

FROM VISION TO PRACTICE:

THE ROLE OF CIVIL SOCIETY IN
ADVANCING THE IMPLEMENTATION
OF THE AFRICA MINING VISION

Lessons learned from Publish What You Pay



February 2020



PUBLISH WHAT
YOU PAY

Contents

Executive Summary	2
Introduction	3
i Context and background	4
ii Presentation of the Africa Mining Vision	5
iii Key findings	6
1. PWYP's research and advocacy work for the implementation of the AMV	6
2. Main policy requirements for strengthening the implementation of the AMV	13
IV Conclusion and recommendations	14
Bibliography and Useful links	16

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Acronyms

AfDB	African Development Bank
AMDC	African Minerals Development Centre
AMGF	African Minerals Governance Framework
AMV	Africa Mining Vision
ARCECD	African Regional Centre for Endogenous and Community Development
ASC	Africa Steering Committee
AU	African Union
CMV	Country Mining Vision
CSO	Civil Society Organisations
DRC	Democratic Republic of the Congo
UNECA	United Nations Economic Commission for Africa
ECOWAS	Economic Community of West African States
EITI	Extractive Industries Transparency Initiative
LA	Local Authority
LPRM	Local Procurement Reporting Mechanism
NGO	Non-Governmental Organisation
NPJS	National Peace and Justice Service
OSISA	Open Society Foundation in Southern Africa
OSIWA	Open Society for West Africa
PAIA	Promotion of Access to Information Act (South Africa)
POM	Civil Society Organisations involved in the Mining Sector
PWYP	Publish What You Pay
SARW	Southern Africa Resource Watch

Executive Summary

Established in 2002, the Publish What You Pay (PWYP) movement is widespread across Africa, with nearly 30 active national coalitions working on natural resource governance. The African continent is known for its abundant natural resources, but also for its shortcomings in relation to governance and transparency in managing the revenues that come from these resources. To address this, the African Union (AU) adopted the Africa Mining Vision (AMV) in 2009. The AMV is a framework which seeks to advance the inclusive and just socio-economic development of African countries through the use of mineral resources to support structural transformation on the continent. This vision is shared by all the Union's Member States. However, ten years on from adopting this framework, it still faces huge obstacles in terms of implementation, both for public and private bodies in the sector in question, and for civil society organisations that are, nonetheless, key stakeholders in this process.

Over the last ten years, PWYP coalitions have worked to raise awareness of, and advance implementation of, the AMV in partnership with a range of national and international bodies, including the African Minerals Development Centre (AMDC), a specialised body of the AU, in order to help African countries incorporate the AMV into their national policies and legislation through a Country Mining Vision (CMV).

Following the 10th anniversary of the adoption of the AMV in February 2009, this report has been commissioned by the PWYP Africa Steering Committee (ASC), the strategic advisory and governance body of the PWYP movement in Africa. The report draws together the diverse approaches of PWYP coalitions on the continent to advocate for AMV implementation, in order to draw inspiration, lessons and recommendations for the coming decade for civil society actors and policy makers alike. Alongside the work of PWYP coalitions, other organisations have also carried out research and analyses related to the AMV, the most important of which are also cited in this report.

The findings indicate that uptake of the vision is still lacking and that civil society is not fully playing its part in developing policies and legislation in order to better integrate the AMV into national or regional policy and practice.

PWYP coalitions in Africa can leverage the AMV to support their advocacy for extractive governance reforms by exploring different approaches, including the creation of synergies (e.g. with the EITI), comparative analysis and dissemination activities. In order to do this, they first need to define a more precise strategic approach to determine their scope of action based on the AMV's fundamental areas of focus and recommendations from previous reports.

Introduction

Many African countries are still far from reaching their goal of improving living conditions for their citizens, despite the continent's abundant natural resources. The phenomenon known as the "resource curse" is one of the key issues PWYP seeks to address, with nearly 30 national coalitions actively working throughout Africa. These coalitions are united in their vision of a world where all people benefit from their natural resources, today and tomorrow; and their collective mission is to build a civil society movement making oil, gas and mineral governance open, accountable, sustainable, equitable and responsive to all people.

