

LEGAL RIGHTS OF MINING HOST COMMUNITIES IN UGANDA



A Case Study of the Mawero Mining Host Community, Busia District

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Acronyms

MMA: Mining and Minerals Act

CDA: Community Development Agreement

PAP: Project Affected Persons

NGO: Non- Governmental Organization.

FPIC: Free, prior, and informed consent.

CSR: Corporate Social Responsibility

ESIA: Environmental and Social Impact Assessment

CMC: Community Mining Committee

I Acknowledgement

This toolkit was developed by Judith Nansubuga as part of the 2026 Bertha Challenge Fellowship.

I am particularly grateful for the ongoing collaboration with Greenwatch and mining-affected communities in Uganda mainly Busia, the Mawero Mining Host Community. I would also like to appreciate experts from the mining sector, environmental sustainability, and legal frameworks who helped review the draft of the Legal Toolkit, especially Ms. Lynn Gitu, Ms. Samantha Atukunda Kakuru Mwesigwa, Ms. Unity Niwandinda, Mr. Abdun Bwanadi and Mr. Mpewo Alan Collins. I also deeply appreciate the partnership with the Bertha Foundation through the Bertha Challenge Fellowship Project.

Disclaimer

This toolkit has been developed to support the effective understanding, of the rights of mining host communities in Uganda. This publication is based on the country's current legislative and regulatory framework, including the Mining and Minerals Act Cap 159 and the subsequent general and artisanal mining regulations, and reflects the prevailing international best practices and standards for the mining sector as of the publication date. While every effort has been made to ensure the accuracy of the information provided, no single view expressed in this handbook should be attributed to any individual author and none of these views necessarily represent the views of any of the institutions and organizations where the author works. This handbook is, therefore, an overall guide and does not contain definitive financial or legal advice. Readers considering any of the issues discussed in this handbook should seek to speak, at an early stage, with their legal or financial advisor or both where applicable.

Glossary

Accountability: Ensuring that mining companies, government institutions, and other stakeholders act responsibly and follow regulations in managing mineral resources.

Affected Community(s): Section 228 of the Mining and Minerals Act refers to communities “likely to be affected by the holder’s mining operations”.

Company: refers to a separate legal entity with capacity to sue and to be sued.

Community engagement: refers to the active participation of local populations in the decision-making process to promote sustainable development, equitable benefit sharing, social inclusion and good governance.

Information: Section 3 of the Access to information Act defines information to include written, visual, aural and electronic information.

Mineral Right: according to Section 8 of the Act, a mineral right is “the right to prospect, explore or mine for minerals under a prospecting license, an exploration license, a retention license, a large-scale mining license, a medium scale mining license, small scale mining license or an artisanal mining license.

Primary Host Community: according to Section 227 of the Act, a “primary host community” is a “single community of persons mutually agreed by the holder of a large-scale, medium scale, or small-scale mining license and the local government, where the mining area is located, but if there is no community of persons, primary host community shall be the local government.

Power: refers to the ability or capacity to influence, control, or direct the actions, decisions, or behavior of others, or to affect outcomes.

Profit: refers to the financial gain realized when the amount earned from a business activity exceeds the costs, expenses, and taxes associated with that activity.

Transparency: refers to the quality, condition, or practice of being open, clear, and readily understandable to all stakeholders, especially between companies, governments, and affected communities, including the consultation and negotiation in the mining processes.

Violation: refers to any act or omission that breaches a law, regulation, license condition, contractual obligation, or recognized right governing the exploration, extraction, management, or enjoyment of mineral resources.

How to use this Toolkit

The toolkit is designed as a flexible, practical resource that offers guidance to stakeholders engaged in the mining industry. The mining host communities are the central stakeholders. The toolkit focuses on equipping them with the knowledge, tools, and strategies needed to participate meaningfully in all phases of mining processes and ensure strong representation during negotiations. While it is primarily directed towards those communities, this toolkit can also be a resource for other actors with important roles in the mining sector, including:

- a. Mining companies
- b. Government
- c. Civil society/NGOs
- d. Other development actors

I Part I: 1. Background

Uganda is endowed with over 27 commercially viable minerals, including gold, copper, cobalt, iron ore, phosphates, uranium, marble, limestone, graphite, and rare earth elements. For many communities, the discovery of minerals brings hope for development, employment, improved social services, and a better future. Yet, experience has shown that mineral wealth does not automatically translate into shared prosperity. In many mining areas, the pursuit of economic gains has often overshadowed the rights and welfare of the communities that bear the greatest social and environmental costs of extraction.

