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## ARTICLES

### Africa Focussed Mining Conferences: An Overview and Analysis

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#### Introduction

Despite the African continent having extensive mineral wealth much desired by industrialized nations it is also a region rife with poverty and under-development and there is little evidence that it has benefited from these resources. Beginning in the early the 2000s the price of major minerals, especially copper and gold, rose to new heights (with the exception of the 2008/2009 Global Financial Crisis slump). These price rises created greatly increased global interest in the continent's extensive mineral wealth and enabled many new mining activities in Africa to be initiated. While some corporate mining conferences had been held in earlier years their numbers increased concurrently with the greatly increased level of exploration and mining activities. They included national, regional and international events and also some with mineral specific foci. During the same period civil society-based movements concerned about the negative social impact of mining, and being part of a bigger global movement, also became increasingly active.

The objective of this article is provide an overview and analysis of the different types of conferences which eventuated during this past decade and a half and explore what they indicated about the state of social governance in the African mining sector. The focus will be on illustrating the roles of the key players, their relationships and the issues arising, especially those related to the social impact of the extractive industries (but this could also apply to environmental matters). Part One focusses on the corporate and the 'Alternative' conferences and their relationships and the outcomes of the

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<sup>1</sup> Special Acknowledgements: Bill Repard of Paydirt Media, Perth, the staff of the Mining Indaba, Cape Town and the Alternative Mining Indaba organizers (both Cape Town and Zambia) whose resources have helped inform my scholarship, in addition to the references provided.

various interventions, while Part Two examines those held for government ministers, those hosted by regional agencies and, more briefly, other mining related conferences.<sup>2</sup>

## **PART ONE: The Corporate and the ‘Alternative’ Mining Conferences**

To illustrate the issues arising at these disparate conferences and their interactions, Part One focusses on the nature of one major corporate mining conference, the ‘*Mining Indaba*’ and on the ‘Alternative’ mining conference, both of which are held annually in Cape Town.

### **Corporate Conferences - The *Mining Indaba***

The *Mining Indaba* (a copyrighted name, and more formally *Investing in African Mining*) has been held in Cape Town since 1996. According to its 2015 website (site now retired) the Indaba is focussed on the “capitalisation and development of mining interests in Africa” and states that “The content for the event has been designed with the sole purpose of identifying the strategies, opportunities and decisions that need to be taken to ensure each company and the industry remains competitive.” For typical programme content see *Mining Indaba* (2016a; 2016b).

It is a sophisticated, fast moving, tightly structured and costly event, attended by mining company managers, geo-scientists, lawyers, investors, bankers, stock exchange and international financial institution representatives, as well as mining technology and equipment suppliers and infrastructure experts. Other attendees include mineral council and regional organization representatives and government officials from within and out of Africa, and also diplomats. The media and a few academics are also present. Up to 7,000 people attend the Mining Indaba from about 100 countries across

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<sup>2</sup> This paper is the side-product of a study into the socio-economic impact of mining in one southern African country and is based on attendances at various conferences and an analysis of conference programs, reports, media coverage and other readings. This work also formed the basis of a power point presentation ‘Examining African focussed mining conferences: clarifying the benefits and the costs of omission’ which has been shown twice at Australian National University seminars.

The term ‘conferences’ will be mainly used and is the equivalent of ‘indaba’, a Zulu/Xhosa word commonly used in southern Africa for a gathering or meeting to discuss important matters. The term ‘Civil Society Organization’ (CSO), will also be mostly used as an all-encompassing term for CSOs, Non-Governmental Organizations (NGOs) and Faith based organizations (FBOs). Their joint conferences are known as ‘Alternative’ Indaba’s, to differentiate from the corporate gatherings.

Africa and the globe. The 2015 *Mining Indaba* reported some forty-five government representatives and over 2,000 companies being present.

The programme is largely devoted to corporate presentations, reports on country mining situations and trade, investment/financial and regional related matters. Government mining ministers from countries in the region hold their joint meetings and present individually to the general audience about their own country's situation. The Indaba also provides educational opportunities to learn about new technologies and approaches. For example, in 2016 the World Bank introduced a new diagnostic tool which measures each country's governance and stability in the mining sector to help guide investors' decisions (World Bank, 2016).

Initially the agenda did not include social and environmental subject matter but this eventually changed, to some extent, as discussed below. The *Mining Indaba* was focussed on the promotion of mining prospects and to link with investors and make transactions. Essentially it is a market place, not very different to ones found in towns all over the African continent with sellers spruiking their wares and buyers inspecting 'the goods'. The atmosphere is up-beat, with enthusiastic sales pitches being made about prospects and their potential to earn investors a large profit. Power point presentations are short and sharp, focussing on technical details, and companies also advertise at the array of booths which line the display halls.

A feeling for this hyped-up atmosphere is clearly conveyed by *Paydirt Media* magazine articles which report on the various sessions with headlines such as the following: 'Candles lit for yellow cake return' (p.72, October, 2014), 'African Lion set to pounce' (p. 37, October, 2010) and 'Spoilt for choice in Mozambique' (p. 24, December/January, 2010). More recently and not just referring to African mining, a headline read 'Resources pumped with adrenaline' (p. 9, March, 2018).

### **Other Corporate Conferences**

There are also many other Africa mining focussed conferences and from their start dates it can be seen how many were initiated in response to the increasing levels of mining opportunities on the continent (See Box 1).

### **The *Mining Indaba* and Social Issues - and Omissions**

The Cape Town *Mining Indaba* did not address social and environmental issues in its early years and participants did not include those affected by mining i.e. representatives of mining communities, or the Civil Society Organisations (CSOs) which advocate on their behalf.

The typical mining minister's country presentations and those of companies were 'glossy'. They largely focussed on the benefits of a particular country's rich geology and mining friendly attributes and the potential of specific deposits, as described somewhat optimistically below by Mining On Top: Africa (MOTA). There was no mention in such presentations that there may be people living and/or farming or grazing on or by a mine site, that a heavy wet season might cause annual floods or alternatively, regular droughts may cause water shortages and competition with local people. Energy sources too are also almost always an issue in African countries but ignored. In addition, there may be security or significant biodiversity or indigenous peoples' issues in the surrounding area. Essential infrastructure (e.g. roads, bridges, ports and electricity and water supplies) may well not exist and consequently a company would have to build them, adding to the cost of its investment and time taken, given that relying on a government to do so in a timely matter was likely to be a pipe dream. But such matters are not mentioned, at least in the initial sales pitch.

Other negatives are unlikely to be mentioned, such as the host government not having sufficient capacity to adequately support and monitor developments, especially if the site is some distance away from the capital which is almost always the case. The high levels of corruption on the continent which influence how business is conducted (and costs) are never mentioned, nor are the challenges created by the inevitable influx of impoverished job seekers to new mining sites. Certainly, the problems which have occurred at many mine sites, as described below, are never mentioned (See Box 2). Consequently, such presentations give an incomplete picture of the potential investment opportunities and mislead investors as to the ease of achieving repayment of loans and eventually, profits.

### **Evidence of the Reality:**

As the examples in Box 2 illustrate, social and environmental issues are not isolated incidents but widespread and often very serious (including deaths) and they are often complex and messy and time consuming to handle. Commonly they include violent police involvement in removals, (i.e. state intervention against their own people), influxes of job seekers causing significant social welfare problems and government not effectively and peacefully controlling the situations. In addition, there may be resettlement issues and loss of good farming land and forests and competition for water. Gold and artisanal mining situations are particularly problematic. Given the conditions prevailing in most countries, especially the levels of poverty and the desperate seeking of income, it should be no surprise that problems will

inevitably arise. It would be realistic for a company to mention to investors the possibilities and what a company is planning to do to prevent or ameliorate them. But no corporate presentations mention such possibilities – they concentrate on the technical and non-human aspects.

### **BOX 1: Examples of Other Africa Mining Focussed Conferences**

- Africa DownUnder, Perth, Australia 2002+
- West Africa Mining and Power Conference, Accra, 2005+
- West and Central Africa Mining Summit and Expo, Accra, 2008+
- Zambian International Energy and Mining Conference, Lusaka 2011+
- South African Mining Lekgota, Johannesburg, 2012+
- Senegal International Mining Conference, Dakar, 2013+
- Mining On Top: Africa Summit, Geneva, 2013+
- DRC Mining Week, Lubumbashi 2014+
- Junior Indaba, Johannesburg, 2015+.

*Sources: Various mining conference reports. (ECOMOF, Minerals and Petroleum Forum, Abijan, 2016+).*

### **BOX 2. Examples of country specific mining related incidents**

**South Africa:** 44 killed and many injured by police, Marikana, 2012, and 2016 murder of activist at Xolobeni

**Uganda:** Forceful eviction of 20,000 artisanal miners, Mubende, 2017

**Kenya:** Unresolved displacement 1,200 households, Kerio valley, early 2000s

**Madagascar:** Bushmeat (ie lemurs) harvesting by hungry influx, 2017

**Cameroon:** Indigenous Baka pygmies' lifestyle being threatened, 2012

**Zimbabwe:** Indigenous food plants threatened by pollution; 200 killed by military takeover, Marange diamond fields, 2008+

**Tanzania:** 69 killed, +police, Nth.Mara, London court case, 2010+

**Nigeria:** Increased infant mortality and new respiratory disease, Okobo, 2016

**Zambia:** Serious pollution, Copperbelt, 1960s+

**Ghana:** Child gold miners exposed to serious health problems and cocoa plantations ruined, Obuasi 2015+

**Cote d'Ivoire:** Degradation of cultivable land etc, Bonikro, 2007++

There is glaring evidence of such problems, including from the regular and widespread community and civil society reports, the presentations at the Alternative Mining Indaba's and church and academic conferences, as well as media coverage. It appears that such graphic, unpleasant and messy stories are too much to stomach in a posh conference venue and would spoil the sales pitches being made by companies. In addition, 'the elephant in the room' may well be the unpleasant question that such problems may be due to government's interventions, or lack there-of.

