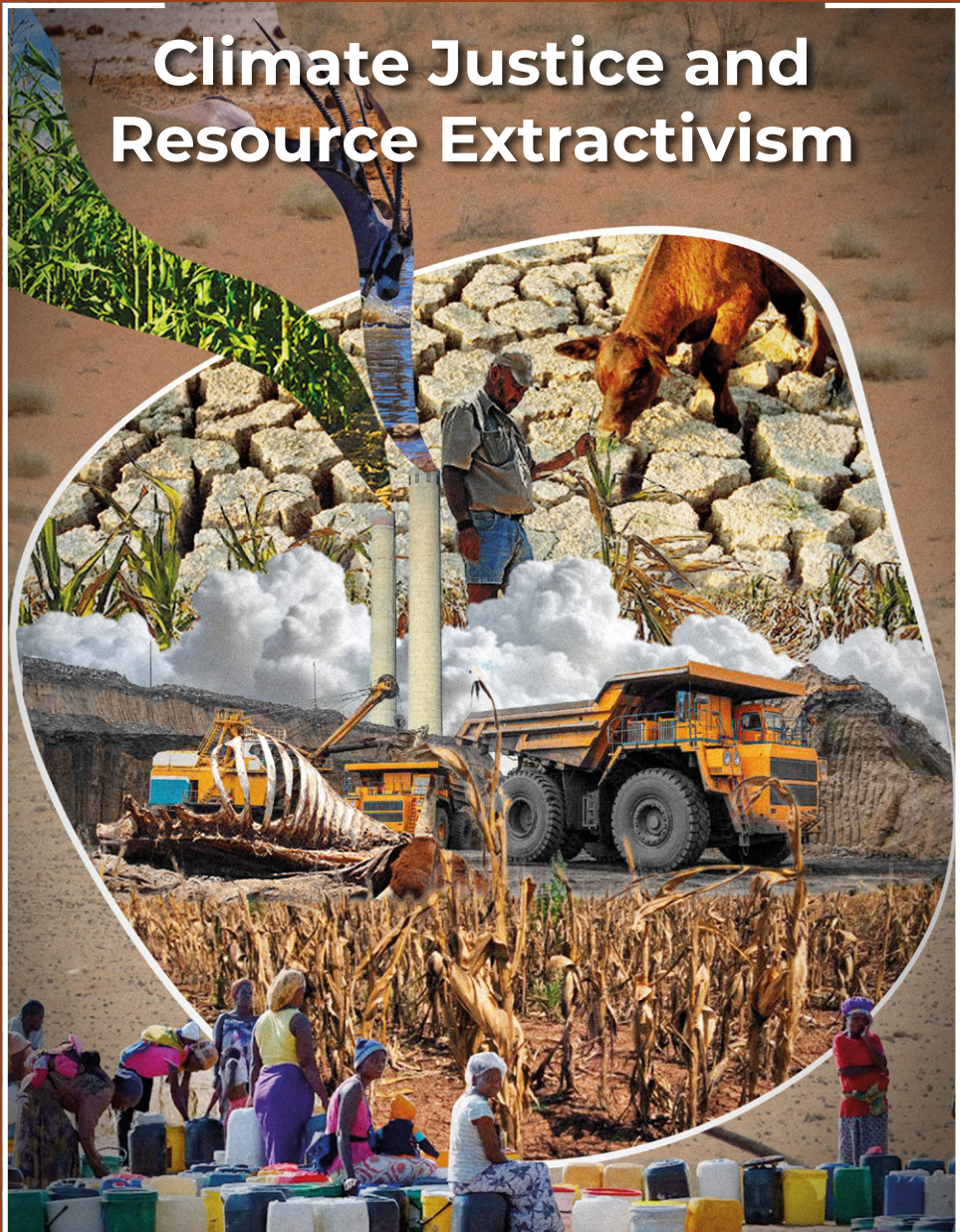


Climate Justice and Resource Extractivism



Mining and Community Struggles for Economic Justice: A Case Study of Uis

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Introduction

This case study focuses on tin and lithium mining around Uis in Namibia's Erongo Region. It illustrates the struggles of many marginalised communities to hold big mining corporations and government departments accountable. The community contends that certain mining activities are illegal because permissions were granted without the prescribed procedures being followed. In many cases, mining destroys the environment and cause losses in income

and livelihoods, as well as displacement, without any tangible benefits accruing to the affected communities. The extraction of these minerals follows the same colonial extractivist patterns of environmental destruction, economic dislocation, cultural erasure and negative health impacts. The promised benefits to the community do not materialise, and no-one is able to hold the transgressors accountable. This case study exposes corporate impunity for various human rights and social justice



Mining left the community in Uis in poverty. Houses cracked and the roofs had to be re-inforced with wire. Source: Author

violations. The case study also focuses on community efforts to assert and defend their internationally recognised right to free, prior and informed consent and for the simple application and enforcement of Namibian laws.

