should identify the community agenda.
 - Fit in with local/national social plans where existent.
 - Empower women as decision-makers in the process by recognising them as valid stakeholders in their own right.
 - The mines should instigate the process.
 - Social plan developed for the community, not just the mine.

Gender - workplace issues

Recommendations:

1. The key concern is why so few women are working in the industry. This includes the questions of why so few women enter the industry as well as why so few are retained. Therefore Recommendation 3 (calling for more research) is urgent. The project should look at mining companies and education institutions (high schools and higher education and further education institutions).
2. This research can lead to the development of an industry strategy on gender in the workplace
3. The strategy must include measurable indicators.

Involuntary Resettlement

Consider alternatives properly – resettlement is a bad idea in the first place!

Recommendations for industry:

1. Mining companies and chambers of mines must develop a systems approach to resettlement which incorporates two main points of departure:
 - Planning is joint planning between mining company and communities;
 - The goal is to re-establish individual livelihoods and communities.
2. The process should make use of the following guidelines and recommendations:
 - World Bank OD 4.30
 - World Commission on Dams report

- MMSD SOUTHERN AFRICA research report on Mining and Society, especially the very detailed recommendations on involuntary resettlement.
3. Mining companies or Chamber of Mines should develop voluntary guidelines on involuntary resettlement.
 4. This industry-based process must interact with government-based processes if in existence, or initiate this process where it does not exist.

ADVANTAGE – long-term social licence to operate through bottom-up and not top-down approach.

Recommendations for Government:

3. Governments must develop national guidelines and legislation around involuntary resettlement. They, too, can use WB OD 4.30, World Commission on Dams Report, MMSD SOUTHERN AFRICA report.
4. National initiatives should be brought together to develop a SADC policy on involuntary resettlement.

ADDRESS: DUMA NKOSI, PARLIAMENTARY PORTFOLIO COMMITTEE ON MINERALS AND ENERGY, SOUTH AFRICA

- Do not confuse lack of government capacity with lack of commitment.
- In addressing the small-scale mining issue we need to consider: What can they give? What do they need? The key is access, access, access.
- Also consider what values and qualities women bring into industry leadership? The whole industry is changing – mining has matured.
- Rich does not mean capacitated and empowered.
- Women are thought of as disabled, but will bring in capacity which was not there previously.
- Change happens to everyone.
- You must research what really works. The solutions we get here may not be implementable.

RESEARCH PRESENTATION: BIOPHYSICAL PETER ASHTON, CSIR

Recommendations:

- SADC countries to review legislation to try and harmonise it with regional standards.
- Harmonise environmental and effluent standards through common SADC legislation.
- Introduce and implement effective environmental management systems particularly in relation to water usage.

- Encourage groupings of artisanal miners to form small-scale mining coalitions.
- Ensure effective legislative control of SSM operations.
- Adopt Nature Conservation Trust Funds in SADC.
- Recommendations relating to catchments studied should be applied to other catchments.
- Funding required for regional land, air and marine pollution studies.
- All mining operations to comply with appropriate statutory and legal requirements.
- Minimise waste emissions.

Minor word change on one of the recommendations dealing with the issue of small-scale miners. First bullet should read “Provide cost effective and efficient technologies as well as improved awareness and training to small-scale miners.”

Swap in sulphate:Cl ratio as an indicator of acid mine drainage.

Gaps:

- Future studies should consider impacts on other receiving environments and on broader selected catchments.
- Inventory and analysis of the policy and legislative framework in SADC leading to harmonisation, e.g. SADC convention.
- Tax incentives for investment/expenditure that prevents or manages environmental impacts.
- More use of natural resource accounts (e.g. per production Mm³ of water used and opportunity cost).
- NB! Find ways of creating social value.
- Enhance awareness of environmental issues and best practice to all relevant stakeholders with purpose of improving environmental management in mining so that it becomes more environmentally acceptable or responsible.
- Analysis of the cost of ongoing environmental management versus the cost of unrehabilitated mines.
- Key indicators that regularly measure mining-related impacts on receiving environments (e.g. rivers, wetlands).