It is surprising that such situations still prevail despite major global social and environmental developments for more than a decade, including within the mining industry itself, such as the Global Mining Initiative (2000) and the subsequent work of the International Council on Mining and Metals (ICMM) (See Tost *et al*, 2017).

What was being described at the *Mining Indaba* and other financially and technically focussed mining conferences look like window dressing in the face of the harsh realities.

### **The Costs of Omission**

Ignoring the possibility of social and environmental risks in corporate discussions and presentations can present significant economic risks to a company, as shown by an Environmental Resource Management study which was described at the 2014 *Mining Indaba*. The 2016 updated results illustrated that 46% of 72 mining projects surveyed missed their delivery date commitments between 2008 and 2016 and that nearly half of them were due to social issues, with environmental issues the second most common cause. The survey also noted that such delays have far reaching consequences, including budget overruns, loss of trust from stakeholders and negative shareholder sentiment (Environmental Resource Management, 2016). In addition, a study by Franks *et al* (2014) provided data on the causes of conflicts, social aspects being only slightly less common as a leading cause than environmental issues. They also pointed out, and as this author has observed in Zambia, the cost of staff time dealing with such problems is rarely factored in and can be significant. In short, companies cannot afford financially (or reputation-wise) to neglect such issues, and yet some continue to do so.

### **Other Points of Particular Interest**

Demonstrating how important African minerals were to Europe was the 2018 'Mining On Top: Africa' (MOTA) advertisement and, which,

somewhat optimistically and yet inaccurately, described the institutional environment as being enabling:

The African mining industry is gaining momentum with rising investment opportunities in several African countries where investors can benefit from low operational costs, untapped resources and business favourable tax regime (tax deductible costs and losses). ... Reforms in mining laws and greater regulatory oversight has also made Africa a stable mining investment destination (MOTA, 2018).

Secondly, just how much investment money, and hence significance, is involved in these conferences is indicated by a *Mining and Money* (2017) publicity information which asked: “Did you know that the Mines and Money London show has confirmed investors with assets under management combining to a staggering \$3.6 Trillion and over \$1.5 Trillion ready to be invested?” Mining conferences are obviously highly important to investors, and one can assume, encourage companies to describe their prospects in the most positive light possible so as to attract their attention.

Thirdly, it is apparent that the number of conferences which would be appropriate for mining ministers to attend is now very high, including as it does, the regional meetings as well as corporate meetings held both in, and outside the continent. They, or their deputies, are even expected now to make an appearance at the ‘Alternative’ Indaba’s. Such a demand makes one wonder about how they manage to decide which ones are a priority. Perhaps travelling and being wined and dined in (always) posh venues well away from mining sites is preferable to having to deal with organizational and community challenges.

It also appears from the various readings that ministers have a tendency to sit back and let the corporates take the flack from civil society. Rather than act as leaders, standard setters and protectors of their people’s rights they seem to perform more as enticers, observers and guests at the corporate meetings. Is it that they enjoy the power of being able to offer up mining sites, winning kudos from their Presidents for attracting investors - but abdicating responsibility for what follows? Or is it because the sector is so wrought with difficult issues that they don’t know how to cope or that they simply don’t care about their mine communities? As a Mozambique policy maker was quoted by Franks (2015, p. 70) as saying “... it is not always true that the interests of the government are the interests of the people”. Certainly there is plenty of other evidence that this is the case more often than not, as described below.

Also, in regard to the role of both companies and governments, a corporate lawyer at the 2014 Africa DownUnder conference, was reported as being "... on a mission to call out politicians and miners for propagating mistruths, and governments for being lazy..." (Blackiston, quoted in Dickinson, 2014, p. 40). He was partly referring to the Australian mining scene but also to the African situation, stating that companies should be more honest about their claims to investors and governments, such as to the extent of profits which will accrue. In regard to the laziness claim he said that governments should go ahead and develop their own infrastructure and not just wait for the companies to do so. He also pointed out that they should not leave it up to the companies to implement those aspects of social responsibilities which were a government's responsibility.

### **Other Corporate Conferences**

Not held on the African continent but reflecting the extent of the Australian mining industry's interest in African mining, is the Africa DownUnder (ADU) conference held annually in Perth, Australia. Its organizers also report extensively on the Cape Town *Mining Indaba* and their own sessions in their Paydirt Media magazine. ADU has maintained its focus on technical and financial aspects of mining prospects, as have most of the other corporate conferences, seemingly immune to 'the wind of change' and the hard evidence of the risks of not taking social aspects into account. Any efforts made in this direction tend to be token.

There are also other conferences which include African mining as part of a global picture, such as the Mining and Money financial conferences which are held in London and other major capitals and the major Canadian events such as the Prospectors and Development Association of Canada in Toronto and the Vancouver located Mining and Communities Solutions conferences, both of which seriously address social matters.

### **The 'Alternative' Mining Indaba's**

Given the many issues mentioned above it was not at all surprising that a significant social movement eventually arose to challenge what appeared to be the continuing blindness of the industry about the negative impact of their activities and the lack of government action to protect their own people. Underlining the movement was the point that the African people ought to be benefiting much more from the mining boom (if indeed they agreed to go ahead with it), not suffering because of it.

It was in response to such issues that the first Alternative Mining Indaba (AMI) on the African continent was held in Cape Town in 2010, purposefully

at the same time and city as the corporate *Mining Indaba*. The spotlight then moved across town away from the International Convention Centre where the thousands of conservative (mainly) men (in dark grey suits) were meeting in salubrious surroundings. Gathered in a more down-market location were hundreds of very vocal T-shirted, (or dog collar'ed) sneaker wearing, gender balanced participants discussing the other, darker side of the proverbial glittering coin

The Alternative Indaba concept was initiated, originally in Tanzania, by members of church organizations because they were concerned that many mining communities around the region were experiencing very serious social welfare (and environmental) problems. They were aware that such matters were not being addressed – let alone discussed across town at where the corporates were meeting and those immediately affected by mines were being excluded.

According to the conference report (Masango, 2010) the First AMI was attended by fifty-six participants from twenty Churches/ NGOs/CSOs, media and communities (including from South Africa, Zambia, Tanzania and Zimbabwe). Its objectives (paraphrased) were: To provide a forum for testimonies from those affected; to involve the media; show government and companies that the CSOs are watching and holding them accountable; to monitor and advocate for policy changes and to give alternative (i.e. to the company/government ones) messages that tells the truth and explains the reality of mining impact.

Masango quoted Archbishop Ndungane, former head of the Anglican Diocese of Cape Town, as saying: “people should be put first before profit margins” and “civil society needs to be vigilant in making sure that human rights are respected”. He also concluded his statement by saying that “We will and we shall succeed, we did with colonialism, we did with Apartheid.” (Masango, 2010, p.5).

And, recognizing the difficult ‘David and Goliath’ nature of the challenges at hand regarding the status quo the Archbishop added: “If we are going to take on the African elites, we need to have stamina and patience. It’s up to you and me. It’s little drops of water that chip the rock away.”<sup>3</sup>

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<sup>3</sup> Particularly notable was the reference to ‘African elites’, given that it is usually foreign companies which are the target for such remarks. This statement recognized the role of their own leaders in the problems which were going on – and correlates with one made by a Tanzanian priest and regional representative, Father Jude at the 2014 Zambian Alternative Indaba who noted that ‘the enemy is within’ (*author’s notes*, 2014).

Highlighting the severity of the issues Dr Kasalla from Tanzania was reported as saying that he had found his tour of the country's northern mines in October 2009 an over-whelming experience. He particularly noted that: "What hurts is these things are permitted by the very people we elected" and that "The unfortunate thing is that the communities don't have anyone to tell and they cannot get the right answers to their problems." He was also reported as questioning the professionalism of mining companies, asking: "What kind of values do people who do business have? Effectiveness, efficiency and productivity are over-riding human rights ...". (quoted in Masango, 2010, p.11)

This initial Indaba reportedly created much solidarity amongst the participants and recognized the urgency of the need to speak out for those so badly affected, and for the need to engage all stakeholders, including companies, governments and communities.

The Alternative Indaba has continued to be the major CSO event for the continent, being held annually since 2010, with representatives from an increasing number of other countries attending, including 600 attending in 2018 from forty-three countries (AMI, 2018). This continuation, and indeed expansion, clearly indicated strong regional solidarity about the need to speak out about issues which had continued to plague the region's mining communities. As the Economic Justice Network Concept note on the history of the AMI stated, the Indaba "... was conceptualized initially as a movement-building initiative and awareness raising platform ... has fast grown into a successful advocacy and lobbying entry point in several countries in southern Africa" (Economic Justice Network, 2014, p. 5).

The AMI also spawned national Indaba's, Tanzania holding its first one in 2011 with Zambia, Zimbabwe and Mozambique following in 2012. Others, including Malawi, Angola, DRC, Lesotho, Madagascar, Botswana, Swaziland and South Africa followed on in later years. Five countries also began to hold provincial Indaba's and Zimbabwe even held three district level Indaba's. The movement grew fast and spread strong roots, as the AMI 2015 report stated, although some required support to function (AMI, 2015). The latest development has been the holding of local level indaba's for mining affected communities, as has happened in Zambia.

Participants at the Cape Town AMI include representatives of mining communities, local, regional and international CSO representatives, public interest lawyers, trade unionists and academics, the media, supporting donor agency representatives, and regional organizations. Even government and corporate representatives have put in appearances in recent years.

Financial supporters have included the Economic Justice Network, the Fellowship of Christian Councils in Southern Africa, Oxfam USA, Open Society Foundation, South Africa, Norwegian Church Aid, Ford Foundation, Trust Africa, Zimbabwean Environmental Lawyers Association, Bread for the World and individual participants, with a number of other organizations, including Benchmarks, Southern Africa Resource Watch and Diakonia providing various forms of support. The Ford Foundation provided support in 2018, illustrating a necessary broadening of the support base.