This toolkit is informed by six months of field engagements conducted from January 2026 under the Bertha Challenge Fellowship. The engagements focused on the villages of Akipinenet, Amagoro, Alupe, and Agoriat in Mawero Parish, Busia District, where community members have lived alongside the Wagagai Gold Project. On 29th June 2018, Wagagai Mining (U) Ltd was granted a Certificate of Approval by the National Environment Management Authority (NEMA) under Certificate No. NEMA/EIA/15137 authorizing pre-mining, mining, and mineral processing operations in Buteba Sub-County. The project covers approximately 9.224 square kilometres and is expected to process about 5,000 tonnes of ore per day and produce refined gold at 99.99% purity.

Through interviews, community dialogues, and document review, residents consistently recalled that before the commencement of large-scale mining operations, the area was sustained by farming, access to natural water sources from River Alupe, and social infrastructure that supported community life. However, community members contend that since the project commenced, they have experienced persistent environmental degradation and human rights concerns which they attribute to non-compliance with legal obligations and Environmental and Social Impact Assessment (ESIA) mitigation measures.

Among the concerns raised were unsafe excavation pits that have allegedly resulted in fatalities, unresolved disputes over compensation and loss of livelihoods, contamination of River Alupe and other water sources, dust and emissions affecting air quality, and vibrations associated with blasting activities which residents claim have damaged homes by causing cracks in walls. Several households reported increased cases of diarrhoea and dysentery among children allegedly linked to the use of contaminated water, although no independent scientific studies have yet established a causal relationship. Community members also expressed concerns regarding inadequate participation in decision-making processes and the absence of effective mechanisms through which they could hold duty bearers accountable.

These experiences demonstrate that mineral development, if not properly regulated and

implemented, can deepen inequalities and undermine the rights of host communities. It is against this background that this toolkit was developed.



Discolored section of River Alupe Stream in Mawero parish, Busia, allegedly caused by untreated mining effluents.

1.1 Introduction

Drawing from the lived experiences of the Mawero community, the toolkit seeks to equip present and future generations with practical knowledge of their rights and the legal mechanisms available to demand accountability, promote meaningful participation, and ensure that mineral wealth does not come at the expense of human dignity, livelihoods, and a clean and healthy environment.

1.2 Objectives of the Toolkit

- a. To enhance the Mawero Mining host community power to advocate for their rights and to actively participate in community initiatives aimed at environmental and Human rights protection.
- b. To Strengthen the host community's capacity to document environmental and human rights violations.
- c. Support access to remedies and accountability mechanisms among the host communities in Uganda.
- d. To create an awareness of the ongoing impacts arising from the operations of Wagagai Mining (U) Ltd, including environmental degradation, displacement, and threats to public health.
- e. Enhance stakeholder collaboration in the protection of the Mining Host Communities

1.3 Learning Outcomes

This toolkit equips the community to:

- a. Translate legal rights into practical action
- b. Strengthen collective advocacy
- c. Promote corporate accountability and environmental justice

Part II: Understanding Mineral Ownership In Uganda

2. What is a Mineral?

A mineral is any naturally occurring substance, whether solid, liquid, or gaseous, formed through geological processes and found in or on the earth. Examples include Gold, Copper, Iron Ore, Cobalt, Graphite, Limestone, Marble, Rare Earth Elements among others.

2.1 What are Mineral Rights?

Mineral rights are the legal rights to explore, develop, extract, process, transport, and sell minerals. In Uganda, these rights are granted by Government through licenses issued by the Ministry of Energy and Mineral Development under the Mining and Minerals Act.

2.2 The Legal Framework Governing Mineral Rights in Uganda.

Uganda's mining sector is regulated through several laws and policies that establish procedures for licensing, environmental protection, compensation, community participation, occupational safety, and restoration of degraded land. These include: The Constitution of the Republic of Uganda, 1995 (as amended), The Mining and Minerals Act, Cap 159 (and related regulations), The National Environment Act, Cap 181, The Access to Information Act, Cap 95, The Land Act, Cap 236, Environmental and Social Impact Assessment (ESIA) Regulations, international Instruments for instance the United Nations Guiding Principles on Business and Human Rights among others.

