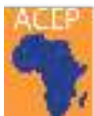




AN EVALUATION OF THE IMPLEMENTATION STATUS OF THE AFRICA MINING VISION (AMV) THROUGH DEVELOPMENT OF COUNTRY MINING VISION (CMV) IN GHANA, LIBERIA, AND SIERRA LEONE

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SUPPORTED BY:





EXECUTIVE SUMMARY

Being an Africa-driven initiative which promises to reform the negative narratives surrounding Africa's mining industry by ensuring broad-based natural resource-driven development that is also sustainable, the AMV was wholly embraced by many African countries nine (9) years ago. From the AMV, a Country Mining Vision (CMV) Guidebook was developed in 2014 to assist member states to domesticate the African Mining Vision. This paper is the output of the Africa Centre for Energy Policy's (ACEP) quest to evaluate efforts made by Ghana, Liberia and Sierra Leone to contextualize the Africa Mining Vision (AMV). The evaluation was borne out of concern that the AMV appears to be yet another of the continent's redundant efforts. So far, Lesotho is the only country that has fully contextualized the AMV. There is also little knowledge about individual country efforts to do same.

The evaluation focused on Ghana, Liberia, and Sierra Leone for two reasons.

First, mining has long served the economies of these West-African countries; selecting these countries therefore connotes the beginning of a sub-regional AMV contextualization profiling, using West-Africa as the starting point. Secondly, as the evaluation exercise was supported by Oxfam in Ghana, it is only fair that these countries which host Oxfam offices be chosen to identify AMV contextualization challenges Oxfam may support the countries to address. The benchmark for the evaluation are the actionable steps to contextualizing the AMV as provided for in the Country Mining Vision Guidebook. The following summarize the findings and recommendations for each country:

Ghana

- a. Progress on contextualizing the AMV**
 - Like Liberia and Sierra Leone, Ghana had already institutionalized measures to achieve some AMV objectives even before the AMV was adopted in 2009.

- It took the Ministry of Lands and Natural Resources (MLNR) 4 years after accepting the AMV in 2009 to seek support from the UNDP to begin the AMV contextualization process. A taskforce was immediately formed, comprising of the MLNR, Minerals Commission, UNDP, and AMDC to coordinate the AMV contextualization process.

- A country gap analysis was conducted in 2016 to ascertain areas that need improvement. In 2017, the development of a mining industry strategy document was commissioned by the MLNR with the support of UNDP.

- The strategy was completed in April 2018 to be launched by the Ministry of Lands and Natural Resources.

- There were stakeholder consultations across the regions throughout the process.

- The UNDP has been very instrumental in supporting the Minerals Commission to lead every step of the process.

b. **The challenge**

There is weak knowledge among key stakeholders about the AMV and the CMV. While this challenge may immediately be attributed to silo operations of the institutions as well as change in government and institutional leadership, these by no means justify the loss of institutional memory on an important agenda such as the AMV contextualization. This highlights that there is a communication and collaboration issue within the sector, and within agencies, which urgently needs to be addressed to effectively implement the strategy.

c. **Opportunities**

- There remains outstanding the requirement to set up a monitoring and evaluation taskforce to ensure that the strategies are dutifully implemented.

- The current government's fight against galamsey and efforts to improve local content development presents a window of opportunity to implement AMV recommendations in this regard as reflected in the strategy document.

d. **Recommendations**

The coordinating body should take check that representatives at stakeholder engagements are relaying information to their institutions, and subsequent representatives they engage with are always thoroughly informed to ensure ownership of the process and meaningful contribution from them. Stakeholder involvement is very critical to successful implementation of the strategy.

Liberia

a. **Progress of contextualizing the AMV**

- The Country Mining Vision process has not been followed to contextualize the tenets of the AMV in Liberia.
- There has been no progress made on developing a specific CMV document for the country. This is because, post signing of the AMV, Liberia did not establish a committee or taskforce to aid in the process of conducting a mining sector gap analysis to form the basis for developing a CMV contextualization plan.
- Notwithstanding, Liberia has taken reformative initiatives in the mining sector that reflect the steps in the CMV to actualize the ambitions of the AMV.

Existing reforms in Liberia’s mining sector, including the 2010 Mineral Policy, partially reflect some tenets of the AMV, particularly in the issues of formalizing artisanal small scale mining, improving geological data, and ensuring proper management of mining revenues and mineral rents.

b. **The challenge**

The root causes of the CMV contextualization challenge is the lack of adequate institutional knowledge of what the AMV and the CMV processes are.

c. **Opportunities**

There exist opportunities for contextualizing the AMV in Liberia. That the country has achieved reforms that match the Program Clusters (PC) of the AMV Action Plan, which were developed based on the AMV tenets to some extent is an indication that the AMV document reflects the realities of Liberia and can be a roadmap for mining sector evaluation for future policy reforms.

d. Recommendations

- There ought to be widespread stakeholder sensitization and capacity building about the AMV and CMV processes, and a mining sector gap analysis done to identify areas of reform. These can be supported by civil society organizations and the donor community.
- The government of Liberia can, through the Ministry responsible for mining, request the support of the AMDC in strengthening government's strategy for future reforms.

Sierra Leone

a. Progress of contextualizing the AMV

- Sierra Leone has established a body called expert panel to steer the AMV contextualization of the AMV into a mineral policy. A gap analysis has also been done of the mining sector in Sierra Leone. This informed the draft minerals policy which has been developed and ready to receive presidential assent by mid-2015. But respondents suggested that these efforts were not based on a CMV process.
- Sierra Leone's draft Minerals Policy aligns with the goals of the AMV. This initiative taken by Sierra Leone began with the quest to strengthen mining sector policies independent of the AMV.

This is an indication that even without following strictly a regional intervention, an African country can be responsive to the challenges of its minerals sector and develop strategies to promote growth in the sector.

b. The challenge

The real challenge lies with the implementation of the Minerals Policy as this is the opportunity for Sierra Leone to demonstrate its willingness to improve its mining sector governance for sustainable development.

c. Opportunities

The integration of the AMV goals in the Minerals Policy suggests that the existence of a shared vision on the regional level can be maximized in the design and implementation of Sierra Leone's national policies to accommodate best practices and standards for sustainable resource management. The AMV therefore is not an end in itself but a means to an end as it allows countries like Sierra Leone to assimilate the broad regional context into their unique political economy. This is an important step to sustainability.

d. Recommendations

The African Minerals Development Centre should facilitate an experience sharing exercise for African countries to share success stories and challenges faced in the domestication of the AMV. Useful lessons drawn from this can be coupled with a rigorous review of the AMV to assess its strength and shortfalls. This will serve as a useful tool for countries like Sierra Leone yet to begin the implementation process to avoid the mistakes of those who have already began.

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ACRONYMS AND ABBREVIATIONS

AfT	Agenda for Transformation
AMDC	Africa Minerals Development Centre
AMV	Africa Mining Vision
CSO	Civil Society Organizations
ECDPM	European Center for Development Policy Management
EFEDCOM	ECOWAS Federation of Chambers of Mines
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency,
FPIC	Free Prior Informed Consent
GDO	Government Diamond Office
GDP	Gross Domestic Product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GSA	Geological Survey Authority
IREDD	Institute for Research and Democratic Development
LEITI	Liberia Extractive Industry Transparency Initiative
LGS	Liberia Geological Survey
LMIS	Liberian Minerals Information System
LRA	Liberia Revenue Authority
MC	Minerals Commission
MFDP	Ministry of Finance and Development Planning
MLME	Ministry of Lands, Mines and Energy
MLNR	Ministry of Lands and Natural Resources
NBC	National Bureau of Concessions
NRGI	Natural Resource Governance Institute's

PRS..... Poverty Reduction Strategy
RDF..... Revenue Development Foundation
RGI..... Resource Governance Index
USAID..... United States Agency for International Development
USD..... Unites States Dollar

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PART ONE

INTRODUCTION

1.0 Background

The African continent is positioned as the world's top producer of mineral commodities¹ such as Phosphate, Gold, Chromium, Manganese, Vanadium, Cobalt, Diamonds and aluminum. It is only natural that this lucrative sector would be at the forefront to initiate development for African countries. The 'Africa Rising' narrative, though disputed, is partially contingent on this mineral capacity of the continent. Mining and the extractives sector can generate profits, employment and economic growth for nations. But there is abundance of evidence to suggest that the presence of mineral resources in most African countries have not significantly improved the wellbeing of people due to technical, governance, and policy challenges. There have been series of policy responses at the national, sub-regional and regional levels to undo the negative narratives of Africa's mining sector.

One of such is the AU-driven resource governance framework called the Africa Mining Vision (AMV) which was adopted by Africa's Heads of States in February 2009.

The overall goal of the AMV is to enhance transparency, equity and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development in African mining countries. At the heart of the AMV are actionable steps towards improving geological data mapping, negotiation capacity of States, fiscal regimes, creation of linkages between the mining sector and the rest of a country's economy, local content, benefits to host communities, formalization of artisanal small scale mining, revenue management, and infrastructure delivery. The AMV thus ensures maximization of benefits from minerals along the entire mining industry value chain (upstream, midstream, and downstream).

¹ Africa mining Vision page 3 table 1

The AMV contains implementation strategies that are phased into short, medium and long term, and are flexible to country contexts.

A Country Mining Vision Guidebook was also developed to provide a step-by-step contextualization strategy of the AMV. The CMV processes require that as far as practicable, countries may establish a taskforce to coordinate the contextualization process, conduct a gap analysis to ascertain which policy areas need improvement, develop a CMV implementation strategy, institutionalize monitoring and evaluation mechanisms, and ensure that the contextualization process is participatory. Unfortunately, since the inception of the AMV, Lesotho is the only African country that has followed the CMV guidebook to complete the contextualization of the AMV. There is also little knowledge about the progress other African countries have made to contextualize the AMV.

1.1 Objectives

The main objective of the study is to conduct a comparative analysis of the efforts that Ghana, Liberia and Sierra Leone are making to domesticate the Africa Mining Vision (AMV).

Specifically, the evaluation identifies the successes, challenges and opportunities of implementing the Country Mining Vision (CMV), and makes recommendations that will facilitate the smooth implementation of the CMV in selected countries.

1.2 Methodology

The methodology for this study was mainly qualitative. It involved face to face semi-structured interviews with sampled respondents during a field survey in Ghana, Liberia and Sierra Leone. The AMV document, CMV Guidebook, reports and other existing literature on AMV were used to triangulate responses as well as to source further information for the assessment.

