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**AN ASSESSMENT OF THE SUCCESSES AND CHALLENGES
OF THE AFRICAN MINING VISION IN ADDRESSING
SUSTAINABLE DEVELOPMENT**

By

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“Behold, I will do a new thing; now it shall spring forth; shall ye not know it? I will even make a way in the wilderness, and rivers in the desert” – Isaiah 43 verse 19

All the glory, and praise goes to the Lord Almighty for making this dream possible. I am grateful to God for granting me with wisdom, knowledge, inspiration and strength throughout this journey. I am a living testimony that no matter what life throws at you, with God by your side, he can bring any vision to fulfilment.

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ABSTRACT

In 2009, the African Mining Vision (AMV) was adopted. The aim was to improve governance practices in the extractives sector and to ensure that mining revenues contribute towards the development of the continent.

This study sought to ascertain the successes and challenges of the AMV in achieving socio-economic development in Africa. Using Kingdon's multivariate and crisis-driven model, the study encapsulated both a desktop and case study approach to analyze the challenges and successes of the AMV.

The study finds that as a development framework for the extractives sector, the AMV has a lot of potential. Its biggest challenge is that most Member States are implementing it in a piecemeal manner choosing to focus on specific areas of reform. The existence of support from the AMDC seems to be inadequate to push Member States to undertake a full comprehensive alignment. At a Member States level, several challenges exist which impede the implementation of the AMV. These include minimal capacity to undertake geological surveys, limited skills base to undertake technological advancements in the mining sector, limited capital to undertake mining and hence a continuous dependence on foreign capital, absence of industrialization strategies and linkages between national, regional and international markets. Linked to these challenges are the existence of stabilization clauses which exist in previous contracts which were signed between Member States and multinational companies.

The key major strength of the AMV is that it creates a policy dialogue space for Governments, the mining sector, mining communities, small-scale, artisanal miners, and the private sector to discuss issues pertaining to mining. Secondly, it places mining at the centre of sustainable development. The third strength is that the AMV has both a political and sustainable development support from all Member States of the African Union (AU). This is important to achieve a paradigm shift from exporters of raw materials to processors of natural resources. As noted in this study, at least a few Member States have started to domesticate the AMV at a national level as illustrated by the countries that were assessed in this study. The study concludes that the AMV has great potential but requires commitment at a national level to enable it to achieve its continental objectives and the envisaged socio-economic development in the AU Agenda 2063. Further, it is too early to attribute specific results to the AMV. Hence, the study recommends that Member States should commit financial resources to domesticate the AMV, develop industrialization frameworks that are harmonized with regional, and continental trade policies.

LIST OF ACRONYMS

AfDB	African Development Bank
AMDC	African Minerals Development Center
AMV	African Mining Vision
APRM	African Peer Review Mechanism
ATAF	African Tax Administration Forum
AU	African Union
AUC	African Union Commission
CMV	Country Mining Visions
ECA	Economic Commission for Africa
EITI	Extractive Industry Transparency Initiative
FPIC	Free prior and informed consent
GDP	Gross domestic product
KPCS	Kimberly Process Certification Scheme
IMF	International Monetary Fund
ISG	International Study Group
MDGs	Millennium Development Goals
MEM	Ministry of Energy and Mining
MMP	Mines and Minerals Policy
MS	Member States
MVM	Mineral Value Management
NMMP	National Mining and Minerals Policy
OAU	Organization of the African Union
OECD	Organisation for Economic Co-operation and Development
REC	Regional Economic Communities
PWYP	Publish what you pay

PPP	Public Private Partnerships
SADC	Southern African Development Countries
SAIMM	Southern African Institute of Mining and Metallurgy
SDGs	Sustainable Development Goals
SMMRP	Sustainable Management of Mineral Resources Project
STEEP	Social Technology, Economic and Environmental Policy
SWF	Sovereign Wealth Fund
UEMOA	Union Economique et Monetaire Ouest Africaine
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECA	United Nations Commission for Africa
US	United States of America
WoMin	Women in Mining Organization

KEYWORDS

African Mining Vision; Domestication; Economic growth; Extractive industries; Member States; Policy framework; Resource rich; and Sustainable development.

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CHAPTER 1: INTRODUCTION, BACKGROUND AND RESEARCH METHODOLOGY

1.1. Introduction

The role of the extractive industries has always been a debatable issue especially, in the development sector. Proponents of development argue that mining significantly contributes towards the socio-economic development of national economies.¹ On the other hand, environmentalists bemoan environmental degradation resulting from mining activities while sociologists and lawyers highlight the inequalities and human rights abuse experienced in the mining sector.² The middle school of thought argues that mining can be useful in achieving sustainable development if revenues were shared equitably and the environment rehabilitated as advocated by Auty *et al.*³ These schools of thought have provided prominence to the development model commonly known as the neo-extractives model.⁴ These sentiments are echoed in Africa where the mining sector does not seem to be bringing about development nor industrialization.⁵

Central to the mining sector in Africa is the question of who owns mineral rights and how are they acquired? The aforesaid raises a question whether the acquisition of mining rights by foreign companies are benefitting the local communities and economies where the minerals exist. Hence why the question becomes central as postulated in the “African Union Agenda 2063: The Africa we want”.⁶ This is because the global development pattern reflects a system where resource-rich African countries have continued to be exporters of raw mineral resources whilst the recipients have achieved very high development levels.⁷

¹ Dorin *et al* (2014) 4 IJoARiAFiMS p155.

² Ballard & Banks (2003) 32 AroA p287 & Dudka & Adriano (1997) 26 JoEQ p590.

³ Auty *et al* (1998) pps181-226.

⁴ Stiftung (nd) “The Africa Mining Vision – Can business as usual be visionary? Perspectives from four regions” <https://www.rosalux.de/> p3 Accessed 3 August 2018.

⁵ Jaskoski (2014) 64 WD p873.

⁶ African Union Commission “Agenda 2063 – The Africa we want” (2015) p1.

⁷ Page & Shimeles (2015) 27 ADR p17. Daily Maverick (2017) “Africa needs her mineral wealth to benefit the continent” 13 October 2017 Daily Maverick <https://www.dailymaverick.co.za/> Accessed 3 August 2018.

Many European countries continue to import minerals from Africa through international trade agreements such as World Trade Agreements.⁸ Meanwhile, countries such as China has strategically positioned itself as both an importer and exporter, which has led it to develop its economy faster than most resource-rich countries in Africa and Latin America as posited by Pilling.⁹

1.2. Background to the research problem

In 2002, the African Union (AU) was established to replace the Organization of the African Union (OAU) whose primary purpose was to both politically and socio-economically liberate the African continent.¹⁰ Over time, it became evident that although many African Member States (MS) had become independent, mineral wealth was achieving structural transformation.¹¹ Fliess *et al*/confirms the aforesaid argument by suggesting that mineral resources were extracted mostly for exports outside the continent and became disconnected from national economies.¹²

Africa is well endowed with natural resources, but poverty is on the rise.¹³ Apart from the manufacturing sector, the exploitation of natural resources can provide revenue for investment in the socio-economic area of any country including the health and education sectors.¹⁴ However, despite the existence of numerous natural resources and minerals, Africa remains poorly developed compared with other continents such as Asia, America, and Europe. One of the main reasons why Africa is plagued by the resource curse is due to the phenomena of the “paradox of plenty,” which is an “abundance of natural resources” that does not translate to prosperity and development.¹⁵ The level of poverty in resource-rich countries is not decreasing. Instead in many cases, inequality concerning income and human development continues to proliferate.¹⁶

The report of the high-level panel on “illicit financial flows from Africa” reveals that approximately “56 percent of all illicit financial flows” that left Africa between 2000 and

⁸Bond (1987) 34 IMF p191.

⁹Financial Times (2016) “Bad times send African borrowers back to the IMF” <https://www.ft.com/> Accessed 3 August 2018.

¹⁰Organization of African Unity (2000) Constitutive Act of the African Union p5.

¹¹Busia *et al* (2017) 8 p1JoSDL&P p159.

¹²Fliess *et al* (2017) 204 OTPP p5.

¹³Beegle *et al* (2016) “Equity in Extractives- Stewarding Arica’s natural resources for all” p15.

¹⁴Africa Progress Panel (2013) p92 <http://www.africaprogresspanel.org/> Accessed 3 August 2018.

¹⁵Oxford Policy Management (2011) p2.

¹⁶Van der Ploeg *et al* (2009) 61 OEP p727.

2010 emanated from oil, metals and precious minerals.¹⁷ Interestingly, some of these flows emanate from resource-rich countries have substantial fiscal debts.¹⁸

It is against this background that many African Heads of State concede that the benefits of natural resources have not been realized except in a few countries such as Botswana and express alacrity in using them to promote socio-economic development. Accordingly, this led to the adoption of the AMV by them in 2009.¹⁹

1.3. Research objectives

The study seeks to assess the successes and challenges of implementing the AMV - a policy framework, to ensure that the African citizenry benefits from mineral wealth.²⁰ Thus it seeks to answer the question: **Has the AMV been successful in achieving its intended objectives, and if not, why not?** Specifically, the aims, and the goals of the study are as follows:

- To describe the AMV;
- To assess its implementation thus far and understand the state of implementation of the AMV through the use of case studies;
- To assess the AMV as a continental policy regarding its role as a developmental model and successes and challenges to date; and
- To propose recommendations if any.

1.4. Research questions

1.4.1. Primary question

The primary research question is as follows: Has the AMV been successful in achieving its intended goals, and if not, why not?

1.4.2. Secondary questions

The primary research question is preceded with the following secondary questions:

- What is the AMV?

¹⁷Africa Union & Economic Commission for Africa “Report of the High Level Panel on Illicit Financial Flows from Africa” (2015) <https://www.uneca.org/> Accessed 3 August 2018.

¹⁸Besada *et al* (2013) “Mining Codes in Africa: Emergence of a “Fourth” Generation” pps5-6.

¹⁹ANC Policy Institute (2012) “Maximising the developmental impact of the people’s mineral assets: State intervention in the Minerals sector <http://www.ethicore.co.za/wp-content/uploads/2012/02/simsreport.pdf> p10 Accessed 3 August 2018.

²⁰African Union (2009) “The Africa Mining Vision” p15-30.

- What policy paradigm and approach can be adapted to analyze the successes and challenges of implementing the AMV?
- What is the state of implementation of the AMV and which countries serve as examples?
- What have been the successes, challenges, and lessons learned?
- What can be done to achieve effective implementation of the AMV?

1.5. Research methodology

The research methodology consists of a desk review of existing literature about the AMV. Since the study seeks to establish successes and challenges, a case study approach of selected resource-rich African Union (AU), Member States will be adopted to measure the alignment and domestication of the AMV with the national laws. The countries include Lesotho, Tanzania, Malawi, Zimbabwe, Zambia, Ghana, and Kenya. The aforesaid countries were selected on the basis of available comparative data.

1.5.1. Case study approach

Several research studies have successfully used the case study approach. In Allison's research entitled "Essence of Decision on the Cuban missile crisis," three models explicate the Cuban crisis namely: the rational actor, organizational and government, and politics model.²¹ Although Allison used the models in different sections of the book, he argues that a combination of these models was useful in gaining a fuller understanding of the Cuban Missile Crisis.²² The exciting part is that the rational actor model is used to explain the context, while the organizational and government process examines the administrative aspects, and politics model considers the actors, political procedures, and competing preferences.

Other scholars who have used the case study approach include George *et al*, Axelrod, and Holsti who looked at how decision makers formulate foreign policy.²³ While, much work has been undertaken by King *et al* in designing social inquiry they argue that it is possible to obtain robust results by utilizing generalizations from case study analysis.²⁴ While, George *et al* contends that this approach can produce valuable lessons in research.²⁵ For example, Beasley *et al* considered 15 foreign policies of 13 countries.

²¹ (1971) p258 & George *et al* (2005) p10.

²² *Ibid.*

²³ (2005) p10; (1970)14 ISQ p233 & (1976) p1.

²⁴ King *et al* (1994) p1.

²⁵ George *et al* (2005) p10.

Thus it can be justified the importance of using comparative analysis in this study to enable one to identify relevant patterns.²⁶

Although the study attempts to identify results arising as a result of the AMV, it is more focused on policy issues to identify both the successes and challenges in the implementation processes. From the onset, it should be clear that attribution is problematic as other factors contributed to the attainment of that result. Therefore, only the results directly linked to the AMV are highlighted and issues which require attention.

1.6. Relevance of the study

The study seeks to contribute to the existing body of knowledge by analyzing the successes and challenges of implementation by drawing from the experiences of the various Member States. The study is relevant as the AMV intends to achieve sustainable development by ensuring that the mining sector contributes effectively to economic development and growth.²⁷ *“In particular, the Agenda 2063 proposes that the extractive sectors will play an important role in domestic resource mobilization by capturing a greater share of resource rents”.*²⁸ Underlying this objective is a need to ensure that financial gains from the extractives industries are not lost through illicit financial flows, tax evasion and unbalanced contracts with multinationals. The success of Agenda 2063 hinges on the success of the AMV regarding potential revenue from minerals to uplift the continent from poverty, therefore an understanding of this AU policy is essential. Hence, why the AMV also insists on the principle of free, prior and informed consent (FPIC) for communities living in the areas where mining takes place.