Although not referring specifically to the Alternative Mining Indaba, Hinefellaar and Achberger (2017) in their paper on Zambian resource extraction picked up on the irony of the donor funding, pointing out that it was "... an ambiguous situation, where [donor] governments are funding their own activist organizations to fight the consequences of the dominance of mining capital, while at the same time protecting the interests of their own mining companies." Thompson, a Kairos representative from Canada, also noted in 2013 the reliance on (erratic) donor funding (Thompson, 2013), while the Chairman commented in the 2018 AMI report that fund raising was a constant issue for the organizers (AMI, 2018). But then who else is to fund them? Certainly not the mining industry. It is very disappointing to see that a major mining country such as Australia, is missing from the donor list. This is despite the fact that, as reported by Paydirt Media (2017), Australian companies had 769 mining related activities (mostly not actual mines) on the continent in 2015, and it is keenly interested in the corporate Indaba. South African Bishop Seoka (2015) also noted the need for an independent fund to be used to "even the playing field and give communities access to expertise to negotiate more equitably..." (p. 4).

With the advent of AMIs someone was at last listening to the communities, or their representatives, taking their issues seriously and trying to do something to advocate for them to be publicly recognized and dealt with, including those which were national level matters.

### **Alternative Mining Indaba Content**

The programme has become increasingly more sophisticated over the years since its modest beginnings in 2010, as can be best read in the annual reports and the various commentaries available on line. The content became wide-ranging and included: taxation and illicit financial flows; transparency and accountability; environmental rights and community monitoring; access to remedy; litigation and mining; artisanal mining; women and extractives and mining health and labour. Bishop Seoka (2015) also raised the issues of "sham consultations and agreements with un-mandated elites [including

Chiefs] circumventing full participation of the communities in determining whether mining should take place or not”.

The 2018 program also showed an array of educational side events, including training on international norms on business and human rights and a session on studies such as ‘The Impact of Extractives on Water in Southern Africa’. Some key points can be noted from the programs and reports over the past decade:

- The Indaba has attracted increasing involvement from many countries, clearly indicating the continuing and widespread nature of mining related issues, thereby confirming that it serves an important purpose.
- A church-aligned representative from Canada (Thomson, 2013) said that he “... was struck by some of the commonalities between their different national struggles and also by the unique characteristics of each one.”
- It was inevitable with such a disparate group that there would be some internal tensions which needed to be resolved. As stated in the Chairman’s summary in the AMI (2018) report, a major challenge over the years was managing the diversity of stakeholders and striking a balance between their needs.
- As with many conferences (of all sorts) there were also questions about the focus and depth of discussions, the need to be more results oriented and for specific follow-up, including stronger engagement with governments and the corporates, and also with the regional bodies which were regarded to be the lacking political will to enforce declarations (see Ginindza, 2015).
- In the early years, South African issues tended to overwhelm the discussions because their participants formed the numerical majority, and were the most vocal. This was somewhat understandable given that they also had extreme and immediate issues (e.g. Marikana in 2012) and so tended to distract somewhat from those of other countries. This issue was largely resolved when national and sub-national Indaba’s commenced, including South Africa organizing its own in Johannesburg.

Over the years there were also some criticisms from various commentators: for example, Bond (2015) noted with disbelief that they had failed to “connect the dots” with climate change, failing to raise the issue of

the industry's heavy use of electricity and production of gas emissions. Noting the lack of challenges to the 'mining as development' paradigm Maguwu and Terreblanche (2016) also pointedly wrote: "Sadly, the AMI's narrative can hardly be distinguished from the official big boys' Indaba ...". Such commentary may have offended – or inspired participants to tighten up their debates and strategies.

A particularly sensitive issue was that the Indaba was charged with being 'NGO centric' i.e. NGOs were playing the leading role, and more numerous than members of mining affected communities. There were also charges of other forms of 'elite capture', including by the clerics. Rutledge (2016) discussed the issues and Cape and Lorgat (2016) of Benchmarks responded.

But it wasn't all doom and gloom in the community stories being shared - as Fourie (2015) noted about how activists at the 2015 AMI were:

... emboldened by recent success stories of communities exercising their rights in court: a mining company director given a prison sentence for environmental violations and the [South African] Supreme Court of Appeal's decision compelling AcelorMittal South Africa to hand over long-hidden environmental records.

The 2018 AMI report (AMI, 2018) provided a summary of what the organizers felt were achievements to-date, including engagement with regional agencies, about the African Mining Vision and with the Inter-Governmental Forum, as well as maintaining relationships with the corporate Indaba and the ICMM. National level developments were also described, including success in advocating for reviews of mining legislation and establishment of stakeholder forums with government. Communities were reported being more visible in the regional and national Indaba's. There were also plans to evaluate the current strategic plan and develop a new one and strengthen advocacy efforts.

It was apparent that the AMI was expanding its agenda from the local to higher level issues, indicating a maturing of its objectives, and illustrating recognition that to be effective advocacy needs to be undertaken at the highest levels in order to make a difference. However, such an approach will require different capacities and more funding if care is not taken, also risks diverting attention from immediately helping the affected communities.

### **The History of the Relationship with the Corporate *Mining Indaba***

Although both Indaba's were being held in Cape Town there was a physical separation between them which was symbolic of the very different

worlds the participants inhabited. TMG Digital (2017) aptly reported the organizers describing the corporate's *Mining Indaba* as being "A gathering of the rich and unaffected" while the Alternatives were "A gathering of the poor and affected". Boyle (2016) described the AMI as being where the NGOs "... will explore life on the wrong side of mining's self-congratulatory corporate looking glass".

Fourie (2015) noted that these disparate groups "... speak such different languages that a common understanding seems impossible". This situation was also symbolic of the yawning communication gap which so often occurs between a mining company and the local community, despite their physical proximity.

It became an annual tradition to march in typically vibrant South African style across town to the International Conference Centre to present the AMI's declaration to the corporates. The marches were attention grabbing, including the waving of big banners and placards, 'toy toy'ing' (dancing along chanting) and singing protest songs through loud hailers from a double decker bus. A few, such as church representatives, progressed rather more sedately and got their points across with signs, peaceful sit-in's and mini-drama's when they arrived at the Centre.

These classic activist tactics do attract media attention, are fun and increase feelings of solidarity which are worthwhile short-term aims in themselves. They also provide an opportunity to let off steam, including for the more vocal participants to clearly illustrate the extent of anger and frustration being felt because of the lack of corporate response to their many very serious and genuine concerns.

But not surprisingly the reception of noisy, sign-bearing protesters at the International Conference Centre in the early years was hostile, with their arrival proving to be an embarrassment to the corporate Indaba organizers. Davis (2013) reported activist Habede as complaining that:

Nobody would accept responsibility for our petition ... Not the Chamber of Mines, not a government representative. We were forceful and refused to leave, and eventually they brought one of the logistics organisers of the Indaba to receive the petition.

The Kairos Canada representative added that "They had been stopped by police and security guards and only Bishop Seoka had been allowed to go in, accompanied by shouts of 'Go Bishop!', but not even he was received and he had to retreat outside five minutes later" (Thomson, 2013).

Such an approach was very off-putting to the mainstream corporate world and made it easy for them to dismiss the 'Alternative' claims as 'rabble

rousing'. Consequently, such marches, at least initially, could be seen as being detrimental to the cause being promoted. Speaking to their declaration in a formal meeting with the corporates would be a more objective way of expressing the issues – and more acceptable to that type of audience. But such an approach would probably be less impactful and far less likely to attract media attention – or to get across the depth of outrage of having their claims ignored for so long.

Also, the target was not necessarily the correct one, for often it was governments which had failed to play an appropriate role in maintaining and protecting the rights of its citizens, as will be discussed further in Part 2 below.

But the protests became increasingly difficult to ignore each year as media coverage was high. The T-shirted activists were shining a different light on those glossy corporate presentations - and the 'men in dark grey suits' could not deny the issues. The media attention was annoying – and embarrassing for the corporate Indaba organizers. It was not positive public relations and risked affecting the confidence of investors (who were present inside the Convention Centre). By 2014 the corporates needed to be seen to be responsive.

This was an exciting turn-around and illustrates how well-organized campaigns of community activism can be effective in changing opinions, or at least getting a process of communication underway, and highlighting the significant role of the media in achieving such an end. By 2015 the situation was more positive, with the development of warmer relations between the organizers. Even a small drama featuring polluted water was permitted to take place at the entrance of the corporate venue and the declaration was spoken to and handed over at a formal meeting. The ICMM Chief Executive Officer was being seen to be responsive to the Alternatives and what were referred to as 'Sustainability' issues were gradually introduced onto their corporate indaba agenda.

Helping to bring about the changes was a 'peace maker' – human rights advocate and former first lady of both South Africa and Mozambique, Graça Machel. Acceptable to both the Alternatives and the corporates, Machel, along with the Bishops, provided one of the cross-over points between the Alternative and the Corporate Indaba's. During the latter's 2015 'Sustainable Development' event, she "... diplomatically and deftly addressed the two very different audiences in appropriately different ways", according to Kark (2016) an Australian government participant.

While being very supportive to the Alternatives' cause she was also firm with them, recognizing that they weren't always accurate in their approaches.

The 2015 AMI report stated that she "... challenged and ... urged delegates [to ensure] that the impact of advocacy programmes is measurable and that their advocacy efforts are smarter and more strategic, based on hard facts and data" (AMI, 2015). There were good reasons for such remarks for communities haven't always been honest with developers, CSOs haven't always used factual information and there were examples where communities had tried to take advantage of situations.

Across town at the corporate Indaba, Graça Machel also challenged the corporates. She gave a keynote address on harnessing the transformative power of the mining industry on the African continent. She was reported by Senkhane (2015) as telling mining delegates that conducting business as usual "... can produce growth, but it doesn't always produce development, let alone sustainability. More importantly, it doesn't bring equity." The Alternative Mining Indaba report also noted that she spoke strongly that "... governments and companies needed to know that it was no longer 'business as usual'" and that "We have to change the landscape of the mining industry on our continent" (AMI, 2015).