1.2.1 selection of countries

The evaluation focused on Ghana, Liberia, and Sierra Leone for two reasons. First, mining has long served the economies of these West-African countries; selecting these countries therefore connotes the beginning of a sub-regional AMV contextualization profiling, using West-Africa as the starting point.

Secondly, as the evaluation exercise was supported by Oxfam in Ghana, it is only fair that these countries which host Oxfam offices be chosen to identify AMV contextualization challenges Oxfam may support the countries to address.

1.2.2 Selection of respondents

A mixture of purposive and snowballing sampling methods was used in selecting respondents. In Ghana, governmental and non-governmental respondents such as Ministries and agencies responsible for mining, agencies were purposely selected due to the direct roles they play, their positions of influence, and their wealth of knowledge of various aspects of the mining industry. The snowballing techniques was adopted as respondents who were purposely selected suggested other relevant institutions to engage. A total of 20 respondents were interviewed in all three countries; 11 from Ghana, 9 from Liberia, and 10 from Sierra Leone.

Table 1: Details of Interviewed Respondents in Ghana

Institution	Number of respondents	Gender
Government Agencies		
Ministry of Lands and Natural Resources	1	Male
Minerals Commission	1	Male
Office of the Administrator of Stool Lands	1	Female
Forestry Commission	2	Male
Geological Survey Authority	1	Male
Non-Governmental Institutions		
The Ghana Chamber of Mines	1	Male
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)	1	Male

UNDP	2	1 Male 1 Female
Consultant (JMK)	1	Male

Source: ACEP Field Study, 2018

In Liberia, the selection of key stakeholders such as the Ministry of Lands, Mines and Energy (MLME), Environmental Protection Agency (EPA), National Bureau of Concessions (NBC), the Liberia Extractive Industry Transparency Initiative (LEITI) and other Government agencies was done purposively because it was expected that they will have data which would aid in the report analysis due to their direct involvement in projects of this nature.

Table 2: Details of interviewed respondents in Liberia

Institution	Number of respondents	Gender	Position	Number of years in current role
Government Agencies				
Environmental Protection Agency (EPA)	1	Male	Deputy Executive Director	2
Liberia Revenue Agency	1	Male	Commissioner of Domestic tax	4
National Bureau of Concessions	1	Male	Senior Coordinator for Housing and Infrastructure at the Concession department	5
Ministry of Lands Mines and Energy	3	2 Male 1 female	Minister (Former minister 2006-2009) Assistant ministers for administration and planning	< 1

Non-Governmental Institutions				
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)	1	Female	Advisor, Regional Resource Governance in West Africa	< 1
Liberia Extractive Industry Transparency Initiative (LEITI)	1	Male	Deputy head of secretariat	3
Civil Society Organization				
Institute for Research and Democratic Development (IREDD)	1	Male	Executive Director	14

Source: ACEP Field Visit, 2018

In Sierra Leone, key staff of the Ministry of Mines and Mineral Resources, Ministry of Finance and Economic Planning, Civil Society Organizations (CSOs) and development partners were sampled purposively primarily because they were identified as stakeholders who were expected to be involved in the AMV domestication process and who wield in-depth knowledge of the minerals sector. In addition, snowball sampling was used in selecting the Tax Policy Analysts at the Ministry of Finance and Economic Planning. In all ten (10) respondents were interviewed, comprising of eight (8) males and two (2) females (table 1).

Table 3: Details of interviewed respondents in Sierra Leone

Institution	Institutional background	Designation	Gender	Area of expertise	Duration of service in institution
German Agency for International Corporation (GIZ)	Provides services in the field of international development cooperation. Has a goal to help resource rich countries do mining sustainably.	Senior Advisor	Female	Natural resource, environment and policy issues	4 years
Green Scenery	CSO which works around environmental issues, natural resources and its related human rights issues, conflicts, peace building and livelihoods as linked to natural resources. Also works around environment and human security; environmental education and conservation.	Executive Director	Male	Agriculture, environment and peace building	29 years
Ministry of Mines and Mineral Resources	Provides policy, legal and regulatory guidance in the mining sector except on fiscal aspects which is done by the Ministry of Finance. Provides oversight for the sector.	Minerals Policy Advisor	Male	Law and public policy	3 years

Ministry of Finance and Economic Planning	Responsible for economic policy making, preparation and implementation of budget, monitoring and implementation of government economic program and projects	a. Senior economist	Male	Economic policy and research	12 years
		b. Tax Policy Analyst	Male	Revenue and tax policy analysis, economic development	5 years
		c. Tax and Legal Policy Analyst (supports policy legislation, and mining and petroleum contract negotiation)	Male	Taxation, revenue management	13 years
National Minerals Agency	Responsible for implementing the policies the Ministry of Minerals and Resources makes. Works closely with the Ministry and exploratory and mining companies as well.	a. Director General	Male	Geology, project management	5 years
		b. Director of Mines	Male	Mining engineering	5 years

<p>Networking Movement on Justice and Development (NMJD)</p>	<p>CSO focused on 3 keen intervention areas: economic justice on natural resource rights, agricultural accountable governance, and strengthening of CSO movements. Engages in advocacy to strengthen capacities of women, juvenile, youth, and other CSO groups to engage duty bearers for the transformation of the society</p>	<p>Head of Program</p>	<p>Male</p>	<p>Economics, procurement, natural resources governance and human rights issues.</p>	<p>10 years</p>
<p>World Bank</p>	<p>An international financial institution that provides loans to countries for capital projects. As a donor, it focuses on institutional strengthening, geological information strengthening, supporting regulation of artisanal mining</p>	<p>Mining Specialist</p>	<p>Female</p>	<p>Natural resource governance</p>	<p>5 years</p>

Source: ACEP Field Visit, 2018

1.2.3 Data collection and analytics tools

Face to face structured interviews were conducted, using open-ended questionnaires to allow the stakeholders to express their views concerning the topic. Qualitative data was coded, grouped in themes, and subjected to descriptive analysis to arrive at the findings.

1.2.4 Evaluation framework

In evaluating the progress of the CMV implementation, the CMV process milestones were the adopted framework for the analysis. The milestones are

- i. Establishment of a coordinating body
- ii. Mineral Sector Gap Analysis
- iii. Implementation Plan
- iv. Implementation
- v. Stakeholder engagement throughout the above steps
- vi. Monitoring and evaluation ²

The impacts of the implementation process were also assessed based on the AMV goals as outlined in the AMV document. The AMV goals are :³

The impacts of the implementation process were also assessed based on the AMV goals as outlined in the AMV document. The AMV goals are :

Cluster 1: Mining revenues and mineral rents management

Cluster 2: Geological and mining information systems

Cluster 3: Building human and institutional capacities

Cluster 4: Artisanal and small scale mining (ASM)

Cluster 5: Mineral sector governance

Cluster 6: Research and development

Cluster 7: Environmental and social issues

Cluster 8: Linkages and diversification

Cluster 9: Mobilizing mining and infrastructure investment.

1.3 Significance of the research

Of all resource-rich African countries, Lesotho is the only country that has made conscious efforts to contextualize the Africa Mining Vision

² ibid

³ Adopted from "From Aspiration To Reality Unpacking The Africa Mining Vision". Available at <https://www.oxfam.org/sites/www.oxfam.org/files/bp-africa-mining-vision-090317-en.pdf> Accessed 8th April, 2018.

to support governance of its mineral resources for development. The demand for African governments to achieve sustainable natural resource-based development creates a window of opportunity for the output of this analysis to form the basis for advocacy (evidence-based advocacy) to bring pressure to bear on the respective countries to speed up the process of contextualizing the country mining vision (CMV).

1.4 Structure of the paper

The rest of the paper is divided in three parts. The progress of AMV contextualization in Ghana, Liberia, and Sierra Leone have been evaluated in parts two, three and four respectively. Each part speaks to the social, economic and environmental impact of mining, development of mining sector governance before and after the coming of the AMV, and the successes, challenges and opportunities of AMV contextualization efforts in the respective countries. The final part of each section summarizes the key findings and proffers recommendations to address contextualization challenges.



PART TWO

AN EVALUATION OF AMV CONTEXTUALIZATION IN GHANA

2.0 Introduction

This part is divided into six sub-parts. The first looks at sustainability of mining in Ghana by discussing the social, economic and environmental impacts of the industry. The second discusses the evolution of mining sector governance in Ghana before and after the coming of the AMV in 2009. Next, the progress of AMV contextualization has been highlighted using the CMV process checklist. The impact of the CMV process on mining sector governance in Ghana have been discussed in the fourth section. The penultimate section discusses opportunities for contextualizing the AMV in Ghana, and the last section provides a summary of key findings of the evaluation, and proffers simple recommendations to support AMV implementation in Ghana.

2.1 The role of the mining sector in Ghana

The mining sector in Ghana has contributed significantly to foreign exchange earnings for many years, created jobs, and provided resources for the development of other critical sectors of the Ghanaian economy. But the mining sector has also been a source of pain to host communities and the environment, posing sustainability challenges. In this section, the economic, environmental and social impacts of Ghana's mining sector have been briefly discussed.

2.1.1 Economic impacts

The mining sector is very important to Ghana's economic development. By the end of 2016, mining had contributed 16% of the government's domestic tax, in terms of export revenue.

Further in terms of merchandise exports, mining stood at an average of 40%. Due to its lucrative nature, this sector is able to raise revenue and fund other sectors in Ghana, such as health care, road maintenance, and other public sector requirements. It is also a major source of employment for many Ghanaians. In the last few years, less than 2% of workers in mining are expatriates who are employed directly by mining companies.⁴

Despite these gains, some argue that Ghana has been short-changed as the country has failed to maximize benefits from the industry by needlessly granting tax concessions. Private companies continue to extract valuable minerals out of the country but have failed to pay dividends for over 10 years due to the loopholes in Ghana's fiscal regime to accommodate such. The country has also focused on the extraction of gold to the neglect of developing other industrial minerals such as limestone, sand, clay, and salt which potentially present equally lucrative opportunities to the country.

There is also a challenge of mineral revenue management; the public cannot track how mineral revenues that go to the government have been utilized to support broad-based growth and development. It is argued that if Ghana must reap benefits, the nation should tackle its challenges from a legislative perspective.

2.1.2 Environmental impacts

It is impossible to exploit minerals without impacting on the environment. The question is how badly can the environment be disturbed for it to be exploited? Water bodies, lands, and vegetation have suffered material destruction through mining. But it appears that most legal small and large scale miners are more environmentally responsible than illegal miners due to the differences in environmental accountability requirement and monitoring. Large scale miners, for instance, have the necessary funds to reclaim areas they mine and replant trees to some extent, thereby replenishing what they destroyed.