The adoption of the AMV by the African Union in February 2009, was also a response to the evidence of a resource "curse", and was intended to be implemented at both regional and national levels.

The AMV seeks to foster a transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development. This sustainable growth should move away from a revenue first model of extractive-led development to that of mineral- focused, that places development front and centre of the mineral value chain, including upstream, downstream and sidestream opportunities for transforming the sector to an engine for structural transformation through industrialization and diversification.

However, ten years after African leaders adopted the AMV, very few countries have aligned their minerals policies to the reform agenda, which seeks to stimulate a paradigm shift in mineral resource governance. This lack of uptake at national level is an obstacle to its implementation, not just for States, but also for civil society organisations.

I Context and Justification Of The Study

In July 2017, the national PWYP coalitions of Zambia and Zimbabwe jointly organised the PWYP Africa Conference in Livingstone, Zambia, with the support of the PWYP Secretariat.

Held every three years, the conference is the main forum for African members of PWYP to share their experiences, learn from each other and improve transparency and accountability in relation to natural resources management. It is also an opportunity to review the movement's governing principles and representatives, including electing the Africa Steering Committee (ASC) for a term of three years.

The role of the ASC, among others, is to oversee the implementation of PWYP's global strategy in Africa. They are also responsible for supporting the good governance and expansion of, and member protection within, the movement.

In 2017, the newly elected ASC identified the AMV as a strategic priority. The ASC discussed key issues and potential strategic approaches for supporting the implementation of this vision on both a continental and national level, aware of

the fact that PWYP coalitions are not sufficiently mobilised to address the issues around the AMV, even though work has been started in several countries to reform national laws in the mining, oil and gas sectors. They subsequently developed their strategic approach in line with the goals of the PWYP 2020-2025 global strategy - Vision 2025.

Following the 10th anniversary of the adoption of the AMV, in February 2019, the ASC commissioned this report to draw together and learn from the diverse approaches of PWYP coalitions on the continent to advocate for AMV implementation since its adoption. The report is intended to raise awareness of the AMV among the movement, as well as provide a source of inspiration, lessons and recommendations for the coming decade for civil society actors and policy makers alike.

II

About the Africa Mining Vision

Mining resources can play a strategic role, not just in the development of low-income countries, but also in the economic growth and the industrialisation process of emerging countries.

The environmental, social and economic issues related to climate change and demography are increasingly important factors that affect the development model of using mining resources as a means to meet the growing needs of the population and contribute to technical, scientific and industrial progress.

The AMV formally sets out the African guidance framework to make mining resources a catalyst in both the macro- and micro-economic development of its Member States. The intention of the vision was to create “the conditions necessary for bringing about the structural development and transformation of African countries through a new approach towards the use of mining resources”.

The AMV’s main objective is to promote widespread, fair and sustainable development through responsible use of the continent’s natural resources¹ and is the key reference document guiding the promotion of mineral resource development to support the structural transformation of the countries involved. Above all, it aims to foster “transparent, equitable and optimal exploitation of mineral resources to underpin broad based sustainable growth and socio-economic development”, as well as correcting the structural issues throughout the current system inherited from the colonial era, which consist of “an isolated mining sector,

narrow and segregated sectoral approaches to broader development objectives, weakened institutional competences and deeply uneven negotiating positions between governments and mining companies”.²

Given the voluntary nature of this type of initiative, each Member State is responsible for producing its own Country Mining Vision (CMV) using the AMV as a guide. Implementing a CMV requires each country to standardise its laws, policies and regulations in relation to the mining sector, as well as its national development planning system, aligning them with the AMV. In order to achieve this, effective partnerships must be forged between relevant political stakeholders within national governments, the private sector, the communities affected by mining activities and wider civil society.

The AMV also calls for the establishment of a specific body to oversee its adoption, as well as the management of the extractive and mining sector in Africa. To this end, the African Union and the African Minerals Development Centre (AMDC) decided to introduce several political facilitation instruments, which include approaches to be taken at a national level (CMV), an African Minerals Governance Framework (AMGF) and a pact linking the private sector to the AMV.

¹ Oxfam Briefing Paper, From Aspiration to Reality: Unpacking the Africa Mining Vision, March 2017, p. 2.