2.3 Who Owns the Minerals in Uganda?

Minerals are vested in the State on behalf of the people of Uganda¹. Ownership of land does not automatically confer ownership of any minerals beneath it. However, mining rights are granted through licenses issued by the Ministry of Energy and Mineral Development.

¹ National objective XIII of the National objectives and Directive Principles of State policy, Constitution of the Republic of Uganda, 1995 (as amended)

2.4 Should Host Communities know the different types of licenses granted to the company?

Yes, understanding a company's license helps communities determine:

- Whether the company is operating legally
- What activities the company is permitted to undertake
- The duration of its operations;
- Environmental obligations attached to the license;
- Community obligations imposed on the company;
- Whether the company is complying with the law.

2.5 Types of Mining Licenses in Uganda

No	License Type	Purpose	Duration
1	Prospecting License	Search for minerals	1 year (non-renewable)
2	Exploration License	Assess quantity and quality of minerals	4years (renewable)
3	Retention License	Hold mineral discovery pending development	3years (renewable once)
4	Large Scale Mining License	Commercial mining	21 years
5	Medium Scale Mining License	Commercial mining	10 years
6	Small Scale Mining License	Commercial mining	5 years
7	Artisanal Mining License	Small-scale operations	3 years
8	Mineral Dealer's License	Buying and selling minerals	As prescribed
9	Goldsmith's License	Processing precious minerals	As prescribed

In relation to the above, Wagagai Mining (U) Ltd operates under a Large-Scale Mining License, which permits commercial mining operations for a period of up to twenty-one years. This license not only grants the company the right to extract minerals, but also imposes corresponding obligations relating to environmental protection, occupational health and safety, compensation, community development, and compliance with approved Environmental and Social Impact Assessment (ESIA) measures. Understanding the nature of Wagagai's license enables the host communities to appreciate that mining rights are accompanied by legal responsibilities, and that companies can be held accountable where they fail to comply with these obligations.

Part III: Rights of the Mining Host Communities in Uganda

3. What is a Primary Host Community?

A Primary Host Community refers to a single community of people residing within thirty kilometers of any boundary defining the mining area². In this context the people from Akipinenet, Amagoro, Alupe, and Agoriat in Mawero parish Busia district qualify to be a primary host community. Mining companies like Wagagai have a responsibility not only to generate economic value but also to respect human rights, protect the environment, and safeguard the interests of host communities³. On the contrary, this legally provided responsibility is a myth to the community in Busia district as described above.

3.1 Right to Access Information

Article 41 of the Constitution of the republic of Uganda 1995 (as amended) and Section 4 (1) of the Access to Information Act guarantee every citizen's right to access information in the possession of the State or any other public body, except where disclosure would prejudice national security or the privacy of another person.

Principle 10 of the Rio Declaration recognizes that environmental issues are best addressed when people have access to information, can participate in decision-making, and have access to justice. The right to access information has been characterized as an important component of the right to freedom of expression, which is a fundamental human right. Without the requisite information, all the other public participation rights are nugatory.⁴ In Busia, communities still struggle to access mere land and compensation valuation forms from both the chief government valuer and the private company valuers without any justifiable reasons.

3.1.1 Why is Access to Information Important?

Access to information enables communities to:

- a. Understand company obligations.
- b. Participate meaningfully in decision-making.
- c. Monitor compliance.
- d. Hold companies and regulators accountable.

² Section 3 of the Mining and Minerals Act Cap 159

³ African Mining Legislation Atlas (AMLA), Toolkit on Local Development & Community Engagement in Mining Projects

⁴ Robert Pritchard 'Safeguards for Foreign Investment in Mining' in E. Bastida et al, "International and Comparative, Mineral Law and Policy Trends and Prospects" (2005), 76 at 270

3.1.2 What Information Can Communities Access?

Communities are entitled to request:

- a. Mining licenses
- b. Environmental and Social Impact Assessment (ESIA) Reports
- c. Environmental Audit Reports
- d. Compensation Plans
- e. Resettlement Action Plans
- f. Community Development Agreements
- g. Environmental Monitoring Reports

3.1.3 Procedure for Accessing Information

A community member, civil society organization, or any interested person may access information relating to a mining project by following these steps:

- a. Submit a written request to the relevant agency or institution seeking the required information or documents.
- b. Pay any prescribed fees for processing or obtaining certified copies, where applicable.
- c. Where the request is denied or delayed without any lawful justification, seek legal redress through the courts or other appropriate mechanisms under the law.