⁴ Ghana Chamber of Mines

However, where mining is illegal, there is large pollution to the environment, as such miners lack the resources to mine effectively and safely, and also lack capacity to adhere to environmental protection. Ghana's mining sector is characterized by negative imagery due to the negative environmental footprint in host communities.

2.1.3 Social impacts

In Ghana, mining sponsors and attracts social benefits to people in local communities especially in the areas of education and health. Regarding education there has been both positive and negative impacts. In some mining towns, mining companies took the initiative to build educational facilities and meet the academic needs of children through the provision of scholarships. However, in some cases the economic benefit of working on mines (most times illegally) in the form of income generation has been a disincentive for the youth to pursue education.

On the lines of gender and mining, there remains a disparity. Typically, mining roles are limited to men, with limited non-technical opportunities for women, especially in catering services.

Most locals, both men and women, are hardly employed directly in mining companies because they lack the requisite skills and competencies.

As mining naturally encourage migration, from a social perspective, there is a cohesiveness effect in that it groups people of different ethnicities together. But migration also has its downside; prostitution has been on the rise in cosmopolitan mining communities in Ghana.

2.2 Mining sector governance in Ghana before and after 2009

It must be noted that there is dispute as to whether progress and/or transformation within the mining sector post 2009 is ascribed to the Africa Mining Vision. Instead it is argued that in many instances it was conceived through natural development and initiative from stakeholders in regards to the sector's own aspirations.

2.2.1 Laws and policies

Before 2009, there was the Mineral and Mining Act which was first introduced in 1986.

After 20 years this was repealed and replaced in 2006 with the Minerals and Mining Act 703 to govern mining operations. Before the coming of Act 703, there was no comprehensive mining policy until 2014 when the Minerals and Mining Policy was enacted.

2.2.2 Regulations

Six (6) minerals and mining regulations were passed in 2012: LI 2173 concerning general regulations including local content, LI 2174 concerning mines support, LI 2175 concerning competition and resettlement, LI 2176 concerning mineral licenses, and LI 2177 concerning explosives.

2.2.3 Institutions

Most stakeholders we see within the Ghana's mining sector have existed before 2009 and remained the same. However, we have seen a change in the formal structure of the Geological Survey Department, which has now become the Geological Survey Authority. This 'authority' status grants this institution greater power within the sector.

What's more, the AMDC was formally established in December 2013 as a medium-term project to implement the AMV hosted by the UNECA and financed by international donors under the political leadership of the AU Commission.⁵

2.3 The progress of AMV contextualization in Ghana

In evaluating the progress Ghana has made in contextualizing the AMV, empirical data was collected from 11 key respondents within the mining industry from government, industry, donor, and civil society groups. The details of respondents are provided under the methodology section in part one of this paper. At most, respondents had accumulated 20 years of industrial expertise and at least, 9 years. Regarding the reliability and legitimacy of responses, respondents' years of institutional experiences ensured that we were able to capture an authentic judgment and insight into the operations of their institutions and how they have contributed to contextualizing the AMV.

⁵ <https://www.oxfam.org/sites/www.oxfam.org/files/bp-africa-mining-vision-090317-en.pdf> page 10

2.3.1 Respondents' awareness of the AMV and the CMV processes

Amongst the range of respondents, awareness of the basic goals of the AMV existed, such as the understanding that it was a mining sector vision created at the regional level (African Union) of which member states were to adopt in accordance with their countries' priorities and ability. However, beyond such premature understanding most respondents, with the exception of a few, had a vague understanding of what the intricate detail of the AMV entailed and the success factors for realizing the vision and how it applied to Ghana. This is largely problematic as it calls into question how effectively a CMV strategy can be implemented if the applicable stakeholders are less informed of their sector goals, and personal roles and responsibilities.

From investigation, it was apparent that there are developments within the extractive and mineral sector governance and management that align with the CMV guide and achieves aspects of the AMV. The few respondents were able to give us specific insight into this progress, such as the formation of a Coordinating body, and stakeholder consultations that have occurred.

Therefore, the limited knowledge of the AMV amongst the respondents was not necessarily reason to believe that work was not being done to domesticate the AMV goals.

Whether the respondents knew in depth about the AMV or not, what the AMV stands for and seeks to achieve was collectively seen as of great importance to Ghana's mining sector governance. It was unanimously agreed amongst all respondents that any vision that seeks to uphold, improve economic value to the nation is of great importance to the mining sector. Further, as there are environmental concerns such as environmental degradation and pollution and social concerns such as the negative impact of the mining sector on educational attainment among children in mining communities, the AMV was appreciated in its potential to directly and indirectly address these negative externalities.

Nonetheless, skepticism was had as to whether the AMV has real authority in Ghana. Respondents raised concerns to the fact the African Union 'lives in deception' in its influence over Africa, and so there is no ownership from the countries.

By implication the AMV's manifestation will never wholly be realized or in some cases prioritized. Though in some instances there exists developments in the mining sector that align with the AMV, as will be detailed further in this report, doubts exist from respondents, such as GIZ and the Forestry Commission, as to whether this was attributed to the AMV. Most developments that have occurred within the mining sector post the 2009 such as the creation of the ECOWAS Federation of Chambers of Mines (EFEDCOM), created in 2016 to harness the mineral potential in West Africa, have not necessarily been instigated by the AMV.

Respondents described the approach to the AMV development as neo-colonial 'top-down' approach in which the AMV was constructed, with minimal consultation from within local countries. Respondents argued that a pilot should have occurred to assess how effective the AMV can realistically be manifested, from which adjustments can be made to then apply continent-wide.

It was noted that countries may be exposed as not fulfilling such obligations; but this was a vision created by 'the few' and burdened on the majority, with no money distributed to assist the infrastructural and institutional transformation needed to domesticate the AMV through a CMV plan.

2.3.2 The status of CMV (AMV contextualization) in Ghana

Despite minimal knowledge of the AMV amongst stakeholders and Ghana's CMV process, there is evident progress to contextualize the AMV. These are discussed below.

2.3.2.1 CMV Coordinating Body

The formulation of the CMV require the establishment of a coordinating body or task force whose responsibility includes providing oversight for the process of developing the domestic plan to manifest the AMV. A coordinating body was formed in 2013 with a focus on overseeing this. This taskforce consists of the Minerals Commission, Ministry of Lands and Natural Resources (MLNR) with support from the UN Development Programme (UNDP) and the African Minerals Development Centre (AMDC).

The fact that it took 4 years since the inception of the AMV for a Coordinating Body to be formed, implies the slow nature in which Ghana adopted the AMV. However, with such formation occurring just after the CMV Guidebook was released, indicates that the CMV Guidebook has been a tool to incite developments in Ghana. It is important to note that only UNDP, GIZ, and the Minerals Commission were able to give an account of the functioning of this coordinating body. From this, it is obvious that there is little communication or awareness amongst the stakeholders.

2.3.2.2 Gap analysis

A gap analysis as initiated through the CMV guidebook, was conducted in 2015 in conjunction with the UNDP to identify gaps in the sector. After this identification the Minerals Commission conducted a stakeholder engagement in 2015/2016 to gather feedback from different stakeholders on what they know about the AMV, educating them on the vision, and finding out from them what is and isn't working in the sector.

Additionally, gap analysis informed the Mineral Commission along with the Coordinating Body to do a study on value creation linkage development, especially in the upstream sector, resulting in the body deepening local content. GIZ further detailed that there have been several gap analyses since the AMV, but have not necessarily been linked to it. Various non-state actors such as African Centre for Economic Transformation (ACET) have conducted such for their own research needs. Upon further research, secondary data sources detail that in 2017 some gap analyses have been conducted by ACET with support from AMDC and BGR⁶ (Bundesanstalt für Geowissenschaften und Rohstoffe) to aid the CMV process.

2.3.2.3 Existence of a CMV implementation plan

Various documents, policy and sectorial transformation have occurred that align with the AMV. For instance, the Ghana Chamber of Mines led research in the past to identify local content development challenges.

⁶ <http://acetforafrica.org/highlights/ghana-launches-programme-to-link-mining-sector-and-local-businesses/>

This led to the development by the Minerals Commission of a list of goods reserved for local suppliers. Objective 15 of the 2014 minerals and mining policy also states that the policy will be “[implemented] through the African Mineral Development Centre policies outlined in the African Mining Vision, and the Mining Policy Framework”.⁷ Also, the National Suppliers Development Programme (NSDP) was launched in 2017. The NSDP targeted upstream linkage, wanting to ensure that local supply of goods and services to mining companies are bolstered through local manufacturing.

Amidst all these scattered developments, the MLNR, with support from the UNDP, contracted a consultant in 2017 to develop a strategy document. According to the UNDP, the mining industry strategy document was developed by the consultant based on the findings of the mining sector gap analysis. ACEP researchers saw evidence of the strategy document at the Consultant’s office. It was completed in April, 2018 to be launched by the MLNR.

2.3.2.4 Existence of a CMV implementation monitoring, evaluation, and support mechanism

The mining industry strategy document sets out objectives with ‘Key Performance Indicators’ and monitoring mechanisms embedded over the implementation life-time of the strategy. It spells out institutional responsibilities, although not very detailed. Again, this knowledge was limited to the Mineral Commission and the consultant. However, we anticipate that when it is formally published, there is scope for it to be widely appreciated and known amongst the relevant stakeholders in the industry.

2.3.2.5 Existence of participatory approach to the CMV process

There are some respondents who have been part of various workshop and stakeholder engagement meetings, yet have not realized that it stood as an approach to implementing the CMV.

⁷ Minerals and Mining Policy of Ghana objective 15

This oblivious nature, reinforces the need for better communication from the various stakeholders that are driving and coordinating engagement and developments in alignment of the AMV. A valid point that was identified was that representatives from different stakeholder have changed, either with changes in governmental leadership or simply that a stakeholder may send different representatives at different times to the various AMV and CMV engagement meetings. This has caused obstruction to, not only the contribution that stakeholders meaningfully make to the overall process, but to the knowledge base necessary to push the agenda forward.

2.4 Impact of the CMV process on mining sector governance in Ghana

As a formal CMV strategic plan has recently been established, its impact on mining sector governance has been minimal in Ghana. With insight from Ghana's Geological Survey Authority (GSA) exposing the failure of their inclusion in the CMV coordination body, questions can be raised about how efficient coordination of relevant government institutions in the mining sector are in realizing the AMV objectives.