CLARIFICATION

Daniel Limpitlaw: The issues that were researched were drawn from the questionnaires sent out by the Interim Working Group of MMSD, and these issues were prioritised at a multi-stakeholder meeting in November 2001. The terms of reference drawn up were based on the results of that meeting. These were further refined by consultation with the Steering Committee.

The terms of reference were subsequently limited by a budget cut of 60%. When the research was commissioned there was an indication of more funding, but this had not been confirmed. Confirmation of extra funding was

only received after the review workshop. At a research review workshop in July departures from the terms of reference were corrected if necessary, and the research was reviewed in August.

Julie Courtnage: Water is the key focus of the report, but looking at the recommendations, only some of these are transferable to other biophysical aspects. Are aspects such as air and soil pollution going to be dealt with?

Daniel Limpitlaw: No, the report is complete. Other biophysical aspects will have to be investigated by a new report with new funding.

Libby Wood: Other aspects of biodiversity are being handled at the global research level.

Stirling Habbitts: Is land reclamation going to be addressed?

Peter Tarr: NGOs are not listed as stakeholders. Are they not regarded as having any responsibility?

Peter: They are listed in the report and do play a role. The primary responsibility lies with industry and government. NGOs are facilitators.

Richard Sandbrook: Do you have any rough and approximate costing for remediation and rehabilitation for the three catchments in relation to the wealth generated? What costs are being externalised?

Peter: This has not been covered in the report, but a gut feel, based on thirty years of experience, tells me that the costs would be 10 x the mineral wealth generated annually. Mines in the bottom quartile have no margin for these costs.

Phillip Lloyd: There is a gap. The report doesn't cover what is happening in water quality determination ie. the question of effluent toxicity.

Peter: This was not dealt with. There are large advances, e.g. CN. A huge amount of work has been done by others. This can be sourced as and when required.

Ralph Hamman: The focus is at mine level. What about no-go areas such as, for example, Wavecrest on the Wild Coast? Pristine estuaries? How would the conclusions of the report relate to these debates?

Peter: Part of the debate depends on the strategic nature of the mineral? For example, oil. If this was found in the Kruger Park it would probably be mined. In areas of high conservation priorities, the decision of whether to mine or not, and what kind of amelioration will be required, becomes a political one.

David Love: No-go areas must be considered on a national rather than a regional basis. The Mana pools in Zimbabwe are excluded from oil exploration.

Stirling Habbitts: The detailed study of the three catchments is not appropriate at this stage. What was needed was a broad study. We should have ...

Thandi Orleyn: I will protect the speaker at this point.

RECOMMENDATIONS FROM BREAKAWAY GROUPS

Group 10

Comments:

- Although the work done on specific catchments is not directly related to other catchments, the findings and recommendations can be more generally applied.

Recommendations:

1. Harmonisation and review of legislation is needed as many companies operate across national boundaries. Stimulate sharing of experiences around environmental legislation such as South Africa's new Water Act.
2. Net contribution of artisanal miners is negative. Establishment of formal groupings/associations and legislation that applies to them is needed.
3. Need legislation to ensure post-closure funding is put aside during the life of the mine.
4. Work needs to be done on air, land and marine impacts of mining.

Comment [A1]: Not sure whether I have interpreted this correctly.

Group 11

Gaps:

- Research should include biophysical impacts on air and land as well.
- No inventory or analysis of policy.
- Study to be extended to all catchments in the region.

Recommendations:

1. Tax incentives for investment expenditure that prevents or manages environmental impacts.
2. Need to make more use of natural resource accounts.
3. Enhance environmental awareness to improve the environmental management in the sector.
4. Analysis of environmental costs for rehabilitation of mines.
5. Develop indicators for monitoring and implementing environmental management systems.
6. Provide cost efficient technologies and improved awareness and training to small-scale miners.