If implemented effectively, the AMV has the potential to transform natural resource governance, extractives industries and spur economic growth of the Member States in Africa. Thus the experiences of the Member States that have aligned their mining legislation through a Country Mining Vision (CMV) or National Mining and Minerals Policy (NMMP) to the AMV are crucial for inspiring others that have not done and enabling them to improve on implementation. The lessons drawn from different countries highlight the opportunities and challenges of the AMV which are essential to understanding how resource-rich countries can economically perform well.²⁹ Thus

²⁶ Beasley *et al* (2013) p1.

²⁷ Besada *et al* (2015) 28 CRoIA p273.

²⁸ African Union Commission “Agenda 2063 – The Africa we want” (2015) p1.

²⁹ Auty *et al* (1993) 19 RP p15.

enabling the different countries to bridge the overall gaps and thereby enhance “natural resource” management in Africa.

1.7. Conclusion

In summary, chapter one introduced the research problem which related to the resource curse. An outline of the objectives and background of the research particularly the reason for the adoption of the AMV was presented and its importance for the extractive industries. In doing so, the chapter presented one primary and secondary questions about the successes and challenges of implementing the AMV. Further, a brief description of the research methodology to be used namely case study and desk research as well as relevance of the study was provided. The second chapter will seek to answer the question of what the AMV entails.

CHAPTER 2: THE AFRICAN MINING VISION

2.1. Introduction

This chapter commences with a historical context of the AMV to gain a full understanding of its objectives and ideologies which is meant to transform the African continent through the extractive industries. In particular, the evolution and perspectives of the African Heads of States will be discussed. Further, in the chapter the implementation architecture will be explored as this will assist with comprehending its successes and challenges as a policy framework.

2.2. Background of the AMV

A total of 54 African Heads of State and Governments adopted the AMV in February 2009.³⁰ Several regional instruments informed the AMV namely:

- “the Africa Mining Partnership’s Sustainable Development Charter and Mining Policy Framework;
- the Southern Africa Development Community Framework and Implementation Plan for Harmonization of mining policies,;
- Standards, legislative and regulatory frameworks;
- Union Economique et Monetaire Ouest Africaine (UEMOA) Common
- the Yaoundé Vision on Artisanal and small scale mining; and
- the Mining Policy and Code Miniere Communautaire.”³¹

The AMV strives to align the interests of government, communities and mining companies to achieve sustainable development.”³² According to the third AU Conference of Mining Ministers, the AMV strives “... *to be a roadmap to transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development.*”³³ Thus the key objectives as outlined in the AMV policy document are summarized as follows:³⁴

³⁰ Busia *et al* (2017) 8 JoSDL&P p156.

³¹ African Union (2009) “The Africa Mining Vision”p1.

³² African Union (2013) “The Country Mining Vision” p2. OXFAM “From aspiration to reality - Unpacking the Africa Mining Vision” p18.

³³ African Union (2009) “The Africa Mining Vision”p1. The 3rd AU Conference of Ministers Responsible for Mineral Resources Development was held in 2013 under the “Leveraging the Africa Mining Vision for Africa's Renaissance towards broader ownership.”

³⁴ *Ibid.*

- To promote good governance practices;
- To develop institutions and human capacity;
- To optimize knowledge and the use of minerals;
- To build local and regional infrastructure;
- To stimulate economic diversification;
- To harness the potential for small-scale mining; and
- To foster transparency and accountability.

2.2.1. African leaders perspective of the AMV

The AU Leaders perceive the AMV as a tool to transform the position of African Member States as exporters of raw materials to becoming processors of the same minerals.³⁵ Also, the AMV is viewed as a policy which will ultimately improve the livelihoods of many poverty-stricken Africans through broad-based transformation.³⁶ It is anticipated that the adoption of the AMV by the Member States will result in better negotiation of contracts with multinational companies, protection of the environment, fair resource rents, and better control by Governments in the stipulation of regulations for mining.³⁷ Pedro advocates for the strong need for the AU Leaders to integrate the AMV into their mining policies as well as industrial and trade policies.³⁸ By doing so, economies will start to develop, whilst poverty and inequality is eradicated, increased revenues together with peace and stability is achieved on the African continent. Interestingly, some authors believe that to address socio-economic development challenges on the African continent, the AU Leaders need to stalwartly domesticate their national policies in alignment with the ideologies of the AMV as a mechanism to “tackle the paradox of great mineral wealth and the resource curse.”³⁹ Addressing the root causes of the aforesaid will, in turn, control the Dutch disease especially in the countries that were selected as case studies.⁴⁰

³⁵ CNBC Africa (2013) “African mining to experience new narrative” <https://www.cnbc africa.com/> Accessed 3 August 2018.

³⁶ Busia *et al* (2017) 8 JoSDL&P p163.

³⁷ African Union (2009) “The African Mining Vision” pps1-5.

³⁸ (2016) 29 ME p16.

³⁹ Hanson (2017) 8 JoSDL&P p121; Robert (2015) 28 CRoIA p283; Busia *et al* (2017) 8 JoSDL&P p162.

⁴⁰ Auty *et al* (1993) 19 RP p14.

2.2.2. Development of the AMV

The development of the AMV traces back to the history of colonial exploitation of the continent where “the accumulation of the capital model” dominated the African economies specifically the mineral economies.⁴¹ African authors such as Bassey argue that mining is a crucial contributor to economic development and that infrastructure development is one of its spinoffs.⁴² However, despite infrastructure development being in place as a result the mining projects, post-colonization many communities were displaced and disposed of their land.⁴³ Colonial mining companies built towns and railway lines where mining took place leading to the alienation of populations from their land and suffered tax burdens. Africans were not allowed to own mines or accumulate capital from the mines.⁴⁴

It is against this background that the AMV, therefore, emphasizes the review of national mining and minerals legislation and policies. It requires that all Member States (MS) should establish a multi-stakeholder coordination team, which should focus on the following:⁴⁵

- Identify policy gaps between the AMV and national legislation;
- Formulate a comprehensive national strategy;
- Develop an implementation plan;
- Develop new required mineral policies;
- Strengthen institutions and set up new ones; and
- Manage the expectations of all key stakeholders.

2.3. Implementation modalities of the AMV

The adoption of the AMV was given life by the ten-year implementation plan for Agenda 2063 which places natural resources extraction at the epicenter for socio-economic transformation.⁴⁶ After that, in 2011, an Action Plan for the AMV was adopted by the respective Ministers for Minerals from the various Member States. Thus, to effectively

⁴¹Stiftung (2018) p15 & Van Wyk *et al* in Stiftung (nd) “The Africa Mining Vision – Can business as usual be visionary? Perspectives from four regions” <https://www.rosalux.de/> p15 Accessed 3 August 2018.

⁴²Bassey (2013) p49.

⁴³Campbell (2009) p54.

⁴⁴Van Onselen (1980) p1.

⁴⁵African Minerals Development Centre (2014) “A country mining vision guidebook: Domesticating the Africa Mining Vision” p28.

⁴⁶African Union Commission (2015) “First Ten-year implementation plan 2014-2023” p36 <http://www.un.org/> Accessed 5 August 2018.

implement the AMV, the AU Ministers responsible for mining established the African Minerals Development Center (AMDC) in 2013.⁴⁷ The AMDC is the lead institution and is mandated to implement the vision and coordinate the institutions that support it.⁴⁸ The aforesaid is evident by the AMDC's efforts in publishing the Country Mining Vision (CMV) Guidebook in 2014 which serves as a guide to governments intending to align their mining policies.⁴⁹ The aforesaid Action Plan consists of nine programmes namely: "mineral rents and management, geological and mining formation systems, building human and institutional capacities, artisanal and small-scale mining, mineral sector governance, research and development, environment and social issues, linkages, and diversification, and mobilizing mining and infrastructure investment".⁵⁰ The Action Plan covers activities for both national and regional implementation which are categorized into short, medium, and long-term periods.⁵¹ Table 1 on the next page is a summary of the mining sectors fiscal regime and revenue management strategies as encapsulated in the Action Plan of the AMV at the national level for the Member States (MS). As illustrated in the table, to a certain extent, the action plan follows a logic model approach for implementation, which consists of activities, outcomes, time frame and monitoring indicators. This table will become important as certain elements are discussed when exploring the successes and challenges of implementing the AMV.

⁴⁷OXFAM "From aspiration to reality - Unpacking the Africa Mining Vision" p15.

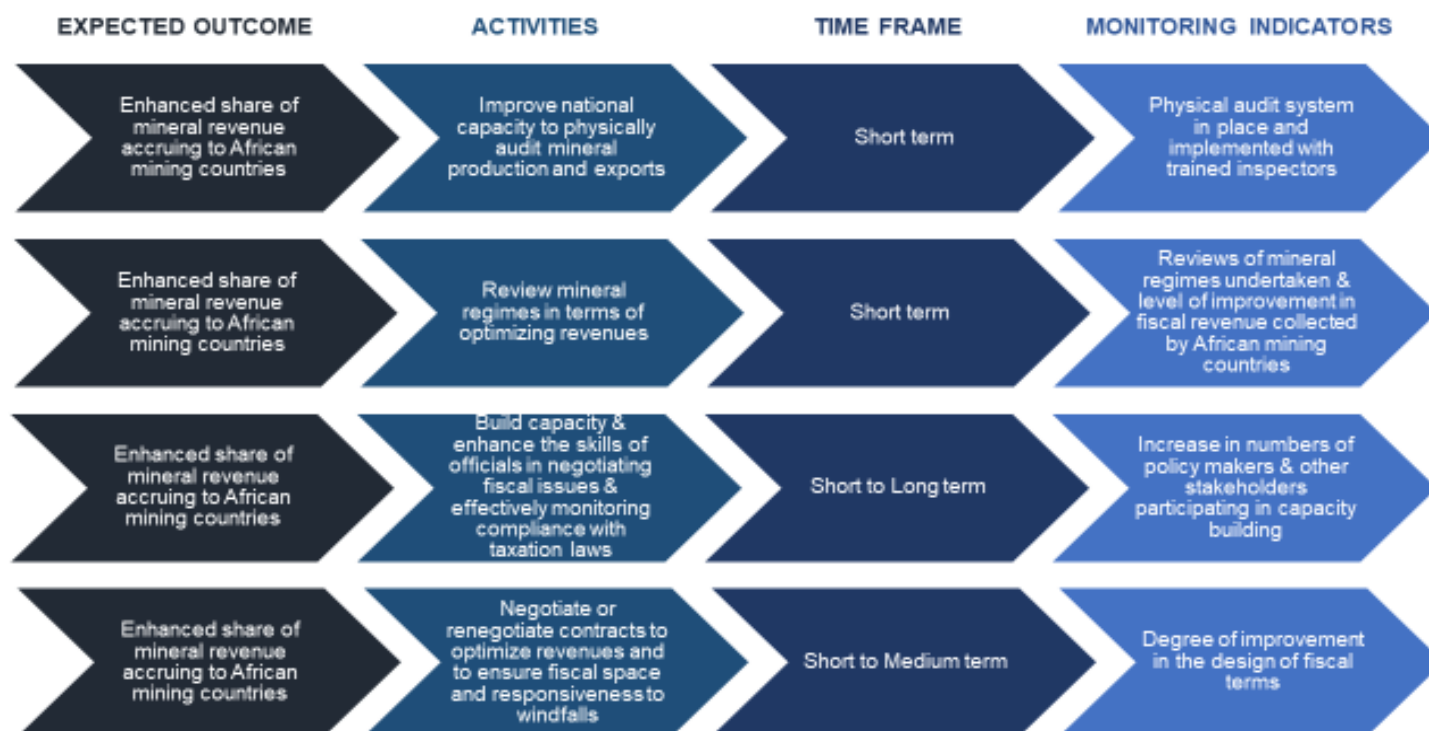
⁴⁸African Union (2014) "Report on the Proposed Concept /Structure of the African Minerals Development Centre" <http://www.au.int/> Accessed 7 August 2018.

⁴⁹African Minerals Development Centre (2014) "A country mining vision guidebook: Domesticating the Africa Mining Vision" p1.

⁵⁰African Union (2010) "Africa Mining Vision Implementation Action Plan" p10 & Graham (2015) "Minerals dependence, jobs and transformation" p29 <http://twnafrica.org/> Accessed 12 October 2018.

⁵¹African Union Commission, African Development Bank, United Nations Economic Commission for Africa (2011) "Building a Sustainable Future for Africa's Extractive Industry. From Vision to Action. Action Plan for implementing the AMV"p12.