Needless to say, there are clear indications that elements of the what the AMV would seek to achieve has been achieved irrespective of a CMV process.

It is suspected that the ACMMAA (Mining Associations of Africa), is the product of the AMV. There has been greater collaboration and interaction with Ghana's mining sector and that of others in the region. Additionally, concerning matters that are fundamental to productive mining, the AMV Action specified that it was crucial for "improved geological and mining information systems to underpin investment in exploration and mine development". Ghana saw the Geological Survey Department transformed into an authority; Geological Survey Authority (GSA). Compared with a 'department', an 'authority' is more powerful. When most African Geological Survey Organizations are underfunded and poorly resourced, this structural empowerment given to Ghana's GSA has properly resourced the institutions, which is important for the State's knowledge of its mineral endowment. What is more, 6 minerals and mining regulations were passed in 2012 alone.

2.5 Opportunities for contextualizing the AMV

With developments in the mining sector aligning with the goals of the AMV there is real opportunity to be had with contextualizing the AMV. This shows that Ghana's current priorities are consistent with the AMV and therefore they can easily be accommodated. There has been regional cooperation to put together a regional chamber of mines such as ECOWAS Federation of Chambers of Mines (EFEDCOM)() which was created in 2016 to improve sustainable mining. Their meeting will be held in Ghana in 2018. This body along with Mining Associations of Africa (ACMMAA), whose Interim Committee had their second meeting early 2018, are opportunities to facilitate governance capacity in accordance with the African Mining Vision. A pooling of resources with neighboring states will help facilitate targeted strategy around the development of ongoing resources governance capacity.⁸

2.6 Conclusion, summary of key findings, and recommendations

The domestication of the African Mining Vision in Ghana has seen slow developments. In assessing the work within the mining sector and of various stakeholders, it was evident that Ghana has recently put together a mining industry strategy document based on the 2016 mining sector gap analysis. Both efforts were strongly supported by the UNDP; the body that leads the coordination of the CMV process in Ghana. There have also been extensive stakeholder engagements every step of the way. All these happened after a 4-year delay on the part of the government to request support from the UNDP and AMDC, following Ghana's ratification of the AMV in 2009. The outstanding task is for the MLNR and the MC to launch the strategy document and properly orient key stakeholders about their roles and the timelines of delivery. It is also important for the CMV coordinating body to clearly flesh out a monitoring and evaluation strategy to ensure smooth implementation of the strategy.

⁸ AMV page 18 'on going African resources development and governance capacity

It is however commendable that there had been policy, regulatory, and institutional reform initiatives in Ghana that accord with the objectives of the African Mining Vision prior to the AMV itself in 2009, the beginning of a CMV process in 2013, and the completion of a mining industry strategy document in 2018.

In the face of such visible productive steps that have been taken, we cannot be blinded to the flaws in this process that can hinder effective implementation which is a critical element of the CMV process. It is a cause of concern that knowledge and awareness of the African Mining Vision amongst relevant stakeholders is weak. This calls into question whether the realisation of the AMV is a practical goal or a utopian aspiration that will result to one of the many ambitions Ghana is yet to achieve. With some stakeholders ignorant about the vision, it highlights that there is a communication and collaboration issue within this sector which needs urgent remedies.

We recommend that the coordinating body should take check that representatives at stakeholder engagements are relaying information to their institutions, and subsequent representatives they engage with are always thoroughly informed to ensure meaningful contribution from them.

PART THREE

EVALUATION OF THE AMV CONTEXTUALIZATION IN LIBERIA

3.0 Introduction

There are six sections to this part. The first section discusses the importance and challenges of the mining sector to Liberia's socio-economic development trajectory. Section 2 speaks to mining sector governance before and after the coming of the AMV in 2009, and the third section evaluates Liberia's progress on contextualizing the AMV. In the fourth and fifth sections, the challenges and opportunities of AMV contextualization in Liberia have been highlighted. Overall, the key finding as seen in the final section is that though Liberia has not developed a Country Mining Vision, it adopted some key themes addressed in the AMV in the development of the 2010 Liberia Mineral Policy. Key among the recommendations is the need to preserve institutional memory of the AMV contextualization regardless of change in government.

3.1 The role of the mining sector in Liberia

The three major mineral commodities in Liberia are iron ore, gold and diamond. However, Liberia's mining potential can be expanded to include some minerals characteristically associated with Precambrian/Proterozoic rocks. These include beryl, molybdenum, columbite-tantalite, phosphates, zinc, copper, lead, rare earth minerals, nickel, tin, beach sand (zircon, rutile, ilmenite, and monazite), chromite, kyanite, bauxite, uranium, and silica sands (Wilson, Wang, Kabenge, & Xuejiao, 2017).

3.1.1 Economic Relevance of Liberia's mining sector

Historically mining has been the backbone of the Liberian economy. In 1945, the Liberian government awarded the first iron ore mining concession (Kraaij, n.d.).

Before 1990, mineral exports amounted to 25% of its gross domestic product (GDP) and over 65% of the country's export earnings. However, the sector was crippled and rendered almost nonexistent as mines shut down during the 14 years of civil unrest. During this period, proceeds from small-scale mining of mainly diamonds were used to finance the war (Bermúdez-Lugo, 2010).

In 2003, after peace was restored, mining in Liberia took an upward turn. The government put great effort into revamping the sector by leveraging on its resources to attract foreign investment. The mining sector was governed by the Mining and Minerals Law of 2000 (Jacobs, 2017).

In September 2007, Liberia began to export rough diamonds again after the United Nations Security Council (UNSC) lifted the over 3-year-old ban on diamond imports from Liberia. Liberia also participated in the Kimberley Process Certification Scheme plenary meeting in Brussels in November 2007. This has over the years aided in curbing the illegal sale of diamonds from Liberia therefore increasing government revenue from diamonds.

In 2008, the mineral sector generated about \$6.43 million in government revenues. The only mineral commodities being produced at the time were crushed stone, cement, gold, diamond, and sand (Ministry of Lands, Mines and Energy, 2008; Central Bank of Liberia, 2009)

In the 2013 to 2014 financial year, the mining sector earned USD 78.85 million. However, mining sector earnings decreased by 32.31% from the 2013 to 2014 financial year to USD 52.34 million in the 2014 to 2015 financial year (Liberia Extractive Industries Transparency Initiative , 2016). The fall in revenues from the extractive sector in 2014 was attributed to the fall in global iron ore prices and the Ebola crisis that forced some small-scale mining companies to fold up. Earnings from mining in the 2014 to 2015 financial year translates into 52.74% of the total of USD 109.00 million that the extractive sector contributed to GDP. The table below gives a summary of mining production variances between 2014 and 2015 and the reasons for the variations.

Table 4: Summary of mining Production Variances between 2014 and 2015

Commodity	Unit	Jan. - Sept 2015	Jan. - Sept 2014	Variance	%	Comments
Iron ore	Mt	4,085,120	4,159,501	-74,381	-1.79%	Price collapse of Iron ore on the global market Weak demand from Chinese Increases in world supply of iron ore
Gold	Ounce	9,205	14,740	-5,535	-37.55%	Outbreak of the Ebola epidemic resulting in the shutting down of mining activities Weak demand on the world market
Diamond	Carat	53,158	57,885	-4,727	-8.17%	Decrease in the global demand of diamonds

Source: LEITI, 2016

The turn of events in 2014 and 2015 resulted in the decline in GDP in Liberia. It revealed the impact of poor diversification and the high level of dependency of the economy on the extractive sector whose revenues are volatile. It also highlighted the need for Liberia to strive to diversify its economy by investing mining revenues into boosting other sectors to adequately support the nation's economy.

3.1.2 Social Relevance of the mining sector.

Mining has been an increasing source of employment in Liberia.

In 2008, mining provided employment for about 2,508 people. According to the Ministry of Labor, employment increased to 18,886 in 2015, representing 2% of the entire population, it is however not stated clearly in the EITI report if this number includes foreigners or not. Unfortunately, the slump in iron ore prices in 2014 forced Arcelor Mittal and other mining companies to lay off staff resulting in the loss of livelihood for many Liberians. (Liberia Extractive Industries Transparency Initiative, 2016)

Mining communities benefit from the Social Development Funds received from mining concessions. This fund was set up to ensure that multinationals in the extractive sector contribute directly to the communities they operate in to ensure socioeconomic development. For instance, communities are to receive funds from the County Social Development Fund established by the Mineral Development Agreement between ArcelorMittal and the Government of Liberia signed in 2005 and amended in 2006.

The County Social Development Fund is to be funded by an annual contribution of US\$3 million provided by ArcelorMittal, a world giant steel production company for three counties – Nimba, Bong and Grand Bassa Counties (Front Page Africa, 2017). However, due to the fact that there is no Free Prior Informed Consent (FPIC), farmers have lost land used for subsistence farming in mining communities. This has resulted in some community agitation.

Corporate Social Responsibilities of Multi National Enterprises in Liberia have concentrated on environmental protection, healthcare, safety, education, corporate governance and community engagement in areas where they operate (Arai, Cissé, & Sock, 2010). For instance, ArcelorMittal, in 2013, reconstructed the sediment rocks and check dam at the Tokadeh mine to reduce the flow of mud and silt on the slopes of the mine. Additionally, to further reduce mud and silt flows which affect farm lands near the mine, re-vegetation was carried out on slopes along the roads. By 2013, ArcelorMittal had invested over \$1 billion in building hospitals and clinics, schools repairing service roads, and constructing ports and railways (ArcelorMittal, 2014).

The Liberian gold and mining Artisanal and Small-Scale Mining (ASM) sector is considered to be highly lucrative and involves as many as 100,000 miners who are mainly indigenous people. According to a World Bank 2012 report on 'Gender Dimensions of Artisanal and Small-Scale Mining', 10% to 20% of an estimated 50,000 to 75,000 artisanal diamond miners in Liberia are women. Since agricultural production is viewed by many as a nonviable source of income, many indigenes turn to ASM as a source of livelihood to be able to meet basic family needs (ASM-PACE, n.d).

3.1.3 Environmental Relevance of the Mining Sector

Over the years mining has had negative impacts on the environment. Mining of gold and iron ore have led to land degradation, pollution of water bodies and air quality and loss of biodiversity. For instance, in 2016, cyanide and arsenic which are byproducts of mining activities were released into a river by accident by New Liberty Gold mine. Jikando, a community served by the river began to see dead fish floating and suffered skin diseases (Freudenthal & David, 2017).

