

Kangaluwi Copper Mine Development

Lower Zambezi National Park

TIMELINE OF KEY EVENTS

2011

March 16 '11. 25-year license granted. However, before mining could proceed, an environmental and social impact assessment (ESIA) needed to be approved by the Zambia Environmental Management Agency (ZEMA).

As per the legal regulations the ESIA should have in fact been conducted prior to/as a pre-requisite to obtaining the mining license.

March 14 '12. Mwembeshi Resources Limited submitted an Environmental and Social Impact Assessment (ESIA) report to undertake large-scale mining activities in the Lower Zambezi National Park.

September 5 '12. ZEMA rejects ESIA stating a list of concerns.

September 19' 12. Mwembeshi Resources Limited (the developer) launches appeal against the rejection in accordance with the provisions of section 116 of the Environmental Management Act No. 12 of 2011, with then Minister of Lands, Natural Resources and Environmental Protection.

2013

October 9 '13. Minister of Lands referred the matter back to the ZEMA board (the first line of appeal following a ZEMA decision), who then referred it to a technical committee for review.

November 29 '13. ZEMA board wrote to the minister of Lands upholding earlier decision to reject ESIA.

2014

January 17 '14. Then Minister of Lands, Natural Resources and Environmental Protection (Harry Kalaba) allowed the appeal - thereby overturning the decision of ZEMA.

He later claimed it was not his decision, but the decision of cabinet. Read more [here](#)).

February 3 '14. ZEMA submits an approval letter (following Minister's directive), however with 36 requirements that needed to be met in order for the developer to commence. One of those requirements was that the developer must implement the project within three years of receiving approval, otherwise the project will be rendered invalid and the developer will have to resubmit the EIS (clause 3.4).

February 4 '14. Following the decision, a group of stakeholders (six appellants), including non-governmental organisations and conservationists banded together and filed a notice of appeal to the High Court of Zambia to stop the mining development. As a result, an injunction to stay the execution of Mwembeshi Resources Limited's mining plan was granted on 17th October, 2014.

The litigation process ended February 25 2021, due to procedural issues. In 2022 a new litigation process was started with a petition in the Constitutional Court. It was however withdrawn by the petitioners before it was taken up in Court.

2017

ESIA expires. The developer did not commence with the project in the required three-year timeframe. The mine also changed ownership during this time from an Australian company to a Chinese conglomerate. However, there are few public details about the change of ownership.

2019

Ministerial statements: Both Minister of Tourism and Arts, and Minister of Mines stated that no mining would be allowed in the national park. Read statement from the Minister of Mines [here](#).

- Zambia's first Prime Minister, Dr Kenneth Kaunda speaks out against mine. [Watch](#)

- **October 19 '19.** High Court dismissed the injunction for want of prosecution because the court ruled that the appellants had failed, in a period of three years to file a record of appeal as required by the rules of the Court. The appellants were dissatisfied and one of the original six appellants launched another appeal in the Court of Appeal, which on 25th February 2021 upheld the decision of the High Court to dismiss the matter for want of prosecution.

2021

April 28 '21. The developer resubmits original rejected ESIA, with an addendum which refers to (thus is assumed to be a response to) letters from ZEMA in 2020 and 2021 requesting more information on observations in the initial ESIA report.

The submission of an addendum has been interpreted by stakeholders to be requested as per section 32. (1) S.I. no 28 of 1997; The Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations Act.

May 7 '21. ZEMA approves ESIA submitted with addendum (just eight days after submission) with conditions.

This timeframe was later challenged for bypassing the due process as per section 32. (4): *The Council shall circulate any information for review to relevant Government agency and local government authority which shall send their comments to the Council within 20 days of receipt of the information.*

June '21. 'Save Zambezi, Safe Zambezi' Campaign (see link [here](#)) launched by a coalition of stakeholders (led by Conservation Lower Zambezi) reaching 1.2 million people in six months.

2022

- **January '22.** Green Economy and Environment Minister, Collins Nzovu, indicated that the mine would go ahead. "The legal status of the project is that Minister Harry Kalaba (Ministry of Lands and Natural Resources) of the PF government allowed the new project to go ahead," he said.

This comes after the Ministry of Lands had, in 2012, presented Zambia's Action Plan for implementing the Convention on Biological Diversity's (CBD) Programme of Work on Protected Areas (PoWPA). It proposed that mining would be allowed in the Game Management Areas (GMAs) but excluded from the National Parks.