² See Bonnie Campbell, Étude sur le rôle du secteur privé dans la réalisation des intérêts du Canada au développement international, Standing Committee on Foreign Affairs and International Development, 4 April 2012 – <http://foireafricainedemontreal.com/wp-content/uploads/VISION-MINIERE-AFRIQUE.pdf>



Key Findings

1 PWYP'S RESEARCH AND ADVOCACY WORK FOR THE IMPLEMENTATION OF THE AMV

A synthesis of the work undertaken by PWYP coalitions in Africa to advance AMV implementation is presented thematically below.

a. Topics related to the AMV raised in PWYP coalition reports

Several PWYP coalitions have carried out case studies focussing on different aspects of resource governance that fall within the scope of the AMV, in particular: transparency in the extractive sector, gender and human rights protection, mining contracts, community development, taxation, sharing mining revenues and restrictions on civic space. These studies are often interdisciplinary and do not just tackle a single issue.

Transparency and Accountability

“ A transparent and inclusive mining sector that is environmentally and socially-responsible [...] which provides lasting benefits to the community and pursues an integrated view of the rights of various stakeholders [...] is essential for addressing the adverse impacts of the mining sector and to avoid conflicts induced by mineral exploitation. ”

-Africa Mining Vision

The most significant progress in advocating for the implementation of the AMV by various PWYP coalitions has taken place in the countries of **Southern and East Africa**. Advocacy frameworks and interdisciplinary reports relating to the AMV mainly address the issues of transparency, governance of extractive resources, compulsory disclosure of revenues from the extractive sector, technical support for local communities and capacity building.

With regard to transparency and governance in the extractive sector, the PWYP coalition in **South Africa** sets out the difficulties in obtaining information in its 2017 report entitled “Why South Africa’s Extractive Sector Needs Greater Transparency: Case study of Sedibeng Iron

Ore mine”.³ In the case of the mining company Sedibeng, although an employment and social development plan is a legal obligation, it was not readily disclosed, nor were tax payments made by the company for the benefit of local communities. The main purpose of the study was to start an advocacy campaign for fiscal transparency to show local communities the percentage of extractive revenues they are benefiting from. Although South Africa has legislation requiring access to information (the Promotion and Access to Information Act (PAIA)), the implementation of this legislation remains ineffective.

In December 2016, PWYP **Zimbabwe** published a summary report entitled “Towards a Transparent and Accountable Mineral Resources Governance Framework: A Compendium of Research Papers on Key Mining-related Matters in Zimbabwe”, which mainly explores the impact of corruption in the extractive sector. The study shows that corruption in this sector in Zimbabwe is an obstacle to socio-economic development. Those responsible for this corruption are mainly politicians involved in the extraction, sale and exploration of gold and diamonds, as well as civil servants in collusion with the police.⁴ The study also uncovered the shortcomings in mining legislation in relation to the fight against corruption, criticising the lack of standards against illicit enrichment of politicians or civil servants.

In June 2015, PWYP **Malawi** received funding from the Open Society Foundation in Southern Africa (OSISA) as part of the “Promoting Transparency and Accountability in the Extractive Sector” project, which allowed them to organise a public debate on the transparency and accountability of the AMV, as well as advocacy for reforms of mining policy and laws. Members of the PWYP Malawi coalition took part in several workshops on the AMV organised by the African Minerals Development Centre (AMDC).⁵

More in-depth work was carried out by the PWYP **Zambia** coalition in order to verify that the 2015 mining legislation complied with the AMV and its national transposition. The coalition’s analysis shows that the legislation fails to comply with the AMV in five of nine key areas: mining revenues and mineral rents management; geological and mining information systems; building human and institutional capacities; artisanal and small scale mining (ASM); mineral sector governance; research and development; environmental and social issues; linkages and diversification; mobilising mining and infrastructure investment). The coalition also benefited from capacity-building sessions thanks to technical support from the Tax Justice Network⁶.

Gender and the Extractive Industries

“Increased poverty and economic inequalities and dependencies can destabilise internal community power relations - and disrupt traditional social structures, resulting in increased gender inequality due to unequal access to jobs in the mine, the loss of male support for household work and women expending more energy accessing safe water and food because of degraded environments.”

