

Implementing UNEA Resolution 4/19 on Mineral Resource Governance

Regional Summary

Africa

August 2020



THE UNIVERSITY
OF QUEENSLAND
AUSTRALIA

UN 
environment
programme

50 
1972-2022

Mineral Resource Governance Recommendations and Suggested Actions Key



Intensified mining for recovery from the coronavirus disease (COVID-19)



Artisanal and small-scale mining (ASM)



Platforms for cooperation and capacity-building



Mine waste recycling, re-use and circularity



Tailings management



National-level governance



Harmonization and alignment of governance initiatives

This document was developed by the United Nations Environment Programme (UNEP), through the generous funding of the Swiss Federal Office for the Environment, in partnership with the University of Queensland, Sustainable Minerals Institute, Brisbane, Australia.



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Confederation

Federal Office for the Environment FOEN

The views expressed in this publication do not necessarily reflect the views of the United Nations Environment Programme. We regret any errors or omissions that may have been unwittingly made. Mention of a commercial company or product in this document does not imply endorsement by the United Nations Environment Programme. The use of information from this document for publicity or advertising is not permitted. Trademark names and symbols are used in an editorial fashion with no intention on infringement of trademark or copyright laws.



Africa Consultation Report

This report describes the outcomes of the Africa Region consultations conducted on the implementation of the United Nations Environment Assembly (UNEA) Resolution 4/19 on Mineral Resource Governance. Five consultative meetings were held, during which 268 representatives from Member States, including through UNEP national focal points, as well as major groups and other stakeholders were convened to identify best practices and knowledge gaps, assess governance options and consider common elements of interest for next steps on the mineral resource governance agenda. Participants provided their feedback to three key consultation questions:

1. What are the most pressing mineral resource governance challenges in your region?
2. What are some examples of emerging, good, or best practices in your region?
3. What themes and issues should be the focus of future action, including by international or UN bodies, on Mineral Resource Governance?

An additional 34 written submissions, including 11 from governments of African countries, were received, in response to the consultation questions. Participants were invited to the following consultations:

- Sub-regional Consultation – Southern and East Africa, 20 July 2020 (English)
- Sub-regional Consultation – North, West and Central Africa, 23 July 2020 (French/English)
- Regional Consultation – Africa, 6 August 2020 (English)
- Regional Consultation – Africa, 6 August 2020 (French)
- Global Forums on the UNEA-4 Resolution on Mineral Resource Governance – 22 & 24 September 2020 (All UN languages)

Most pressing challenges in knowledge and practice

The first key question for the consultations was, "What are the most pressing mineral resource governance challenges in your region?". This section provides a summary of responses from the region, and incorporates input from both the online consultations and written submissions.



Continuing issues with implementation of mineral resource governance initiatives

Despite the development of many multi-stakeholder initiatives, performance standards and improvements in legislation, many problems remain. Participants reported that implementation of these initiatives lacks consistency, enforcement and compliance. Community and governments often lack awareness, resources and capacity to respond to these initiatives.

Issues with accountability, transparency and conflict with government priorities for economic development frequently also interfere with legal and voluntary efforts to improve progress on sustainable development of the sector.

The proliferation of norms, standards and toolkits was perceived by some to be a challenge for implementation, either resulting in confusion about what standards to follow or encouraging a 'race to the bottom' to compete for international investment. The multiplicity of standards challenges already-stretched government capacity to respond efficiently.



Strengthening and harmonizing mineral law

Participants identified the gap between policy and implementation of laws and legislation as key challenges. Whether this is due to a lack of willingness or lack of capacity, participants suggested that knowledge sharing about the benefits of good governance for governments and companies.

Although significant work has been done in many countries to strengthen mineral laws, there are still areas for improvement. Sectoral transformation can be supported by laws on: public participation and cooperation, transparency, bringing in the African Free Trade Area agreement, value chain development, foreign direct investment, private sector controls, anti-corruption, long term environmental liability.

Nonetheless, it is noted that without capacity for implementation, enforcement and compliance, having good laws alone will not improve outcomes.



Improving the governance of artisanal and small-scale mining

Participants emphasized the importance of bringing artisanal and small-scale mining (ASM); including development minerals (extracted for domestic consumption) into the formal sector and including them in discussions about governance of the sector. A lack of understanding of the sector and its potential to be a tool for social and economic transformation (at local to national levels) is impeding development prospects.

Women's participation in ASM needs to be a focus, and reform of mining codes needs to ensure that compliance is financially and practically accessible to miners while maintaining environmental and safety standards.

Improving knowledge and capacity – pricing, safety and health, environmental responsiveness, access to markets and supply chain traceability. Due to the extent and mobility of miners, these initiatives should be regional.



Baseline research

Participants identified the need for more baseline information about minerals and the sector, with a view that "We need to know the resources we have, and we need better accounting of various forms of resource (mineral reserves, other natural capitals etc.) So we can plan how best to integrate mineral resource extraction into the economic development plan for each country/region". A strong knowledge base was thought to be an important foundation for project assessment and approvals and broader governance.



Public participation in decision-making and economic opportunities

Participants expressed a view that not enough is being done to make sure all stakeholders have voice or influence in the governance of the sector. A lack of capacity for communities to participate in existing processes is one of many reasons for the lack of voice. Participants advocated, in particular for supporting women's participation in key decision-making spaces.