Grand Bassa county, characterized by forest land and savanna, has also seen massive degradation of the ecosystem due to gold mining activities in the area. Uncontrolled small scale mining has resulted in the loss of arable land and pollution of rivers needed to support farming by the local people (See Picture 1). Also, concession areas allocated for oil palm and rubber have been encroached upon by small scale miners. The Grand Bassa County is an example of the negative impact of small scale mining on agricultural production in Liberia and the loss of livelihoods supported by agriculture.



Picture 1: Deforestation and river pollution in Grand Bassa due to gold mining

Source: Hiveminer.com, 2017

In relation to small scale artisanal mining, ignorance of best practices is rife as majority of small scale miners are uneducated. Deforestation of large areas is a major problem in areas where wood is employed in the process of mining. Digging of pits and tunnels also discharges debris into water bodies resulting in water pollution, river clogging and increased flooding risks.

Though Liberia has good environmental protection and management tools like the Environmental Impact Assessment (EIA) and Environmental Impact Statement (EIS), the implementation of these has been a challenge. The Environmental Protection Agency (EPA) is underfunded and is unable to carry out effective environmental monitoring and law enforcement.

3.1.4 Mining Activities in Liberia

Mining activities in Liberia have been classified into three main groups: Large scale mining and exploration companies, medium size enterprises which are domestic and artisanal, and small-scale miners. These categories are referred to as Class A, B, or C respectively.

Currently, there are 1072 active licensed mining operations in the country, of which 84% (902) are artisanal or small scale miners, 5% (51) are medium size, 4% (40) are exploration companies, and 0.5% (5) are large-scale enterprises. Other licenses, which include Dealer License, Diamond Broker License, Diamond Dealership License, Gold Broker License, Gold Dealership License, Quarry License,

Reconnaissance License and Zircon Dealership License, make up 6.9% (74) of licenses issued. Among the large-scale companies, the main producers are Putu Iron Ore Mining Inc., China Union (Hong Kong) Mining Co., Mng Gold Exploration Inc. (Serhan Umurhan), Bea Mountain Mining Corp and ArcelorMittal Steel (Liberia) Holdings Ltd. Figure 1 gives a compares the number of active licenses issued in the mining sector between 2010 and March 2018 (MLME, 2018).

Figure 1: Mining Sector active licenses between 2010 and March 2018

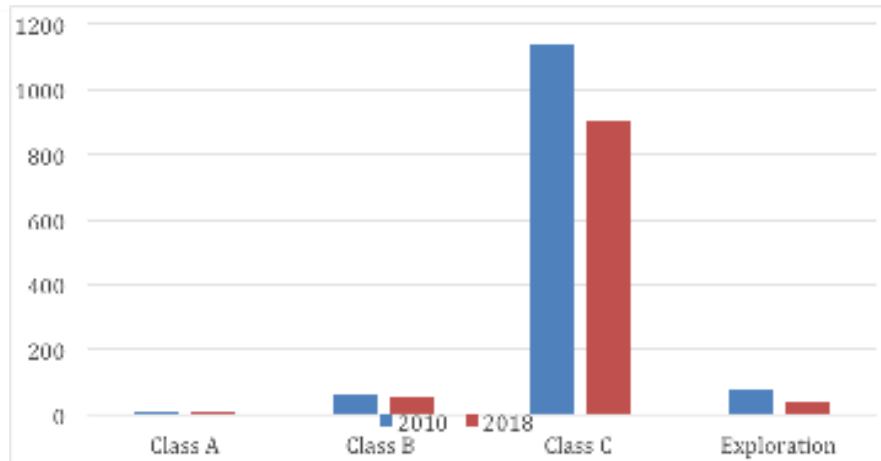


Figure 1 shows a decline in the total number of active mining operations between 2010 and 2018. This can be explained by the folding up of many companies due to the combined impact of the Ebola Crisis and the downturn in global iron ore prices.

Source: MLME 2018



*Picture 2: Alluvial Mining in Weasua in Liberia
Source: Levin Sources, 2014⁹*



*Picture 3: Artisanal Mining in Liberia
Source: World Rainforest Movement, 2015¹⁰*



*Picture 4: Large Scale mining by ArcelorMittal in Liberia
Source: ArcelorMittal, 2018¹¹*

3.2 Mining Sector Governance in Liberia

Over the past 12 years, Liberia has been putting in place policies, laws and regulations to govern the mining sector. Mining sector governance reforms were made in the quest to reverse the negative impact of the civil war and rebuild the country.

Prior to 2009, mining sector governance was inefficient due to the overburdening of the MLME with many functions it did not have full capacity to handle efficiently. The policies and regulations to govern the mining sector were inadequate. Post 2009, the country has made some progress in strengthening mining sector governance systems. This section seeks to highlight the institutions and policies employed in mining sector governance before 2009 till date.

3.2.1 Institutions

The institutions under review are the Ministry of Lands, Mines, and Energy (MLME); the Environmental Protection Agency (EPA); Liberia Extractive Industry Transparency Initiative (LEITI); National Bureau of Concessions; and Liberia Revenue Authority (LRA).

⁹ (Brownell & Colee, 2014)

¹⁰ (World Rainforest Network, 2015)

¹¹ (ArcelorMittal, 2018)

3.2.1.1 Ministry of Lands, Mines and Energy (MLME).

The government agency responsible for the administration of the mineral sector, including granting mining licenses, statutory oversight of the energy, land, minerals, and water sectors is the Ministry of Lands Mines and Energy (MLME). The MLME consists of:

- The Department of Lands, Surveys and Cartography: Liberian Cartographic Service and the Bureau of Lands and Surveys
- The Department of Mineral Exploration and Research: Liberian Geological Survey and the Liberian Hydrological Service
- The Department of Mines and Mineral Resources Development and Conservation: Bureau of Mines and Bureau of Economic Forecast and Mining Concession Appraisal
- The Department of Energy: Bureau of Hydrocarbons and the Bureau of Energy Technology and Policy Development
- The Department of Planning and Development
- The Inspectorate Division
- The Department of Administration
- Government Diamond Office (GDO)
- Bureau of Customs

Prior to 2003, the MLME was the only agency that oversaw mining sector activities such as environmental protection, awarding contracts, monitoring, evaluating and reporting of all mining sector activities. The MLME, overburdened with responsibilities coupled with insufficient funding and lack of capacity, poorly regulated mining activities in the country. This resulted in corruption in the award of contracts to enrich a few people, environmental degradation and concessionaires not adhering to rules and regulations of the sector.

3.2.1.2 Environmental Protection Agency (EPA)

The Environmental Protection Agency (EPA), established in 2003, is the principal authority for implementing the national environmental policy and sustainable management law for the protection of natural resources in Liberia. The Environmental Protection Agency Act of Liberia (EPA 2003) gives the EPA the mandate to monitor, coordinate, and supervise all activities to ensure safety and preservation of the environment. In line with EPA requirements, all companies, in order to obtain permission from the government to commence activities, are to file an Environmental Impacts Assessment (EIA)

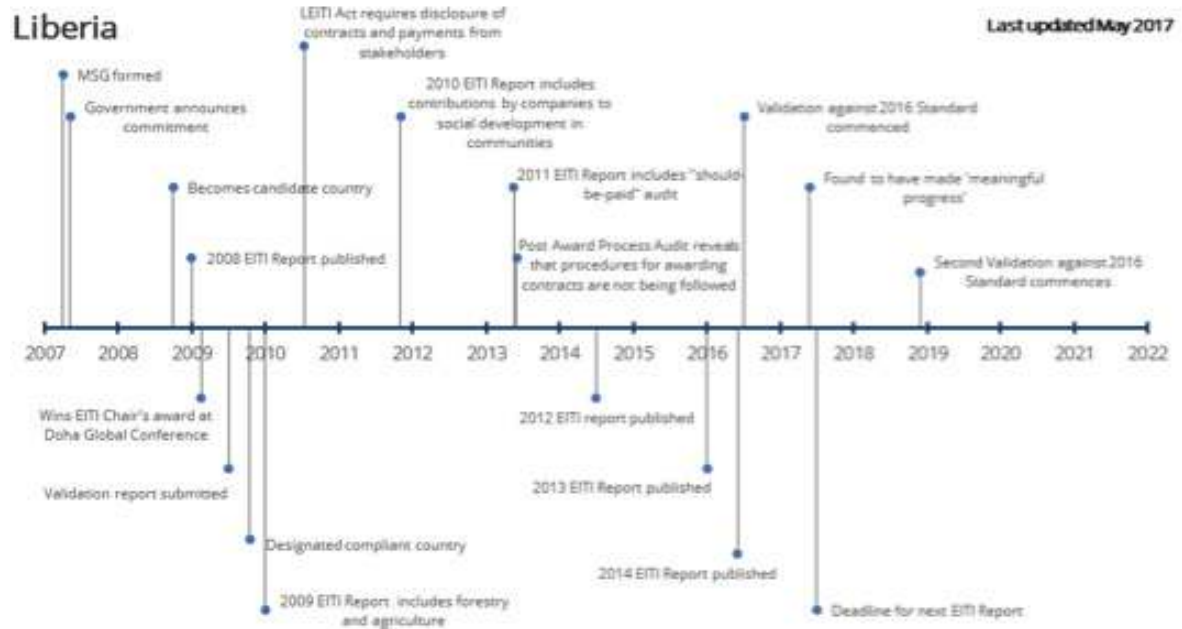
Previously, diversity assessments were not required prior to mining operation. However, it is now demanded before a mining permit will be granted. Additionally, EPA requirements demand that sedimentation ponds are created to avoid the discharge of sediments into the water bodies following the 2016 cyanide and arsenic spill.

3.2.1.3 Liberia Extractive Industries Transparency Initiative (LEITI)

Liberia began implementing the EITI Standard in 2007 and formally became a part of the EITI countries by an Act of the Legislature in 2009 (LEITI, n.d.). The purpose of LEITI is to uphold a global standard to promote the open and accountable management of extractive resources. The LEITI is a coalition of Civil Society Organizations (CSOs), government, and private companies in the extractive sector to voluntarily promote good governance in the extractive sector. Since its establishment, LEITI has ensured that benefits and payments from the extractives industry are accounted for, verified and utilized for the Liberian people on the basis of sustainability and equity.

Additionally, reconciliation reports have been prepared on revenues reported by companies to identify discrepancies. LEITI has also embarked on advocacy for communities affected by extractive projects and investigates the way contracts are awarded in the extractives sector and compares to best practices (Liberia Extractive Industries Transparency Initiative, 2017). In 2009, Liberia was the first country in Africa and second in the world to become compliant with the EITI Rules (EITI Secretariat, 2017). The figure below summarizes LEITI's events timeline from its inception till 2022.