Background

Mining remains one of the most untransformed sectors of the Namibian economy, for it is still premised on the colonial model of the extraction and export of minerals. Almost 90% of Namibian mines are foreign-owned (Republic of Namibia, 2021). There is a new scramble for Africa's mineral wealth as part of the global competition for control over critical strategic minerals for industrial, military and renewable energy applications (Republic of Namibia, 2023).

Namibia has historical stockpiles of lithium that can be extracted from tin and tantalum that have been mined in the past. Tin pegmatites are concentrated in three northeast-trending belts around Uis. The brownfield open-cast tin mine in Uis operated between 1924 and 1990, but was closed due to low commodity prices. Since then, companies have resumed tin mining operations, and have also started reclaiming lithium minerals from stockpiled tailings (Republic of Namibia, 2023).

Challenges

A Chinese mining company, Tangshan Xinfeng Mining Co., has been mining lithium since 2022. Uis community members are convinced that it is doing so illegally. According to the community's research, Xinfeng only has licenses to mine semi-precious stones and not the lithium or the rare earth elements that they are currently mining (Rengura, 2023). Xinfeng has 10 mining claims for semi-precious stones. This places them in direct competition with community-based small-scale artisanal miners, who have mining claims in the area and have been mining there for decades. In some cases, the claims were issued for areas in which community members already hold valid artisanal mining licenses. It is also alleged that the company has been granted permission to mine on mining claims that belong to other companies. This is against the law.

Long Fire Investment (Pty) Ltd, a partner of Xinfeng Investments, is formally owned by an individual Namibian citizen. Long Fire was registered on 24 June 2022 and received an environmental clearance certificate (ECC) to mine lithium on 16 September 2022. The ECC is valid for three years. According to the community's research, Long Fire has 10 mining claims, only for semi-precious stones. Long Fire's ECC was granted for the Okombahe Reserve and not for

Uis. The ECC does not align with the mining claims issued in the company's name and the place where the mining is supposed to occur. The community contends that the company is allowed to mine without the requisite mining plan or blasting ticket. Despite community allegations of malfeasance, the Minister of Mines and Energy defended Long Fire's mining and insisted that the relevant licenses had been awarded procedurally and in compliance with Namibia's Minerals (Prospecting and Mining) Act (33 of 1992) ("Alweendo 'satisfied'", 2023).

Information, Consultations and Consent?

Local communities were not informed about the mining activities prior to their commencement. They only noticed a large number of trucks transporting rocks from the area. They also claim that no consultations or environmental impact assessments were conducted prior to the commencement of Xinfeng's mining operations. They suspect that there has been collusion between Xinfeng and officials of relevant ministries and the Dâure Daman Traditional Authority (TA).

The local Tsiseb Conservancy has some management authority over the local land but was also not consulted or informed about Xinfeng's lithium mining license, despite the fact that

the granting of an ECC requires the consent of the conservancy. Likewise, the Communal Land Board was not involved in the granting of the license. The license was approved with the consent of the TA, the Ministry of Mines and Energy (MME) and the Ministry of Environment, Forestry and Tourism, bypassing community structures.

The community has challenged the Minister of Mines and Energy to present Xinfeng and Long Fire's exclusive prospecting licences for inspection. They also want to see their ECCs, export permits, stakeholder consultation reports and letters of consent from the conservancy and the TA. They further want to know whether the 75 000 tons of lithium which the Minister of Mines and Energy allowed Xinfeng to export have been tested and, if so, they want to scrutinise the report that contains test results. They suspect that minerals other than lithium are also being extracted without being declared.

Destruction of Livelihoods

Displacement of small miners

The majority of the black inhabitants of the area were already dispossessed of their ancestral lands during the colonial occupation and genocide. They find it entirely unacceptable that indigenous small-scale miners are chased out of

the areas that they traditionally mined to the benefit of foreign transnational mining companies. The small-scale miners traditionally engaged in non-mechanised artisanal mining for small amounts of tin, lithium and semi-precious stones. Their survivalist enterprises do not receive the same degree of government support as those of the transnational corporations. The new holders of exclusive prospecting licenses are people from outside the area. The indigenous small-scale miners now have to seek permission to mine from outsiders, who sometimes acquired mining rights under dubious circumstances in areas where small-scale miners traditionally operated. This has dire consequences for their livelihoods. Community members who are small-scale farmers lost most of their livestock during successive and protracted droughts. Small-scale mining provided an alternative source of income. Neither the company nor the MME informed the community of these impacts before the onset of these mining operations.