- **February 1 '22.** Save Zambezi, Safe Zambezi campaign releases a media statement calling newly appointed President Hichilema to honour his undertaking to keep the Lower Zambezi National Park untouched.

- **February 4 '22.** Petition submitted by Robert Chimambo to the Constitutional Court - respondents the Attorney General and ZEMA, in the matter of the environmental impact assessment and the contravention of numerous articles in the constitution. It sought the Constitutional Court's intervention to compel the government and ZEMA to withdraw the decision. The matter was later withdrawn.

- **February 11 '22.** A coalition of 53 entities comprised of Zambian citizens and NGOs submit a letter to the Ministry of Green Economy and Environment: "Request to nullify the decision on the EIA for the proposed mining activities in the Lower Zambezi National Park by Mwembeshi Resources Ltd." A response was received by the Minister on February 22, 2022, who acknowledged their concerns. He however stated that he was not in a position to respond/comment as "the issues highlighted are currently before the Constitutional Court of Zambia".



- **May '22.** A small group of organisations, representatives of the tourism industry, and others came together to discuss possible options to stop the mining development. A Zambian NGO, Conservation Advocates Zambia Ltd, proposed to explore further legal actions either via appeals to ZEMA and the Minister and/or a new court case. This proposal was supported by the participating entities.
- **May 10 '22.** Stakeholders consultative meeting with UNESCO delegates to discuss the proposed Lower Zambezi Escarpment Biosphere Reserve (LZEBR). At the meeting it was said that the mine would proceed as would the application for the BR, however with a proposal to change the boundary so that the mine is located outside of the Biosphere Reserve, yet still remaining in the National Park. The meeting rendered a controversial debate regarding the proposed mine, with local chiefs strongly advocating the mine be developed to provide jobs to their communities.
There have been two applications to UNESCO for the LZEBR, which were rejected/deferred (2019 and 2021) due to the proposed mine and its associated issues. There has been no new application in 2022 since the meeting.
- **June 29 '22.** Conservation Advocates Zambia Limited was given access to the Addendum (2021) to the original EIS (2012) and ZEMA decision letter with approval and conditions (May 2021) on 29th of June this year. According to the Environmental Act, the NGO had 30 days to send a request for a review of the decision to the ZEMA Board.
- **July 29 '22.** A letter and info pack was sent by the legal representative of the legal case between Conservation Advocates Zambia Limited to the ZEMA board to request a review of its decision of 7 May 2021 approving the addendum EIA.
- **July 4 '22.** Aerial reports of road development starting on the Kangaluwi mine, such as grading of the road from main tarmac road to the mine site visible as well as clearing of area at site and some additional roads being cleared at mine site.

Summary of the applicant's grounds put forward to ZEMA requesting the board to review its decision letter to approve the resubmitted ESIA with attached addendum. Sent to ZEMA board July 29, 2022.

The applicant stated that:

- **Ground 1:** ZEMA's decision to approve the resubmitted EIA with addendum is illegal, null and void for being arrived at in breach of statutory defined procedures. The applicant contended that in arriving at its decision ZEMA failed to comply with the act as read with Environmental Impact Assessment Regulations and also acted in disregard of its own prior technical findings.
- **Ground 2:** In its decision letter, ZEMA abdicated its mandate to give effect to Section 6 of the Environmental Management Act and the conditions in the said decision letter do not provide adequate protection to the environment, wildlife or human beings affected by the proposed project.
- **Ground 3:** ZEMA approved the addendum which contained false and misleading information in contravention of the EIA regulations, and also failed to submit it to public scrutiny as required by Law.

- **August 4 '22.** ZEMA responds to legal representative of Conservation Advocates Zambia Ltd that the Board of Directors of ZEMA expired in June 2022, and was up for review. ZEMA says that once the new board is constituted, the review letter would be a matter of priority under the new board.
- **August 29 '22.** Cabinet approves new ZEMA board of eight members.
- **Sept - Nov '22.** Aerial reports show that a larger area has been cleared, as well as new pop-up tents, an excavator (new), and a second container with windows in it - which is possibly accommodation or an office.

Current Status: Conservation Advocates Zambia Ltd, still awaits an official response from ZEMA board regarding their request to review the decision to approve the EIA addendum. In addition, the coalition also hopes for a response from ZEMA regarding aerial reports which show developments which likely require separate EIAs (i.e roads, accommodation outside the site area). The photographs of the development underway and associated queries have been forwarded to ZEMA legal.