

# The Mining Policy Framework:

Assessing the implementation readiness of member states of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development

SYNTHESIS REPORT





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#### Assessing the implementation readiness of member states of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development

#### Synthesis Report

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## INTRODUCTION

When struggling to meet the resource needs of a growing population, it can be easy to overlook the role that mining can play in a nation's long-term social and economic development. Mining can generate jobs and much-needed revenues; it can promote the development of a more skilled workforce; and it can lead to investments in health, education and infrastructure.

These positive benefits are difficult to achieve in the absence of a strong legal and policy framework. Such a framework must promote the economic and social development benefits of mining while upholding strong environmental and social standards; in the absence of such a framework, mining activities can threaten to pollute and degrade the environment, endanger workers, lead to non-inclusive growth and promote corruption, among other things. The Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) is working to advance good governance practices and policies that support sustainable development through its Mining Policy Framework for Mining and Sustainable Development (MPF).

At the World Summit on Sustainable Development, held in Johannesburg, South Africa in 2002, delegates from a number of countries recognized the challenges and opportunities related to mining and sustainable development, and highlighted these concepts in the Johannesburg Plan of Implementation. From this process a number of countries came together to establish the IGF in 2005. The IGF is a voluntary organization that allows national governments with an interest in mining to work collectively to advance the priorities identified in the Johannesburg Plan of Implementation. It is the only global policy forum for the mining and metals sector with the overarching objective of enhancing capacities for good governance in the sector. The major goals of the IGF are to enhance and promote the contribution of the mining, minerals and metals sector to sustainable development, and to provide governments with a forum in which to discuss the opportunities and challenges of the sector. At present, there are 52 IGF member

countries, with Canada currently acting as the Forum Secretariat.

In 2013, the IGF published a revised version of their Mining Policy Framework. The MPF is a “compendium of activities [the IGF member countries] have identified as best practice for exercising good governance of the mining sector and promoting the generation and equitable sharing of benefits in a manner that will contribute to sustainable development”<sup>1</sup> (IGF, 2012). These best practices are divided into six key pillars: the legal and policy framework; financial benefit optimization; socioeconomic benefit optimization; environmental management; mine closure and the post-mining transition; and artisanal and small-scale mining (ASM).

The International Institute for Sustainable Development (IISD), with support from the Canadian Department of Foreign Affairs, Trade and Development (DFATD), worked with three member states of the IGF—the Dominican Republic, Uganda and Madagascar—to help them operationalize practices consistent with the MPF. This was a two-part process, beginning with an assessment of each country's national laws and policies, and their corresponding readiness to implement the MPF. For this first part of the process, the assessments measured the readiness of the three member states to implement the six pillars of the MPF through existing government laws, policies and measures. The assessments were then used to help governments target their efforts in implementing the MPF, to inform capacity-building efforts, and to allow for monitoring of progress over time. The second part of the project focused specifically on the capacity-building element.

This report synthesizes some of the key findings from the assessments and the capacity-building workshops. It looks at both high-level trends in mining legislation and policy-making and pillar-specific findings in the hopes of identifying areas of common strength and weakness. Given that these findings are taken from a limited sample of just three assessments, they should not be interpreted

<sup>1</sup> Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development. (2013). A Mining Policy Framework. Available at: <http://www.globaldialogue.info/MPFOct2013.pdf>.



as universal or applicable to the policies and laws of other IGF member states. It is hoped, however, that they might still provide valuable information for the other members of the Forum, and inform future assessments.

It is important to note that the MPF is a general document with very broad coverage. Specific elements of the MPF may not be applicable in every context; for example, policies responding to insecurity may not be applicable in those countries enjoying relative peace and stability. The assessment team did not revise or adapt any specific elements of the MPF to fit the national contexts of the three member states; the assessments only determined if these elements were being applied. It should also be noted that the MPF itself is aspirational; even the most developed country will have weaknesses and gaps in its mining laws and policies.