According to participants, the public accountability of corporations, shareholders, boards and directors needs to be brought to the fore, particularly around issues of: ongoing disclosure of risk/impacts throughout the mine lifecycle, transparency about monitoring and evaluation, liability for harm, and links to corruption or conflicts of interest.

Participation and inclusion in supply chains was also discussed. Examples of provisions for empowering citizens such as reserving licences for ASM to complement foreign investment or improving connections to local supply chains and supporting business develop to service large-scale mining projects.



COVID recovery

An immediate challenge for Africa, in the view of participants is the COVID-19 recovery. Participants identified two gaps related to the mining sector: community recovery and government recovery. For communities the economic challenges caused by COVID-19 – alongside the rise in gold price – may attract more people to artisanal and small-scale mining (ASM). Increases in ASM due to impoverishment will need to be monitored and supported by governments and local organizations. For governments there is a need to plan for how mining can support broad economic development. Governments will need to balance company requests for tax breaks with the need for revenues for development projects.



Supply chain transparency

Participants suggested that a lack of supply chain transparency results in the 'leakage' of gold and other minerals via informal or illicit markets. The resultant loss of income can significantly impact realization of countries' development agendas.

Participants noted that there were several related governance mechanisms that had seen some success in reducing leakage, and encouraged that they be adopted and scaled-up by other countries. For example, the Ethiopian government's gold buying initiative. This needs to be supported by stronger auditing at the destination as well.

EITI was also noted as key to ensuring accountability and transparency in mining. Institutionalizing these processes across Africa – including the new standards which cover environment and gender – would be a positive outcome.



Water and tailings, closure

Environmental impacts related to water and tailings were also raised as areas for improvement. Participants advocated for appropriate legislation to ensure rehabilitation bonds are sufficient, policies that encourage progressive rehabilitation and other best practices for mine closure.



Good practices

The second major question guiding the consultations was, “What are some examples of emerging, good, or best practices in your region?”. This section provides a summary of responses that incorporates input from both the online consultations and written submissions. It should be noted that this report does not endorse the accuracy, impact or efficacy of the listed examples, instead it faithfully reports the information contributed by participants during the consultations.



[African Minerals and Geosciences Centre](#)



[National Bank of Ethiopia Gold purchasing program](#)



[Formalization of Artisanal and small-scale mining \(ASM\) in Nigeria](#)



[Sierra Leone Diamond Area Community Development Fund](#)



[Minamata Convention on Mercury](#) and associated capacity building



The Gambia, through the support of the [African Legal Support Facility](#), is analyzing legislative gaps and mis-alignments to streamline governance of the sector



[Sierra Leone online repository of mineral rights](#)



[Natural Resource Governance Institutes’s public repository of mineral contracts and open data on payments](#)



[Africa Mining Vision](#)



[Democratic Republic of Congo royalty sharing mechanism](#) for local community entities



[Mosi-Oa-Tunya Declaration](#) on Artisanal and Small-scale Mining and Development

Future action

Participants from the region shared a great range of ideas for future action, this section summarizes the main ideas.



Capacity building and training at all levels on a range of issues related to mineral resource governance

Despite the development of many multi-stakeholder initiatives, performance standards and improvements in legislation, many problems remain. Implementation of these initiatives lacks consistency, enforcement and compliance. Community and governments often lack awareness, resources and capacity to respond to these initiatives.



ASM performance - Mosi-oa-Tunya Declaration actualizing these aspirations in legal frameworks

Implementing and localizing the Mosi-oa-Tunya Declaration across Africa will provide practical assistance to miners, plus help overcome the lack of understanding of the sector and its potential to be a tool for social and economic transformation (at local to national levels).



Continuing legal reform - including ASM, development minerals, other gaps and misalignments

Although significant work has been done in many countries to strengthen mineral laws, there are still areas for improvement. Sectoral transformation can be supported by laws on: public participation and cooperation, transparency, bringing in the African Free Trade Area agreement, value chain development, foreign direct investment, private sector controls, anti-corruption, long term environmental liability. Legal frameworks should cover development minerals as well as export minerals.



Developing public participation processes, including for planning, conflict resolution and redress

It is important to make sure all stakeholders have voice or influence in the operation of the sector.

Lack of capacity of communities to participate in existing processes is one of many issues should be addressed. In particular, participants advocated further supporting women's participation in key decision-making spaces.



Improving data availability on a range of relevant issues: resources/reserves, other natural capital, social conditions, governance and institutional capacities, value chains etc.

We need to know the resources we have. We need better accounting of various forms of resource (mineral reserves, other natural capitals etc) so we can plan how best to integrate mineral resource extraction into the economic development plan for each country/region. Having a strong knowledge base will also help to improve project assessment and approvals.



Improving coordination of ASM and development minerals for rapid economic development - including environmental and social impact monitoring

COVID-19 and emergencies in recent years have identified a gap in mobilization of the sector in a responsible manner. Coordinating mineral governance with disaster-preparedness planning should be a priority, as should developing guidelines and standards for sustainable sourcing of sand and aggregate for infrastructure (especially for an infrastructure-led COVID recovery).



Responsible sourcing of development minerals and development of alternatives

Construction standards, barriers and opportunities for using alternative construction materials (including reuse of tailings and recycled aggregate) should be analyzed. Further investigation of the potential to develop an 'observatory' to collect data and expand monitoring of sand and aggregates was suggested.

UN
environment
programme



50
1972-2022



United Nations Avenue, Gigiri
P O Box 30552, 00100 Nairobi, Kenya
Tel +254 720 200200
communication@unep.org
www.unep.org