Loss of grazing and community tourism

The mining companies have fenced off grazing areas, depriving local farmers of access to grazing for their livestock. No compensation or benefits have been offered to local communities. Some farms do not have water, while

the mines are supplied with water for their operations. The community believe that agriculture is more sustainable than mining, and they want their livelihoods to be protected.

Environmental damage caused by mining has led to income losses in the community tourism sector. Xinfeng mines lithium in a sensitive wildlife breeding area. Since the mining operations started, various species of wildlife, including rhinoceros, zebra, springbok, lion and cheetah, have disappeared. In addition to tourism, trophy hunting was an important source of income for Tsiseb Conservancy. The Chinese nationals employed at the mining company claim that the chiefs granted them permission to hunt the wildlife.

Access to water

The mining operations require large quantities of water, which exacerbates water scarcity in the area. The community is dismayed that mining companies use water from the pipes meant as drinking water for the community without prior consultation or consent. These problems were reported to the TA, but nothing was done. Water tariffs have since gone up and have become unaffordable for many. The council then cut the water supply to households that were unable to pay.

Health and environmental damage

Lithium mining may cause lung cancer, but no information was provided to the community about the potential risks. The blasting operations at mines (especially the tin mines) have caused cracks in several of the houses, but the community does not receive compensation for the damage blasting causes to their homes. They have to use whatever materials they can to prevent their roofs from being blown off during blasting. The dust created by blasting sometimes covers the entire area, and some people have developed lung problems. Workers complained that the mine does not follow dust protocols, putting their health at risk. When they leave work, the mine workers are completely covered in dust. They experience tough working conditions and receive salaries of only about NAD 4 000 per month.

Companies responsible for past mining operations have not rehabilitated the areas they mined. They have left behind large unfenced craters which have caused the death of children and animals that have fallen into the pits.

Community Benefits?

The Uis Tin Mine only provided a school garden at a local primary school. In addition, food parcels are sometimes provided by wealthy

local individuals who were awarded tenders by the mining companies. The mining company refused to take any responsibility and did not provide any services or infrastructure for the increased population that resulted from mining. The community does not want charity, but rather expects to benefit from their own local resources. However, benefits like roads, hostels and schools that were promised by companies that previously mined in the area never materialised.

Employment at the mines bypassed the locals with the justification that the higher levels of education and skills required were not available locally. The community requested local jobs for local people, and following protests, a training facility was established where some local people were employed. There are, however, reports of discrimination. Community members see that Namibian workers employed at Long Fire Investment and Xinfeng Investments are subjected to inhuman working conditions compared to the comfortable conditions their Chinese counterparts enjoy (“Xinfeng workers live in apartheid conditions”, 2023).

The high levels of poverty combined with an influx of predominately male labour into the area create other social problems, like transactional sex. The community has also seen increased levels of teenage pregnancy.

Governance Failures, Bribery and Suspected Corruption

The local community believes that there is a syndicate at the MME that colludes with foreign mining investors and solicits bribes in return for exploration and mining licenses. It is believed that these officials may have access to geological data, and trade that information.

There is insufficient oversight, monitoring and enforcement of the law by the relevant government ministries. There may also be gross incompetence and/or collusion with mining companies. The community finds it difficult otherwise to understand why Namibian laws are not respected. Article 31 of the Environmental Management Act (7 of 2007) explicitly states that a person may not take on mining activities without an ECC. Despite this provision, companies without ECCs are allowed to go ahead with mining. In terms of article 44 of the same Act, the Minister or Environmental Commissioner may consult interested and affected persons. Because of the discretionary way in which the law is phrased, companies and the traditional authorities by-pass communities that are most adversely affected by the mining operations. The Minerals (Prospecting and Mining) Act (33 of 1992) prohibits a person from carrying out prospecting and

mining activities in, on or under land unless they have the relevant prospecting license, a mining claim, or a mineral license. It also prohibits the transfer of mining claims and licenses to any other persons. The community alleges that this is happening in Uis in contravention of the Act. They further allege that mining companies bribe the TA to get letters of support, and that the TA therefore fails in its duty to protect the interests of the community.

Community Demands and Actions

Community action has increased over the past years. The community have held various meetings on the impact of mining in their area and appointed a committee to conduct research and site visits, and to send a letter to the Dâure Daman TA to urge them to stop illegal mining in the area.