This synthesis report draws together findings from the pilot phase of the project, undertaken from 2013 to 2015. It does not suggest all IGF members or other states would have the same results, nor does it seek to draw any other broader conclusions of that type. However, a broader sampling based on further assessments may result in a better ability to reach some conclusions that could then help set priorities for MPF training, future guidance documents, or other support at a national level.

## ASSESSMENT FINDINGS

### HIGH-LEVEL FINDINGS

The willingness of the governments of the Dominican Republic, Uganda and Madagascar to volunteer to participate in this project speaks volumes for their desire to understand and address the weaknesses in their mining laws and policies, while building upon and maintaining their strengths. The Mining Policy Framework is a very comprehensive and demanding framework, and an agreement to undergo the level of document sharing, candid dialogue, and transparent reporting required by the assessments is proof of each government's commitment to maximizing

the benefits of its mining sector for the social and economic well-being of its country, while protecting the biodiversity and ecosystems for which these country are recognized.

The areas of mining law and policy for which the three countries most closely aligned with the best practices presented in the MPF were the legal and policy framework, financial benefit optimization, and environmental management (see Table 1). In each of the three countries, these pillars were assessed at a medium level of implementation readiness. On the whole there was reason for measured optimism, though significant opportunities exist to further enhance positive laws and policies within each pillar. That said, while the laws and policies within these three pillars did show some strengths on paper, a lack of financial and human resources and capacities to implement and enforce these laws was a common—and very significant—barrier to the mining sector contributing to sustainable development in Madagascar, Uganda and the Dominican Republic.

Among the weaknesses, each of the three countries showed a limited readiness to implement the MPF in the pillars of socioeconomic benefit optimization, mine closure, and ASM. Socioeconomic benefit optimization in particular was the key focus of capacity-building workshops in all three countries; as is reflected in Table 1, countries were uniformly weak with regards to the optimizing the contribution that their mining sectors make to socioeconomic development progress in areas like education and health. In addition, ASM legislation and policies typically lagged behind those aimed at large-scale mining, despite the fact that ASM activities in these countries often have larger impacts in terms of employment, environmental degradation and economic contributions.



**Table 1:** Summary of key strengths and weaknesses by country

MINING POLICY FRAMEWORK PILLAR	DOMINICAN REPUBLIC	MADAGASCAR	UGANDA
Legal and Policy Environment	Medium	Medium	Medium
Financial Benefit Optimization	Medium	Medium	Medium
Socioeconomic Benefit Optimization	Low	Low	Low
Environmental Management	Medium	Medium	Medium
Post-Mining Transitions	Medium	Low	Low
Artisanal and Small-Scale Mining	Low	Low	Medium

## PILLAR-SPECIFIC FINDINGS

Strengths, weaknesses, gaps and opportunities were identified across all six pillars of the MPF during the country assessments. And while some common strengths and weaknesses did emerge (see Table 2), they were not the same across the three countries; one country could be seen as making great strides in a given area of mining policy development while another struggled with the same issues. Overall, however, these three countries are making progress in aligning their mining laws and policies to support sustainable

development. More progress is needed, and monitoring, inspection and enforcement remain significant challenges. However in many areas there is reason for optimism.

Some common themes do emerge from the assessments in terms of the readiness of countries to implement the standards laid out in the MPF. Again, while these findings are based on just three assessments, and as such cannot be taken as representative of all IGF member states, they can nevertheless be kept in mind for future assessments.