Bello of the South African Institute of International Affairs, expounded on this sentiment in his commentary on the two 2015 meetings when he stated that a 'new normal' in extractive governance was needed and that it:

... ultimately makes better commercial sense: For the mining industry this 'new normal' requires a profound shift in the mindset beyond the piecemeal transformations of recent years. Corporate leaders must be in the forefront of championing this change, consciously re-writing sustainability into the DNA of the industry (Bello, 2015).

Expressed by people they respected these well-founded sentiments contributed in 2015 to helping stir the corporates out of their traditional mindset, as did the following speaker.

Participating on the Mining Indaba panel held on the trust deficit faced by the mining industry Corporate social practitioner, Pillay of AshantiGold spoke out strongly that "... environment and engagement with our host societies is core business, not the aspiration of activists" (*Republic of Mining*, 2015).

Subsequently there was increasing movement between the two sites in 2015 with Australian government officer Moffat (2016) noting that quite a few corporate Indaba attendees did go across town to the Alternative Indaba. But this was reportedly nowhere near the extent of the reverse interactions that came about, thanks to the invitation of the corporates to the

‘Alternatives.’ So, from 2015 onwards, there was indeed some cross-pollination, both formal and informal, and possibly some opening of minds. The 2018 Alternative Mining Indaba report (AMI, 2018) describes a range of further developments which occurred. Further evidence comes from a (rough) analysis of the corporate indaba agenda: 2016 about 7% (12 sessions) of all sessions addressed social and environmental issues and in 2018 the percentage had increased slightly to about 9% (22 sessions). ‘Sustainability’ was the umbrella term liberally being used and such sessions became a regular part of the programme. Hence Alternative Indaba input and voices were finding their way into at least some of the corporate Indaba discussions, even if some of the sessions could have been described as being somewhat superficial.

Some have also questioned how genuine this ‘entente cordiale’ was and whether corporate efforts were tokenistic and driven by fear of not being seen as good global citizens and thus of losing investors, and not by real commitment. Bond (2015, p. 5) asked whether it was a “snuggle-not-struggle relationship” and noted (p. 5) that “In some cases, civil society degenerates from watchdog to lapdog.” Rutledge (2016) of Action Aid, also thought that there was a need for taking care, caustically pointing out that “We are asked to ignore the long history corporations have of assimilating the liberal language of NGOs, while fastidiously bulldozing communities off their land”. Given the events still happening at mining sites around the continent that last comment well may well have some truth in it. The very recent situation at Xolobeni comes close to illustrating this latter point (Reynolds, 2018).

One repeated demand from the Alternatives’ has been that corporate conferences change their focus on technical and financial matters to attend to social issues and that the ‘Alternatives’ be permitted to attend and participate. However, it would be unrealistic to expect such a complete change, beyond the Sustainability sessions, because the corporate indaba’s serve the legitimate purpose of providing technical and financial information and connecting-up with investors – hardly areas which the Alternatives have expertise in. Also, it is hardly relevant that technologists such as geologists and mining engineers spend time on social matters. What is needed is that senior management (and also investors) get to understand social aspects and what the political, ethical and financial risks are if they are not addressed appropriately. Hence the need for special sessions for this key audience, and, as described, this is happening - to some extent. However, such sessions were reported not to be widely attended, nor held in major venues.

## **National and Sub-National AMIs**

There is no space to go into all of the issues discussed at the now numerous national and sub-national AMIs and how there has been a gradual increase in the number of governments which have begun to take the Alternative movement seriously, some even acting on their recommendations. The Chair's Reflections in the 2018 AMI report gives examples from various countries e.g., in Zambia a quarterly forum is now set up to meet with Ministry of Mines to discuss extractive industry issues and a multi-stakeholder's platform set-up with companies, government, communities and CSOs. In Tanzania, the President has met with delegates and is said to be responsive to their appeals, while in Zimbabwe a visit to Marange and Zvishavane communities and the Chinese companies reportedly resulted in rehabilitation of the pits (AMI, 2018).

The subject and roles of the national and sub-national Indaba's is an area that needs to be documented in more detail as they develop their capacities. But the fact they exist, are increasing in number and are also actively trying to change the status quo, illustrates that they are playing an important role. It is apparent that they are using lessons learnt from the Cape Town Indaba, and that their efforts complement those directed at regional levels. However, there is still a long way to go to resolving the many local issues.

## **Other Evidence of Increasing CSO/NGO/Community Clout**

Franks (2015) also shows, contrary to common belief, that vulnerable and marginalized people can have huge economic clout. His research described that the cost of delays for big companies was about \$20 million a week. The experiences of the Niger delta communities also provide an extreme example of companies not attending in a timely fashion to community issues, especially when they resort, in desperation, to militancy. *Celovic and Iden* (2017) reported militants blew up an underwater section of an oil pipeline which took seven months to get operational again, causing Shell Nigeria to lose \$3 billion during this time that. Two days later it was bombed it again.

International agencies which monitor performance can also exert influence. Morrison (2018), Chief Executive, International Human Rights Board, commented on a survey which reported on which companies were serious about human rights in their businesses, a rating which puts public pressure on companies to shape up. He highlighted the key factors which companies needed to address – and which the corporate *Mining Indaba* delegates need to demonstrate. As he said “Knowing and showing an understanding of salient human rights risks, preventing and mitigating

potential and actual negative impacts, and providing effective remedies are what matters.”

But there is evidence for increasing awareness in some corporate quarters as illustrated by entries in Annual Information Forms (AIF). One mining company, First Quantum Minerals Ltd. (FQML) used information in its 2016 AIF which weren't included a decade earlier, for they had learnt the hard way (as had their communities). The following inclusions illustrated a maturation in their thinking about the value of following what Morrison was highlighting:

Failure to manage relationships with local communities, governments and non-government organizations may harm the Company's reputation as well as its ability to bring development projects into production. ... [and] Adverse publicity generated by such NGOs or others related to extractive industries generally, or the Company's operations specifically, could have an adverse effect on the Company's reputation and financial condition and may impact the relationship with the communities in which the Company operates (p. 106).

The same company also picked up on the point noted earlier by Graça Machel which recognized that not all complaints made by communities are accurate, and there are potential costs of even those inaccuracies for a company's reputation.

They [NGOs] may also file complaints with regulators in respect of the ... regulatory filings, either in respect of the Company ... Such complaints, regardless of whether they have any substance or basis in fact or law, may have the effect of undermining the confidence of the public or a regulator in the Company ... and may adversely affect the price of the Company's securities or the Company's prospects (p. 107).

That is not to under-estimate the seriousness of the many real issues but there was a need for CSOs/NGOs to improve their capacity to accurately document, monitor and report on situations.

FQML also recognized the changing context:

The international standards on social responsibility, community relations and sustainability against which the Company benchmarks its operations are becoming increasingly stringent and extensive over time, and adherence to them is increasingly scrutinized by regulatory authorities, citizens groups and

environmental groups, as well as by investors and financial institutions (p.106).

## **Understanding**

As Bello (2015) says, there is a need for each side to understand each other much better. “Communities for their part must acknowledge that extractive industries form the bedrock of many African economies”. They, and CSOs, also need to recognize that they too use and rely heavily on minerals in their lives e.g. technology and transport, and that they should not just damn mining companies out of sight, which some have done. It is fatuous to stand on one’s high horse while using a mobile phone. A more nuanced approach is required.

By the same token the Alternatives have been sorely disappointed, and remain rightly angry that the corporates haven’t responded much faster to their demands. From the clear evidence of continuing and fresh cases of serious community issues e.g. Marikana and Xolobeni, it is apparent that, despite nearly a decade of Alternative Mining Indaba’s many companies are still not converted to what Bello (2015) called “the new normal in extractive governance”. Another indicator of slow responses was that while the corporate Indaba formally received the Alternative’s declaration from 2015 onwards, it was reported by John via the *International Mining* (2018) website blog, that it took until 2017 for the South African Chamber of Mines to do so. This reticence appeared to be a reflection on their deep-set resistance to any change and inability to respect and value their own people’s situations. It is possible that South Africa is an extreme example, but perhaps not.

It is important to have some understanding about why this situation exists. There appears to be a corporate fear of relinquishing control and perhaps because of the unknown and a lack of understanding of how to manage social matters. Related to that, companies, especially small ones, do not have the capacity and experience to address these far less easily managed matters, unlike the usual technical areas at which they are so adept. Because social aspects are difficult to quantify and cost, and are uncertain, companies may be afraid too that the financial calculations being presented to investors will be shaky, which would be worrying. There may also be a fear of increasing costs. FQML recognized this factor in its 2016 AIF:

... the costs and management time required to comply with standards of social responsibility, community relations and sustainability ... have increased substantially and are expected to further increase over time (FQML, 2017, p. 106).

For example, it was important for companies to recognize, and accept, that just as there was a (sometimes massive) cost to ignoring or under estimating social and environmental matters, there is also a cost to investing (including in staff) in appropriately addressing them. Either way, clutching the investment/company purse too close would not be productive.

One very serious constraint to dealing more effectively with social matters is that of time – a precious commodity in the world of high finance and corporate deadlines and when the need to recoup a very large investment as fast as possible is the over-whelming priority. In contrast, working with communities, developing rapport and understanding of local situations and maintaining close contact for the life time of a mine requires a commitment to the opposite – constituting a major clash in cultures. Here-in lies another cost for the corporates, and the need for a significant change in mindset which will not be easy to achieve.

It is possible too, that the corporates mentally allocate community matters to governments who could be expected to understand local issues - and take responsibility for them. But un-fortunately this is rarely the case, as discussed further in Part Two. The deep-set level of resistance is therefore understandable, to some extent - but no excuse to continue to ride rough-shod over human rights.

### **Summary of Part One**

There has been a significant turn-around over the past decade and a half, thanks to the pressures exerted by the ‘Alternatives’ and their supporters. Despite a ground-swell of efforts to improve the mind-set and capacity of the corporates to take social (and environmental) issues seriously and address them more effectively, the industry, despite much rhetoric, shows few signs of having done so in practice. Reports from countries all over the continent show that there are still many serious human rights and environmental abuses. Such evidence suggests while admirable that the subject is now on the agenda, that the adoption of ‘Sustainable’ related sessions at the corporate Indaba, may be superficial window dressing. Other mining conferences are even further behind, still turning a blind eye to the social and environmental aspects of mining and continuing to ignore the increasing evidence that there is likely to be an economic cost for their omission. If the human rights and ‘social licence’ arguments weren’t convincing enough, the financial costs should surely motivate companies and thereby ensure the key stated objective of the *Mining Indaba*, that ‘the industry remains competitive’.