Table 1: Mining sector fiscal regime and revenue management strategies under the AMV at a national level:⁵²



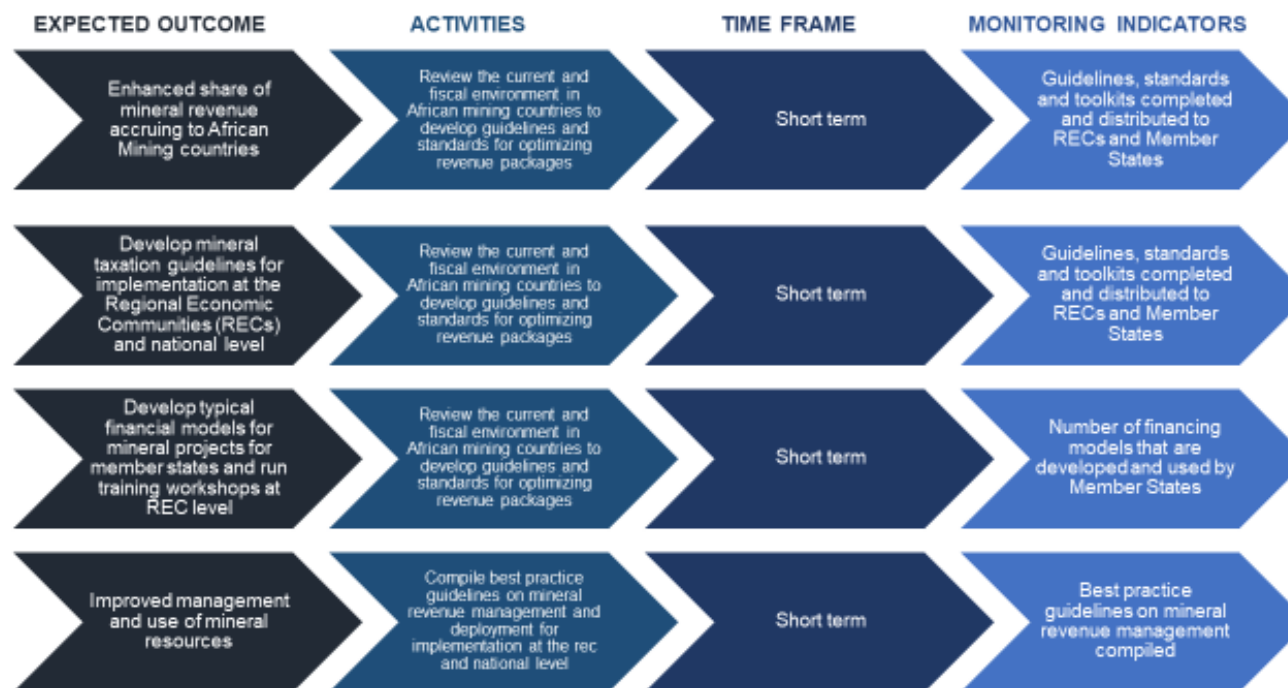
Source: AMV Action Plan (2011)⁵³

⁵²African Union Commission, African Development Bank, United Nations Economic Commission for Africa (2011) "Building a Sustainable Future for Africa's Extractive Industry. From Vision to Action. Action Plan for implementing the AMV"p12.

⁵³Op cit at p13.

The AMV Action Plan also has strategies for the AMV at a regional level as reflected in Table 2 below.

Table 2: Mining Sector fiscal and revenue management under the AMV at a regional level



Source: AMV Action Plan (2011) ⁵⁴

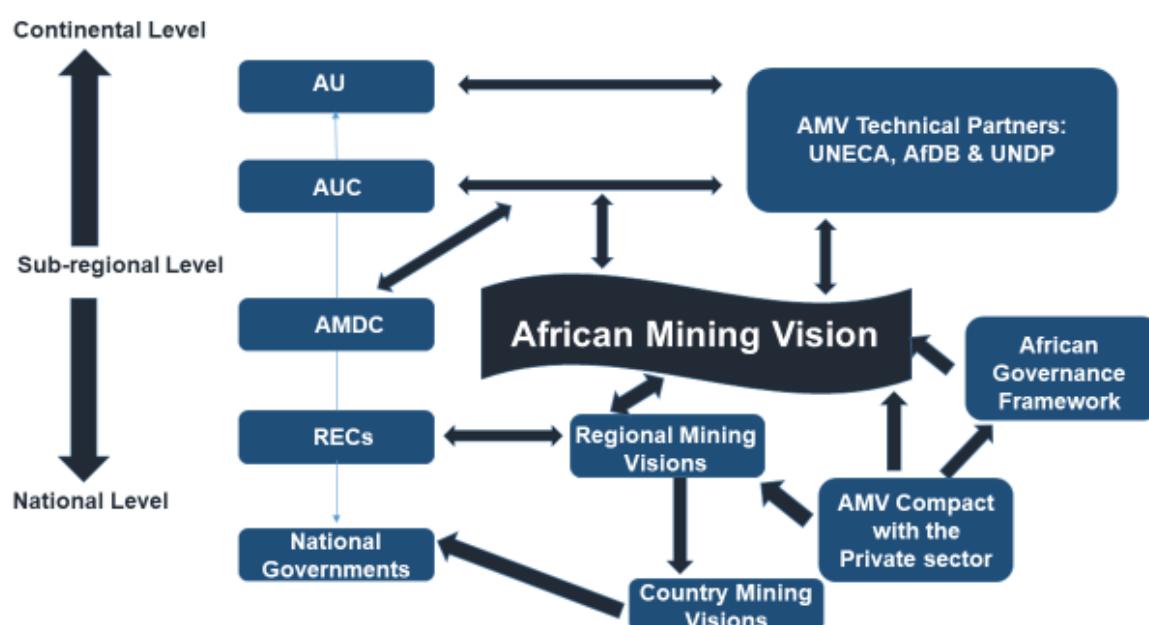
⁵⁴African Union Commission, African Development Bank, United Nations Economic Commission for Africa (2011) “Building a Sustainable Future for Africa’s Extractive Industry. From Vision to Action. Action Plan for implementing the AMV” pps12-13.

Based on the synopsis of the AMV’s Action Plan as illustrated in table 2, it is clear that the AMV has a measurable roadmap for implementation at both a national, regional and continental level. However, to achieve this, the Member States must ratify and domesticate the AMV through Country Mining Visions and Mineral legislation.

2.4. The implementation architecture framework for the AMV

The AMV has an implementation framework that includes various actors at a continental, sub-regional, and national level. Figure 1 outlines the implementation architecture for the AMV.⁵⁵ The implementation architecture for the AMV requires all the actors to collaborate their efforts in achieving the objectives of the vision.

Figure 1: The AMV’s implementation architecture



Source: adapted from the AMV’s action plan ⁵⁶

The AMV implementation modalities are done through two main approaches namely: “development corridors” and “mining spatial activities.” Thus the AMDC provides technical support to the AU Member States to enable them to implement the AMV on

⁵⁵OXFAM “From aspiration to reality - Unpacking the Africa Mining Vision” p22.

⁵⁶OXFAM “From aspiration to reality - Unpacking the Africa Mining Vision” p15.

a demand-driven basis.⁵⁷ The AMDC also assists with the harmonization of regional mining codes with the AMV.

As a means of promoting transparency, the AMV recommends that the Member States adopt the “Extractive Industries Transparency Initiative (EITI) and the Kimberly Process Certification Scheme (KPCS), the Equator Principles and African Peer Review Mechanism (APRM).⁵⁸ Further, communities should participate in revenue management and allocations.⁵⁹ Thus, Governments are required to formulate policies that promote sustainable development and mitigate the effects of artisanal and small-scale mining.⁶⁰

2.5. Conclusion

Chapter 2 traced the evolution of the AMV which was adopted by the African Heads of State and Governments as a tool to attain socio-economic development. In the chapter it became clear that the AMV strives to transform the extractive industries and diminish the role of Africa as an exporter of cheap raw materials to one of beneficiation. Realistically speaking, this will only be achieved if economic and social linkages arising from the extractive industries by and large benefit Africa. Regarding the implementation architecture, the AU technical team was established to develop an implementation plan and to spearhead its implementation at the AU Member State level. Thus it is evident that the AMV advocates that various actors such as the Governments, Private Sector and Communities should participate and benefit from mining activities. It also promotes that proceeds from mining should be used to develop other sectors of a national economy such as infrastructure. Chapter 3 will focus on the relevant policy paradigms and approaches which can be used to analyze the successes and challenges of the AMV.

⁵⁷African Minerals Development Centre, African Union and Economic Commission of Africa (nd) “Harnessing mineral resources for Africa’s transformation” p2 <https://www.uneca.org/> Accessed 4 August 2018.

⁵⁸OXFAM “From aspiration to reality - Unpacking the Africa Mining Vision” p15.

⁵⁹Pedro (2015) 29 ME p16.

⁶⁰African Union (2009) “The Africa Mining Vision” p31.

CHAPTER 3: POLICY PARADIGMS AND APPROACHES FOR ANALYZING THE SUCCESSES AND CHALLENGES OF THE AMV

3.1. Introduction

This chapter examines various concepts which will be used to analyze the AMV's successes and challenges. These concepts include: policy change, policy paradigm, the role of the extractives industry in development vis a vis sustainable development. The aforesaid provide a framework for that can be used in analyzing the successes and challenges of the AMV in the preceding chapters.

3.2. Concept of policy change and paradigm

The AMV as a policy instrument seeks to introduce transformation in the way that mining has been carried out in Africa. Several studies attempt to explain the modalities of change and evolution of policies. It is a well-known fact that policymakers in any country make decisions.⁶¹ Recent scholars now talk about the concept of policy paradigm in different sectors, and these authors include Carson *et al* who describes the theory of paradigm shifts in Europe.⁶² Daigneault substantially studies the methodology of policy paradigm in policy studies.⁶³ While Wilder used the concept of policy paradigm in assessing the Canadian Industrial policy.⁶⁴ In particular, Hall, argues that paradigm shifts are the reasons why policy is made or revised.⁶⁵ He illustrated this in his study of the policy-making processes in Britain wherein he posits that the political context usually precipitates policy paradigm established by the first to third order.⁶⁶ Thus, it is imperative to understand the concept of a paradigm shift to ascertain the extent to which it applies to the AMV.

3.3. The Role of the extractive industries in development

Many scholars have written about the role which the extractive industries play in developing a State.⁶⁷ Interestingly, different perspectives exist on the mining regimes

⁶¹Marvick *et al* (1967) 20 TWP p778.

⁶²Carson *et al* (2010) p1.

⁶³Daigneault (2014) 21 JoEPP p481 & Hall (1993) 25 CP p275.

⁶⁴Wilder (2015) 22 JoEPP p1021.

⁶⁵Hall (1993) 25 CP p279.

⁶⁶Ibid.

⁶⁷Authors such as Howlett *et al* (2009), Campbell (2009) and Besada *et al* (2015).

operating in Africa as expressed by Howlett *et al*, Campbell and Besada *et al*.⁶⁸ It is clear why there is much contestation on the idea that the extractive industries can spur development in Africa. In an article entitled “The Other Resource Curse: Extractives as Development Panacea,” the author questions the feasibility of mineral resources in fueling development taking into account that most mining companies export profits from their mineral revenues.⁶⁹ Further, it is argued that transnational mining companies that operate in Africa bring with them Western norms and procedures which promote the notion of “free mining.”⁷⁰ This concept prefers mining over other uses of land for development and gives preferential treatment to mining companies.⁷¹ Hence, the net effect of the notion of “free mining” had a knock on effect on the International Monetary Fund (IMF) loans to resource-rich countries.⁷² Since the AMV is not the first attempt to introduce a mining framework that benefits African countries, it has to a certain extent suggested traces of nationalistic state-led approaches in the mining sector.⁷³

During the 1990’s the World Bank mainstreamed concepts of free markets, private sector approaches in countries that requested for loans.⁷⁴ In an article entitled “*Regulating Mining in Africa: For Whose Benefit*” it appears that the World Bank’s development approach possibly contributed to the impoverishment of resource-rich African countries due to its strict for accessing loans.⁷⁵ Interestingly, other new approaches were developed based on the first, second and third generations reformations of the Mining Codes in Africa.⁷⁶ The first generation occurred during the 1980’s when the State withdrew from the mining sector to attract investors such as in the case of Ghana.⁷⁷ The second generation consists of the States reduced involvement in the mining sector and this occurred in the mid 1990’s.⁷⁸ During this period many countries prioritized mining over the preservation of the environment, and an example of this is Guinea.⁷⁹ The third generation referred to the period when States finally realized that they had roles to play in the extractives industry especially on

⁶⁸Howlett *et al* (2009) p1; Besada *et al* (2015) 28 CRoIA p263; and Campbell (2009) p15.

⁶⁹ Robert (2015) 28 CRoIA p283.