**Table 2:** General findings across the three assessment countries

MPF PILLAR	GENERAL FINDINGS ACROSS THREE ASSESSMENT COUNTRIES
<b>1. Legal and Policy Environment</b>	<p>Strengths:</p> <ul style="list-style-type: none"> <li>Improvement in the generation of and access to geological information</li> <li>Move toward regular revision of mining codes and standards</li> <li>Communities increasingly consulted during permit application process</li> <li>Environmental impact assessments (EIAs) are required before permits are granted, and they are increasingly standardized.</li> <li>Sustainable natural resource use enshrined in national constitutions</li> </ul>
	<p>Weaknesses:</p> <ul style="list-style-type: none"> <li>Generation of geological data dependent on donor support</li> <li>Community consultations not required on an ongoing basis throughout the life of the mine</li> <li>Lack of coordination among government ministries on mining issues</li> <li>Lack of action addressing the impacts of mining on indigenous peoples, cultural heritage, resettlement, and community safety and security</li> <li>Use of special contracts alongside existing mining laws seen to create two parallel systems of accountability, with reduced transparency.</li> </ul>
<b>2. Financial Benefit Optimization</b>	<p>Strengths:</p> <ul style="list-style-type: none"> <li>Government revenues from mining generated from a mix of taxes, royalties and other revenue streams</li> <li>Increasing national capacities for negotiating mining contracts</li> </ul>
	<p>Weaknesses:</p> <ul style="list-style-type: none"> <li>Need to better address the fungible nature of mining profits and transfer pricing</li> <li>Limited mechanisms to deal with commodity price volatility</li> <li>Continued lack of transparency with regards to the distribution of financial benefits</li> <li>Greater need to tie financial benefits of mining to local, regional and national development objectives</li> <li>Need to formalize ASM activities to generate greater government revenues</li> </ul>



MPF PILLAR	GENERAL FINDINGS ACROSS THREE ASSESSMENT COUNTRIES
3. Socioeconomic Benefit Optimization	Strengths: <ul style="list-style-type: none"> <li>Occupational health and safety legislation in place</li> <li>Social impacts included in EIAs as part of permit application process</li> </ul>
	Weaknesses: <ul style="list-style-type: none"> <li>Mining operations are not obliged to support short-term and long-term health and education initiatives.</li> <li>Occupational health and safety legislation rarely monitored or enforced, and non-compliance not penalized</li> <li>Companies not required to support non-mine business development opportunities, long-term economic growth</li> </ul>
4. Environmental Management	Strengths: <ul style="list-style-type: none"> <li>Good environmental legislation on managing water, mine wastes and effluent, biodiversity, etc. generally in place</li> <li>EIAs required as part of the permitting process, and include community consultations</li> </ul>
	Weaknesses: <ul style="list-style-type: none"> <li>Emergency preparedness plans not required from mine operators</li> <li>Managing the transboundary impacts of mining not addressed in legislation</li> </ul>
5. Post-mining Transitions	Strengths: <ul style="list-style-type: none"> <li>Closure plans, developed with community input, are required as part of permit application</li> <li>Financial assurances and bonds technically required, though rarely implemented in practice</li> </ul>
	Weaknesses: <ul style="list-style-type: none"> <li>Companies not required to follow internationally accepted guidelines or best practice</li> <li>External experts not required in the development of closure plans</li> <li>No policies or legislation on orphaned or abandoned mines</li> </ul>
6. Artisanal and Small-Scale Mining	Strengths: <ul style="list-style-type: none"> <li>Some minimal efforts to formalize ASM activities</li> </ul>
	Weaknesses: <ul style="list-style-type: none"> <li>ASM remains overwhelmingly informal, with significant environmental and social impacts and implications for government revenues</li> <li>Child labour and unsafe working conditions remain pervasive</li> <li>No efforts to increase savings and investment in the ASM sector</li> <li>Environmental awareness among ASM miners is minimal</li> </ul>

### Legal and Policy Environment

#### General Level of Implementation Readiness: Medium

The three countries assessed during the project show a general trend toward improvements in the legal and policy environment: overall, the countries are strengthening the laws and policies that govern their mining sectors. For the MPF, this relates to the ongoing generation of and access to geological data, the revision and periodic updating of mining codes and standards, and the permitting process. Recent investments in geological surveys, mapping and database management mean that information on mineral deposits is increasingly being generated and is increasingly accessible. However, investments in geological data are coming from external donors, and as such, the continued generation of this information and its accessibility may depend on the sustainability of funding. For

example, following Madagascar’s political crisis and the subsequent withdrawal of international donor support, the country’s geological data was made less accessible when the online portion of the database was shut down due to a lack of funding.