-Africa Mining Vision

In **West Africa**, the various PWYP coalitions carried out a range of interdisciplinary studies – addressing transparency, mining contracts and the distribution of revenues from the extractive industries – while also dealing specifically with issues linked to gender.

³ PWYP South Africa, Why South Africa’s Extractive Sector Needs Greater Transparency: Case study of Sedibeng Iron Ore mine, 2017.

⁴ The study was mainly carried out by Transparency International Zimbabwe (TI-Z) and is entitled Power Dimensions in Mineral Related Corruption.

⁵ See PWYP Malawi, Annual Narrative Report: April 2015 to June 2016, p. 14.

⁶ See PWYP Zambia, Narrative report 2015-2017, 2017, p. 3-4.

As part of the Gender and EITI project, which aims to encourage greater participation of women in the governance of mineral resources, Publish What You Pay produced a study entitled “In it together: advancing women’s rights through the extractive industries transparency movement”.⁷ Carried out in 2018 in Senegal, Burkina Faso, Guinea, Togo, Ghana and Nigeria, the study focussed on the issue of women’s rights and gender equality in the extractive industry, advocating greater representation of women in government bodies. The project focussed partly on institutional aspects in order to highlight the issue and enable national PWYP coalitions to carry out their analysis. The research concluded that “national PWYP coalitions must incorporate gender concerns both in their internal governance and programmatic activities”.

The study also analysed the extent to which issues around gender are understood in the extractive sector and the publication of sensitive data about gender in EITI reports, work plans and communications. The research showed that the vast majority of actors engaged in PWYP and EITI at national level are at the start of a long journey towards increasing understanding of, and analysing, gender issues more consistently, as part of their engagement in the EITI; with the need for more awareness to be raised on gender and why it matters in the extractive sector. Furthermore, it was suggested that such awareness raising take place both within the PWYP movement, as well as within EITI structures.

In order to address this situation and strengthen the effectiveness of related advocacy work, the following steps in particular are recommended:

- More actively draw on and involve existing gender expertise (and especially those working on gender and extractives) that exist among the PWYP membership, both to incentivise them to become more active and to help contextualise the understanding among a wider group of members.
- Actively encourage more equal gender participation in MSGs and other EITI engagement and decision-making fora, making them ‘safe spaces’ as well as potentially influential spaces in which to raise and discuss gender issues
- Use targeted gender projects as ‘triggers’ for feeding lessons into broader mainstreaming efforts within EITI.
- Connect EI-linked gender issues to other broader national policy frameworks (National Gender Policy etc) to incentivise the extractive sector to work more with gender.
- Facilitate access and use of disaggregated data and gender statistics, especially in EITI reports.

In **Uganda**, the coalition focused on advocacy work seeking to better address issues around gender and relations between local communities and mining companies.⁸

⁷ Download the study via this link: <https://www.pwyp.org/wp-content/uploads/2019/05/Ensemble-Faisons-avancer-les-droits-des-femmes.pdf>

⁸ The various reports by the PWYP Uganda coalition are not available. However, the references can be consulted via the following link: https://www.pwyp.org/fr/pwyp_members/ouganda/

Access to Data and Mining Contracts

“The state’s ability to optimise the leasing (licensing) of its natural resource assets is concentrated at the outset (conclusion of the exploitation contract)... It is therefore important to identify all the critical resource linkages at the outset [...], even if the local economy is not yet in a position to take advantage of such opportunities. The most important aspects in this regard include: [...] provisions that safeguard transparency and good governance as well as enforce internationally acceptable safety and health standards, environmental and material stewardship, corporate social responsibility, and preferential recruitment of local staff...”