⁷⁰ Campbell (2010) 30 CJoDS p198.

⁷¹ *Ibid*

⁷² Biersteker (1990) 34 ISQ p477.

⁷³ Besada *et al* (2015) 28 CRoIA p266.

⁷⁴ *Op cit* at p264,

⁷⁵ Campbell (2004) “Regulating Mining in Africa: For Whose Benefit” p17.

⁷⁶ Campbell (2004) pps 25-67.

⁷⁷ Akabzaa (2000) p1.

⁷⁸ Campbell (2004) p34.

⁷⁹ N’Tame (1995) 7 ADR p222.

issues of regulation, and distribution of profits from the generated revenues for instance in Mali.⁸⁰

African countries lingered to adopt various governance practices that were drafted during the first to third generation wave.⁸¹ These included the “Kimberly Process Certification Scheme (KPCS), Publish What You Pay (PWYP), and the Extractive Industry Transparency Initiative (EITI) and the US Dodd Frank Law”.⁸² Hence, why it is debated that the AMV is the most important continental governance framework for the extractive industries to date.⁸³

3.4. Sustainable development in light the AMV

In the development discourse, the 21st-century issues of environmental sustainability have gained prominence. Many Governments acknowledge that mineral resources are finite as confirmed in the Brundtland Report of 1987.⁸⁴

Sustainable development anchors on three pillars namely: the growth of the economy, protection of the environment and social responsibility.⁸⁵ Thus, it appears from analyzing the AMV that it acknowledges that sustainable development requires an effective economic model in matters affecting access to minerals, regulation, and redistribution. Besides focusing on the viability of the extractive industries, the applicable frameworks should center on the socio-economic benefits of the citizens and mechanisms to catalyze economic growth.⁸⁶ Accordingly, emphasis should be placed on appropriate governance practices to maximize benefits.⁸⁷

Several tenets are central to achieving sustainable development.⁸⁸ These include the nature and quality of the natural resources; resource reserves; access rights; the existence of capital; quality of labor force; the regulatory framework in a country; level and capacity of technology and the existence of service;, and support industries. Thus, the presence of these tenets will determine the effectiveness of mining in development.

⁸⁰ Campbell (2004) “Regulating Mining in Africa: For Whose Benefit” p8.

⁸¹ Besada *et al* (2015) 28 CRoIA p265.

⁸² Busia *et al* (2017) 8 JoSDL&P p156.

⁸³ Besada *et al* (2015) 28 CRoIA p265.

⁸⁴ World Commission on Environment and Development (WCED) “Brundtland Report” (1987) <https://www.britannica.com/> Accessed 8 August 2018

⁸⁵ Leiserowitz *et al* (2005) 47 EC&PfsD p10.

⁸⁶ Cawood *et al* (2013) 113 JotSAIoM&M p48.

⁸⁷ *Op cit* at p52.

⁸⁸ Du Plessis (2002) “Agenda 21 for sustainable construction in developing countries: A discussion document” p1 <http://www.irbnet.de/> Accessed 8 August 2018.

In 2007, the African Union Commission (AUC) and United Nations Economic Commission for Africa (UNECA) formed the International Study Group (ISG) comprising of experts, civil society organizations, the academia, and private and public sector practitioners to review mining regimes in Africa and assess their effectiveness in realizing development.⁸⁹ The ISG report noted that if Africa is to achieve socio-economic transformation it needs to utilize its mineral wealth.⁹⁰ By doing this, the Member States would attain the objectives of the “Sustainable Development Goals” (SDGs). Accordingly, the idea of harnessing revenues from mineral wealth for broad-based development indicates a paradigm shift from “norm taker” to “norm setter”.⁹¹ Hence, why the AMV attempts to ensure equitable distribution of benefits accrued from the mining sector.⁹²

3.5. John Kingdon’s multivariate and crisis-driven model

John Kingdon’s (1984) multivariate and crisis-driven model has been used to analyze the challenges and opportunities of the AMV.⁹³ The model is applied to the study because it includes all the stages of policy making including implementation.⁹⁴ Figure 2 is an adapted version of the Kingdon’s multivariate and crisis-driven model.

⁸⁹African Union & United Nations Economic Commission for Africa (2011) “Minerals and Africa’s Development – The International Study Group report on Africa’s Mineral Regimes” p1 <https://www.uneca.org/> Accessed 8 August 2018.

⁹⁰Op cit at p9.

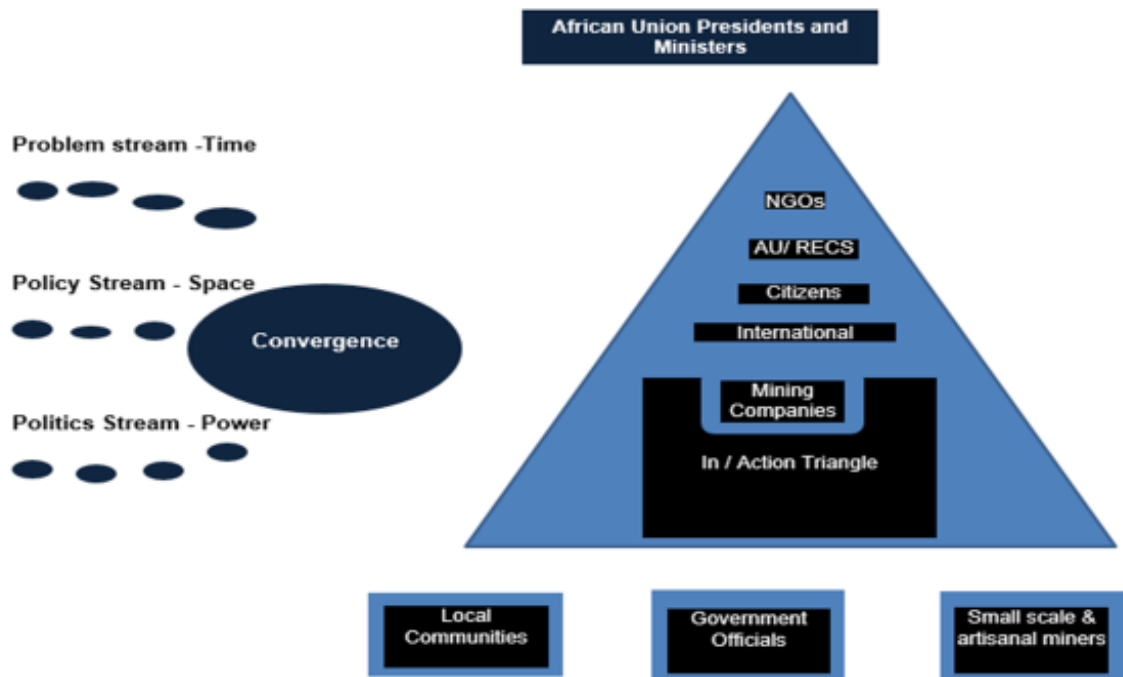
⁹¹Besada *et al* (2015) 28 CRoIA p263.

⁹²African Union (2009) “The Africa Mining Vision” p1.

⁹³Kingdon (1984) p1.

⁹⁴Busia *et al* (2017) 8 JoSDL&P p166.

Figure 2: Kingdon's multivariate and crisis-driven model



Source: Busia *et al*

Kingdon's multivariate and crisis-driven model has multiple streams which converge in at a certain point in time. The triangle in the model captures all the streams (policy, problem and politics streams) and filters them into ideas and problems to bring change.⁹⁵ The triangle in the figure also captures the decision makers, the private sector, and the communities, the artisanal miners required to work towards the implementation of the AMV transparently and equitably to achieve sustainable development.

3.6. Conclusion

This chapter looked at the concept of policy paradigm and change in the extractives sector. The AMV is a policy framework which requires other Mining policies to adopt a paradigm shift especially those that need to be reviewed to be aligned with the objectives of the AMV. Thus policy paradigm and change require an enabling environment which allows for the objectives of the policies to be effectively implemented. Different concepts were explored which included the notion of free mining, the views on the role of the State in the mining sector in particular and the importance of sustainable development in the industry. The notion of free mining is

⁹⁵ Busia *et al* (2017) 8 JoSDL&P p166.

noble however, it needs to ensure sustainable development. Hence why the extractives industries has a vital role to be levers for such development. Based on the concepts discussed and their application to the AMV, IT is evident that the tenets of sustainable development are mainstreamed in the vision.

Based on the discussion of Kingdon's "multivariate and crisis-driven model it is now clear why the model is relevant to this study because it has multiple pertinent streams which will be used to describe the successes and challenges of the AMV namely, political, policy and problem stream. The AMV is a policy framework which is seeking to address a structural transformation problem. Chapter 4 will delve deeper into the state of implementation using case studies of countries as examples to illustrate the strengths and challenges of the AMV.

CHAPTER 4: CASE STUDIES: STATE OF ALIGNMENT WITH THE COUNTRY MINING VISIONS AND AMV IN: LESOTHO, TANZANIA, GHANA, KENYA, MALAWI, NAMIBIA, ZAMBIA, ZIMBABWE AND MOZAMBIQUE

4.1. Introduction

Chapter 4 will discuss the state of implementation of the AMV by the AU's Members States. In other words, which countries have signed the AMV, ratified and deposited the instrument with the AU's legal office and aligned the national mining frameworks - Country Mining Visions (CMV) to the AMV. Therefore, this chapter will make use of case studies of the following countries: Lesotho, Tanzania, Malawi, Zimbabwe, Zambia, Ghana, and Kenya. Each of the seven case studies are analyzed using this procedure. The lessons learned from these countries experiences will highlight the challenges and successes of the AMV as a continental governance framework for natural resource extraction in Africa.

The Member States are expected to implement the AMV voluntarily through the CMVs.⁹⁶ In doing so, Governments and mining companies need to comply with certain principles, which amongst others include: transparency, combatting corruption, payment of taxes and royalties, participation and innovative Public-Private Partnerships (PPP).⁹⁷ The process of implementing the AMV requires the Mining laws, policies, and regulations of a Member State of the AU to align with the creeds of the AMV through collaboration with the private sector, mining communities, government and civil society.⁹⁸ As a result, strong emphasis is placed on the Member States to establish a monitoring mechanism.⁹⁹

According to the AU, as of August 2018 only one AU Member State, Lesotho had fully aligned its National Mines and Mineral Policy (NMMP) to the AMV.¹⁰⁰ It is not surprising

⁹⁶African Union Commission, African Development Bank, United Nations Economic Commission for Africa (2011) "Building a Sustainable Future for Africa's Extractive Industry. From Vision to Action. Action Plan for implementing the AMV".

⁹⁷African Union (2009) "The Africa Mining Vision" p1.

⁹⁸Busia *et al* (2017) 8 JoSDL&P p165.

⁹⁹Kaplan *et al* (2012) p23.

¹⁰⁰African Union (2018) "Report on State of Ratification of African Union Legal Instruments - June 2018".

that one out of 54 Member States has fully aligned its mining policies as a Member State is required to do the following as part of the alignment process: ¹⁰¹