Encouragingly, the three countries were either in the process of revising their mining legislation and policies (Uganda and Madagascar), or had recognized the need to do so (Dominican Republic). While acts and policies typically cover all aspects of mining, from exploration to closure, and are generally revised every 10 years (see Uganda and Madagascar), some supporting legislation does remain woefully out of date. In Uganda, for example, the regulations governing mine safety date back to 1949. To support and guide these policy and legislative revisions, the sustainable use and exploitation of natural





resource has been enshrined in the constitutions of all three countries.

Environmental Impact Assessments (EIAs) are required prior to the granting of mining permits in each country, and must include the social impacts of the proposed mine. In Madagascar and Uganda, guidelines are provided to applicants that lay out the structure to which EIAs must conform. In the Dominican Republic, on the other hand, assessment requirements for large projects are ad hoc and determined through negotiations between the government and the mining company. Community consultations are required in all three countries as part of the EIA process, which is in line with MPF standards; however, these consultations are only required during the initial impact assessment. They do not have to take place on an ongoing basis throughout the life of the mine. Regular reporting to the government on the mine's environmental and social impacts is also typically required. The protection of indigenous peoples and cultural heritage, guidance on resettlement strategies, and ways of ensuring community safety are mostly left out of mining legislation in the three assessed countries. Finally, there was generally found to be a lack of significant coordination among all relevant government ministries on mining issues.

The existence of mining laws and policies on the one hand and special contracts for large projects on the other creates, in all three countries, a complicated system in which different permit holders are accountable to different rules, requirements and regulations. Stakeholders reported that the use of special contracts leads to a lack of consistency across permit holders, while a general lack of public access to these contracts reduces transparency in the sector and complicates monitoring and enforcement. It should be noted that in Madagascar specific legislation pertaining to large-scale mining investments is in place, as is a government agency tasked with negotiating and managing these contracts; however, similar legislation does not exist in the Dominican Republic or Uganda.

## **Financial Benefit Optimization**

### **Level of Implementation Readiness: Medium**

The optimization of financial benefits, as outlined in the MPF, requires that the taxes and royalties derived from mining reflect the value to society of the resources mined, and that these revenues are collected and used to support the sustainable development of the nation. In general, the assessed countries show a medium-to-low compliance with the standards set out in the MPF. A mix of taxes and royalties is used in all three assessed countries to generate government revenues from the mining sector. This meets MPF criteria, although the fungible nature of corporate profits does open up opportunities for companies to reduce their tax burden through transfer pricing, a risk identified and addressed only in Dominican tax law. Nevertheless, the mix of royalties and income and property taxes does allow governments to generate revenues throughout the project life cycle. With the exception of Uganda, commodity price volatility is not typically considered in these tax rates; only in that country does the corporate tax rate fluctuate according to profit levels to help promote continued production in times of low commodity prices and assure that the government can generate higher revenues in times of elevated prices. Capacities and resources are also present in each country for the negotiation of mining contracts: in the Dominican Republic, stakeholders report that capacities to negotiate and renegotiate special contracts are high, while in Madagascar, there is a division within the Mining Ministry devoted to large mining investments.

The lack of transparency in the distribution of financial benefits remains a significant weakness, and an area where further improvements are needed. Oftentimes mining revenues are simply integrated into the national budget; how these revenues are then spent at the national, district and community levels is unclear. Stakeholders also commonly noted that there is a need to tie mining revenues more explicitly to visible development gains at the local level; all too often, mine-adjacent communities see limited tangible benefits deriving from these operations, despite the major environmental and social costs that they incur.



The same applies to designing and negotiating mineral development agreements that support the achievement of national development objectives: there is currently no explicit link between these national objectives and negotiating mineral development agreements, managing permitting processes or distributing the financial benefits in any of the three countries. Finally, the inability of governments to tax extensive and largely informal ASM activities means that they are forgoing a significant amount of mining revenue. ASM represents 90 per cent of all mining in Uganda, for example, yet only 5 per cent of these miners have licenses.