Group 12

The report's recommendations fall into 3 groups:

- Control of mining activities (replace "control" with "management")

- Policy level initiatives
- Technological improvements

Priority recommendations:

1. Implementation of effective environmental management systems (EMS) on all mining operations is a priority.
2. Capacity constraints within medium and small-scale operations to implement EMS must be addressed.
3. Acid rock (mine) drainage is an urgent problem that should be focused on in the recommendations. Addressing this problem requires implementation of an environmental management system or even a crisis management approach.

Gaps:

Strongly recommend that the fact that there are gaps in the research should be flagged in the final report. Consider whether there is any possibility of covering some of the gaps in the report even if the discussion is very general.

- *Solid waste disposal and land rehabilitation:* Important that land rehabilitation is emphasised. In the context of sustainable development the land use cycle must be closed.
- *Atmospheric emissions:* Try to include information and inventories on SO_x and NO_x, as well as greenhouse gases and implications for climate change. There is some work from the coal mines on methane emissions.
- *Groundwater:* Especially important issue in semi-arid regions. Important to get information although it is recognised that information is scarce.
- *Biodiversity:* Biodiversity cannot be removed from ecological issues although there is not a good inventory. Information should be collated. Consider mining in relation to restrictions in protected areas. Look at what mining companies are already achieving, for example, through alien vegetation removal.

Southern Africa has unique features in these four areas which need to be covered in a regional study as they would not be highlighted in the global study. There is a focus amongst northern hemisphere NGOs on “hot spots” which gives little attention to less diverse but otherwise important ecosystems.

Libby Wood: The issue of biodiversity in terms of the global report will not only provide a northern hemisphere perspective.

TOWARDS A COHERENT RESOURCE-BASED GROWTH STRATEGY
PAUL JOURDAN, MINTEK

CLOSE OF DAY ONE

THANDI ORLEYN, DIRECTOR CCMA

Thandi closed the meeting at 18:05, reminding people that this is a process, not an end point.

DIALOGUE

RICHARD SANDBROOK, MMSD

Review of central report will take place in late January to ensure that there is no distortion of views. Also, I will take part in discussions on “what next” and “ways forward” for the region. Sponsors are not happy to continue central funding. I can find ways forward with regard to funding, such as development assistance funds, foundations funds and World Bank funds. MMSD will be co-operating very closely with the World Bank’s Extractive Industry Review to ensure that knowledge of MMSD gets fed into the review. With regard to data – remember we must have specifics in order to get strategic views.

VISUAL CAPTURE – KEY RECOMMENDATIONS ARISING FROM DAY ONE

FIRST SESSION, DAY 2

1. Contractors working for mining companies must be aware of the mining company’s HIV/AIDS policy, and should comply with it.
2. The cumulative impacts of small-scale mining must be determined.
3. Regional legislation governing SSM should be harmonised.
4. Some SS miners should be encouraged to own mineral rights.
5. Integrated mine social plans should include/be based on the local community agenda as well.
6. Assistance and appropriate technology should be provided to SSMs.
7. Sustainable development should be viewed holistically across the region and include all sectors of society, not just be focussed on mining.
8. A policy should be developed that governs the cost contribution of mining to local economic development.
9. Assistance for AIDS orphans is required.
10. Capacity for effective community management across all tiers should be developed.
11. Synergies between regional R&D organisations should be enhanced.

12. Capacity development for SSM should be included within social development frameworks.
13. An entrepreneurial skills development programme should be developed for SSM.
14. Community development forums should be implemented to monitor the social impacts of mining.
15. Small-scale miners associations should be formed in the SADC.

RESEARCH PRESENTATION: MANAGING MINERAL WEALTH FRED CAWOOD, UNIVERSITY OF THE WITWATERSRAND.