—Africa Mining Vision

In the case of free access to data, PWYP coalitions in **Mali, Niger, Guinea and Côte d’Ivoire** are currently working on a project to raise awareness of the “Mining Local Procurement Reporting Mechanism”,⁹ with financial support from the Open Society Initiative for West Africa (OSIWA) and Mining Shared Value, a Canadian organisation and member of PWYP Canada, that created the mechanism. The mechanism can be used to obtain both qualitative and quantitative information on the mining subcontracting chain, including tendering procedures, different types of bids, classification of subcontractors, the nature and amount of services, as well as capacity-building training of mining companies for suppliers and subcontractors. The main objectives were to introduce transparency into the subcontracting chain, improve the administrative management of mining companies in terms of reporting, and enable States to have the right to monitor use of local companies and the local workforce in order to

collect reliable statistics.¹⁰ The PWYP coalitions in the target countries received capacity-building training sessions on advocacy to promote the adoption of the mechanism, either in mining legislation, or in the mining policy of the target countries.

Other PWYP coalitions have carried out studies looking at mining contracts on a national level, analysing their provisions and the extent to which they comply with the legal obligations of mining companies. In **Mali**, the PWYP coalition produced a key study in March 2016 entitled “A comparative analysis of mining contracts in Mali”,¹¹ which criticises poorly negotiated mining contracts by administrative mining authorities and the tax benefits granted, creating an economic imbalance between the State and the mining companies themselves. This report sets out recommendations to build capacities with regard to mining and tax-related administration, reduce the granting of tax benefits and ensure transparency and the publication of mining contracts.

In Niger and Guinea, several studies were also carried out on mining company compliance with their legal and contractual obligations. These obligations are the embodiment of civil society’s right to scrutinise and, as a result, allow States to properly fulfil their duty to oversee mining companies. However, these studies show that not all of these obligations are being met, especially with regard to tax declarations, local employment and protection of the rights of local communities and the environment.

In the **Democratic Republic of the Congo**, a 2013 information report entitled “The position of NGOs on the transfer of GECAMINES shares in KCC and the creation of a GECAMINES subsidiary in Mauritius”,¹² produced by PWYP-DRC¹³ in collaboration with other organisations, reported on the lack of transparency regarding the transfer of GECAMINES shares,

⁹ See the following link for more information on the mechanism: <https://static1.squarespace.com/static/54d667e5e4b05b179814c788/t/5b156825575d1f320ad13f9c/1528129581547/MRAL-Juillet-2017-VF-compressé.pdf>

¹⁰ <http://goxi.org/profiles/blogs/pushing-for-increased-information-on-mining-local-procurement-in>

¹¹ https://eiti.org/sites/default/files/pwyp_mali_mining_contract_analysis.pdf

¹² <http://congominer.org/system/attachments/assets/000/000/485/original/Prise-de-Position-ONG-sur-cession-parts-sociales-GECAMINES-KCC-2013-octobre-24.pdf?1430928931>

¹³ In letter n°CAB.MIN/MINES/01/1137/2013 of 30 August 2013, the Mining Minister ordered the GECAMINES authorities to assume their full responsibilities in this process and fully comply with the principles of transparency and publication on the website of the Ministry of Mines with regard to transfers or sales of mining shares.

unknown to the government of the DRC, which is the sole shareholder. Concerned by the opaque nature of this process, civil society organisations united by the PWYP coalition carried out a series of advocacy activities to promote effective transparency on the issue and ensure compliance with legal obligations related to the right to information and tendering processes.

Legal and Tax-Related Issues

The state's ability to optimise the leasing (licensing) of its natural resource assets is concentrated at the outset (conclusion of the exploitation contract)... It is therefore important to identify all the critical resource linkages at the outset [...], even if the local economy is not yet in a position to take advantage of such opportunities. The most important aspects in this regard include: [...] flexible fiscal regime which is sensitive to price movements and stimulates national development; ...

-Africa Mining Vision

In **Senegal**, the PWYP coalition carried out a study in 2014 on the integration of the AMV into national policies as part of the mining and oil reforms, entitled “Comparative study of the mining and oil code with the ECOWAS community directive in light of the EITI and the Africa Mining Vision”. After highlighting the shortcomings, particularly with regard to transparency, tax issues, environmental and social impact assessments, and the management of property and community issues in various parts of the mining and oil legislation, the study set out a series of recommendations that the coalition summarised in a “civil society document contributing to the review of the mining code”. Most of these recommendations were taken into account in Senegal’s new mining

code adopted in November 2016, including the transposition of the AMV in the mining code’s explanatory statement.