With support from Greenwatch, community members in Busia under the Mawero Mining Host Community Welfare Association successfully obtained copies of the Environmental and Social Impact Assessment (ESIA) and the accompanying Certificate of Approval for the Wagagai Gold Project. Access to these documents enabled the community to better understand the company's obligations and the mitigation measures it was required to implement. The information has since been used to document violations, engage relevant authorities, and advocate for greater transparency and accountability from both the company and government institutions.

3. 2. Right to Own Property and Compensation

The Constitution of Uganda recognizes and protects the right to own property. Article 26 guarantees every person's right to own property either individually or in association with others and prohibits the compulsory acquisition of property except where prompt, fair, and adequate compensation is paid prior to the taking of possession⁵. Community findings indicate that about 60% of the affected families consider the compensation offered to have been inadequate. Those who resisted relocation report that mining activities have increasingly made living conditions

⁵ Article 26 Constitution of the republic of Uganda 1995 (as amended)

unbearable through the expansion of tailings' pits and the piling of excavated soil near their homes, leaving them with little option but to vacate their land.

3.2.1 What does this mean for a Host Community?

Mining activities should not result in loss of land or livelihoods without fair treatment. Therefore, project affected people are entitled to compensation for:

- a. Land
- b. Houses
- c. Crops
- d. Trees
- e. Livestock
- f. Businesses
- g. Loss of livelihood

Note:

The compensation agreements presented to the communities should be in clear and concise language known to the communities.

3.2.2 Sample Compensation Tracking Form

Name of PAP	
Affected Property	
Valuation Amount	
Amount Paid	
Outstanding Issues	

3.3 Right to a Clean and Healthy Environment.

The right to a clean and healthy environment is guaranteed under **Article 39** of the Constitution of Uganda. This right requires mining companies to carry out their operations responsibly and to prevent harm to people, property, natural resources, and livelihoods.

3.3.1 Host Communities therefore have a right to be protected against:

- a. Water contamination and pollution of rivers, streams, wetlands, and other water sources;
- b. Air pollution and harmful emissions that may affect human health;
- c. Excessive dust from mining and transportation activities;
- d. Noise and vibrations that damage property or disrupt daily life;
- e. Unsafe excavation pits and other mining-related safety hazards; and
- f. Land degradation affects farming, grazing, or other community uses of land.

Where any of these impacts occur, one has a right to lodge a complaint, demand corrective action and seek appropriate remedies from the authorities responsible. Community members in Busia have repeatedly raised concerns over noise pollution, air pollution, and contamination of water sources allegedly resulting from the uncontrolled discharge of waste and other by-products from the operations of Wagagai Mining (U) Ltd. Despite reporting these concerns to various government authorities, residents contend that the responses have been inadequate, leaving many communities exposed to continued environmental and health risks and underscoring the need for effective grievance handling and accountability mechanisms.

3.4 Right to Consultation and Participation

Community participation is part of the trust-building process that is necessary for developers to earn a social license to operate, and it has become a standard of corporate social responsibility.⁶ **Section 228(6)** of the Mining and Minerals Act Cap 159 defines **consultation** as an open, inclusive and non-coercive process , conducted in the official language and the local language of the community for exchange of information , ideas and viewpoints about the potential benefits and impacts of the mining operations and shall strive to include in socially and culturally acceptable forms , all social -economic and environmental elements in the area affected by the subject matter under consideration, including men and women, youth and historically disadvantaged and vulnerable groups.

Additionally, **section 227 (2)** of the Mining Act requires the holder of a large-scale license, medium scale or small-scale mining license, to negotiate and implement a community development agreement with the primary host community as prescribed by the regulations. The provisions clearly demonstrate that community participation and consultation is not a merely formality but a practical safeguard for fairness, accountability, and sustainability in mineral development to ensure that mining projects respond to the real needs of host communities.

⁶ R. Goodland. 2004. "Free, Prior and Informed Consent and the World Bank Group" Sustainable Development Law & Policy 4 (2).

Communities must be:

- a. Informed about mining projects;
- b. Consulted before project approval;
- c. Involved during implementation;
- d. Allowed to raise concerns.