Key issues:

- Communication is critical. Lip service alone is not sustainable.
- Recognition is needed that sustainable development relies on the success of the minerals industry.
- Conversely, a successful mining and minerals industry will require a responsible mining and minerals industry.
- Creation of a favourable investment climate is essential.
- The “resource curse” is a threat as this has negative effects on the rest of the economy. Some countries in the region have been devastated by war and have an untapped mineral wealth. This wealth is a national asset only if ore resources are mined. However, autocratic governments reduce legitimacy and capacity.
- The problem of “rent ignorance” exists. In some cases there is no rent and so no wealth is generated. However, demands are still made for a share of the rent.

Recommendations for the way forward:

- Need integrated regional database of geological resources.
- Balance protectionism with competitiveness.
- Need to improve investment incentives as companies do take huge risks. For example, in South Africa mines can recoup all capital costs (except beneficiation) over one year through joint venture operations.
- Ensure early stakeholder identification and the adoption of an open, participatory approach.
- Develop understanding of the hierarchy of claims.
- Government policies are required to get to the stage where all stakeholders get a portion of the mineral rent.

CLARIFICATION

Philip Lloyd: We need to involve stakeholders properly? Are we more interested in the effective than the affected party? Must interested and affected persons (IAPs) be treated equally?

John Stewart: Could you explain what a rent is?

Fred: There are many different definitions of rents. First there is economic rent as described by Ricardo and Adam Smith. Definitions in international studies relate to Hotelling. The common understanding links with mineral development. Adam Smith's definition states that the highest cost producer determines the rent received by others. Mines whose costs are equal to mineral prices would receive no rent while others that mine higher-grade deposits or are located close to their markets, receive mineral rents. Ricardo's definition states "rent is that portion of produce of the earth which is paid to the landlord for the use of the original and indestructible powers of the soil". Ricardo's understanding of rent led to the term 'mineral royalty', which is a facility to compensate the owners of mineral assets for resource depletion. The international definition is that rent is the difference between revenue and all costs (including return on investment).

Karin Ireton: Stakeholder consultation is problematic, referring to the term without exploring what it means results in going round and round. Expectation gap is very difficult in stakeholder negotiations.

Fred: This is why the mining summit was so successful – everyone talked around the table.

Andrew Parsons: SADC MCU has a regional database for geology.

Fred: A database is required. It would be useful to add information on indigenous communities. This will help in the identification of stakeholders.

Question: Mineral resources extend over national boundaries, therefore they are regional.

Paul Kapelus: With regard to stakeholders trying to develop a common vision around a pie is almost impossible. The distribution of the pie from local level to national is complicated by the distribution of power.

Fred: Discussion pie. Ratios in report defined by net present value (NPVs) of environmental cost. A precedent for determination of indigenous cost was provided by the Royal Bafokeng settlement.

RECOMMENDATIONS FROM BREAKAWAY GROUPS

Group 7

The group focused only on the recommendations from section 1 of the research report. Key criteria for identifying the most important recommendations were: practicability and linkages with existing initiatives.

Recommendations:

1. Countries/geological societies should enhance (not “establish” because databases already exist) regional and national geological databases. Responsibility should lie with SADC and the timeframe is continuous (Recommendation 1).
2. Establish free trade area to encourage beneficiation and secondary industries. Time frame should be extended to 8 years as this is when the SADC Trade Protocol comes into effect. MMSD should provide input to the process (Recommendation 2 modified).
3. Establish economic and political stability within SADC block to encourage investment. Strengthen existing mining related initiatives which work to these goals, for example those dealing with conflict diamonds and oil. Timeframe should be continuous (Recommendation 5 modified).
4. Define the real potential for development of the minerals and downstream industry, taking account of issues such as market potential, market accessibility etc. Establish a detailed plan of action. Responsibility for this should lie with all stakeholders including MMSD. (Modification of recommendation 6 combined with recommendation 7).
5. Beneficiation and horizontal integration (as discussed by Paul Jourdan) should be included in recommendations.
6. Improvement of public image of mining.
7. Recommendations of section 2 and 3 can be summarised by section 1.
8. The Zambian case study can be included in general sustainable development issues.