### **Socioeconomic Benefit Optimization**

#### **Level of Implementation Readiness: Low**

Socioeconomic benefit optimization, as outlined in the MPF, is concerned with turning extracted natural capital into human capital. Specifically, this pillar of the MPF sets out standards relating to: integrating community, regional and national issues; making education and health national priorities; ensuring occupational health and safety for miners; optimizing employment opportunities at the mine; creating business development opportunities; addressing potential security concerns; and respecting human rights, indigenous peoples and cultural heritage. During the assessments, this area of mining law and policy was found to be the one most in need of strengthening in all three countries.

Local investments in health and education are two of the most visible ways in which mining operations can contribute to development progress. However in each of the assessed countries such investments are strictly left to the voluntary discretion of the mine operators themselves; they have no obligation to make such investments in local development in policy or legislation. When voluntary investments are made (there was, for example, evidence of companies constructing schools and clinics in mine-adjacent communities as part of their corporate social responsibility programs), companies are not required to plan for and ensure the continued operation of the facility beyond the closure of the mine (i.e., to ensure that sustainable development

benefits continued to accrue to the local population). The absence of this kind of legislation or policy means that mine-adjacent communities see fewer tangible benefits coming from the mining sector than they might otherwise. Similarly, the integration of the mining sector into national development strategies is generally minimal.

While occupational health and safety (OHS) legislation is in place in all three countries, monitoring and enforcement remain problematic due to a lack of staff, equipment and funding. In the assessed countries, there is also a lack of significant sanctions and penalties for non-compliance on OHS; governments, for example, generally do not threaten to revoke mining permits when companies fail to comply with the relevant legislation. Compounding this problem is the largely informal nature of most ASM, which means that most miners often fall outside of the protections of such legislation. Extending these protections to all miners will be a key challenge in reducing hazards and minimizing the risk of accidents.

Mining companies are not obliged to create non-mine business development opportunities as part of their operations, nor is there a need for them to ensure that local economic growth continues beyond the life of the mine. Across the three countries, there is no formal planning relating to the creation of non-mine industrial and service business opportunities made possible by mine-related investments in infrastructure. And there are also no requirements for companies to invest in the training services required to create a highly skilled local labour force. That said, there are some interesting local-employment conditions included in labour and mining codes: in the Dominican Republic, for example, 80 per cent of employees and 80 per cent of the gross salary must go to Dominican nationals.

Finally, it should be noted that there is nothing in the legislation in any of the three countries on mining operations and conflict situations; however, when political instability emerged in Madagascar the permitting system was frozen.



## Environmental Management

### Level of Implementation Readiness: Medium

Legislation and policies on environmental management requirements at mine sites were of medium strength in the assessed countries. This pillar of the MPF is primarily concerned with: the management of water resources; avoiding and minimizing adverse impacts on biodiversity; managing mining wastes; and the development of emergency preparedness plans. While good legislation is often in place, inspection, monitoring and enforcement remain common problems. For example, adequate protections for surface and groundwater exist in all three nations through each country's environmental legislation; however, the ability of the state to monitor water quality around mine sites and enforce its laws is typically insufficient.

While EIAs are required as part of the permitting process, the reports themselves are not always readily available to the public; given the size of the reports for large projects, they may often be accessed only in person in the capital, if at all, which can reduce transparency around environmental management. As previously mentioned, companies must consult with communities on environmental impacts as part of the permit application process; however, these consultations do not have to continue through the mine's life. The development of emergency preparedness plans is left to the discretion of the mine operator; such plans are not required by law in any of the three countries—a critical legislative gap—even in those sites exposed to geotechnical or extreme weather risks. This points to a need for greater integration of disaster risk management in mine planning, and greater coordination between the mining sector and the government's emergency preparedness programs.

The transboundary impacts of mining are not covered by legislation, save by those international conventions and agreements to which the countries are signatory. This could be problematic, particularly for the Dominican Republic and Uganda.