The ‘Alternatives’ were a diverse group with diverse interests and capacities and it wasn’t always easy to reach common ground with so many

serious issues which ranged from the very local and immediate to national ones. There was also divergence in views about what strategies to use to resolve these issues, in their ability to understand the bigger picture and their capacity to undertake strategic actions.

Consequently, it is something of a miracle that the movement flourished and expanded as it did but its survival clearly demonstrates how important and just their causes were, and still are. It is apparent that the ‘Alternatives’ are now better armed to deal with the corporates and have become a force to be reckoned with. They have clearly been empowered by education and the existence of social media and by being effectively linked up with public interest lawyers and the media, as well as being supported by some funding agencies. An outstanding issue is how donors can be helped to recognize the importance of their roles and for them to be reliably financially supported to play their important role, if a contribution from government or industry is not forthcoming.

One can question how much expanding the Alternative Mining Indaba agenda (and that of other mining conferences) has helped to educate and overcome corporate resistance. That can only be a starting point – and perhaps part of a public moral pressure for the industry to at least be seen to trying to take the subject seriously, and to change their mind set. Turning a massive ‘aircraft carrier’ around takes time but given the severity of human rights abuses occurring the industry needs to learn how to take short-cuts to doing so, if not for earning a genuine social licence then for economic reasons.

But the corporates and ‘Alternatives’ are not the only elements in this story for it is, as Kilcullen (2013) said in another context “it is ...a multi-player political eco- system ...”. The situation is also an indictment on governments and the regional agencies which are meant to be standard bearers and which have failed dismally to help prevent and address the multiple issues. Part Two of this article below will discuss their roles.

The bottom line is that it was shameful that it had to take an Alternative movement to force change — and shameful that the corporate responses have been so slow and defensive in their responses. Their behaviour has demonstrated a blatant lack of respect and valuing of the lives of other human beings in the name of corporate profit, as if we were in a past century. And as Davis (2015) said, the Alternative Indaba’s have shown that “The failure of African governments to protect the interests of the people is also cast into stark relief”.

History tells us that it has always taken considerable time for social movements to challenge powerful positions and create positive change and

the examples of the Indaba's and the mining communities clearly illustrates this unfortunate fact of life. But history also tells us that such change is possible when people come together as the Alternatives have done.

## **PART TWO: African Regional Mining Meetings and Others**

In parallel with the large increase in the number of corporate and 'alternative' mining conferences, there has been a plethora of meetings hosted by regional organizations. Attended by both government and non-government participants some conferences have even been initiated by church bodies (due to space limitations this latter aspect will be discussed only briefly). The regional conferences have also been focussed on exploring the issues arising from the large increase in mining on the continent and how to implement the AMV.

Part Two here describes and provides a commentary on the activities of regional agencies, and others, and how they relate to those of the corporate and 'alternative' conferences described above in Part One.

### **Africa Mining Vision**

Underpinning the various regional meetings has been the African Mining Vision (AMV) which was developed under the auspices of the United Nations Economic Commission for Africa (ECA) and the African Union (AU). The document, which was approved in 2009, was informed by a plethora of sub-regional, continental and global initiatives, including the Africa Mining Partnership's Sustainable Development Charter and Mining Policy Framework and the International Study Group (ISG) Report to Review Africa's Mining Regimes (see UNECA, 2011). In short, the aim of the AMV was to support 'Transparent, equitable and optimal exploitation of mineral resources to under-pin broad based sustainable growth and socio-economic development' (UNECA, 2018a). Its Action Plan was approved in 2011.

There were varying views about the value of the AMV. A Backgrounder prepared by the Africa Canada Forum (2013) for the Canadian government's attendance at the 2013 Cape Town *Mining Indaba* provides a useful overview and critical analysis of the AMV in relation to Canadian approaches to the extractive industry on the continent in which they are heavily involved. Paraphrasing, the article noted the AMV's innovative nature, in the way it established how mining can better contribute to sustainable local, national and regional development by using minerals to catalyse broad based development and foster economic diversification.

Makore (2014), the Zimbabwean Coordinator of Publish What You Pay campaign, was enthusiastic about the Vision, saying that “It represented the highest political affirmation that there was a need for a paradigm shift in terms of Africa’s current mineral regime”. But it was also pointed out in the Lusaka 2014 five years review meeting Concept Note (SARW, 2014) that “These developments notwithstanding, it is fair to say that there is not yet a single country where mobilization and organization around the reform agenda of the AMV is an overtly dominant political influence” (SARW, 2014). Later Kabemba (2017) was sceptical about how meaningful agreements such as the AMV were, noting in an article for the *Daily Maverick* that “Previous plans such as the Abuja treaty and the Lagos Plan of Action did not get traction.” Some CSOs representatives at the Alternative Indaba’s have also been critical of the AMV because it did not recognize the need to promote non-mining options for economic development, nor the right for communities to say no to mining or to address the impact of large-scale mining on the environment. Action Aid’s 2017 report on the AMV was much more critical (Action Aid, 2017).

Thompson (2013) who was present at the 2013 Alternative Indaba also noted the views of participants about the AMV, saying that some felt that its existence was a major achievement while others felt that it was ‘full of nice words’ but feared “... that governments cannot muster the political will to pursue and implement it.” Others anticipated that it would be implemented only very selectively, with most emphasis being put on collecting more revenue for central government coffers.

### ***Other Mining Related Regional Mechanisms, Agreements and Plans***

The International Study Group (ISG) on Africa’s Mineral Regimes report (UNECA, 2011) provides an overview of related mechanisms and declarations which have tended to focus on the harmonization of policies, laws, information systems, human resource development, occupational health and safety, programmes and strategies. The mechanisms include the eight African regional economic communities, the New Partnership for Africa’s Development (NEPAD), the African Peer Review Mechanism of 2003 and the African Mining Partnership of 2004. The AU based in Addis Ababa is the over-seeing body. The continent has a multiplicity of agreements and plans which at least partially address mining related issues, including African (Banjul) Charter on Human and People’s Rights of 1981, the Durban Declaration of 1997 emphasizing harmonization of policies and collaboration in the minerals (and energy) sector; the NEPAD’s mining objectives of 2000; the African Development Bank’s (AfDB) 2007 Natural

Resources Report, the AfDB's African Natural Resources Centre Strategy of 2015 and the African Mineral Governance Monitoring Framework (2017).

### ***Regional Agencies Supporting Improvements in the Natural Resource Sector***

Two regional agencies have been created to help support implementation of the AMV and have held conferences and skill building workshops. Others already existed and are also contributing to regional capacity building.

*African Minerals Development Centre (AMDC):* A regional body established in December 2013 to help implementation of the AMV, AMDC is based in Addis Ababa, with staff in five regional offices (central, northern, eastern, southern and western). Paraphrased, its mission is to work with member states and their national and regional organisations to promote the transformative role of mineral resources in the development of the continent through increased economic and social linkages. It provides guidance, standards and technical assistance for AMV-compliant strategies. It also acts as a focal point for best practice and a continental forum for countries, stakeholders and donors to discuss innovative ways to increase mining's contribution to sustainable development and poverty reduction in Africa.

*African Natural Resources Center (ANRC):* According to its website (ANRC, nd), the ANRC, which is based in Abidjan, was established in 2014 under the auspices of the African Development Bank with its role being to build capacity of member countries to manage natural resources, fisheries and forestry, lands and water i.e. is not just focussed on mining. The organization provides capacity development, policy advice and advocacy and works directly with governments, CSOs, the private sector, development partners and African regional economic blocks. It also provides technical input to the AMDC steering committee. Part of its responsibilities are to advise on the effective use of the financial resource wealth generated from oil, gas and minerals, including development of value chains and integrated use of infrastructure. ANRC interacts with the Alternative Indaba.

*UN Economic Commission for Africa (UNECA):* In 2007, about the time when the AMV was being developed), ECA hosted 'The Big Table' According to the meeting report 'Managing Africa's Natural Resources for Growth and Poverty Reduction' (UNECA, 2007) the gathering sought to advance discussions on the challenges of effectively managing Africa's natural resources for growth and poverty reduction on the continent and discussed an agenda for future action. Attending were Ministers and senior officials from eleven African countries and high-level representatives from four Organization for Economic Cooperation and Development countries,

and regional and international organizations. Representatives of research centres, the private sector, and NGOs also attended. ECA has more recently provided capacity building for senior policy makers and other stakeholders, including in contract negotiation.

*UNECA African Centre for Gender:* Another regional body with an interest in mining is the African Centre for Gender (ACG) which, according to its website "... provides technical support to member states to address gender inequality and women's empowerment through developing tools and providing evidence for policy formulation and effective implementation. It also facilitates the tracking and monitoring of the implementation of the agreed commitments and declarations." (UNECA, 2018b) The work of the Centre includes initiatives such as time-use studies, gender and macro-economic modelling, and gender statistics. An example of its involvement in the mining sector was a session on 'Shedding light on women in artisanal and small-scale mining' at the 2016 *Mining Indaba* in Cape Town.

*ACP/EU/UNDP:* The African, Caribbean, Pacific (ACP) Group of States, the European Union (EU) and the United Nations Development Programme (UNDP) launched 'A Development Minerals Programme' to support the low-value minerals and materials sector in the ACP. The sector includes the mining of construction materials, dimension stones, industrial minerals and low-grade metals and precious stones. It recognizes that these areas have close links with local economies and have the potential to generate more local jobs, and can, therefore, have a greater impact on reducing poverty. African countries are a major focus for its capacity building work (UNDP, 2015).