Group 8

Recommendations:

Need to adopt a holistic view rather than tackling each issue individually.

1. Map the mineral wealth

- Accelerate the process: knowledge, management, resources, funds, addressing the backlog.
- Encourage stakeholder involvement through incentives.
- Government must initiate the process. Reduce country risk by transferring it to the government.

2. Develop a plan of action based on recommendations from section 1.

Should consider:

- Protectionism
- Geo databases
- Tariff re-evaluation
- Incentives: Tax, beneficiation, joint ventures.
- Confidence in SADC region

Geo database:

- Not simply geological, but also stakeholder involvement
- Consider language
- Standardized catalogue

Confidence in SADC region

- By an effort to reduce country risk
- Mining houses will walk away from a high cost of capital

Should be used to get the ball rolling. This should be the point of departure for all mineral wealth issues

3. Stakeholder Engagement. Mining industry should set up guidelines for ensuring greater stakeholder involvement around rent distribution issues.

Suggestions: mining should be proactive

- Develop a partnership between communities and mining houses
- Government needs to establish a control mechanism to level the playing field
- Some form of monitoring process is required
- Legislation needs to shift from being intangible to tangible
- Transparency
- Commitment of sharing
- Mining houses responsible for the mechanics of the process

Group 9

Gaps:

- Lack of specific focus on the role of NGOs
- No coverage of the policies and strategies used to encourage research, development and technology transfer of more sustainable technologies.

General recommendations:

1. Keep recommendations as simple and implementable as possible.
2. National implementation should proceed even where regional consensus has not been achieved.
3. Window of opportunity leading up to World Summit on Sustainable Development. MMSD needs to integrate into current initiatives, for example, the World Bank's World Development Report.
4. More detailed analysis of recommendations in regional report are needed to feed into global report.
5. More open in-depth discussion on recommendations and implications as issues are complex. For example, calling for improved regional and national databases raises questions of who should pay.
6. Build on and strengthen national initiatives e.g. databases.
7. MMSD should look at parallel processes taking place to identify opportunities for collaboration, e.g. Waste Summit.

Recommendations for sharing/optimising allocation of mineral rents:

8. Rent distribution process must be more consultative.
9. Transparency in revenue generation and its allocation is necessary (need to consider the relative sharing of rents between the different levels).
10. NGOs need to play a greater role as watchdog organisations and push for greater transparency in rent allocation.

11. Ensure greater community and NGO involvement in decision-making regarding rent allocation.
12. Government needs to support and facilitate greater recognition of the central role of communities and NGOs in the rent allocation processes.
13. Utilise existing rent sharing legislation in SADC and build on that instead of starting from the beginning.
14. Raise awareness of incentives, rights and opportunities for involvement in economic activities around mining, for example, awareness of outsourcing opportunities for previously disadvantaged entrepreneurs.

Michelle Pressend:

Please remember balance of power between groups when discussing stakeholder partnerships.

RESEARCH PRESENTATION: BASELINE SURVEY ARNOLD GRANVILLE, MEPC

CLARIFICATION

John Stewart: When looking at health and safety statistics, it is useful to also look at tonnes of product. When production is taken into account, the fatality and injury statistics per unit product have decreased with time. Over the last four years there has been a significant drop in fatality rates in response to new health and safety legislation. There have been significant improvements.

Arnold: You may be justified. I am reporting on Mavis Hermanus' data.

David Love: Are these health and safety statistics for South Africa only?

Arnold: Yes. The report focused on South Africa. That was where the analysis was done.

Archie Palane: I have the impression that the report is based very strongly in South Africa. This is quite a weakness and presents a gap for additional research.