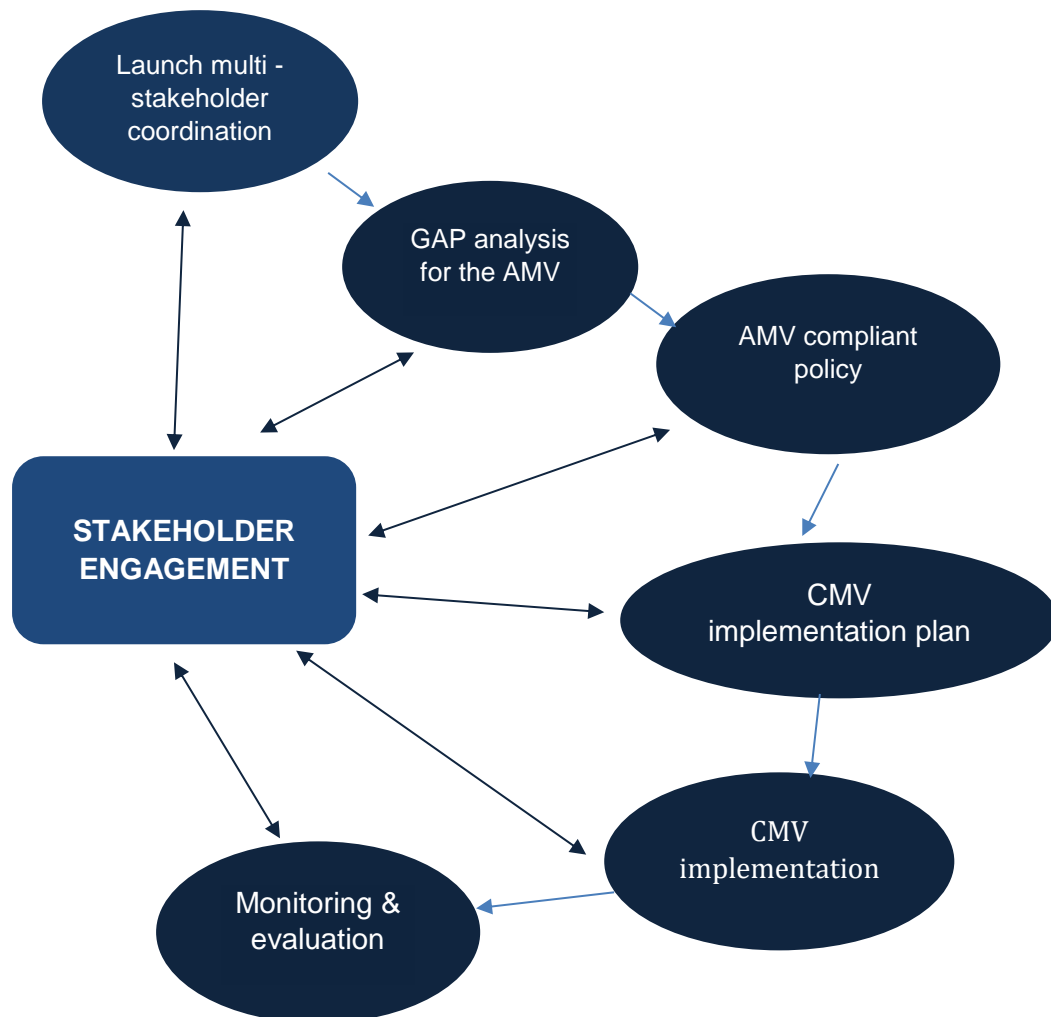
- Establish a multi-stakeholder coordinating body which includes civil society, the private sector, mining communities, labor organizations, and Government -this body is responsible for the coordination of the AMV alignment process.
- Conduct a legislation and policy gap analysis of the mining sector vis a vis the AMV - two international frameworks called the Mineral Value Management (MVM), and Social Technology, Economic Environmental and Policy (STEEP) can be used to undertake the gap analysis.¹⁰²
- Establish an AMV policy framework.
- Convene a high-level stakeholder meeting to develop a policy framework that is compliant with the ambit of the AMV - this policy framework should consist of an implementation plan with clearly distinct roles and responsibilities.
- Depending on the gap analysis, the CMV is implemented through the formulation of relevant policies, law reforms and the establishment of appropriate institutions to be overseen by the multi-stakeholder coordinating team.
- Engage with key stakeholders throughout the process.
- Establishment of a multi-stakeholder monitoring and evaluation team to monitor the different aspects of the CMV.

¹⁰¹African Union (2013) “The Country Mining Vision” <https://au.int/sites/> Accessed 8 August p7.

¹⁰²The World Economic Forum created the MVM. World Economic Forum (2014) “Mineral Value Management – A Multidimensional View of Value Creation from Mining” <https://fr.weforum.org/> Accessed 27 October 2018.

The CMV process can be summarized in the figure below.

Figure 3: CMV Process



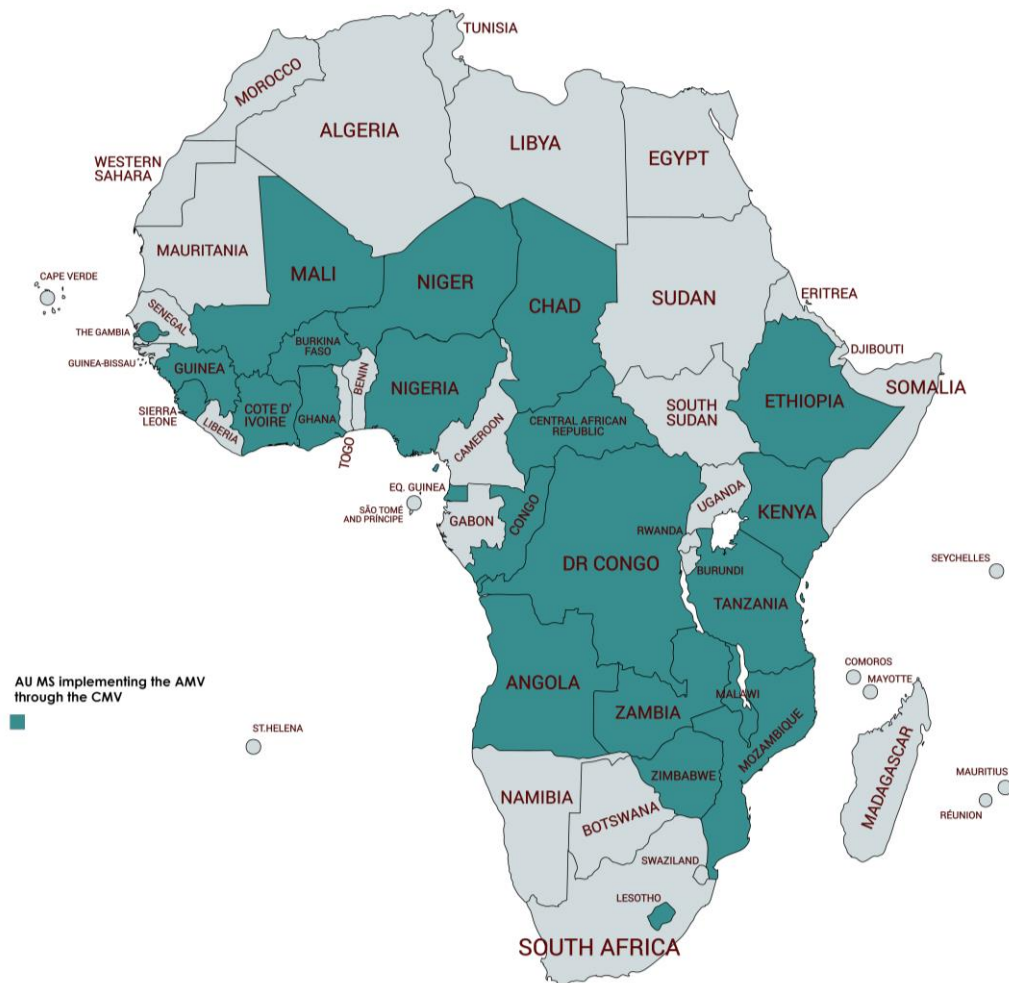
Source: AMDC (2014)¹⁰³

In 2017, the AMDC reported that at least 24 AU Member States were in different stages of aligning their Mining policies with the AMV through the Country Mining Visions (CMV) as depicted in figure 4.¹⁰⁴

¹⁰³ African Minerals Development Centre (2014) "A country mining vision guidebook: Domesticating the Africa Mining Vision" p26.

¹⁰⁴ OXFAM "From aspiration to reality - Unpacking the Africa Mining Vision"p17.

Figure 4: AU's Member States which are implementing the AMV through the Country Mining Visions



Source: OXFAM (2017) ¹⁰⁵

4.2. Implementation of the Country Mining Visions

4.2.1. The country mining vision in Lesotho

Mining and quarrying contribute towards Lesotho's gross domestic product (GDP).¹⁰⁶ According to the 2017 Mineral Yearbook on Lesotho produced by the US Department of the Interior.¹⁰⁷ The mining sector is mostly driven by diamond mining which

¹⁰⁵OXFAM "From aspiration to reality - Unpacking the Africa Mining Vision"p17.

¹⁰⁶Mobbs (2016) in USGS 253 US Department of the Interior (2016) "Mineral commodity summaries" p69 <https://minerals.usgs.gov/> Accessed 9 August 2018.

¹⁰⁷US Department of the Interior (2017) "Mineral commodity summaries" p69 <https://minerals.usgs.gov/minerals/> Accessed 9 August 2018.

contributed approximately 4.6% of the gross domestic product (GDP) in 2017.¹⁰⁸ However, despite this Lesotho like any other country which is dependent on mining is vulnerable to global price changes.

The Constitution, “the Mines and Minerals Act 2005, the Precious Stones Order 1970, and the Mine and Safety Act 1981 regulate the mining sector in Lesotho.¹⁰⁹ The Lesotho Ministry of Mining’s draft Green Paper (2014) notes that the alignment process in Lesotho commenced by the revision of the “1962 Mining and Mineral policy”.¹¹⁰ During this process, Lesotho was able to identify critical policy gaps which required reviewing. The Government of Lesotho realized that it was not collecting mineral revenues correctly and that those collected were not used in accordance with the national interests. Therefore, the Government requested the AMDC to assist it with the mapping of the geological deposits and reviewing the policies for the mining sector.¹¹¹ It also requested the AMDC to assist it with information about the global trends regarding minerals.¹¹² The AMDC consented and assisted Lesotho with establishing the multi-stakeholder group which included civil society organizations, government representatives, the private sector, small-scale miners and communities in the mining areas.¹¹³

After collecting the required information, the AMDC organized various stakeholder workshops including the ones held in November 2017 to present the reports and to highlight the issues which needed to be in the novel AMV aligned National Mines and Minerals Policy (NMMP).¹¹⁴ This process resulted in consultations in 2014 at a district level in the drafting of the MMP.¹¹⁵ The process of consultations included ordinary citizens, the labor movement, traditional rulers, students, and people with disabilities.

¹⁰⁸African Development Bank (2018) Lesotho - 2018 African Outlook” <https://www.afdb.org/> Accessed 9 August 2018.

¹⁰⁹The Constitution of Lesotho 1993 as amended. The Mines and Minerals Act 4 of 2005. The Precious Stones Order and Regulations 24/1970. The Mine Safety Act 4 of 1981.

¹¹⁰Lesotho Ministry of Mining (2014) “Draft green paper on the mining & minerals policy: Ministry of Mining” <http://www.undp.org/> Accessed 9 August 2018.

¹¹¹United Nations Economic Commission for Africa (2015) “Lesotho Launches New Mining Policy” <https://www.uneca.org/> <https://www.uneca.org/> Accessed 9 August 2018.

¹¹²*Ibid.*

¹¹³*Ibid*

¹¹⁴Mahlo (2017) “Lesotho’s Mining Legislative Reforms: a Better Future for Basotho” <https://rorisangmahlo.blogspot.com/> Accessed 8 August 2018.

¹¹⁵African Minerals Development Centre Communication and advocacy (2017) “Harnessing mineral resources for Africa’s transformation”. <https://issuu.com/africanmineralsdevelopmentcentre/> Accessed 12 October 2018.

The consultation process resulted in a validation process in the same year.¹¹⁶ In addition to aligning the NMMP to the AMV, the Lesotho Government also aligned it to Agenda 2063, its vision 2020 and the Lesotho National Development Plans.

The AMDC together with the United Nations Development Programme (UNDP) has continued to assist Lesotho in the implementation of the Lesotho NMMP in compliance with the AMV. One can conclude that Diamond producing in Lesotho has improved significantly since the alignment of the Lesotho NMMP with the AMV.¹¹⁷ From the foregoing, it would seem that Lesotho followed a systematic approach to the alignment of its NMMP to the AMV.

4.2.2. *The country mining vision in Tanzania*

Tanzania has also commenced the process of aligning its national mining policies with the AMV.¹¹⁸ Like in many other African countries, mining contributes to the Government of Tanzania.¹¹⁹ For instance, according to the “World Bank’s” economic update mineral exports from Tanzania were valued at USD169.1 million in December 2016.¹²⁰

President Kikwete commissioned a presidential commission – the Bomani Commission to investigate the performance of the mining sector in the economy.¹²¹ The Bomani report indicated that despite the existence of the mineral resources, the contribution to the economy was insignificant.¹²² As a result, the Mining Act of 2010 was enacted calling upon the Government to own a stake in new mining projects. Since the passage of that legislation, Tanzania has been facing problems in renegotiating new mineral development agreements signed before the enactment of the 2010 Act. One of the reasons is the existence of stabilization clauses in the existing mineral development contracts which does not allow Tanzania to alter the terms and conditions

¹¹⁶*ibid.*

¹¹⁷Mining Weekly (2016) “Lesotho aiming to be a major diamond producer in next few years” <http://www.miningweekly.com/> Accessed 12 October 2018.

¹¹⁸OXFAM “From aspiration to reality - Unpacking the Africa Mining Vision”p2.

¹¹⁹Deloitte (2017) “Tanzania Economic Outlook 2017” p10 <https://www2.deloitte.com/> Accessed 12 October 2018.

¹²⁰World Bank (2017) “Tanzania Economic Update April 2017: Money within reach extending financial inclusion in Tanzania”p73 <https://openknowledge.worldbank.org/> Accessed 12 October 2018.

¹²¹Policy Forum (2008) “Report of the Presidential Mining review Committee to advise the Government on oversight of the mining sector” p1 <https://www.policyforum-tz.org/> Accessed 12 October 2018.

¹²²*ibid.*

therein. This means that mining companies that concluded deals before 1998 are protected. President Magafuli then used a political approach to ban the export of gold concentrates and ores to strengthen mineral processing in Tanzania. As a result, a dispute arose between Acacia, one of the big mining companies and the Government.