On 20 February 2023, the community sent a letter to the Minister of Urban and Rural Development in which they expressed their lack of confidence in their traditional leader, Chief Seibeb. The letter was acknowledged by the Minister, who promised to give a substantial reply once his office received feedback from the Dâure Daman TA. A report from the Ministry was initially expected in September 2023, but instead the Ministry requested the community to present their petition against Chief Seibeb in line with the legal requirements and

to forward it to the regional governor first. This was done in October 2024 (J. Areseb, personal communication, 7 November 2024).

On 3 March 2023, another petition was sent to the Minister of Mines and Energy and the Minister of Environment, Forestry and Tourism, as well as the Dâures Constituency Councillor in which the demands of the youth, farmers, small-scale miners and the community of Uis were set out. The petition called for the immediate cessation of illegal mining. The petition was handed over during a community demonstration that was part of the community protest campaign. The petition expressed the community's disappointment that Xinfeng was allowed to mine despite violating various provisions of the Environmental Management Act (No 7 of 2007). It listed various transgressions by the company, including operating without a valid ECC and without consultations with interested and affected parties; illegal hunting of wildlife; the dubious acquisition of an exclusive prospecting license; and the role of the TA in making decisions regarding environmental management. The petition also took issue with the conduct of government officials for their lack of application and enforcement of laws. The community demanded compensation for their loss of income as a result of Xinfeng's mining operations

In April 2023 the community requested the Anti-Corruption Commission to investigate the traditional authority and to conduct lifestyle audits on its individual members. No feedback was received from the Commission, and the community will follow up (J. Areseb, personal communication, 7 November 2024).

The community is concerned about the lack of transparency and wants the right to peruse the ECC and the export permits, as well as consent letters from the conservancy and the TA. In their discussions with the Minister of Mines and Energy on 12 April 2023, the Minister dismissed their concerns. In a subsequent letter, the Minister stated that "we are satisfied that the Long Fire mining claims were awarded and registered procedurally and in compliance with the Act" (Alweendo, 2023). The requested documents were, however, not made public to confirm the veracity of the Minister's claims.

In May 2023, the Parliamentary Standing Committee visited the Dâures Constituency and held meetings with the community, but no report or feedback has been provided to date.

Results

The community feels abandoned by the government structures and agencies which are supposed to protect

them. Thus far, the community has not received any reports from the agencies they have appealed to, and no one has been held accountable. The community argues that the Ministry of Mines and Energy defended the company instead of enforcing compliance with Namibian laws. Until late 2024, they had not received feedback on their request to review the relevant mining licenses. Their request for investigation by the Anti-Corruption Commission was ignored for months, before in December 2024, the Commission finally confirmed that a case of bribery against Xinfeng was “under active investigation”. Several high-ranking government officials, as well as the former Technical Advisor to the Minister of Mines and Energy, are implicated (Matthys 2024).

The community’s request to have the traditional chief replaced has not yet been granted. The Ministry of Environment, Forestry and Tourism has not responded to their request to peruse the ECC and related documentation. The Parliamentary Standing Committee that investigated the matters reported by the community has not shared its report with the community, and the investigation has therefore not led to any changes in the status quo. The only benefit the community has received so far through their collective actions is the establishment of a training centre and

the employment of a few community members.

In November 2024, the community’s struggles finally received some attention. The mining commissioner paid an unannounced visit to the Xinfeng mining site on 16 November and caught the company ferrying stockpiles of ore. It is suspected that thousands of tonnes of illegally mined lithium ore have been shipped out of the country. Former employees estimated that 15 000 metric tonnes were illegally mined and exported from the Ringman area. When the operations were finally shut down, the retrenched workers did not receive the final payments due on their contracts, any severance packages, or exit medical check-ups (de Klerk 2024a).

In December 2024, following ongoing pressure from community activists such as Jimmy //Aresseb and reports in the local media, the Ministry of Mines and Energy finally launched an investigation and a criminal case against Xinfeng for conducting illegal mining activities. Despite being told to stop all operations on 16 November, the company continued ferrying ore from the mine and only ceased operations on 10 December 2024, confirming the community’s concerns about the government’s ability to effectively enforce mining regulations (de Klerk 2024b). Instead, //Aresseb and other

community members were arrested for allegedly violating public order laws during a protest at the traditional authority's offices (Angula 2025).

This case study illustrates that the relevant government structures are unresponsive to the community's concerns and treat the destruction of their natural environment and livelihoods without any sense of urgency. It also speaks volumes about the failures of Namibia's systems of accountability that were set up to safeguard public interests and to ensure accountability.

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