Note: Participation should be timely, inclusive, meaningful and capable of influencing decisions.

Community members in Busia contend that consultations conducted during the Environmental and Social Impact Assessment (ESIA) process were limited and did not adequately ensure the meaningful participation of women and other vulnerable groups. They further maintain that the final ESIA did not sufficiently disclose the potential environmental risks associated with the project, including impacts on water resources, biodiversity, ecosystems, waste management, and other long-term environmental consequences. As a result, many residents feel that they were not adequately informed about the risks they would face, or the measures required to safeguard their right to a clean and healthy environment.

3.4.1 Community Development Agreements (CDAS)

What is CDA?

Section 227 of the Mining and Minerals Act requires holders of certain mining licenses to negotiate and implement CDAs with host communities. A CDA is a contract between companies and communities which governs various aspects of the impacts and benefits of natural resource development projects⁷.

3.4.2 What are the contents of the Community Development Agreement.

CDAs typically contain commitments related to the following issues;

- a. Environmental, social, health and cultural impact management.
- b. Monitoring and Evaluation Mechanisms.
- c. Grievance and dispute resolution mechanisms.
- d. Employment opportunities
- e. Financial payment and disbursement arrangements.

3.4.3 Why are CDAs Important?

They create a structured relationship between companies and communities and help ensure local benefits from mining. Community engagements in Busia have revealed that there is no evidence of a negotiated and executed Community Development Agreement (CDA) between

Wagagai Mining (U) Ltd and the primary host community, contrary to the requirements of the Mining and Minerals Act. In the absence of a binding agreement, the company has largely relied on Corporate Social Responsibility initiatives, which are discretionary and may not reflect the actual priorities and needs of the community. This has weakened accountability efforts and deprived the community of a clear framework through which to enforce commitments relating to social services, infrastructure, environmental protection, and other shared benefits arising from the project.

3.5 Right to Share Mineral Royalties

Section 179(1) of the Mining and Minerals Act requires that minerals obtained through prospecting, exploration, and mining operations are subject to the payment of royalties. Under **Schedule 3** of the same Act, owners, lawful occupants, and bona fide occupants of land subject to mineral rights are entitled to receive five percent (5%) of the royalties collected. This recognizes that host communities should share in the benefits derived from mineral resources found on their land.

Landowners within the Wagagai project area state that they have not received any royalty payments since mining operations commenced in 2018. This follows the president's directive that waived royalty payments on gold production, refining, and exports, which was later complemented by the Mining and Minerals (Export Levy) Regulations, 2022, introducing an export levy of USD 200 per kilogram of gold exported. While these measures were intended to promote investment in Uganda's gold sector, many landowners in Mawero believe they have effectively been deprived of the royalty benefits pursuant to the Mining and Minerals Act. For them, the continued extraction of gold without any corresponding royalty payments raises concerns about fairness and the realization of their rights as host communities.

3.6. Right to Seek a Remedy

Article 50 of the Constitution of the Republic of Uganda guarantees every person the right to seek redress where their rights or freedoms have been violated or are under threat. If a person is affected by mining activities, one has a right to raise or lodge a complaint and seek an appropriate remedy through the relevant authorities or courts of law.

Where national remedies are unavailable, ineffective, or have been exhausted, a complainant may seek accountability through regional and international mechanisms, including the East African Court of Justice, the African Court on Human and Peoples' Rights, the United Nations Human Rights Committee, the World Bank Inspection Panel, the Organisation for Economic Co-operation and Development (OECD) National Contact Point (NCP), and the International Finance Corporation Compliance Advisor Ombudsman (IFC CAO).

⁷ Kristi Disney Bruckner Community Development Agreements in Mining Projects', published in the Denver Journal of International Law and Policy Vol. 44.

3.6.1 When Can Communities Seek Remedies?

Where mining causes:

- a. Environmental harm.
- b. Property damage.
- c. Displacement.
- d. Human rights violations.
- e. Failure to compensate and any other related concerns.

3.6.2 What are the different remedies available for any aggrieved person?

a. Administrative Remedies

Complaints to National Environment Management Authority, Ministry of Energy and Mineral Development and other relevant government agency.

b. Judicial Remedies

Courts may order:

- i. Compensation
- ii. Restoration
- iii. Injunctions
- iv. Declarations
- v. Enforcement of rights.