In the past, the mining sector in Tanzania was predominantly regulated by the Mineral Policy of 2009 and the Mining Act of 2010.¹²³ Interestingly in mid-2017, new legislation was promulgated for the extractive industries of Tanzania namely the “Natural Wealth and Resources (Permanent Sovereignty) Act of 2017, the Natural Wealth and Resources (Review and Renegotiation of Unconscionable Terms Act of 2017 and the Written Laws (Miscellaneous Amendments) Act of 2017 which amended the Mining Act of 2010”.¹²⁴

The mineral policy in Tanzania seeks to attract private investors to Tanzania, to ensure integration of the mining sector and the economy, to “balance benefits with investments competitiveness”.¹²⁵ According to the Tax Justice Network, the alignment of NMMP has happened at a slow pace.¹²⁶ One of the reasons was due to the process requiring Tanzania to develop a CMV first. In the case of Tanzania, the Government initially had to request the AMDC and UNDP to assist with the development of its CMV.¹²⁷ Thereafter, the CMV development process ensued with the launch of a multi-stakeholder dialogue in 2015. The CMV process focused on the following:¹²⁸

- Reviewing current legislation, policies and “regulatory frameworks”;
- Developing a CMV Action plan to integrate mining into development processes and “poverty reduction strategies”;
- Building the capacity of the Ministry of Energy and Mining (MEM) to design effective strategies around extractive industries; and

¹²³ The Mineral Policy of 2009 which replaced the Mineral Policy of 2009. The Mining Act 14 of 2010.

¹²⁴ Leon (2018) “Tanzania’s new mining laws signal sweeping changes” <http://www.bizcommunity.com/Article/196/608/176646.html> <http://www.bizcommunity.com/> Accessed 12 October 2018.

¹²⁵ Tax Justice Network Africa (2016) Where is the Money? Taxation and the state of Africa Mining Vision implementation: A case study of Tanzania and East Africa p19. <https://www.policyforum-tz.org/> Accessed 12 October 2018.

¹²⁶ *Ibid.*

¹²⁷ United Nations Economic Commission for Africa (2016) “AMV and Economic Corridors initiative push for continental growth and development” <https://www.uneca.org/> Accessed 12 October 2018.

¹²⁸ Tax Justice Network Africa (2016) Where is the Money? Taxation and the state of Africa Mining Vision implementation: A case study of Tanzania and East Africa p19 <https://www.policyforum-tz.org/> Accessed 12 October 2018.

- Providing support to local and national stakeholders to enable continuous dialogue on the issue of extractive industry.

Further, the Tax Justice Network observes that while progress has been made to ensure compliance with the AMV in Tanzania, it is concerned that very little seems to be done regarding the mining fiscal regime which is at the core of the AMV.¹²⁹ The Tax Justice Network summarizes the status of mapping for the AMV in Tanzania and East Africa as shown in Table 4.¹³⁰

Table 3: The status of mapping for the AMV in Tanzania and East Africa

Expected Outcome	Activities	Status in Tanzania
Enhanced Share of mineral revenue accruing to African mining countries	Improve national capacity to physically audit mineral production and exports.	Tanzania has established an audit Agency to identify unpaid taxes owed.
	Review mineral regimes in terms of optimizing revenues.	Undertook reforms in the tax system.
	Build capacity and enhance skills of officials in negotiating fiscal issues and effectively monitor compliance.	The AMDC is helping with capacity building of officials.
	Negotiate or renegotiate contracts to optimize revenues and to ensure fiscal space and responsiveness to windfalls.	Tanzania has made many contracts renewable at renewal.
	Develop systems to evaluate components of tax regimes for leakages, losses and tax avoidance and evasion.	Introduced the Tanzania Revenue guidelines in 2014.
Enhanced share of mineral revenue accruing to African mining countries	Review terms of double taxation agreements with host countries of mining companies including the principle that minerals should be taxed at the point of extraction.	Tanzania has signed agreements with 14 countries.
	Build capacity and systems to auction mineral rights where applicable.	Tanzania has signed agreements with 14 countries.
Improved management and use of mineral revenue	Explore strategies to invest windfall earnings and mineral rent into sovereign wealth funds.	Is in the process of establishing a sovereign wealth fund.
	Develop rent distribution systems to allocate part of mineral revenue to communities in mining areas.	A local levy is charged at 0.3% to mining companies.
	Develop mechanisms to facilitate local communities' access to jobs, education, transport, health, water and sanitation.	Does not have a strategy to ensure that mining companies assist local communities either in terms of reinvestment, education, health. It is currently on a voluntary basis.

Source: Adapted from Poncian (2015)¹³¹

¹²⁹ Tax Justice Network Africa (2015). "African Mining Vision Mapping Analysis Research: The Case of Ghana and the ECOWAS, Tanzania and the EAC as well as Zambia and the SADC" p144.

¹³⁰ Poncian (2015) 2 JoSSS p160.

¹³¹ Kigodi *et al* (2015) 4 I&MJoSS p292.

Tanzania seems to have adopted a more targeted approach in its alignment process. It is important to point out that other frameworks exist in Tanzania which manage the extractive industries, such as the Natural Resource Charter and the Extractive Industry Transparency Initiative.¹³² However, these frameworks need to be aligned with the Tanzanian's National Development first. Poncian notes that from 2005 to 2006 the changes in leadership have also affected the experts in the MEM resulting in the slow pace of domesticating the AMV.¹³³ A study undertaken by Oxford Policy Management reveals that public participation in the formulation of the CMV was limited limiting public endorsement of the process.¹³⁴

One of the objectives of the AMV is to create linkages so that mining can catalyze the development of other economic sectors and thereby bring about progress. Tanzania is predominantly agricultural, and more than 70% of its population live in the rural areas¹³⁵. In a study conducted by the University of Dar es Salaam entitled "*The Role of Mining in Industrialization in Tanzania and Implications for Structural Transformation Agenda*," it is evident that there is a weak nexus between mining and other economic sectors such as agriculture, and manufacturing.¹³⁶ Other challenges facing Tanzania relate to the domestication of the AMV due to limited financing.

4.2.3. *The country mining vision in Malawi*

Malawi has also commenced the implementation of the AMV. In 2015, Malawi requested the AMDC for a capacity building programme on contract negotiation.¹³⁷ The AMDC advised the Government that it is necessary for civil society organizations to be involved. A mining workshop was then organized in 2016 to build the capacity of the civil society to understand mining issues in Malawi.¹³⁸ In the same year, the Malawi

¹³²Natural Resource Governance Institute (nd) "Natural Resource Charter" <https://resourcegovernance.org/> Accessed 12 October 2018.

¹³³Poncian (2015) 2 JoSSS p160.

¹³⁴Oxford Policy Management (2011) p2.

¹³⁵World Bank (nd) "Tanzania mainland poverty assessment" p21 <http://www.worldbank.org/> Accessed 12 October 2018.

¹³⁶The study Tanzania Affairs (1979) "The Role of Mining in Industrialization in Tanzania and Implications for structural Transformation" Tanzanian Affairs <https://www.tzaffairs.org/1979> Accessed 12 October 2018. The study prepared by the University of Dar es Salaam argues that the manufacturing sector in Tanzania should be driven by financial resources from the mining sector to develop roads infrastructure and energy projects.

¹³⁷Contract negotiation refers to parties negotiating and agreeing to the clauses of an agreement.

¹³⁸Etter-Phoya in Mining in Malawi (2016) "Minister Msaka launches Malawi's mining contract negotiation capacity building project" <https://mininginmalawi.com/> Accessed 12 October 2018.

Government participated in the CMV discussions in Addis Ababa.¹³⁹ Thus the implementation process in Malawi is still in infancy.¹⁴⁰

4.2.4. *The country mining vision in Zimbabwe*

In 2014, the Zimbabwean Government started reviewing its draft Minerals policy.¹⁴¹ Interestingly, the draft policy is crafted around the AMV.¹⁴² The draft is yet to be adopted.¹⁴³ Included in this draft policy were issues of industrialization and beneficiation were included. The “Zimbabwe Agenda for Sustainable Socio-Economic Transformation” (ZIMASSET) which is the developmental blueprint for Zimbabwe is aligned to the draft policy.¹⁴⁴ The vision for the Zimbabwe mining sector is aligned with the AMV, which is: “to achieve a knowledge driven African mining sector that catalyzes and contributes to the broad-based growth and development of, and is fully integrated into a single African market”.¹⁴⁵

Zimbabwe has also established a Sovereign Wealth of Zimbabwe Act of 2014 and has taken measures to encourage mining companies to undertake value addition and beneficiation especially for minerals such as platinum.¹⁴⁶ Despite these laudable efforts, Zimbabwe has not signed the Extractive Industries Transparency Initiative (EITI).¹⁴⁷ A question that comes to mind is the extent to which Zimbabwe is committed to issues of transparency and accountability in the mining industry. It would seem that Zimbabwe’s approach is not systematic and there is little information on the other processes required for alignment such as stakeholder meetings.

4.2.5. *The country mining vision in Zambia*

Ghana and Zambia realized that collaboration is vital to ensure best practices and that citizens’ benefit. To this end, the two countries agreed in 2016 to assist each other

¹³⁹ *Ibid.*

¹⁴⁰ AFRODAD (2017) “An assessment of the National Mining legal frameworks and policies of SADC Countries against the Africa Mining Vision (Cluster 1: Mining revenues and mineral management): The case of Malawi p14.

¹⁴¹ Herald (2014) “Govt reviews revenues minerals policy” <https://www.herald.co.zw/> Accessed 12 October 2018.

¹⁴² Chamber of Mines of Zimbabwe (2017) “Update on the Zimbabwe Mining Policies and legislation” <https://www.saimm.co.za/> Accessed on 12 October 2018.

¹⁴³ *Ibid.*

¹⁴⁴ Newsday (2013) Zim Asset blueprint: Blessing or curse? <https://www.newsday.co.zw/> Accessed 12 October 2018.

¹⁴⁵ In 2018, in Kigali, Rwanda 44, African states signed an Agreement to establish a Single African Market in an effort to increase intra- African trade.

¹⁴⁶ The Sovereign Wealth Fund of Zimbabwe Act 7 of 2014. See section 4 of the aforesaid Act

¹⁴⁷ Rich (2017) “Africa using the EITI to its potential” <https://eiti.org/> Accessed 12 October 2018.

regarding capacity building. Ghana proposed that Zambia should collaborate with the University of Mines and Technology in Tarkwa to build the required capacity in mineral exploitation and also in the production of ammonium nitrate.¹⁴⁸

Zambia is also in the inception phases of the implementation of the AMV. In 2015 Zambia embarked on a process to analyze its mining legislation including the Mine and Minerals Development Act of 2013.¹⁴⁹ This process resulted in the review of its mining codes. However, the *Zambian Mining Investment and Governance review report* presented by the Permanent Secretary, Mr. Paul M. Chanda reveals that both the policy on minerals and Mines and Minerals Act are not benchmarked according to the AMV.¹⁵⁰ Instead, it would seem that Zambia has as one of its projects a five-year plan to implement the AMV and Zambia's vision 2030.¹⁵¹ It would seem that for Zambia, the implementation is in an infant stage. Thus the current literature does not reveal the steps taken to date on the implementation of the AMV.

4.2.6. *The country mining vision in Ghana*

The process of alignment in Ghana commenced in 2014 with a series of stakeholder consultations which included the review of the Minerals and Mining Act, 2006.¹⁵² The AMDC and UNDP supported this process.¹⁵³ In 2015, Ghana requested the AMDC and the German Institute on Geosciences to how best to use mineral resources to diversify the economy.¹⁵⁴ This initiative was followed by the development of a new Minerals policy in 2016.¹⁵⁵ The new Minerals policy focuses on illegal and artisanal mining operations before Ghana became an independent state and how it is combated.¹⁵⁶ This is in direct contradiction with one of the tenets of the AMV which

¹⁴⁸ Ary in University of Mines and Technology (2018) "UMaT holds 5th Biennial International Mining and Minerals Conference" <https://www.umat.edu.gh/> Accessed 27 October 2018.

¹⁴⁹The Mine and Minerals Development Act 17 of 2013.

¹⁵⁰Government of Zambia (nd) "Operations of the Ministry of Mines and Minerals Development – Launch of the mining investment and governance review report" <http://pubdocs.worldbank.org/> Accessed 27 October 2018.

¹⁵¹Government of Zambia (nd) "Preparatory Assistance Project Advance for Mining Sector Capacity Development in Zambia (PAPAMSCDIZ)" <http://www.mmmd.gov.zm/> Accessed 27 October 2018.

¹⁵²The Minerals and Mining Act 703 of 2006. UNDP (2015) "Final Report- Review of Alignment between the Africa Mining Vision (AMV) and Ghana's Policy/ Legal Frameworks for Solid Minerals p15" <http://www.gh.undp.org/> Accessed 27 October 2018.