Arnold: Not really. Only the presentation gives this impressions. SADC MCU and Malawi data has been used.

Question Artisanal mining still frowned upon in SA. What is the view of Mintek?

Arnold: It still seems to be frowned upon, but this is changing. This will have to be dealt with. A definition needs to be clarified.

Karin Ireton: Need to be very clear.

David Murangari: Clearly defining SSM has taken prominence because of its relevance. Artisanal mining should be discouraged, whereas SSM is more generic definition and implies legality. Artisanal miners have caused many

problems as they are illegal. Zimbabwean statutory instruments are intended to contain artisanal minerals....

Charles Shaba: It is important to consider artisanal miners as part of the sector...

Grain Malunga: Artisanal mining implies use of physical manpower and traditional tools.

PRESENTATION: IMPLEMENTATION MECHANISMS
DANIEL LIMPITLAW, PROJECT MANAGER,
MMSD SOUTHERN AFRICA

RECOMMENDATIONS FROM BREAKAWAY GROUPS

Groups 13 & 15

1. Create investment incentives that have broad-based national and regional support such that foreign capital is attracted without compromising local norms and standards. There is a need to create a level playing field for foreign and local investors in terms of incentives and standards which support sustainable development such that double standards are avoided in the rush to attract foreign direct investment.
2. Integration of mining and other forms of land-use, institutional and philosophical initiatives (e.g. New Africa Initiative and Shaft 17 conference) so that development is pursued in an integrated way. Coordination of individual initiatives is required to channel positive impacts. "The whole is greater than the sum of the parts".
3. This process must feed MMSD into World Summit prep comms to ensure MMSD process gets onto WSSD agenda.
4. Ensure that knowledge, technology and best practice is shared efficiently so that countries and individual operations can benefit from lessons learnt. This could take the form of a web-site through which information is easily accessible.
5. Need a structure to take MMSD forward and take ownership of the implementation process. SADC should take the lead in this, but seek partnership with other institutions and promote dialogue between stakeholders. For example, the Chamber of Mines could be the body that facilitates multi-stakeholder dialogue in individual countries to discuss recommendations and implementation procedures. The chambers need to work together to inject dynamism in the dinosaur of the existing SADC structure and ensure regional engagement with the MMSD process. This will require a significant mind-shift within both these structures to get them to engage with, and be accountable to, a broader range of stakeholders. SADC must appreciate that they are not only accountable to governments.
6. Need to maintain and strengthen the network established through MMSD.

7. Facilitate wider distribution of MMSD reports and recommendations to stakeholders outside current network to create greater awareness of MMSD process locally, nationally and regionally.
8. Dates and timeframes need to be set by which specific objectives and targets are achieved. For example, in one year all Chamber of Mines should have established multi-stakeholder forums.
9. Best practice is being established internationally and are setting the standard for the larger and global mining companies to follow, however, the targets are only achievable by a minority of companies within the industry. Need to simultaneously focus on establishing realistic minimum standards for industry. This requires effective monitoring and enforcement mechanisms as well.
10. MMSD process must be popularized within communities to ensure more people engage with the process.

Group 14

1. We Endorse the implementation mechanisms presented by Daniel Limpitlaw but need to establish small-scale mining associations to drive implementation. Government and NGOs should facilitate this.
2. SSM forums need incentives and appropriate financial support so that they operate effectively.
3. Multi-stakeholder forums (NGOs, government, private sector) should be established so that common problems can be shared.
4. SADC MCU and SEAMIC could be focal institutions to drive these implementation measures.
5. Pilot projects are required to ensure that there is visible progress and something tangible (e.g. in Tanzania)
6. Private sector, governments, Chamber of Mines and NGOs must facilitate technical improvements, health & safety improvements, environmental protection and the training of trainers.
7. Incentive schemes – government and private sector audits.
8. Improve gender balance in workforce and ownership.
9. Need to formalise SSM sector through government legislation
10. Difficulty with SSM when family-based e.g. how do you discourage child labour? By providing legal instruments under which family activities can operate? Or through forming small groups? Associations, NGOs, government, licenses.
11. Address bad public image of mining houses. Need public relations firms to demonstrate that benefits of mining activities outweigh the costs.