Figure 2: LEITI Events Timeline



Source: EITI Secretariat, 2017

3.2.1.4 National Bureau of Concessions (NBC)

The National Bureau of Concessions (NBC) was established September 23, 2011 by an Act of the National Legislature. The NBC is mandated to provide the governance framework necessary for coordinating the post concession award process. It also has the responsibility of ensuring compliance of stakeholders with obligations contained in the agreements through monitoring, evaluating and reporting.

3.2.1.5 Liberia Revenue Authority (LRA)

The Liberia Revenue Authority (LRA) was established by an Act in 2013. The Act detached the revenue department from the Ministry of Finance and Development Planning to create the Liberia Revenue Authority. The LRA is a semi-autonomous agency mandated to collect taxes on behalf of government (Liberia Revenue Authority, 2013). The LRA liaises with the MLME to ensure that revenue due the government is efficiently collected, and tax regulations are enforced in the mining sector. Since the establishment of the LRA as a separate institution and the Natural Resources Tax Unit within the LRA, auditing concessions has improved as the capacity of the institution has been strengthened to carry out audits.

3.2.2 Policies, Laws and Regulations

This section highlights the policies laws and regulations that govern the mining sector in Liberia.

3.2.2.1 Mining and Minerals Law of 2000

The Mining and Minerals Law passed in 2000 provides for mineral ownership, administration, eligibility for rights to conduct exploration, rights to mine and quarry operation, environmental protection, common licensing provisions, protected zones, rights of owners or occupants of lands, public use of infrastructure owned or constructed by holders of mineral rights, trade, inspections and fiscal provisions, promotion of mining activities and other key matters (Ministry of Foreign Affairs , 2000).

In 2004, the Mining Law 2000 was amended to take into consideration Liberia’s adoption of reporting standards for diamonds under the United Nations' Kimberley Process Certification Scheme (OECD, 2017).

Though this law provided for various issues related to mining activities it overlooked the activities of artisanal and small-scale mining. Hence, there are calls for this law to be updated.

3.2.2.2 Amended Public Procurement and Concessions Act of 2010

The Public Procurement And Concessions Act, 2005 regulates public procurement and concessions, establishes the Public Procurement and Concessions Commission, provides for institutional structures for public procurement and concessions, and specifies methods and procedures for public procurement and Concessions (Public Procurement and Concessions, 2010). During the 2008 Annual Procurement Forum, the Act was reviewed to highlight sections in need of amendment to ensure clarity, efficiency and productivity so as to achieve the objectives of the Liberian Procurement Reform Program. Based on feedback from stakeholders the 2005 Act was amended and the Amendment and Restatement Of The Public Procurement And Concessions Act, 2010 was approved on 16th September 2010 (All Africa, 2010).

3.2.2.3 Mineral Policy of Liberia 2010

The 'Mineral Policy of Liberia' published in 2010 to complement the Mining and Minerals Law 2000, was designed to be a framework

for the sustainable management of the country's mineral resources. It seeks to guide government institutions and other relevant stakeholders in carrying out interventions in the sector. Most importantly, it was designed to ensure that the sector contributes to social regeneration and the enhancement of democratic culture in addition to reviving the economy. In the Mineral Policy, the Liberia Mining Vision Statement is:

“Equitable and optimal exploitation of Liberia’s mineral resources to underpin broad-based sustainable growth and socio-economic development.”

(Ministry of Lands, Mines and Energy, 2010, p. 3)

The government committed itself to the following objectives to ensure that the mineral sector was revamped and acted as a major contributor to the development of the country (Ministry of Lands, Mines and Energy, 2010, p. 6):

1. To establish an internationally competitive, stable and conducive business climate to attract and sustain foreign and local investment;

2. To formulate a fiscal and concession regime that assures the country of fair value for its resources, while offering equitable rewards to private investors;
3. To institutionalize procedures to maximize returns to the nation from its finite known and unknown mineral assets;
4. To put in place a mechanism for the evaluation of competing land use options;
5. To eliminate adverse social conditions and environmental degradation due to mining activities;
6. To support and enable artisanal and small-scale mining activities to create employment, generate income and help reduce poverty in the rural areas;
7. To ensure equitable distribution of benefits from mining activities to meet both current and future needs;
8. To facilitate equitable access to the sector by all qualified Liberians, irrespective of gender or ethnicity;
9. To ensure consultation of all stakeholders and protect affected people from exploration through mining and post-mine closure;
10. To establish an effective administration and management of the mineral sector.

3.2.2.4 Agenda for Transformation (Aft)

Liberia's 'Agenda for Transformation' (Aft) is a medium-term development strategy which was designed to guide Liberia to economic transformation and inclusive growth between 2012 and 2017 (Agenda For Transformation, 2017). Economic transformation, the second pillar of the Aft, aims to:

“Transform the economy so that it meets the demands of Liberians through development of the domestic private sector—using resources leveraged from FDI in mining and plantations; providing employment for a youthful population; investing in infrastructure for economic growth; addressing fiscal and monetary issues for macroeconomic stability; and improving agriculture and forestry to expand the economy for rural participation and food security.”

The main goal for the management of the mining sector is to ensure that the exploitation of Liberia's mineral resources is done in a sustainable, transparent and well-managed manner that results in the equitable distribution of benefits among citizens. To accomplish this the government commits itself to:

- Increasing fiscal revenue by increasing export volumes, with full reporting to LEITI.
- Improving the regulatory system and compliance of mineral production,
- Increased transparency and CSO monitoring of concession agreements, mineral revenues and regulatory compliance for environment and worker safety
- elimination of child labor.
- Strengthen small-scale mining, with more quality employment opportunities.

What has been achieved so far, and were there any implementation challenges?

3.2.3 Current Situation of Mining Sector Governance in Liberia

Although Liberia has taken steps over the years to improve mining sector governance, the country still faces challenges.

In the 2017, Natural Resource Governance Institute's (NRGI) Resource Governance Index (RGI), assess the governance of oil, gas and mineral wealth by grading countries based on value realization, revenue management and enabling environment, Liberia,

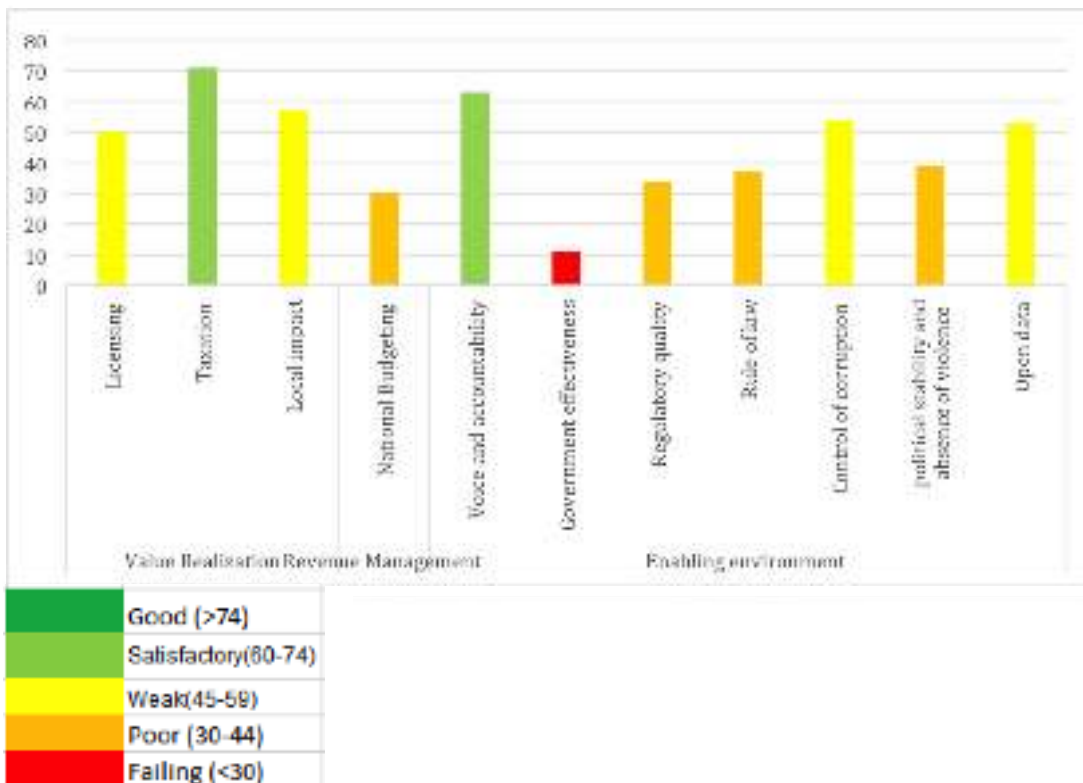
overall, scored 44 out of 100 points ranking 52nd among 89 resource rich countries.

The results of the 2017 RGI show that Liberia attained a weak average score of 59/100 in value realization based on scores from licensing, taxation and local impact. In accordance with LEITI commitments, and the Amended Public Procurement and Concessions Act, 2010, the government of Liberia is to issue licenses and contracts through the open bidding process and publish all contracts signed with mining companies. Though contracts are made public, the process of issuing licenses and contracts remains opaque. LEITI's 2013 study showed that only a small number of licenses awarded actually carryout requirements in the laws (NRGI, 2017).

The assessment of revenue management in Liberia in relation to national budgeting produced a failing score of 30/100. Mining revenues in Liberia do not effectively address or contribute to socioeconomic development as a large chunk of the budget is targeted at recurrent expenditure which is mainly compensation of employees and not directed to public programs in the agriculture, health or education sector (Collins, 2017).

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Figure 3: Liberia's RGI Scores



Source: NRG, 2017

From the above, it is evident that though Liberia has put in place regulations and institutions that are laudable, they have been largely ineffective in ensuring good mineral resource governance.

3.3 AMV Contextualization in Liberia

This section presents the findings from the field work carried out to determine the progress of Liberia in contextualizing the AMV.

In order to ascertain the progress made by Liberia in contextualizing the AMV, key stakeholders were identified through a desk study and interviewed. These stakeholders were interviewed based on the expectation that institutions they represented play critical roles in ensuring that progress is made in contextualizing the AMV.

Figure 4: Key stakeholders Interviewed



Out of 9 respondents, only two were female. The highest number of years of experience in the current role of respondents recorded was 14 years while the lowest was less than a year.