¹⁵³*Ibid.*

¹⁵⁴Leon (2017) "The African Mining Vision: A blueprint for development – MineAfrica 15th Investing in African Mining Seminar" slide 9 <http://www.mineafrica.com/> Accessed 27 October 2018.

¹⁵⁵Abbey (2016) "Ghana launches minerals policy" <https://www.graphic.com.gh/news/> Accessed 27 October 2018.

¹⁵⁶Hirons (2013) 62 Futures p1.

requires states to take into account small scale and artisanal mining.¹⁵⁷ The new policy led to a conflict between Anglo Gold Ashanti and artisanal miners which resulted in resentment towards big mining companies.¹⁵⁸ One would have thought that the new policy would have provided more regulatory certainty especially considering that artisanal miners have been mining in Ghana for centuries before colonialism. This contradicts the AMV of giving mining a “human face”.

4.2.7. *The country mining vision in Kenya*

The implementation process for the AMV in Kenya commenced in 2016.¹⁵⁹ The Kenyan Government organized a four day retreat which comprised of government officials, civil society, and the academic community.¹⁶⁰ The process was followed by a two-day national consultative process where communities were sensitized and asked for their opinions on the AMV. This process was followed by the passage of legislation in Mining Act 2016 to replace the 1940 Mining Act.¹⁶¹ The new Act requires that the Government regulate the mining sector, creates new requirements for the mining sector, it stipulates timeframes for decisions and creates a Minerals Board which is autonomous thereby creating an environment for co-governance between the Government and multinational mining companies.¹⁶²

The consultative process with Communities is questionable in the sense that to what extent are rural communities in Kenya knowledgeable about mining? Secondly one wonders whether the process took into account the principle of continuous free and informed consent. Some commentators on the Kenyan process suggest that the process could have been used to legitimize land grabs in Kenya.¹⁶³ Despite this, the Kenyan Government believes that the “new mining act borrows heavily from the AMV

¹⁵⁷African Union (2009) “The Africa Mining Vision” p15.

¹⁵⁸Okoh (2013) 62 Futures p1.

¹⁵⁹Kenya and Ministry of Mining & UNDP (2017) “Report on the Kenya Country Mining Vision (KCMV) Retreat held at Sentrim Elementaita Naivasha” p18. <http://www.ke.undp.org/> Accessed 27 October 2018.

¹⁶⁰*Op cit* at 4.

¹⁶¹The Mining Act 12 of 2016.

¹⁶²See section 25 of the Mining Act of 2016.

¹⁶³Minority Rights Group International (2017) “Huge victory for Kenya’s Ogiek as African Court sets major precedent for indigenous peoples’ land rights” <https://minorityrights.org/> Accessed 27 October 2018. Bench Marks Foundation (2017) “National Dialogue on the Africa Mining Vision: Press release of the Bench Marks Foundation: Current Mining Practices not working for Africa’s people” <http://www.bench-marks.org.za> Accessed 27 October 2018.

as reported by Honorable Mining Minister Mr., Daniel Kazungu Muzee at the 2017 Mining Indaba held in South Africa.¹⁶⁴

4.3 Conclusion

Chapter 4 looked at the strengths and challenges of implementing the AMV by analyzing the selected country experiences of Lesotho, Tanzania, Malawi, Zimbabwe, Zambia, Ghana, and Kenya. It is clear from the analysis that the countries mentioned above are at different levels of implementing the AMV. While the countries subscribe to the tenets of the AMV, the implementation for some of them seems to be constrained by limited financial and technical resources. This is because the AMV requires that the Member States that implement the framework should undertake certain activities during the process of alignment with their national laws in creating a CMV. These include amongst others: the organization of the multi-stakeholder task force, the undertaking of an AMV gap analysis process, the development of an AMV compliant policy, the production of a CMV implementation plan and the implementation of the CMV itself.

¹⁶⁴ Engineering news (2017) “Africa Mining Vision initiative gaining traction one year on” <http://engineeringnews.co.za/> Accessed 27 October 2018.

CHAPTER 5: COMPARATIVE ANALYSIS OF SUCCESSES AND CHALLENGES OF THE AMV

5.1. Introduction

This chapter looks at the success and challenges of the AMV from both a policy and implementation perspective as highlighted in the case studies in Chapter 4. The John Kingdon (1984) multivariate and crisis-driven model has been used to analyze the challenges and opportunities of the AMV. Its three streams namely, problem, policy and politics were used to group the issues affecting the implementation of the AMV. The successes, challenges and lessons to be learnt regarding the implementation of the AMV will be discussed in this chapter as extrapolated from the case studies in the previous section. The chapter will also assess the extent to which African states are willing to embrace the policy paradigm change.

5.2. Strengths of the AMV

An assessment of the AMV as a continental policy to transform the mining sector must commence with a consideration of its objectives. The objectives of the AMV are laudable for the following reasons:

- The policy has a continental outlook;
- The upholding of FPIC for mining communities;
- The emphasis on building linkages with other sectors of the economy;
- The promotion of value addition and beneficiation;
- The need to use revenues from mining for sustainable development;
- The need to establish revenue management systems which reduce tax evasion and illicit financial flows;
- The elevation of small-scale and artisanal miners;
- The need to address environmental degradation resulting from mining; and
- The need to ensure gender justice.

When one considers these objectives, it is clear that the AMV has the potential to transform the mining sector in Africa and to uplift communities from poverty. There is political commitment at the level of the African Union. Its focus is the development and structural transformation of economies and livelihoods of African peoples. The issues of environmental justice are crucial in the AMV to mitigate environmental degradation.

The promotion of alignment of national policies with its tenets is useful for policy coherence in the mining sector in Africa. However, the fact that Lesotho is the only Member State to implement the AMV fully raises questions on its implementation. Also, the countries that are implementing it are doing so in a targeted manner which does not reflect a sense of urgency.

From the case study presented, only Lesotho implemented the AMV in a systematic manner whilst the rest pick and choose the areas of alignment such as Tanzania, Ghana, Zambia, Malawi, and Kenya. It would seem that for most of the countries selected, the focus is on legal reform. Zimbabwe which is reported to have revised its mineral policy in full alignment with the AMV has not adopted the new policy. Furthermore, the information gathered on the cases does not show the extent to which revenue from minerals improved after the alignment. This is an area for further research.

The mining model based on the AMV is progressive. In all the cases examined, the AMV and national mining policies aim to develop an investment climate which enables extraction of raw materials. There is no outright condemnation of foreign investment. It would seem that the implementation of the AMV is based on the need to create a regulatory framework to mobilize private capital.

As a vision, the AMV has the potential to establish a continental institutional process which will create space for dialogue for Governments, civil society, mining communities, and the private sector. This reflects a paradigm shift in the way policy is formulated in Africa. However, it must be pointed out that the slow rate of implementation by AU member states reflects hesitation on the part of member states. The study is hesitant to attribute specific results to the AMV as it is too early.

5.3. Weaknesses of the AMV

5.3.1. Problem stream

As noted earlier, the problems will be analyzed using the problem, policy and political streams of the Kingdon's (1984) "multivariate and crisis-driven model".¹⁶⁵

Regarding the **problem stream** the issues which confront the AMV include commodity prices which keep tumbling as indicated by the AU Chair.¹⁶⁶ The fall in commodity

¹⁶⁵ Kingdon (1984) p1.

¹⁶⁶ All Africa (2017) "Africa: Falling Commodity Prices Not Good for Africa - AU Chair"
<https://allafrica.com/stories/201709070908.html> Accessed 27 October 2018.

prices affects the anticipated revenues. Hou *et al*, reports that oil exporting countries are losing over \$63 billion because of the drop in oil prices.¹⁶⁷ The volatility of the mineral sector affects the AMV model on revenue first to push for development. This, in turn, affects the transformation objective envisaged by the AMV.

The Economic Commission for Africa's report (2013) indicates that the lack of capacity by African countries to undertake geological surveys and geophysical mapping means that the African countries are continuing to lose revenue due to inadequate data.¹⁶⁸ The report shows that most African governments except South Africa do not have data sets which enable them to monitor mineral exploration and production. The ECA 2011 report shows that whereas mining companies in 2010 made an aggregate profit of US\$110 Billion representing an increase of 156% from 2009, the government revenues for the same period were much less.¹⁶⁹ The World Bank Diagnostics Trade Integration report notes that between 1965 and 1975, mining had always contributed no less than 45% of the revenue in Zambia, but during the period 2000 and 2011 it made no contribution.¹⁷⁰ Related to this problem is the issue of under-reporting of revenues by mining companies to Governments. The Thabo Mbeki report on illicit financial flows show that at least USD 50 Billion dollars leave the continent every year.¹⁷¹

The implementation of the AMV requires a lot of money for the stakeholder meetings, review of policy and capacity building of government officials. In Ghana, the implementation policy was supported financially by a mining corporation - Anglo Gold Ashanti and UNDP. The same applies to Zambia, Tanzania and Malawi. The AMDC has limited resources. It would seem that many countries have adopted a selective approach to reducing cost. In the Member States that are implementing the AMV, support was provided by the UNDP. In some cases, mineral corporations have also supported the process financially.

¹⁶⁷ Hou *et al* (2015) 45 ODI p19.

¹⁶⁸ African Union (2011) "Economic Report on Africa 2011: Governing development in Africa - The role of the State in ensuring transformation" <http://repository.uneca.org/> Accessed 27 October 2018.

¹⁶⁹ *Ibid.*

¹⁷⁰ The World Bank Group (2014) "The Republic of Zambia Diagnostics Trade Integrated Study" p22 <http://www.oecd.org/aidfortrade/countryprofiles/dtis/Zambia-DTIS-2014.pdf> Accessed 27 October 2018.

¹⁷¹ African Union and United Nations Economic Commission for Africa (2015) "The report of the High Level Panel on Illicit Financial flows from Africa" Presented by Thabo Mbeki. <http://www.uneca.org/sites> Accessed 27 October 2018.

5.3.2. Policy stream

Concerning the **policy stream**, in many African countries, the existence of colonial mining frameworks and other national charters on the extractives industry slow progress. The problem is compounded by the intention to comply with international and domestic regulatory frameworks. Tanzania is grappling with how to align the existing policies and charters on the mining sector with the AMV. The Tanzanian government has had to pass legislation to deal with the issue of stabilization clauses in contracts signed before 2009.

The United Nations Conference on Trade and Development (UNCTAD) 2016 report argues that the principle of fairness is not applied by mining companies who are mostly driven by profits.¹⁷² Unfortunately, many African countries cannot collect taxes and royalties from natural resources revenues.¹⁷³ As a result, the equitable delivery of socio-economic development to citizens is affected. The mining sector is a complex sector which requires highly skilled manpower.

The process of industrialization in many African countries is absent or very slow. The 2013 ECA report argues that many African countries continue to depend on commodity exports¹⁷⁴. This stands in stark contrast with the objectives of the AMV to align national trade with regional and international markets.

The concept of value addition as enunciated in the AMV is problematic. Necessary infrastructure such as roads and electricity lacks in many African countries. One can partly blame trade barriers, rules and regulations at national level which impede the movement of goods and services.

In the case studies analyzed for this study, there was very little evidence that the countries had developed industrialization policies. In particular, there was no evidence of integrating trade, minerals and industrial frameworks. Which affects intra-African

¹⁷²United Nations Conference on Trade and Development (2013) “The least developed countries report 2013 - Growth with employment for inclusive and sustainable development” <https://unctad.org/en/> Accessed 27 October 2018.

¹⁷³ African Tax Administration Forum (ATAF), the African Union Commission (AUC), the Centre for Tax Policy and Administration of the Organisation for Economic Co-operation and Development (OECD) and the OECD Development Centre (2017) Revenue statistics in Africa p3 <https://www.oecd.org/tax/tax-policy/revenue-statistics-africa-brochure.pdf> Accessed 27 October 2018.

¹⁷⁴ United Nations Economic Commission on Africa Report (2013) “Making the most of Africa’s commodities: Industrializing for growth, jobs and economic transformation”. <https://www.uneca.org/> Accessed 27 October 2018.

trade. The UNCTAD report (2013) shows that Africa has the least levels of trade amongst its countries.¹⁷⁵ The level of intra African trade against other continents is reflected in Table 4.