In **Cameroon**, the PWYP coalition carried out a study in August 2016 in collaboration with the African Regional Centre for Endogenous and Community Development (ARCECD) and the National Peace and Justice Service (NPJS), on “tax exemption in the extractive sector in Cameroon”.¹⁴ This study aimed to assess the effectiveness of the tax exemptions strategy in the extractive sector in Cameroon in order to “guarantee the most efficient mobilisation of tax receipts to carry out public authorities’ political and financial commitments; ensure that local residents and decentralised local authorities are aware of compensation rights for reparations and the reduction of inequalities; and promote operating practices based on sustainable development”.

In 2017, Tax Justice Network Africa, carried out a study entitled “Where is the money? Taxation and the State of Africa Mining Vision domestication in **Ghana, Tanzania and Zambia**”¹⁵, with the aim of measuring the extent to which the AMV had been incorporated into the legislative fiscal systems of these countries. The study exposes the low levels of profit made from tax receipts due to the range of fraudulent schemes being pursued in these countries, chiefly illegal transfer of profits and tax evasion.

In order to create suitable mechanisms for overcoming the inefficiency of the tax system, the study recommends:

- capacity-building within state bodies to better manage tax receipts;
- publicising and raising awareness about the AMV in collaboration with the African Minerals Development Centre;
- reviewing bilateral investment treaties relating to double taxation in order to increase countries’ extractive revenues;

¹⁴ PWYP Cameroon, Les exonérations fiscales dans le secteur extractif au Cameroun, August 2016, p. 62.

¹⁵ Tax Justice Network, Where is the money? Taxation and the State of Africa Mining Vision domestication in Ghana, Tanzania and Zambia, Policy Brief 2017.

- developing mechanisms to tackle tax fraud;
 - implementing sovereign health funds for the mining sector in Ghana and Tanzania.
- In most cases, the studies carried out by the coalitions in the countries mentioned above highlight the interdisciplinary nature of topics addressed in relation to the key aspects of the AMV. Nonetheless, despite this interdisciplinarity, it is recommended that PWYP coalitions' approaches when implementing the vision focus on the specific topics set out by the AMV to ensure better uptake and concrete outcomes.
- Take an active role in defending, researching and analysing the AMV by focussing on improving civic autonomy and social participation, the rights of women and gender equality, and environmental sustainability, in order to encourage African countries and pan-African political organisations to undertake reforms to address the shortcomings in the framework;
 - Create public awareness campaigns about the AMV and its benefits for citizens and communities affected by mining activities so that CMVs take account of the interests of non-state bodies.

b. Domestication of the AMV

Various other PWYP member organisations and partners have also carried out specific and interdisciplinary studies on the AMV, in particular addressing issues linked to mining taxation and managing mining revenues, transparency, access to data and negotiating mining contracts. These organisations include, among others, the Tax Justice Network, Oxfam, ONE and Sherpa.

Oxfam highlights the lack of knowledge of the AMV among civil society, States and mining companies in its report [“From Aspiration to Reality: Unpacking the Africa Mining Vision”](#). It reveals the sluggish implementation of the AMV and poor uptake among stakeholders in the mining sector. The report states, “civil society, which could act as a champion for the AMV, has not been fully engaged in grassroots mobilization and policy advocacy (...). Above all, there is insufficient independent analysis of the shortcomings in the AMV that should be addressed. (...)”. It also observes that “only one country, Lesotho, has fully adopted the AMV through the development of a Country Mining Vision”. In order to improve the implementation of the AMV, the report recommends that African civil society organisations:

With regard to transparency and access to data, which are key aspects of the AMV, the joint report by ONE, Oxfam and Sherpa, in collaboration with PWYP, entitled “Open data: the extractive industries case study”¹⁶, published in 2016, addresses the lack of good quality data. According to the report, the publication of data is not an end in itself. How this data is used, analysed and published is also crucial when working to increase companies' accountability. The report criticises the lack of a centralised public register of payments made to governments, despite the adoption of international rules on compulsory disclosure of payments by extractive companies from Canada, the UK and the European Union.