Group 16

Discussion of implementation mechanisms needs to consider influential institutions:

- SADC mining ministers
- SADC Mining Sector Co-ordinating Unit
- Chamber of Mines
- Mining Associations e.g. SSMs in Tanzania, women in mining
- Traditional authorities

- Organised labour e.g. MUZ, NUM
- Industrial environment forum
- NGOs/CBOs
- MMSD
- International orgs e.g. ICMM, UN, WB, IFC
- Mining companies
- Academic institutions
- “Multi-stakeholder compact” (new institution)
- Government departments (e.g. DTI)
- Certification authorities

Implementation mechanisms:

1. Use a matrix approach to sort and select appropriate mechanisms to suit specific situations.
2. Different mechanisms suit different situations and scenarios.
3. Develop a high-level compact – a set of principles and broad, high-level vision that needs to have sufficient ‘muscle’ and profile. Criteria for a compact:
 - Representative of the regions’ stakeholders
 - Legitimate and credible
 - Provides incentives for stakeholders
 - Set ups/assists in formation of associations (e.g. SSM)
 - Promotes stability in sector (regionally)
 - Reduces risks to investors

Possible experience: BPD (business partners for development)

Floor discussion:

Muneer Ismail: A high level compact could be a champion for MMSD to take the torch forward and promote MMSD throughout the region.

Karin Ireton: Need to distinguish between mining standards for sustainable development and best practice – otherwise threaten to exclude smaller players

Possible recommendation is that Steering Committee flesh out the idea of a compact and take it to SADC to take further.

John Stewart: Agreed and said that it needs further attention.

Group 17

1. Establish multi-stakeholder forums to determine the most appropriate implementation of specific recommendations. Forums should include: Chamber of Mines (industry), Government, CBOs/NGOs, Labour and others.

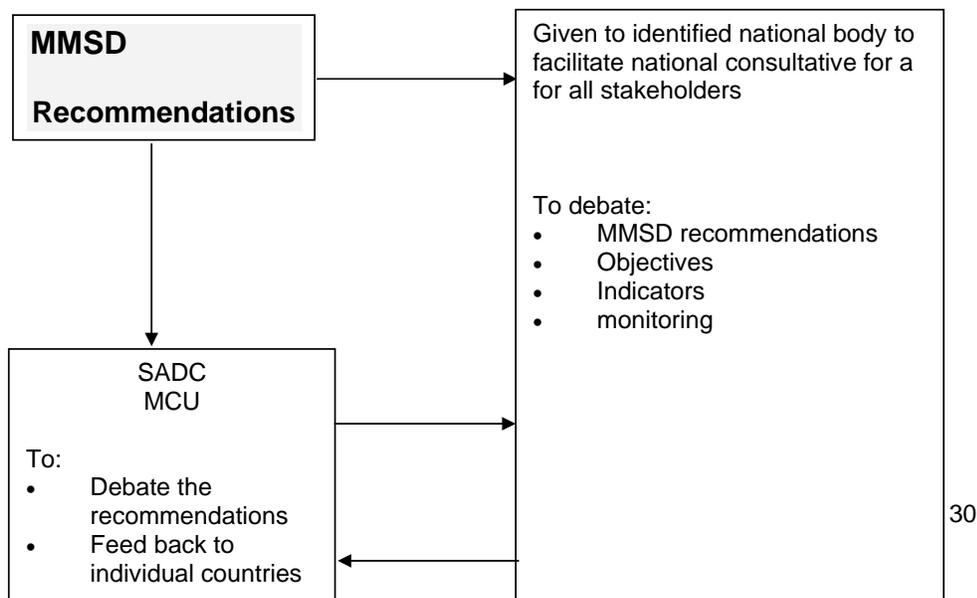
2. Capacity development would be required for these actors to implement recommendations.
3. Industry is a major player in the MMSD process so they have to set targets and performance measures.
4. SADC should hold local conventions on MMSD findings for stakeholders with the aim of developing implementation frameworks.
5. MMSD should set up key units to facilitate implementation in the region.
6. Implementation must be a stakeholder process.
7. Respective governments need to consider fiscal incentives to foster implementation.