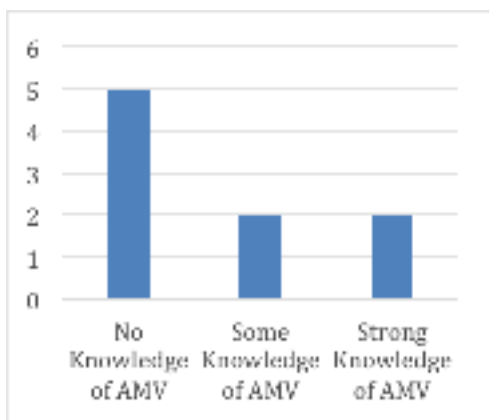
3.3.1 Respondents' knowledge of AMV and CMV

Interviews conducted showed that the AMV and the CMV was largely unknown to key stakeholders. The analysis of the feedback on knowledge of the AMV obtained from key stakeholders showed that five (5) respondents had no knowledge of the AMV. Two (2) respondents had some knowledge of the AMV. Two (2) respondents had strong knowledge of the AMV.

However, after further questioning we realized the said knowledge was shallow. Also, two respondents from GIZ and the Institute for Research and Democratic Development (IREDD), had strong knowledge of the AMV because of experience from working with the Africa Mining Development Corporation and serving on the board of Publish What You Pay respectively.

The analysis of the feedback on knowledge of the CMV obtained from key stakeholders showed that six (8) respondents had no knowledge of the CMV with only one respondent having prior knowledge of the CMV.

Figure 5: Knowledge of the AMV and CMV in Liberia by key



Source: ACEP Fieldwork, 2017

It is important to note that no government institution or CSO had strong knowledge of the AMV or CMV. Knowledge of the AMV and CMV were mainly obtained from attending workshops and personal reading. Having knowledge of the AMV and the CMV is fundamental to its contextualization. Having limited or no knowledge of the AMV reduces the possibility of the AMV being contextualized in the country.

3.3.2 Relevance of the AMV

The fieldwork in Liberia provided ACEP researchers the platform to deepen respondents' knowledge about the tenets of the AMV and the CMV processes. In the end, there was a unanimous view among all respondents that the AMV was relevant to the development of Liberia's mining sector for sustainable development as it provides the guiding framework and reference point for managing the mineral resources in an efficient and effective manner. Having been ratified by African states, respondents were of the view that contextualizing the AMV will improve the manner in which mining licenses are issued, and provide a roadmap on artisanal mining in Liberia. It can also aid in regional integration.

3.3.3 The status of the CMV (AMV Contextualization) in Liberia

Though Liberia actively participated in the AMV processes in Addis Ababa, no evident progress has been made in implementing the AMV in Liberia. According to a respondent, the UNDP made efforts to persuade the government to adopt the AMV in creation of policies, but all efforts were unsuccessful.

3.3.3.1 Establishment of a CMV coordinating body

After the signing of the AMV in 2009, Liberia did not establish a CMV coordinating body to champion the cause of contextualizing the AMV in Liberia. However, there is a Mining Revenue Task Force consisting of the MLME, Ministry of Finance and the LRA which was created in 2015. This Taskforce was designed to bridge the gap between institutions and boost information sharing to improve compliance in the mining sector. According to respondents, the AMV or any issue related to it has never been discussed at the taskforce level.

3.3.3.2 Mining sector gap analysis

No gap analysis, as specified in the CMV guidebook, of the mining sector was carried out by the Liberian government to facilitate the contextualization of the AMV. The only a gap analysis, “A Gap Analysis of Africa Mining Vision Implementation in Liberia and Sierra Leone”, conducted in Liberia in relation to the AMV was by GIZ with support from the MLME in 2014. This gap analysis was carried out for both Sierra Leone and Liberia to identify the progress made in contextualizing the AMV, challenges faced, and successes chalked by both countries. It also provided recommendations to both countries on how to successfully contextualize the AMV. Nonetheless, this gap analysis appears to have been abandoned as no respondent was aware of its existence.

3.3.3.3 Existence of a CMV implementation plan.

There is currently no CMV implementation plan. This action is to be carried out by the coordinating body. The nonexistence of the taskforce contributes to the nonexistence of the implementation plan.

3.3.3.4 Existence of CMV implementation monitoring, evaluation, and support mechanisms

CMV implementation monitoring, evaluation, and support mechanisms do not exist as no tangible work has commenced on the contextualization of the AMV.

3.3.3.5 Similarities between efforts to improve the mining sector and the AMV

This section seeks to highlight existing efforts in Liberia’s mining sector that are in line with achieving some of the goals set out in the AMV. The activities are in relation to policy, artisanal and small scale mining, improving mining revenues and mineral rents management, building capacity, and geological and mining information systems.

Liberian Mineral policy 2010 and the AMV

Primary data collected indicated that no progress had been made in contextualizing the AMV in Liberia. However, secondary data proved otherwise. Former Deputy Minister for Operations at the MLME, Hon Sam Russ, in a 2014 interview with the editor of

the European Center for Development Policy Management (ECDPM) stated that, the national mineral policy was based on the AMV.

According to the 2014 GIZ Gap Analysis of the AMV in Liberia and Sierra Leone, there are some similarities between the nine Program Clusters (PC) of the AMV Action Plan, which were developed based on the AMV tenets, and the Mineral Policy of Liberia. The gap analysis showed that the 10 objectives defined in the mineral policy are coherent with all the program clusters of the AMV Action Plan except clusters 6 and 8 related to research and development, and linkage and diversification respectively.

The table below shows the similarities between the objectives of Liberia’s 2010 Mineral Policy and the program clusters (PC) of the Africa Mining Vision Action Plan.

Table 5: Similarities between the Mineral Policy of Liberia and the AMV Action Plan

	Mineral Policy of Liberia	Africa Mining Vision Action Plan
Strongly related	Objective 1: To establish an internationally competitive, stable and conducive business climate to attract and sustain foreign and local investment	PC 3: Building human & institutional capacities (See page 18 of the AMV Action Plan)
	Objective 2: To formulate a fiscal and concessioning regime that assures the country of fair value for its resources, while offering equitable rewards to private investors	PC 1: Mining revenues & mineral rents management (See page 11 of the AMV Action Plan)

	Mineral Policy of Liberia	Africa Mining Vision Action Plan
Strongly related	Objective 3: To institutionalize procedures to maximize returns to the nation from its finite known and unknown mineral assets	PC1: Mining revenues & mineral rents management (See page 11 of the AMV Action Plan)
	Objective 5: To eliminate adverse social conditions and environmental degradation due to mining activities	PC 7: Environment & social issues (See page 31 of the AMV Action Plan)
	Objective 6: To support and enable artisanal and small-scale mining activities to create employment, generate income and help reduce poverty in the rural areas	PC4: Artisanal & small-scale mining (See page 21 of the AMV Action Plan)
	Objective 9: To ensure consultation of all stakeholders and protect affected people from exploration through mining and post- mine closure	PC5: Mineral sector governance (See page 24 of the AMV Action Plan)
Loosely related	Objective 4: To put in place a mechanism for the evaluation of competing land use options	PC 2: Geological & mining information systems (See page 15 of the AMV Action Plan)

	Mineral Policy of Liberia	Africa Mining Vision Action Plan
Loosely related	Objective 7: To ensure equitable distribution of benefits from mining activities to meet both current and future needs	PC 1: Mining revenues & mineral rents management (See page 11 of the AMV Action Plan)
	Objective 8: To facilitate equitable access to the sector by all qualified Liberians, irrespective of gender or ethnicity	PC5: Mineral sector governance PC 7: Environment & social issues (See pages 24 & 31 of the AMV Action Plan)
	Objective 10: To establish an effective administration and management of the mineral sector	PC 3: Building human & institutional capacities PC5: Mineral sector governance (See pages 18 & 24 of the AMV Action Plan)

Source: *Mineral Policy of Liberia, 2010 and Africa Mining Vision Action Plan, 2011.*

The table above highlights that the objectives of the mineral policy were inspired by the AMV although the Mineral Policy of Liberia itself makes no reference to the AMV.

This shows that at the time of signing the AMV, Liberian Officials found the contents of the AMV useful in the quest to improve conditions of the mining sector.

Improving mining revenues and mineral rents management, and building capacity

The desire of the AMV is to develop a mining sector that generates enough revenue to facilitate national development and eradicate poverty. According to the Executive director of the Institute for Research and Democratic Development (IREDD), Liberia identified the mismanagement of mineral resources as a major contributing factor to the civil war.

To reverse the negative impact of poor mineral revenue management and the corruption that surrounded the award of contracts, the government put in place measures to improve revenue management and the award of concessions.

Following the establishment of the Liberia Revenue Authority (LRA) in 2013, the Natural Resources Tax Unit in the LRA was established with assistance from the Adam Smith International, with funding from the Australian government in the same year. Through training the capacity of the unit was built for more efficient management of mineral revenues. The unit was equipped with knowledge on understanding production sharing contracts, mineral development agreements, their interaction with the Liberia Revenue Code, and knowledge about mining and oil in regard to geological, scientific and technical issues (Adam Smith International, n.d.). This provided auditors with the needed expertise to manage natural minerals to prevent mineral exploitation.

To ensure better transparency in revenue management, in line with Liberia's EITI commitments, it was imperative to reconcile revenues

invoiced from the Ministry of Lands, Mines and Energy and the newly established Liberia Revenue Authority. To facilitate the integration of revenue management across all government institutions and improve compliance, the Mining Revenue Integration project was launched in 2015 by the Revenue Development Foundation (RDF) in partnership with the GIZ Regional Resource Governance programme and the Government of Australia. In the same year, the MLME, the LRA and the Ministry of Finance and Development Planning (MFDP) signed an inter-governmental data sharing agreement, which formed the basis for RDF data integration support. This created the possibility for the agencies to, without permission from a higher authority, share information of companies operating in the mining sector among themselves. RDF also assisted in the establishment of the Mining Revenue Task Force as a coordination body to oversee the implementation of the agreement (Revenue Development Foundation, n.d.). Additionally, the RDF assisted in developing the Government of Liberia Online Repository in partnership with the MLME to make data on mining sector licenses, payments and concessions public.

Artisanal and small-scale mining.

To achieve sustainable rural socioeconomic development, the AMV aims to create a mining sector that promotes artisanal and small-scale mining. The AMV recommends targeted regulations and interventions that ensure that Artisanal and small-scale mining translates into socioeconomic development.