## Post-Mining Transitions

### Level of Implementation Readiness: Low to Medium

The standards for mine closure and post-mining transitions, as laid out in the MPF, relate to: ensuring high-quality, continuously updated closure plans; developing financial assurance mechanisms for mine closure; and accepting a leadership role for orphaned and abandoned mines. In general, implementation readiness for the pillar was found to be low to medium. When comparing the three countries, there was no consistency with regards to mine closure issues such as the need for financial assurances, progressive rehabilitation, or ongoing community consultations: for example, while in the Dominican Republic mine sites must be rehabilitated through the mine's life, no requirements for progressive rehabilitation are present in Uganda.

Where consistency exists among the three assessments, it is typically for weaknesses in mine closure policies and laws. In all three countries, companies are not required to follow internationally accepted guidelines and best practices, such as the International Finance Corporation's Performance Standards on Social and Environmental Sustainability. The use of external experts is not compulsory in the development of closure plans or in the validation of the risk assessments prepared for high-risk mining elements such as tailings dams, waste dumps and acid rock drainage. No mention is made in policy or legislation of the government's responsibilities with regards to abandoned and orphaned mines, nor are the governments working with those countries whose economies have benefited from the now-orphaned or abandoned mines on the cleanup or continued management of these sites. None of the governments are seeking recognition from multilateral agencies and organizations that these mines require their leadership in managerial, advisory, hortatory and financial forms.

Financial assurances that cover the costs of mine closure and post-closure expenses are technically required in legislation; however, in practice they



are rarely established. In Uganda, for example, the posting of an environmental bond to cover closure expenses is not required as a prerequisite to the approval of permit applications. And while community consultations are generally required as part of the development of closure plans, they are not mandatory on an ongoing basis or in instances of closure plan revisions. As with most of the other MPF pillars, the institutional capacities to monitor and enforce the provisions of mine closure plans are weak.

### **Artisanal and Small-Scale Mining**

#### **Level of Implementation Readiness: Low to Medium**

For ASM activities to contribute to sustainable development, according to the MPF, they must be integrated into the formal economic system and the legal system, and reductions must be made to their considerable social and environmental impacts. The overwhelming informality of the ASM sector in the assessed countries, and the lack of funding and clear strategies from the governments to formalize these activities, continues to hinder efforts at reducing their social and environmental impacts. This is particularly the case in Uganda and Madagascar, where ASM activities are more widespread than in the Dominican Republic. In general, the readiness of the three countries to implement the ASM standards set out in the MPF is low to medium.

There is broad recognition among government stakeholders of the need to address the challenges presented by ASM, but attempts to do so have met with limited success. Governments have begun to try to regulate and formalize ASM, with gold mining a particular focus of these efforts. In Uganda and Madagascar, specific permits and licenses have been developed for ASM miners. However, the adoption of these licenses remains a challenge; for many miners, the costs associated with formalizing their activities—from license fees to transaction costs to taxes—are outweighed by the benefits of continued, informal mining. In Uganda, for example, only 5 per cent of ASM miners operate with formal licenses.

The lack of resources, both human and financial, to inspect and monitor ASM mining operations and to enforce existing, relevant legislation means that child labour and unsafe mining conditions remain pervasive in the sector. While occupational health and safety legislation is present in all three countries, self-employed artisanal miners rarely adhere to it. In fact, awareness among ASM miners of environmental and social legislation and policies is quite low. All of this limits the ability of the government to minimize the social impacts of mining, including violations of the rights of women and children. No national programs exist to provide health and education services to ASM workers and their families, nor is training provided to these miners to protect them from water pollution, deforestation, mercury use, and unsafe working conditions.

As previously mentioned, minimal government revenues are generated from the ASM sector. No policies or systems are in place to strengthen the appropriateness, viability and transparency of collecting, managing and reinvesting ASM revenues. This lack of revenue is perhaps a reason that governance of the sector receives so little staffing and resourcing at the national level, particularly in comparison to large-scale mining. In Madagascar, for example, there is a department within the Ministry that is devoted to large-scale mining investments, but no similar department exists for governing the ASM sector, despite the fact that it is responsible for more livelihoods and has broader environmental impacts. In all three countries, little effort is made to promote savings among ASM miners, to establish more acceptable forms of financing, or to encourage responsible investments in the sector.