*Natural Resource Governance Institute (NRGI):* Although an international rather than a regional organization the Natural Resource Governance Institute (NRGI) also plays an African regional role. Paraphrased from its website, (NRGI, 2014) the organization is an independent, non-profit organization which provides policy advice and advocacy infused with lessons learned in the field and with insights developed through rigorous research. It grew out of a merger between the Revenue Watch Institute (founded in 2002) as a programme of the Open Society Institute and the Natural Resource Charter in 2014. It shares knowledge and experience freely with policymakers, accountability actors, and the global campaign for improved international norms. Fifteen African countries are of a focus for its work and the organization works with community-level civil society groups, media, the private sector, governments and the leaders of global institutions. It has Africa Anglophone and Francophone hubs.

## **Regional Meetings**

The regional meetings held have involved both government officials and those focussed on empowering civil society to assist implementation of the AMV, and include the following:

### ***Inter-Governmental Fora***

*Annual Ministerial Level Meetings:* The region's ministers with responsibilities for mining have a number of coordinating mechanisms, the main one being the annual ministers' conferences, the first one being held in 1996 before the rate of mining accelerated. The UNECA report (2000) on one such meeting provides an outline of the type of subjects discussed.

*Extraordinary Ministerial Meetings:* On occasions special meetings are also held at the ministerial level such as the Extraordinary Conference of African Ministers of Mineral Resources held at Victoria Falls, Zimbabwe, organized by the African Union Commission (AUC) in 2014. According to the report of the meeting (AUC, 2014) the objective was to discuss and ensure ownership by African countries of the newly created AMDC. Experts were also gathered there to develop an institutional and sustainable framework for the establishment of the new agency. The meeting was attended by representatives of AU member states, the Regional Economic Communities, UNECA, UNDP and other African Union key partners.

One speech quoted in the report reinforced the message being related by CSOs and which was unusually frank and sounded more like something they would have said, than coming from government. The Zimbabwe Minister for Mines described Africa's mineral wealth, then:

... deplored the fact that in spite of this rich mineralization, African people are still in poverty. Based on this flawed framework, most of the mining deals and activities on the continent have been opaque and detrimental to Africans. Corruption by both Public and Private sector players has compounded the malaise. Secondly, mining in Africa has been largely extractive without beneficiation or value addition. This has led to African countries exporting cheaply priced raw commodities, while importing expensive refined products.

*Inter-Sectoral Ministerial Meetings:* Ministers responsible for other sectors related to mining also meet e.g. the first meeting of Ministers for Health and the Environment formulated the Libreville Declaration on Health and Environment in Africa, on 29 August 2008. It was attended by 300 people, including twenty-two ministers for the environment and twenty-six

health ministers. The bulletin published by the International Institute for Sustainable Development (2008) noted that the meeting aimed to obtain commitment for reducing environmental threats to health and sustainable development. The bulletin also listed the many and varied issues, declarations and agencies involved, which again emphasise the complexity of sustainability issues, many of which are related to mining. The Libreville Declaration prepared by WHO/UNEP (2008) itself notes "... the emergence of new environmental risks (climate change, industrial expansion, and new technologies) presents new threats to public health."

*African Mining Partnership Inter-Governmental Forum (AMPIGF):* Another annual forum for mining ministries is the Inter-Governmental Forum which arose out of the partnership of the 2002 World Summit on Sustainable Development. As described by Bourassa (no date) the Forum was initiated in 2004 through the Global Dialogue promoted by South Africa and Canada as a contribution to achieving sustainable development and meets annually. Participants include government mining ministry experts as well as stakeholders, including from the industry. Globally membership includes sixty countries, many being African. The Partnership's role is voluntary, advisory and consultative, it collaborates closely with UN agencies and it provides an opportunity for sharing of experiences and makes recommendations on best practices regarding social, environmental and economic issues. The programme for the 2017 meeting can be found at AMPIGF (2017).

*Africa, Caribbean and Pacific (ACP) Meetings:* Mining ministers and government technical staff are also involved in ACP meetings, including through the ACP-EU Development Minerals Programme which was initiated in 2012. The UNDP Inception Report (2015) provides an overview of its activities.

*European Union (EU)/Commission/African Union:* An EU/AU (2014) press item describes another example of technical cooperation on natural resources including discussions on minerals, infrastructure and investment. The activities are part of the Joint Africa/EU Strategy.

### **Regional Conferences Supporting Civil Society**

A number of conferences have also been hosted by regional agencies since 2012 specifically to support the involvement of civil society in the implementation of the AMV. The meetings included the following, with some of the key points raised highlighted:

*African Mining: From Boom and Dislocation to Boom and Transformation, The Economic Commission for Africa Consultative*

*Meeting, June 2012, Accra:* According to the UNECA press release (UNECA, 2012) it was attended by CSO participants from twelve countries, as well as representatives of regional and UN technical agencies. Organized by the African Initiative on Mining, Environment and Society (AIMES) and the Africa section of the International Trade Union Confederation, it had financial and technical support from AusAID and ECA. The meeting sought to strengthen the understanding of the AMV and its action plan among CSOs and provided a platform for them to strategize on their advocacy work from a more knowledgeable position on the AMV and its processes.

*14<sup>th</sup> AIMES Review and Strategy Meeting, The Africa Mining Vision: From Promise to Realization, August 2013, Accra:* According to the Third World Network Africa news item (TWNA, 2013) it was hosted by AIMES and attended by forty representatives of CSO's and key social constituencies from across Africa in order to develop a common perspectives on the challenges of realizing the African Mining Vision. The objective of the conference was to: increase members' knowledge of the content and processes around ongoing mining reform agenda at various levels; define an advocacy agenda and strategy for the network and agree on ways of strengthening AIMES and enhancing its outreach to other networks and constituencies.

*Building Constituency for the Realisation of the African Mining Vision (AMV), May 2014, Johannesburg:* The conference was organised by the Third World Network Africa (TWNA), the Open Society Initiative for Southern Africa (OSISA) and SARW. According to the organizer's report (see TWNA, 2014) thirty-five CSO activists, trade unionists and journalists participated. The meeting had a similar goal to that of the Accra meeting. Discussions focussed on various aspects of the AMV, namely its context and key features; tax regimes and illicit financial flows; community concerns; gender aspects; mining sector linkages and clusters; labour issues and collaboration among trade unions, CSOs and journalists.

Some points were made which are worth mentioning: the speaker of the first session, Graham, "... offered a cautionary analysis about the stop-start reform efforts of the past few years and what that says about the political will of governments" (TWNA, 2014, p.2). The second speaker from UNECA listed the following amongst the key factors required for success of the AMV, including: conducive policy space, political will, state capacity and the development of requisite alliances (TWNA, 2014, p. 2). It was noted in the session on tax that it was a complicated area; that if steps outlined in the AMV were followed the reports of financial mismanagement would be

solved; that unfavourable contracts should be re-negotiated and that corruption was a major issue (TWNA, 2014, pp. 5 and 6).

Kabemba was reported as noting (quoted in TWNA, 2014, p.6) "... that mining has not fulfilled its promised poverty reduction role...". He also pointed out (p.7) that some desirable initiatives to advance the interests of communities, such as the allocation of part of mining revenue through, for example, Sovereign Funds and Trusts, suffered from lack of, or poor, implementation.

Hargreaves (cited in TWNA, 2014, pp.7-10) was reported to have provided a more academically oriented description of 'extractivism', including how it had generated considerable resistance e.g. the platinum workers strike and the Marikina massacre, because of the nexus between ruling party, state and corporates. It was stated that the AMV contained significant advances to hold corporates accountable and increase revenue for public services and a national development agenda but that the 'extractivist' model remained largely un-transformed. The speaker also made a very important point that was not raised elsewhere i.e. that if proper cost benefit analysis was done [ie including the cost to the environment and community] most projects would not provide the necessary returns on investment and would not proceed to implementation. It was also noted that the AMV does not demand an end to mining but that it be conducted on very different terms. It was also said to lack a gender analysis and attention to climate change, although it was also indicated by another participant that these issues were partly dealt within the 2011 Action Plan (TWNA, 2014, pp.7-10).

The discussions were reported to be wide ranging and that participants learnt a lot about the AMV and the challenges and complexities of implementing its plan, and that they were inspired to think about how they could contribute to that process.

*Five Years of the Africa Mining Vision: Strengthening Networking of CSOs and Social Constituencies for More Effective Policy Influence, November 2014, Lusaka:* According to SARW's report (2014) it was organized by the Third World Network-Africa (the secretariat of AIMES.) Attendees included UNECA, AMDC, UN Conference on Trade and Development, Mapungubwe Institute, TWNA, SARW and Citizens for a Better Environment. Thirty-five activists and trade unionists attended. It was purposefully held immediately before the Extraordinary Conference of African Ministers of Mineral Resources held at Victoria Falls (although it was not stated how the findings were fed into the Ministerial event).

SARW reported that the meeting aimed to evaluate the progress in implementing the AMV and to discuss ways of strengthening networking

among Pan-African networks and organizations in order to contribute to the realization of the Vision. The Concept Note made an important point - that “The AMV and its Action Plan embody key reform demands that CSOs and various social constituencies had been making in respect of the mining regimes prevailing across Africa ...”. This wasn’t entirely true and a question also to be answered was how far had implementation gone for what had been included?

The programme for the meeting included: official perspectives on the record of AMV implementation; the role of the AMDC; regional activities, progress and challenges; perspectives on implementation; implications of global mineral trends for the AMV agenda; competing mineral governance frameworks and fragmented African responses; funding; what needs to be done and moving towards an agenda for citizens’ activism and policy engagement on the AMV

The description of the AMV was reported to be particularly appreciated by participants and set the scene for the wide-ranging discussion. Kabemba (2014) of SARW, in concluding Session Three underlined “... that the AMV and its Action Plan are progressive and people centred and give civil society a legal instrument on which to base its demands.” But he added that “The problem with Africa however, was said to be the disjuncture between policy and implementation.” The conclusions appeared to be similar to those of other conferences – and not very hopeful that matters were improving.