The group debated on the mandate of MMSD. Questioned whether research was undertaken for possible submission to the World Summit? The group also talked about the need for the findings to be taken downwards (to local councils) as well as upwards.

Group 18

1. Any MMSD recommendation must keep the key objective in mind – to create an enabling framework.
2. MMSD recommendations should be given to an identified national body to facilitate national consultative forums for all stakeholders with the objective of debating MMSD recommendations, objectives, indicators and monitoring. These forums should act as a platform for disseminating findings in each country to all stakeholders.
3. MMSD recommendations should enhance national forums by feeding in to what is already there. These should include Chamber of Mines, SSM associations, NGOs, CBOs and government departments.
4. SADC will then provide input to SADC coordinating body (regional facilitator), debate the recommendations and feed back to individual countries.

Not sure what will be implemented at national level and what will be implemented at SADC level. Perhaps there will not always be common visions about what sustainable development is as the region is very complex.



VISUAL CAPTURE - WHAT MUST APPEAR IN THE REPORT THIRD SESSION, DAY TWO

1. Implementation via SADC forums.
2. Implementation needs to be done via national forums which could feed into or out from SADC.
3. Viable multi-stakeholders forums to take MMSD forward.
4. Need associations for SSM to take SSM issues forward.
5. SADC natural choice in region and must be the engine to drive MMSD.
6. SADC guidelines for resettlement.
7. Principles for maximising opportunities in mining for infrastructure development
8. National level trust funds for rehabilitation.
9. Pressure groups to continue and monitor implementation of findings.
10. Governments should be key players in transforming artisanal to formal small-scale mining.
11. Small-scale mining associations are essential.
12. Promote resource-based industrialisation through technology innovation.
13. Need to make sure existing structures at more local level pushed/pulled out of SADC.

SUMMATION OF IMPLEMENTATION MECHANISMS ALEX WEAVER

- Need some higher level forum – perhaps SADC as a facilitator
- Make use of existing initiatives/institutions
- Matrix for implementation mechanisms useful
- Existing initiatives/institutions or new bodies could be responsible for implementing
- Solid foundation of forum will be a series of principles
- Need to ensure that recommendations are both pushed and pulled by SADC

CLOSURE ARCHIE PALANE, CHAIRMAN, MMSD SOUTHERN AFRICA STEERING COMMITTEE

Referring to the slogan which talks about a “part of the puzzle of sustainable development”, we have mapped out part of the puzzle here – we have definition around areas of residence, health, work, communities. Today we see the product of an action plan. These topics are also very important for global communities.

Who are the stakeholders that are very important for this process? There are difficulties in engaging with 80-90% of social partners. In stakeholder engagement everyone is saying that "this is my stake, not yours". Here we have begun to unpack this problem. This has enabled us to develop a network to use information to influence issues linked to sustainable development.

The workshop has highlighted the importance of structures that must ensure implementation. After implementation we can review decisions and ask the question whether we have really addressed the objectives. Have we done away with poverty? Protected the environment? Can we sustain the development that is in place? And the major task: have we brought others into the process?

We must beware of NGOs who only represent themselves. We must create an enabling environment and continue to engage and feed into the global process our views.



MMSD SOUTHERN AFRICA MULTI-STAKEHOLDER WORKSHOP
JOHANNESBURG 18/19 SEPTEMBER 2001

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