Finally, it is also important to note that a group of PWYP member organisations and partners, including Cameroon based CRADEC, Tax Justice Network Africa and NORAD, recently published a study entitled “Monitoring the domestication of the Africa Mining Vision in Cameroon”¹⁷ (2019). It specifically addresses governance and management of mining revenues in light of the AMV and provides several recommendations based on these principles, particularly with regard to the granting of licences, capacity-building among civil servants and maximising revenues through a clear and fair tax system.

¹⁶ ONE, OXFAM, SHERPA and PWYP, “Open Data: the extractive industries case study”, 2016, p. 3.

¹⁷ CRADEC, Tax Justice Network Africa, NORAD, Suivi de la domestication de la Vision minière africaine au Cameroun, April 2019.

c. Coordination of Civil Society at a Continental or Regional Level

Joint and coordinated efforts in relation to the AMV on a continent-wide and regional level undertaken by civil society in general, and PWYP in particular, have been lukewarm. Nevertheless, civil society organisations (CSO) clearly understand the importance of their role, given that in November 2019 they organised a conference on the AMV in Johannesburg with the support of PWYP and Southern Africa Resource Watch (SARW). The main objectives were not just to define the role of CSOs in the implementation of the AMV while setting out various short-, medium- and long-term strategies, but also to clearly define the scope of their key operations. To do so, having debated the challenges and key issues related to the different pillars of the AMV, the participants set out some important recommendations. Among others, those of interest to civil society include:

- Advocacy awareness efforts on the AMV aimed at parliamentarians and citizens to influence legislation reforms and implementation of the AMV.
- Capacity-building activities for local communities to understand and appreciate the value and use of the AMV, and to participate effectively in environmental impact assessment processes.
- Development of a comprehensive communication strategy for the AMV for broad-based dissemination across the continent, targeting various key stakeholders to influence implementation of the AMV at country level.
- On-going public interest, human rights services such as litigation to support mining affected communities.

d. State-wide and Regional work to Implement the AMV in order to Support Policy and Legal Review Processes

Mining reforms in most of the countries mentioned in this report take account of the various aspects of the AMV in order to improve taxation management and revenue-sharing in the extractive sector, or to tackle issues related to local socio-economic benefits and community development through the creation of local development funds or funds for the reclamation of mined sites. States' heightened awareness of these issues is reflected in their mining legislation and policies, which is a notable achievement in the implementation of the AMV. However, the actual application of these measures, especially in terms of revenue-sharing, stabilisation clauses and local development, has been criticised.

In February 2017, the United Nations Economic Commission for Africa (UNECA) and the United Nations Conference on Trade and Development (UNCTAD), along with the Ministry of Mines and Hydrocarbons of the Republic of Equatorial Guinea, organised capacity-building sessions for countries within the Economic Community of Central African States (ECCAS). These sessions focussed on the AMV approach to contract negotiations and the profound impacts on the local economy. In 2018, the government of Côte d'Ivoire, in partnership with the International Seabed Authority, also organised training sessions on the AMV and the contribution of deep-sea exploration and mining to Africa's blue economy. These capacity-building initiatives among administrative officers in various ECCAS and West African countries fall perfectly within the scope of the AMV.

2

Main policy requirements for strengthening the implementation of the AMV

During the drafting of this report, a range of questionnaires and interviews with PWYP National coalitions in Africa were used to gain a deeper insight into the implementation process and identify various expectations. They reveal that:

- PWYP should explore links between the implementation of the EITI and the principles of the AMV. Since the EITI is a transparency standard adopted in many French-speaking and English-speaking countries across Africa, it would be useful to identify those provisions that are more closely linked to the AMV and that could feed into the various annual reports. Moreover, a monitoring and evaluation mechanism should be set up to assess the extent to which the various recommendations are being implemented.
- African States/governments should be asked to create multi-stakeholder frameworks for the implementation of the AMV (similar to the EITI). The multi-stakeholder platform would be made up not only of civil society organisations and State bodies, but also mining companies and any other body that has interests in the extractive sector. It would address issues and policies around the implementation of the AMV in different countries and would be independent of the State.
- PWYP coalitions could carry out a comparative analysis of national laws and policies on the one hand, and the AMV on the other, in order to identify calls for reforms. This analysis would be an ideal advocacy framework and could lead to substantial reforms. However, collaboration with parliamentary committees in the countries in question may be necessary to achieve this objective.
- PWYP could commission an exhaustive study on the current progress of the implementation of the AMV in countries where the movement has a national coalition. The results of this study could act as a basis for a strong advocacy campaign with the African Union and individual States to demand compliance with their commitments on the implementation of the AMV.
- PWYP should set up more partnerships with more specialised organisations that are not members of the movement (TJN, SARW, Greenpeace, etc.) in order to strengthen its advocacy potential on topics related to the AMV (taxation, environment, human rights) that remain key concerns.
- PWYP coalitions should define a clear programme for implementing the AMV and identify advocacy and/or campaigning opportunities. Although the studies and/or advocacy work carried out by the coalitions are consistent to a greater or lesser degree with the AMV, most of the research and advocacy work is not combined with an actual monitoring mechanism embedded in a pre-planned programme of activities.