*The Pan-African Conference for Civil Society Organisations to promote public participation in natural resources policy, November 2015, Johannesburg:* The African Development Bank Group news item (2015) reported that funding was provided by the Graça Machel Trust and that forty-five CSO representatives from thirty African countries were brought together to “... to discuss ways to foster inclusive and sustainable development through public participation in natural resources policy formulation.” According to the report prepared after the event by ANRC (2015b) the conference provided a platform to discuss key challenges and opportunities for consultative dialogue between CSOs, governments and investors. The discussions focused on physical and social environmental protection, land and resources development, accountability and gender equity. It was also expected to “... explore modalities for the provision of support and working with CSOs ...”. According to the news item, both Machel and Khama (the latter the ANRC Director) were reported as noting that NGOs were the voice of the people and had a duty to represent them and broker trust between them and government and investors i.e. they were legitimizing the role of CSOs

(and tactfully not pointing out that they were picking up the slack left by governments).

Dr Moyo of the Mandela Institute for Development Studies raised a challenging point. Commenting about the funding of CSOs, he point out that they “had to be seen as legitimate by local governments and should therefore be very careful in sourcing the bulk of the funding from outside the continent ... because many governments are of the view that international funders have their own negative, foreign driven agenda in funding African CSOs.” Consequently, he felt that the matter “of raising funds locally had to be addressed as a matter of urgency.” But it was not described in the short news report where such local resources might be available.

The full meeting report (ANRC, 2015) concluded that the event had been a useful first step but that the program focus required more thought, especially since working trans-continently was expensive and required a very strategic approach in order to cater efficiently for diverse constituents and needs. It was decided that information dissemination was an important first step, with the creation of “a data base of case studies, knowledge tools, laws, policy reviews and related pieces of practical information.” It was thought that such information could usefully be the foundation for constructive dialogue between CSOs, constituents and policy makers. The second step was to identify potential partners at the regional and country level and also collective initiatives which could capacitate CSOs in specific environments. The need for transparency and accountability amongst CSOs was also mentioned, as was the need for CSOs to be knowledgeable about national policies and laws governing natural resources and land tenure.

### **Other Organizations/Churches**

During this intensive period other organizations also provided support to countries to improve their management of natural resources, including bilateral donors such as Australia and the EU, and international organizations such as the Commonwealth Secretariat and World Bank. Members of the Churches too, as part of the CSO movement, were also active in raising issues, both on the ground with the help of local priests and through groups such as Caritas, as well as through the support and advocacy interventions of Bishops. In addition, concerned about global problems associated with mining, a major ecumenical conference on mining was held in Toronto in 2011 (Primate’s World Relief Fund, 2011). The following year the Zambian Council of Churches held a one-day Mining Stakeholders’ meeting in Lusaka. The Vatican also became involved in 2015, hosting a three-day meeting and releasing a Papal encyclical entitled *Laudato Si*, or ‘On Care for

Our Common Home’ (Vatican, 2015). This document, although it was not just Africa nor entirely mining focused, highlighted the Church’s concerns about the need to protect the rights of communities and the environment.

## **Discussion**

The above description only provides part of the picture of post-AMV activities but they did raise a number of key points. This discussion is limited by space to a few key aspects:

*Coordination:* It is also apparent from the above descriptions that there is an ‘alphabet soup’ of organizations, both government and non-government, involved at the regional level, making for a very crowded scene. Consequently, a major issue is how to ensure effective coordination and cooperation between these organizations and prevent overlap and duplication of effort – and also to ensure understanding of each other’s situations and contributions. This need does not just apply to the mining focussed sector but also to sectors which are closely related to it e.g. health, continental trade, environmental protection, industrialization, energy and transport corridors and regional infrastructure. These complex factors present considerable obstacles to smooth implementation.

*The African Mining Vision:* As admirable as the AMV objectives and implementation attempts have been, progress is reported to have been slow, un-even or even non-existent in some areas. This was despite the plethora of agreements and conferences which have taken place over the past decade or so and the various country-specific follow-up activities which would have taken place. This situation is clearly evidenced, at least partly, by the continuation of so many serious problems reported by many communities in many countries, as described above in Part 1. The situation is also recognized by governments and regional organizations themselves, as expressively described by the Zimbabwe Minister at the 2014 Victoria Falls meeting, as described above. Kabemba noted at the 2014 Building Constituency meeting (TWNA, 2014) that the AMDC was fully donor funded, illustrating the lack of commitment by African countries to this important focal point for action (but this is not unusual for AU subsidiaries).

*Accountability:* An astute participant at the 2015 Johannesburg Pan African ‘Realization’ meeting asked what would happen if a country chooses not to comply with the AMV? (ADBG, 2015, p. 6). No response was provided but the answer presumably is, nothing, as there is no official form of sanction for failing to follow the requirements. Ginindza (2015) cited Open Society Foundation’s Grey-Johnson as also raising an important point about the role of regional bodies in ensuring maintenance of standards, He

even went as far as saying that "... the most culpable organisation exploiting mining communities was the AU, which had not implemented the conventions and principles that it had ratified." and that "There is lack of political will which leaves these principles merely on paper and it makes it easy for external forces such as companies to exploit and do as they please" (p. 3). It seems to be left up to the CSOs, yet again, with the help of the media, to shame governments into action.

*Political Will and corruption:* It is also apparent from the experiences of many countries that the lack of political will to ensure active follow-up and the widespread presence of corruption at many levels have contributed to the slow rate of progress. The ISG Report (UNECA, 2011) failed to mention that while African countries as a whole, by and large, have not benefitted significantly from their minerals, this was not true for local elites. Members of this group has done very well from their involvement in the multiple regional organizations, mine boards, mine shares, government management, contracts for goods and services, either directly mine related, or indirect, and some (at various levels) from corrupt practices within the industry. Such an elite may well prefer maintenance of the status quo and be in no hurry for reform and may even actively undermine such processes.

Also, little sense of preserving benefits for the long term appears to exist - rather, there is a desperate focus by country leadership on 'making hay while the sun shines', and that mining money is easy money to be grabbed regardless of the cost to local communities and the environment.

*No Mining Option:* The point raised by CSOs about the AMV failing to recognize the need to also consider non-mining options for economic development was important. In the lust for short-term financial gains there appears to be a presumption that mining will be approved, as if all inevitable issues will somehow magically be resolved by the company. For example, some geographical areas for environmental reasons should probably never be mined e.g. fragile (and indigenous) territories such as Namibia and places with extra-ordinary flora and fauna like Madagascar. These are places where other far less damaging alternative economic opportunities ought to be strongly supported even though they might be slower and more difficult to implement. There also appears to be little recognition of the right of communities to say no to mining for cultural and other related reasons, such as those at Xoboleni in South Africa, where most community members have been trying to refuse sand mining. In Zambia the President has the right to over-rule any such local opposition 'in the national interest.'

*Climate Change:* Bond (2015) has also pointed out the significance of mining's high energy (and one could add water) usage, often in places where

they are already in short supply, and the industry's contribution to climate change, an issue which he felt the CSOs in Cape Town were being remiss in not picking up on. These aspects need to be raised much more frequently - and not get lost in the enthusiasm for the 'mining is worth the cost' mantra which currently prevails. There is also an associated issue where governments provide companies with subsidised electricity but does not do so for its own poor people.

*Increased National Benefits:* One of the major issues raised at conferences was the need to increase national benefits from mining. Kabemba (2017) discusses the issues and what needs to be done. Such steps mean, among others, increasing transparency of contracts and allocations of a fair share of benefits (whatever the definition of a fair share is), but also improving reliability of legislation to ensure investor confidence. The latter has been a constant problem in some countries over the past decade.

An important question is why African countries have not been obtaining a larger share of the of mining royalties. Zambian journalist Mbulo reported *Africa Confidential* editor Patrick Smith as recommending that people read UNECA's (2015) report on illicit financial flows, (also known as the Mbeki Report), to see the extent to which the continent was ripping itself off by not obtaining a greater share of profits. Going further, Mbulo quoted Smith as saying "Why is that done? It's done because of corruption," Smith adding that "Corruption is a facilitation payment for a bigger crime which is under-selling the resources of Africa, therefore undermining economies." (Smith, cited in Mbulo, 2016)

But the view that an increased share will be beneficial for a country's people needs to come with a warning. Simply increasing government's share and reducing the outflow will not necessarily ensure a better deal for communities for there is a high risk that the vested interests of the elite may determine that they are diverted elsewhere. An example comes from the Democratic Republic of Congo's successful efforts to out-manoeuvre the mining corporates in 2016/18 to improve the national share - which sounds like a positive development. In 2018 *Paydirt* reported the story with the headlines 'How Congo faced down world's biggest miners' and 'Congo caught out by Kabila stance' (*Paydirt Media*, 2018). However, Kabemba and Kambale (2018) suggest that this success was achieved in a way which will ensure that the returns "will remain in a few select hands...", as they have done in the past. Evidence that all may not be well with new agreements to increase government's share comes from an even more recent example where Congolese Mining Minister Kabwelulu, speaking at a Kolwezi mining conference, was quoted by Casey (2018) (if accurately reported) as very

firmly saying that: “It is not the place of any participating party, whether civil society, mining companies or even the government to try to call into question the text governing the mining sector ...”.

While one can admire a Minister for standing up to the corporates, the statement that not even government (let alone civil society) can question the new legislation is worrying, to say the least. The other likelihood, as seen in a number of countries, including Zambia, Zimbabwe and Kenya, is that mining income is an easily controllable source of income for helping a ruling party to retain power. The diversion of such income (away from social and other sectors) readily enables the building up – and buying off, of the armed services and police, thereby allowing them to use intimidation and force to pervert democratic processes.

Also, in regard to another problematic aspect of mineral wealth Berman *et al* (2017) reported that “We find a strongly significant and quantitatively large impact of mining activities on the likelihood of conflict incidences.” Their findings also suggest that “... the historical rise in mineral prices (commodity super-cycle) might explain up to one-fourth of the average level of violence across African countries over the period [1997-2010]”. This is another reason why one shouldn’t presume that increased mining wealth will be good for a country.