Part IV: Community Accountability Tools

4. Community Mining Committee (CMC)

Although not expressly provided for, every host community, through its local leaders has a right to establish a Community Mining Committee that advocates for the rights of a host community.

4.1 Composition of the Proposed Committee.

- a. Elders
- b. Women representatives
- c. Youth representatives
- d. Religious leaders
- e. People with disabilities
- f. Local council representatives

4.2 Functions of the Community Accountability Committee.

- a. Monitor mining activities
- b. Receive complaints
- c. Coordinate community engagement
- d. Maintain records

4.3 Incident Documentation Tool

INCIDENT LOGBOOK

Date Incident occurred	Date Incident Reported To	Location	Impact	Evidence	Action Taken
------------------------	---------------------------	----------	--------	----------	--------------

Examples:	
Water contamination:	
Cracked houses:	
Livestock deaths:	
Open pit accidents:	
Air pollution:	
Compensation disputes:	

4.4 Community Evidence Checklist

Whenever an incident occurs:

- a. Take photographs
- b. Record date and time
- c. Record witness statements
- d. Obtain and keep medical reports where relevant
- e. Keep valuation documents
- f. Keep correspondence
- g. Maintain copies safely

5. Reporting Pathways

Any aggrieved person may file a complaint with the relevant government agency in accordance with the applicable legal and regulatory framework as discussed

5.1 Environmental related

National Environment Management Authority (NEMA). Section 9 of the National Environment Act established NEMA as a principal agency in Uganda for regulating, monitoring, supervising and coordinating all activities relating to the environment. Accordingly, any person aggrieved by an ongoing environmental violation or activity that is likely to have an adverse impact on the environment may lodge a complaint with the Executive Director of NEMA for investigation and appropriate action in accordance with the law.

5.2 Mining related

5.3 Administrative Complaint to the Ministry of Energy and Mineral Development.

Under the Mining and Minerals Act and the Mining (License) Regulations, 2019, any person who is affected by the operations of a mining company may lodge a complaint with the Minister Ministry of Energy and Mineral Development, or the Commissioner for the Mines Department, depending on the nature of the complaint and the applicable legal provisions.

5.4 Legal Support

Any aggrieved community member may seek legal assistance from civil society organizations that provide support on extractive sector issues, such as Greenwatch and the Advocates for Natural Resources and Development (ANARDE) and any other organizations working in the extractives sector. They may also seek assistance from institutions under the Justice, Law and Order Sector (JLOS) that provide legal aid, legal information, or access to justice services.

6. Key Message to Stakeholders.

1. Mining should contribute to development without compromising human dignity, health, livelihoods, or the environment.
2. An informed community is better positioned to:
 - a. Protect its rights;
 - a. Participate in decision-making;
 - a. Demand accountability;
 - a. Promote responsible mining;
 - a. Secure long-term community benefits.

7. Conclusion

The experience of Mawero demonstrates that mineral wealth should not come at the expense of the people who live closest to it. The primary responsibility for ensuring that mining benefits communities while protecting human rights and the environment lies with the Government and the developer, who have both the power and the resources to do so. This toolkit seeks to equip host communities with the knowledge necessary to understand their rights, recognize injustices, and demand transparency, accountability, and effective remedies. An informed community is better placed to challenge abuse and ensure that development does not come at the cost of human dignity, livelihoods, and future generations.

References

1. Toolkit on Local Development & Community Engagement in Mining Projects. AfricanMining Legislation Atlas, World Bank Group, 2022, pp. <https://www.amla.org/images/articles/AMLA-World-Bank-Group-2022>.
2. Kristi Disney Bruckner Community Development Agreements in Mining Projects', published in the Denver Journal of International Law and Policy Vol. 44.
3. Black's Law Dictionary (Bryan A Garner ed, 12th edition, Thomson Reuters 2024
4. R. Goodland. 2004. "Free, Prior and Informed Consent and the World Bank Group" Sustainable Development Law & Policy 4 (2).
5. Robert Pritchard 'Safeguards for Foreign Investment in Mining' in E. Bastida et al, "International and Comparative, Mineral Law and Policy Trends and Prospects" (2005), 76 at 270.
6. African Mining Legislation Atlas (AMLA), Toolkit on Local Development & Community Engagement in Mining Projects.



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produced as part of the
Bertha Challenge Fellowship**