Table 4: Global intra-regional trade

Region	% of intra-regional trade
Africa	11%
Asia	50%
Latin America and the Caribbean	21%
Europe	70%

Source: UNCTAD 2013¹⁷⁶

Most African countries do not have the infrastructure or technology to process their own minerals. This means that value addition and beneficiation will continue to take place outside the African continent. The ECA Report (2013) indicates that the lack of beneficiation capacity in Africa will affect the objective of industrializing Africa, the creation of employment and will minimize wealth creation.¹⁷⁷

The AMV is birthed out of a background of perceptions which viewed foreign investment as exploitative and unfair and where the extractives industry which is deemed by some to be a ‘curse’. It is too early to ascertain whether the AMV will be able to attract foreign investment. Ghana has adopted a policy framework where it ensures that foreign investors continue to operate. There is very little information to indicate whether privately-owned companies that commenced operations after the adoption of the AMV are adhering to the principle of sharing benefits from the mining sector with the communities. The AMV is silent on the issue of how foreign investment is handled at a continental level. Further, most Member States do not have the necessary infrastructure or technology to process their minerals. This means that value addition and beneficiation will continue to take place outside the African continent.

The implementation of the AMV requires financial resources for the stakeholder meetings, review of policy and capacity building of government officials. The AMDC has limited resources. It would seem that many countries have adopted a selective approach to reducing cost. In some cases, mineral corporations have also supported

¹⁷⁵ United Nations Conference on Trade and Development (2013) “The least developed countries report 2013 - Growth with employment for inclusive and sustainable development” <https://unctad.org/en/> Accessed 27 October 2018.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

the process financially. In the case of Ghana, the implementation policy was supported financially by a mining corporation- Anglo Ashanti Gold and UNDP. The same applies to Zambia, Tanzania and, Malawi.

In many countries, the existence of colonial mining frameworks and other national charters on the extractives industry demonstrates slow progress. Perhaps this is due to the need to comply with international regulatory frameworks and domestic policies. For example, Tanzania is grappling with how to align its existing policies and charters on the mining sector with the AMV. Related to this are the mining agreements signed before the commencement of the AMV. Many African countries including Tanzania have to renegotiate mining contracts with stabilization clauses.

The implementation of the AMV requires that the Ministry of Mining be the lead agency in the coordination of the implementation process of the AMV. Hence, the AMV is state-centric and this raises questions on the extent to which citizen's voices is mainstreamed in the national consultative processes.

The second weakness is that not many African people including the mining communities are aware of the existence of the AMV. The case of Malawi shows that the Government had to sensitize the civil society groups about the mining sector in Malawi prior to commencing with the CMV process. A report by a civil society organization based in Kenya questions how two days of consultations with communities can yield information beneficial for the implementation of the AMV .¹⁷⁸

Looking at the AMV, it is clear to achieve linkages between Governments, communities and mining companies as it ends up combining the role of government and mining corporations instead of separating them.

5.3.3. Politics stream

Many global trends are creating an environment where many African countries are beginning to question the way they do business. The fact that African leaders are now viewing mineral resources as a curse and demanding change is a reflection that Africa is entering or experiencing a new era in terms of the way it views development. The adoption of the SDGs and Agenda 2063, the Domestic Resource mobilization policy, the Addis Ababa Action Agenda and the Thabo Mbeki report all point to a new way of thinking concerning reducing dependency on the developed North. These ideas resonate well with the AMV. Although the international frameworks on mineral

¹⁷⁸ Etter-Phoya (2016) "Malawi participates in first Africa mining vision civil society forum in Nairobi" <https://mininginmalawi.com/> Accessed 27 October 2018.

governance are sophisticated, the fact that Africa is now able to articulate its position is a step in the right direction. What is now needed is the ability to negotiate on issues such as value chains, taxation and mineral rights. To be useful in the global arena, Africa will need to reduce its dependence on foreign capital. The African Union adoption of the principle of the 0.2% levy on imports will go a long way in this direction. Furthermore, African states will need to learn to adopt an African approach which also benefits their neighboring countries. A good example is the iron ore project in Guinea where the Government of that country has pressured Rio Tinto to build a rail link through Conakry.¹⁷⁹

The other political challenges to the AMV include the AMV being developed against a background of perceptions which viewed foreign investment as exploitative and unfair and where the extractives industry is a ‘curse’. It is too early to ascertain whether the AMV will be able to attract foreign investment.

The other challenge is that African Governments emphasis on the issue of sovereignty. As a result, the AMV like many other AU policies is voluntary. Therefore leaving Governments with the decision to enforce them. As a result, one can understand why nearly close to half of the AU Member States are in the early stages of implementation.

In many African countries, the Government leadership and bureaucrats are linked to the private sector and make policies that are in most cases domestic-based and not regionally focused. There will be a need for a pan-African approach at the domestic level to achieve the objectives of the AMV.

Although the AMV mentions women’s rights and gender equity in the mining sector, the AMV action plan does not reflect this position. The Women in Mining Organization (WoMin) 2015 reports that the AMV does not address issues of women dispossession when mining companies take over land nor addressing with issues of gender equity in the labor issues about women in the mining sector.¹⁸⁰

¹⁷⁹Rio Tinto (2012) “Simandou Social and Environmental Impact Assessment (SEIA) Simandou Port Non-Technical Summary <https://www.riotinto.com/> Accessed 27 October 2018.

¹⁸⁰WoMIN (2015) “The Africa Mining Vision – a long overdue eco-feminist critique” <https://www.womin.org.za/images/docs/analytical-paper.pdf> Accessed 27 October 2018.

5.4. What is the future of the AMV?

Boin (2009) has developed six possible scenarios for the implementation of the AMV which are summarised in Table 5.¹⁸¹

Table 5: Possible AMV scenarios

	ADVOCATE FOR AMV INCREMENTAL REFORMS	ADVOCATE FOR AMV WHOLESALE PARADIGM SHIFT
RESIST POLICY CHANGE	<p>Scenario i: Partially unlikely</p> <p>Politically imposed incremental change</p>	<p>Scenario: ii Very unlikely</p> <p>Stalemate</p> <p>Politically imposed AMV paradigm shift</p>
CONTAIN POLICY CHANGE	<p>Scenario iii: Very highly likely</p> <p>Negotiated incremental adjustments to take into consideration some AMV core ideas and mechanisms for implementation</p> <ul style="list-style-type: none"> • Kenya • Ghana 	<p>Scenario iv: Likely</p> <p>Major swift rhetorical symbolic change, but no fundamental shift towards adoption of AMV deep core ideas, principles and tenets</p> <ul style="list-style-type: none"> • Zimbabwe (policy is in draft mode but fully aligned to AMV)
ACCEPT POLICY CHANGE	<p>Scenario v: Very Likely</p> <p>AMV principles and tents implemented selectively on an incremental basis</p> <ul style="list-style-type: none"> • Tanzania • Malawi 	<p>Scenario vi: Partially likely</p> <p>AMV paradigm shift with its deep core ideas widely recognized and accepted as the most enduring regime for the sector.</p> <ul style="list-style-type: none"> • Lesotho

Source: Adapted from Boin ¹⁸²

¹⁸¹ Boin (2009) 26 RoPR p370.

¹⁸² *Ibid.*

When one juxtaposes the seven case studies on Boin's path to change framework, one finds that different African countries are taking different paths in their implementation of the AMV. It would seem that the most likely scenario is the one where Member States select specific tenets of the AMV for implementation.

5.5. Conclusion

Chapter 5 looked at the strengths and challenges of implementing the AMV. The policy stream of the multivariate model shows much potential concerning the concepts and principles of the AMV against fairness, equitable distribution of benefits from, inclusiveness for dialogue. Regarding the problem stream, several challenges were identified. These include the slow rate of ratification and domestication of the AMV, the volatility of commodity prices of minerals, the lack of industrialization, the lack of fairness, the lack of technology and data on mineral occurrence.

CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1. Introduction

African countries have mineral resources which can change their development trajectory and transform their economies to uplift many people from poverty. The AMV 9 offers many opportunities for mineral based development in Africa. Its biggest strength is the concept of creating dialogue spaces for all stakeholders in the mining sector thereby minimizing illicit financial flows and thus retain revenue for development. The issues of accountability and transparency as enunciated in the AMV are crucial for economic development as these will reduce dependency on foreign aid and increase focus on domestic resources. However, the implementation of its tenets is yet to bear fruit as most countries are in the early stages of implementing it.

Despite the existence of the AMV, the African countries have continued to export raw materials. The issues of beneficiation and industrialization still need to be achieved. The issue is what African should do where mining companies fail to fulfill obligations towards the communities and the environment.

The case studies analyzed in this study show that many Governments in Africa suffer from a problem of human capacity and retention of skilled labor, especially in the mining sector. The mining sector is complex and technology driven. There is a need to ensure that government departments handling mining issues and collection of revenue are well resourced in terms of skilled manpower. This is because industrialization and development of any nation require adequate human and material resource capacity. Although some countries have started capacity building programmes for officials in the mining departments more needs to be done. Negotiation with international mining corporations should be handled by Multi-skilled teams capable of understanding geology, taxation issues, and mining. This would avoid the need to renegotiate contracts. Mining development Agreements are complex documents. Most of the outcomes of these Agreements seem to be in favor of mining companies and not governments.

6.2. Recommendations

One of the tenets of the AMV is the need for resource mapping and geoscience. Geological data which includes the location of minerals, maps is critical for countries to understand the extent of their mineral wealth. However, many countries lack adequate financial resources to conducted

resource mapping and geoscience. There is no information which shows that the countries assessed for this study except Lesotho have undertaken resource mapping. In 2014, the British Geological Survey International was requested by the World Bank to conduct a high-resolution geophysical survey for some part of Tanzania in the North and not the whole country. The AMV process requires that geological mapping, geochemical studies be conducted to enable member states to understand the extent of their resource base. The information is important for contract negotiation. What happens in most African states is that the geological mapping and surveys are undertaken by the same companies applying for mining contracts.

Artisanal mining is acknowledged in the AMV as a source of livelihood for many small-scale miners in Africa. Thus, the AMV recommends that such mining be regulated through the development of policies, rules and regulations. This is the case in the countries assessed in this study. In Tanzania, an estimated 1.5 million people make a living from artisanal and “small-scale mining”. In Ghana, the small-scale miners were operating even before the advent of colonialism. Despite this, as shown in Ghana, the implementation of the AMV sought to displace the small scale miners with dismal results. A similar pattern also occurred in Tanzania where small scale miners were marginalized in preference to large mining corporations. This caused resentment and conflicts between the small-scale miners and big corporations. There is a need to formalize the small-scale mining and ensure integration into the formal sector as non-formalization may lead to loss of mineral revenue and impact on issues of transparency.

All the cases analyzed in this study do not seem to have a strategy to ensure that foreign companies prioritize communities in the areas where they are mining, yet this is crucial to the attainment of the goal of the AMV. African Governments must insist on clauses in the mining Agreements which cater for the interests of communities. This is the only way in which mining can achieve the socio-economic objective of development. In this regard, Parliaments and civil society have an imperative role to ensure that governments are held accountable to ensure revenues also benefit citizens.

One of the tenets of the AMV is the creation of linkages between the mining sector and other sectors of the economy as illustrated in figure 5.¹⁸³

¹⁸³ African Minerals Development Centre & Economic Commission Africa (nd) “Framing ASM in Africa: The AMV dimension” <http://knowledge.uneca.org/> Accessed 13 October 2018.

Figure 5: Dimensions of linkages



Source: AMDC and ECA ¹⁸⁴

As illustrated in the abovementioned case studies, agriculture plays a critical role in the development, and the highest percentage of the population resides in rural areas. It is therefore prudent that the implementation of the AMV should ensure that revenues from the mining sector also create linkages with others such as agricultural and catalyze improvement.

6.3. Conclusion

The AMV advocates for beneficiation and value addition as a way to reduce Africa's role as an exporter of raw materials. This is still a dream as most African states lack the capital to develop the required mining infrastructure.

As a continental governance framework for mineral resources, the AMV is very progressive and holds many opportunities for socio-economic development in Africa. However, its implementation is problematic, and the African Union needs to look at this matter.

¹⁸⁴ African Minerals Development Centre & Economic Commission Africa (nd) "Framing ASM in Africa: The AMV dimension" <http://knowledge.uneca.org/> Accessed 13 October 2018.

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Abbreviations for the references contained in the footnotes

ADR	African Development Review
CJoIA	Cambridge Journal of International Affairs
CJoDS	Canadian Journal of Development Studies/revue Canadienne D'études Du Développement
CP	Comparative Politics
CRoIA	Cambridge Review of International Affairs
EC&PfsD	Environment: Science and Policy for Sustainable Development
IJoAriAFaMS	International Journal of Academic Research in Accounting, Finance and Management Sciences
ISQ	International Studies Quarterly
I&MJoSS	International and Multidisciplinary Journal of Social Sciences
JoEQ	Journal of Environment Quality
JoEPP	Journal of European Public Policy
JotSAIoM&M	Journal of the Southern African Institute of Mining and Metallurgy
JoSDL&P	Journal of Sustainable Development Law and Policy
JoSSS	Journal of Social Sciences Studies
ME	Mineral Economics
OEP	Oxford Economic Paper
ODI	Overseas Development Institute: London
OTPP	OECD Trade Policy Papers
RP	Resources Policy
RoPR	Review of Policy Research
TWP	The Western Political Quarterly

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