*Multiplicity of Constraints:* The reality is that the issues involved are complex and multi-sectoral and consequently cannot be solved over-night. For example, any revision of national legislation or policy development is, by its very nature, a tedious and lengthy process. Another issue is that the human resource capacity of governments necessary to improve its governance of natural resources is often weak and made worse by the extent of the African ‘brain drain’. This movement includes not just loss of the best-educated to overseas countries but also losses of staff from government to mining companies, especially given that they offer much higher salaries. The issues run across sectors and all levels of government and communities and they are not just national but also regional, which complicates matters even further.

*Achievements:* By the same token there have been some achievements. Supporting policies and infrastructure have been put in place, with the establishment of the AMDC and the ANRC and some substantive technical support provided to countries. However, they are probably a drop in the ocean given the extent of the need. It is also wondered how much conference participants, including ministers, have actively followed-up when they returned home, and if resources were available for them to do so.

Another achievement has been an increasing number of countries signing up to the Extractive Industry Transparency Initiative (EITI), which has been strongly supported by donors. According to its *Progress Report* (2018) there has been a gradually increasing membership and improvements in financial openness. However, not all countries have maintained their EITI compliancy status or membership and still only about half of African countries have signed up. Further research into country specific outcomes, such as the amount of improved legislation and policies might reveal some progress, although how many are just on paper and not in practice is another matter.

In some respects too there has also been some positive progress regarding social matters which have received much more recognition. This included public recognition of the importance of the role of CSOs, with the AMV, the AfDB Strategy and by both Machel and Khama. UNECA (2011) also noted in its report on Minerals and Africa's Development, how their role was now recognized and that CSOs were "... filling gaps in enterprises and state organizations ...". Even government officials were being seen to be taking note of what CSOs were saying, albeit somewhat grudgingly, as were the corporates.

Evidence is also provided by the regional agencies holding various conferences devoted to strengthening CSO capacity, including helping to address what Graça Machel mentioned in Cape Town about them needing to be more factual and strategic in their advocacy work.

*Continuing issues:* But as Bishop Seoka pointed out at the 2015 Alternative Indaba in Cape Town, there were still many very serious problems occurring, as there were reported to be in subsequent years:

Although we have raised these matters for some years, we continue to learn of the continued impoverishment of mining communities, and labour sending communities. These stand in stark contrast to the massive profits of the share-holders and chief executive officers.

Communities continue to cry out against the new rush for mining and extractives profits, which defy all norms of fair play, consultations and negotiations with communities. We have observed a blatant disregard for human rights and a continued externalisation of mining costs (Seoka, 2015).

In hindsight one could also add that despite the fact that the CSO campaigns have revved up considerably since 2011, and they have been involved in various regional conferences the above conclusion largely remains current in 2018 – and one could well ask why.

It was also observed that the current situation of increased collaboration with governments posed a dilemma for CSOs, as described in the Concept Note for the 2014 Five Years review meeting in Lusaka:

This convergence of the new official direction with demands from society has delegitimized the hostility with which official circles in many African countries tend to respond to reform demands from society. [but] This objective fact has however not improved the stance of key state institutions in many countries towards advocacy pressure from CSOs and unions. Thus ... struggles continue.... (SARW, 2014a).

On the other hand, there are examples of communities, with legal support, flexing their muscles as Bruce et al (2017) discuss in their paper about how three South African community networks have taken the government to court over weaknesses in its content and lack of consultation about the new Mining Charter.

### **Conclusions on Agreements and Regional Conferences**

The approval of the AMV and its Action Plan, and the establishment of the AMDC and the ANRC, the various related agreements and the plethora of regional meetings, illustrate that the right sentiments are being expressed by the AU and African leadership. Also, support has been given to CSOs and government technocrats to improve their capacity to address mining issues. The technical support meetings presumably have had concrete outcomes, but it is not clear if the same can be said for the ministerial level meetings.

However, it could be said that these efforts have been too little and too late, for while the mining boom started in the early 2000s (and there was much going on before that) the African Mining Vision only came into place in 2009 and its Action Plan in 2011. The AMDC was put in place only in 2012 and is still not fully functional, while the AfDB unit ANRC was only established in 2014. Despite the many pressing needs and the many conferences that have been held, progress has been slow, almost 'glacial'!

It is also apparent that implementation is far from being comprehensively, effectively and urgently carried out, as reports from the Alternative Indaba's and the media show, and about which the Zimbabwean Mining Minister at least, was well aware. In some respects this situation was understandable, given the challenges and complexities involved. In other respects it was inexcusable that government leaders haven't been sufficiently active in providing the political will needed given that people's livelihoods and well-

being are affected and that there is so much poverty to alleviate, especially amongst mining communities.

“Much ado about responsible mining in Africa yields few results”, as Malcolm Damon (2017) of the Economic Justice Network wrote about the 2017 Alternative Mining Indaba after listening to stories from mining communities such as Marikana. As he said, “Africa is still burdened and not blessed by its natural resources.”

### **Conclusions Regarding All Mining Conferences**

What is particularly striking from this overview of the past decade and a half of the conference scene is just how many are now being held each year, of all types, and how many different types of players are involved. Especially impressive has been the increase in the number and locations of Alternative indaba's, including much involvement of the churches. They have had significant impact on at least some of the corporate conferences and governments. It is also notable how regional subsidiaries were created to provide technical support to AU member countries and their recognition of the important role of CSOs.

The increase in the number of conferences being held has clearly enabled a significant continent-wide public airing of the issues surrounding mining and the need, and urgency, to improve the situation, both for countries and their mining communities. Also, African conferences have contributed to the global movement to improve the social and environmental aspects of mining.

Thanks to the persistence of the ‘Alternatives’ (regrettably not governments) since 2010 it is apparent the corporates can no longer ignore the social aspects of mining or the role of CSOs – which many had been doing despite developments promoted by ICMM and others. As an *InfoMine* (2015) commentator said about a forthcoming corporate conference “Societal expectations are becoming more exacting ... but it is right and proper that the mining industry rises to the challenge”. While this was rather magnanimously stated, it does illustrate the extent of pressure being exerted on the corporates by civil society by 2015, and their recognition of the risks to their projects if they do not cooperate. However, the response of corporates to the issues raised could be interpreted as being more due to fear of negative publicity, and of financial losses and delays than to any genuine changes in mind-set. This is likely to be due to the inherent clash of cultures, as mining developments need to move fast while social aspects are invariably complex and slow-moving and few mining companies (at least in the past) had the appropriate social skills and knowledge amongst their skill sets.

Many smaller ones still do not. Consequently, it is apparent there is still much more work to be done with, and by, corporates.

The developments do indicate that there has been a slight change in the balance of power. However, there is still a very long way to go as evidenced by the continuing reports of significant problems occurring. Also, with the many efforts to coordinate diverse players and develop regional and country plans there appears to be a risk that the immediate needs of those downstream may be neglected for example, those communities whose lives are currently being negatively affected by mining. There is obviously a need to exert a careful balance of attention between the different levels.

While the AU has the major responsibility for overseeing many of these developments it has a complex set of (unruly?) players to orchestrate, and as has been pointed out, it lacks the teeth to enforce action. Consequently, the only real pressure on governments to implement AMV objectives comes from the CSOs, not from the AU. The independent media has also played an important role, especially in amplifying the CSO/community issues and has been an effective tool for making the corporates, and government, take notice. Social media too, is increasingly helping CSOs with their work while an independent judiciary will be important in following up effectively on cases brought to justice.

It became clear from this review that the partner primarily responsible for making significant changes to the mining sector were governments and how little effort they seemed to be making to proactively be doing so at the country level. They appeared to have largely abdicated responsibility for ensuring action, with ministers largely being enticers and guests at conferences, not initiators of corrective actions, nor being honest about the realities pertaining to their country's situation. As journalist Davis (2015) observed from the 2015 AMI "The failure of African governments to protect the interests of their people is ... cast into stark relief."

Good (2018) also reminds of government officials and military leaders who sometimes have very close (and personal) links to mining companies, such as in Botswana with DeBeers, Nigeria with Shell, Zimbabwe's ZANU-PF with the Marange fields and South Africa's Ramphosa with Lonmin. In such situations, a government is hardly likely to support community interests over their own, and they remind us of the point made earlier about the prevalence of corruption in such highly profitable enterprises. But a different aspect related to governments' involvement is that of sectoral priorities and which ones are favoured. An example from South Africa illustrates – and yet again the focus is on easy, immediate gains and the damning of the future:

An official at water affairs says the department struggles to get other departments to respect the need to protect water sources. “There is a real disconnect. We’re this incredibly water-scarce country but, whenever we try to ensure our water is preserved, we get told that there are other realities at play (Kings, 2015).

It is also obvious that supporting mining, with the corporates doing most of the work, is a relatively easy way to increase national revenue and it is only too easy for them to ignore the real costs, especially when other income generating alternatives are far less remunerative and require much more work. Being able to attend the many and invariably costly conferences, where fancy hotels, jolly group photos and trips to the Falls and Table Mountain are enjoyable and attractive - and make it easy to ignore and forget the harsh realities being experienced by so many mining communities around the continent. It is much easier to talk and develop policies and declarations than to ‘walk the talk’. As Kabemba was quoted as saying there is a “... disjuncture between policy and implementation” (TWNA, 2014, p. 7).

However, the situation is gradually improving with laws and policies becoming more appropriate and social aspects increasingly being taken into account, at least in some countries, and to varying extents. Civil Society, even though uneven in its capacities, has every right to be proud of its efforts over the past decade or so. But it still has strong grounds for complaining bitterly along with the affected communities.

The harsh reality is that reforming the mining arena is a complex and time-consuming set of tasks and not easy to address, even in the best of circumstances. Given the complexities it would be naïve to expect a full transformation, even within a decade. However, that is not to excuse nefarious, neglectful, obstructive and damaging behaviour by elites – which must be a priority to address and requires keeping ‘the heat’ on to turn that part of the system around.

To conclude in the words of South African activist, Percy Makombe of the Economic Justice Network : “These communities seek justice, not to be rich. Surely that is not too much to ask?” (quoted in Masango, 2010, p.9).

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