### **Priorities for the IGF**

MPF readiness assessments of just three members states cannot allow the drawing of clear conclusions as to future priorities or other MPF countries. If, however, the directions signaled in this synthesis report are borne out by future assessments as well, some priority areas may emerge where the IGF is well placed to make a substantive contribution to improving how mining



policies and laws support sustainable development across IGF member states.

**The Assessment Process Itself:** The MPF assessments themselves were a very useful exercise for Madagascar, Uganda and the Dominican Republic, in that they introduced a wide variety of stakeholders from government, civil society and the private sector to international best practice in mining law and policy and helped these stakeholders identify specific strengths, weaknesses, gaps and opportunities in their own mining laws and policies. The assessments also served as a platform for increasing dialogue on mining issues across government ministries—dialogue that was often minimal to begin with—and between the government and civil society. As such, continued support for further assessments in other IGF Member States should be considered a priority.

**Capacity Building:** The capacity-building workshops were an effective way of beginning to address some of the priority weaknesses and knowledge gaps identified in the assessments. It is recommended that the process remain twofold: first, that the IGF support the MPF assessments, and then subsequently support multistakeholder capacity-building efforts. We emphasize “beginning” above, as no single weeklong session can produce long-term, broad-based, substantive reform. Nonetheless, as with the assessments, the workshops served as a useful means of bringing together stakeholders from government ministries, civil society and the private sector, stakeholders that, in many instances, did not interact with each other in a significant way prior to the workshops. In terms of content, these workshops can remain focused on priority areas identified in the assessments and agreed to with the Ministry of Mines; to date, those priority areas include socioeconomic benefit optimization, mine closure, ASM, and financial benefit optimization.

There is also scope for the IGF to design and deliver additional training courses to all of its member states. These courses, which could be delivered as part of the IGF’s Annual General Meeting, as regional training workshops, or on a national basis, could focus on the priority areas

identified by member states on subthemes that emerge within the six MPF pillars. For example, training could be undertaken related to:

1. Improving institutional structures and capacities for negotiating mining contracts, and for negotiating social and economic benefit provisions under mining permits.
2. Increased capacities for the management of geological information.
3. Applying best practices in EIA processes.
4. Formalizing ASM: options for permitting and licensing; revenue collection; increasing environmental awareness.
5. Guidance on managing abandoned or orphaned mines: national rights, international trends, guidance on re-opening these mines.
6. Integrating disaster risk management and emergency preparedness into the mining sector.
7. Mine closure: Ensuring financial assurances to cover closure costs.
8. Understanding and using financial models in mine planning and negotiations.
9. Generating and using mining revenues, including revenue generation; managing commodity price volatility; ensuring transparency in revenue distribution.

**Implementation:** Following the capacity-building workshops, and working with key government staff, the IGF could also provide support for the development and implementation of action plans by national governments to address those key weaknesses and gaps identified in the assessments. The implementation of broad-based or targeted reforms, based on assessed weaknesses, would require planning, priority setting, and sound inter-stakeholder processes. Support for these implementation processes can be developed on the basis of national requests.

**Inspection, Monitoring and Enforcement:** Examining new approaches to compliance with and enforcement of the obligations of mining companies under domestic law and mining contracts.



## CONCLUSIONS

The findings presented in this synthesis report are drawn from assessments of mining law and policy carried out in three IGF member states: the Dominican Republic, Madagascar and Uganda. Given the small sample size, the findings should not be taken as broadly applicable across all IGF members; with more assessments in additional member states, more indicative lessons and trends will start to emerge. The three assessments do, however, show that some common strengths and weaknesses were present in the three pilot countries, and that all three are generally making progress in aligning their mining laws and policies

with the goals and objectives of sustainable development. More progress is needed—further support can be given to member states seeking to implement plans addressing key gaps and weaknesses, and research is required into new possible approaches to strengthening compliance and enforcement. Stronger governance is required for the artisanal and small-scale mining sector, while policies and laws must address weaknesses in mine closure and the post-mining transition and improve the optimization of socioeconomic benefits. The IGF is well placed to continue to help its member states achieve these aims.



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