Conclusion and Recommendations

The African Mining Vision is a suitable framework for making mining a catalyst in both the macro- and micro-economic development of African countries. However, implementing it on a regional and national level represents an enormous challenge. Heightened awareness is required from leaders to bring their mining policies and legislation into line with the objectives of the AMV. Civil society has a key role to play in ensuring better adoption of the AMV.

Overall, **key lessons** from the various activities around the AMV by PWYP members include:

- **Lack of coordinated advocacy efforts from civil society in regards to the AMV:** PWYP coalitions have used several policy and legal frameworks (including EITI, mandatory disclosures, sub-regional and national laws and policies) to make governments and companies accountable. Although most of these reflect AMV principles, advocacy hasn't been sufficiently based on this policy. In parallel, there has been very little joint effort from PWYP coalitions to advance the AMV.
- **Few opportunities for civil society to participate and influence the AMV implementing body at the African Union level:** The African Minerals Development Centre (AMDC) has been created by the African union to support the implementation of the AMV in the

respective member countries. However, this body gives less space civil society to influence change. PWYP members interviewed in this research noted that the AMDC is more likely to use technical staff and executive bodies at country level when it comes to developing and implementing policies. It should instead work as a multi-stakeholder institution, such as the EITI, to ensure effective public input and to enhance the role of civil society.

- **Need to elaborate efforts for meaningful public participation:** The conclusion of the above is that AMV implementation has been more government focused. Even if the rationale is that initiating and adopting policies are the responsibilities of the government, arranging appropriate roles for civil society organisations is critical to improving participation. Both the process of developing and of implementing the policy has to be entirely consultative from the identification of issues; to making efforts to engage more stakeholders and exploring areas of consensus. This could lead to a review of the AMV.

As a result, PWYP coalitions could consider taking the following steps:

- **Establish their advocacy framework in advance according to the pillars of the AMV**, in compliance with the recommendations of the Johannesburg conference. Indeed, since the challenges and issues in the mining sector differ from country to country, standardising advocacy actions may not be beneficial. Instead, each coalition should determine the scope of its action;
- **Monitor and apply the recommendations** set out in various advocacy reports for the implementation of the AMV;
- **Organise awareness sessions** on the AMV in collaboration with political authorities and the African Minerals Development Centre;
- **Regularly communicate information** on a range of issues, especially revenue-sharing, access to information, transparency, community development and the negotiation of mining contracts;
- **Collaborate with mining stakeholders** to improve their awareness of the key issues and challenges in the extractive sector.

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Useful Links

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http://www.africaminingvision.org/amv_resources/AMV/Africa_Mining_Vision_English.pdf
2. **PWYP Congo Brazzaville:**
Scrutinizing SNPC's commodity trading activities - PWYP case study: <https://www.pwyp.org/pwyp-resources/pwyp-congo-brazzaville-scrutinizing-snpcs-commodity-trading-activities/>
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Jean Claude Katende, leader of the fight for human rights and transparency, facing death threats: <https://www.pwyp.org/pwyp-news/drc-leader-human-rights-transparency-death-threats/>
4. **In It Together - advancing women's rights through the extractive industries transparency movement - PWYP report:**
<https://www.pwyp.org/pwyp-resources/in-it-together-gender-report/>
5. **Local Procurement Reporting Mechanism - Mining Shared Value:**
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