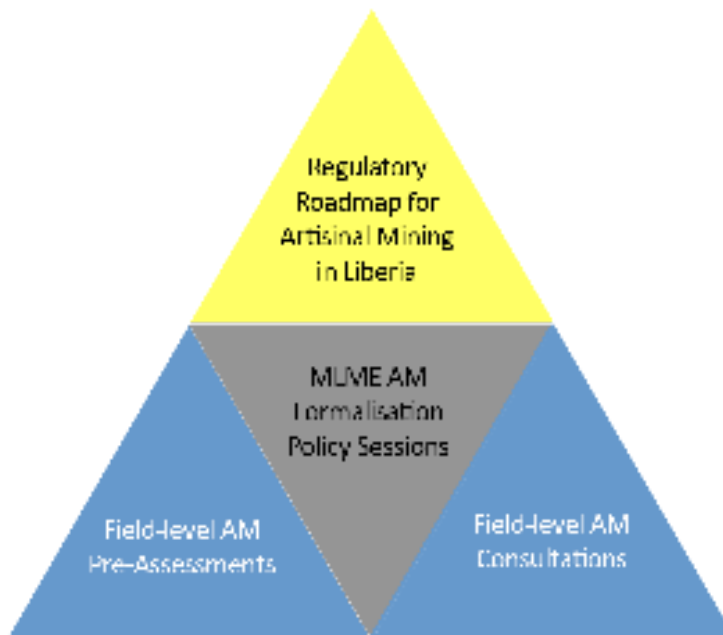
To tackle the negative issues that surround artisanal mining such as environmental pollution and smuggling, the MLME partnered with GIZ Regional Resource Governance Project in 2016 and prepared the Regulatory Roadmap for the Artisanal Mining (AM) Sector in Liberia. The roadmap was the outcome of county-level surveys, stakeholder consultations, and policy sessions that were carried out by the MLME. The roadmap outlines the strategy by which the MLME will implement the Artisanal Mining Formalization Program. The aim of the Artisanal Mining Formalization program is;

“to boost the number of artisanal miners operating in the formal economy, empower mining groups by making them aware of their rights, roles and responsibilities, and create a win-win-win tripartite system whereby

the immense potential of the AM sector to generate socio-economic benefits for miners, mining communities, and the Government of Liberia is harnessed” (MLME, 2016).

The MLME adopted a bottom-up approach (presented in the figure below) to assess the needs of the artisanal miners, mining communities and relevant stakeholders in developing the roadmap.

Figure 6: Bottom up approach to artisanal mining formalization needs assessment



Source: MLME, 2016

The road map for the artisanal mining sector details 8 main thematic policy areas through which the formalization program will be implemented. These are;

1. Decentralization of MLME Governance Structures by allowing decision making authority to be delegated to county level.
2. Improvement of Accessibility to Licenses for Artisanal Mining by removing logistical and financial barriers

3. Tracking and Reporting of Mineral Production and Sale by making the Office of Precious Minerals, including Government Diamond Offices more accessible through the establishment of more regional offices.

4. Piloting of Artisanal Mining Umbrella Organizations / Cooperatives to aid in the formalization of artisanal miners on a local level.

5. Improvement of Artisanal Mining Environment Management Practices through environmental awareness of the hazards of poor mining practices

6. Extension of Spatial Mapping Exercises and Supply-chain Analyses through prioritizing GIS mapping and the study of socio-economic supply-chains.

7. Enhancement of Artisanal Mining Health, Safety and Security Practices through awareness programs for miners and the issuance of shovel and miner ID cards to enable miner identification.

8. Demonstration of Social Responsibility through the improvement of relationships between miners and host communities and formalizing commitments to county-level community development. Gender mainstreaming and child labor will also be made a priority.

This approach however does not tackle the issue of alleviating poverty that causes people to engage in artisanal mining without regard to environmental protection, health and safety issues. It does not include the development of diversified and alternative livelihoods that illegal miners can engage in in place of mining as suggested by the AMV as a solution to the negative impact of artisanal mining.

Geological and mining information systems

To enable the government and private sector make knowledgeable decisions on mineral sector development and obtain the maximum benefit from minerals at minimum risk, the AMV makes it imperative for a country to have accurate geological information.

Liberia has made efforts to improve the availability of geological and mining information. According to the Liberia Geological Survey (LGS), in 2007, geological, geophysical and mineral-occurrence data were compiled into digital form. This was released as a series of four national maps at a scale of 1:340 000. This information is currently stored within the Liberian Minerals Information System (LMIS) and offers a complete and easily accessible overview of Liberia's solid geology and known mineral occurrences (Liberian Geological Survey, n.d.)

In 2014, the Liberia Geological Survey (LGS), a unit under the MLME, began to organize its data into an accessible and systematic manner. This process was started to make information readily available without bureaucratic challenges. Additionally, a laboratory was re-established to enable the receipt, recording and preparation of samples for analysis. An LGS website was also created by the LGS and British Geological Survey through a technical cooperation project funded by the UK

Government. In 2016, the People's Republic of China commenced a combined geophysical and geochemical data-collection program throughout Liberia, this is the first systematic data collection program in Liberia since 1971. The data and interpreted results from this is scheduled to be completed by mid-2018 (Liberian Geological Survey, n.d.).

The Liberia National Concession Cadastre Portal was developed by the Government of Liberia and Trimble Land Administration (formally Spatial Dimension) and funded by United States Agency for International Development (USAID). The online portal displays detailed information of active concessions in Liberia. The aim of this portal is to improve transparency and promote investment (Liberia National Concession Portal, n.d.).

3.4 Opportunities for Contextualizing the AMV

Based on the responses from some stakeholders, a great opportunity to contextualize the AMV exists if the necessary education and funding are available.

To be able to achieve the goals of the AMV, Liberia will have to strive beyond the policy document of the 2010 Mineral policy to strengthening the enforcement of legislations. There must also be active efforts to develop socio economic infrastructure and improve value addition in the mining sector through processing. Importantly, issues of gender must be brought to the limelight especially in resolution of the negative impacts of ASM and economic diversification to improve livelihoods.

3.5 Challenges faced in Contextualizing the AMV

The inability of Liberia to contextualize the AMV using the CMV processes can be attributed to the following reasons

1. Lack of political interest

Interviews revealed that there was a notable lack of political will to adopt the AMV and create a specific CMV. Many government officials had no idea of the AMV and attributed it to the fact that predecessors did not hand down information about the AMV.

Respondents were also not aware of the fact that the 2010 Mineral policy was developed based on the AMV. This showed that beyond policy development, there was no real political interest in implementing the contents of the AMV.

2. No formalized task force or committee to champion the AMV

After the signing of the AMV there was no official taskforce created in Liberia to champion the cause of the AMV. This lack of true ownership of the AMV and CMV process resulted in the complete neglect of the process.

3. Willingness to amend policies laws and regulations

Given the fact that new laws regulations and policies have been created in recent years there will be a challenge in amending them. Mining sector governance reforms have been greatly sponsored by donor agencies. Government funding is limited due to the challenges the country has faced in resolving the ebola crises and providing basic amenities for the country. Thus, allocating funds to the process of amending laws and regulations is a challenge due the current priorities of the government.

3.6 Conclusion, summary of key findings, and recommendations.

The research sought to identify the successes, challenges and opportunities of contextualizing the Africa Mining Vision in Liberia. It was found that the Country Mining Vision process has not been followed to contextualize the tenets of the AMV. There has been no progress made on developing a specific CMV document for the country. This is because, post signing of the AMV, Liberia did not establish a committee or taskforce to aid in the process of conducting a mining sector gap analysis to form the basis for developing a CMV contextualization plan. The root causes of the CMV contextualization challenge is the lack of adequate institutional knowledge of what the AMV and the CMV processes are. These notwithstanding, existing reforms in Liberia's mining sector, including the 2010 Mineral Policy, partially reflect some tenets of the AMV, particularly in the issues of formalizing artisanal small scale mining, improving geological data, and ensuring proper management of mining revenues and mineral rents.

There exist opportunities for contextualizing the AMV in Liberia. That the country has achieved reforms that match the AMV tenets to some extent is an indication that the AMV document reflects the realities of Liberia and can be a roadmap for mining sector evaluation for future policy reforms. In order for these to be achieved, there ought to be widespread stakeholder sensitization and capacity building about the AMV and CMV processes, and a mining sector gap analysis to identify areas of reform. These can be supported by civil society organizations and the donor community. The government of Liberia can, through the MLNR, request the support of the AMDC in strengthening government's strategy for future reforms.

We specifically recommend the following:

1. Public Education and advocacy on the AMV and CMV

There must be renewed advocacy on the AMV and CMV in Liberia. This must be carried out by civil society organizations to ensure that the citizens of Liberia are aware of how good mining sector governance can translate into socioeconomic development.

This will ensure that the government is held accountable for its management of the sector. It will also encourage the government to follow the guidelines of the AMV to prevent mismanagement and corruption in the mining sector.

2. Training and capacity building

Training and capacity building of stakeholders in the mining sector, both in public and private institutions, should be carried out against the backdrop of the AMV. This will ensure that all relevant stakeholders will be able to take decisions in the industry in a manner that is in line with achieving the overall goals of the AMV.

3. Carry out a Mining Sector Gap analysis

Given that some activities in progress in the mining sector are in line with the tenets of the AMV, the MLME should carry out a gap analysis to identify areas in the governance of the mining sector that have been overlooked or poorly addressed. This will aid in closing the existing gaps and help Liberia achieve the goals of the AMV in a timely manner.

4. Future of mining sector reforms

The government of Liberia should adopt the AMV as a benchmark against which all future

reforms related to the mining sector will be carried out. This will ensure that the AMV remains relevant to the country irrespective of changes in political regimes.

PART FOUR

EVALUATION OF AMV

CONTEXTUALIZATION IN SIERRA LEONE

4.0 Introduction

This part is in four sections. The first aspect discusses the importance of the mining sector to Sierra Leone's economic, social and environmental development. The second discusses the mining sector governance before and after the coming of the AMV in 2009. The third section evaluates Sierra Leone's progress on contextualizing the AMV, within the framework of successes, challenges faced, and opportunities. The final aspect summarizes the key findings and proffers some recommendations.

4.1 The role of the mining sector in Sierra Leone

The mining industry of Sierra Leone has been a meaningful source of socio-economic benefits to the country, although there have been some negative impacts, particularly on the environment. The impacts of Sierra Leone's mining industry are briefly discussed as follows:

4.1.1 Economic impacts

Mining is one of the leading export sectors in Sierra Leone. It dates as far back as the 1930's when the first diamond was found and in the 60s when iron ore mining began. Over the years, Sierra Leone's mining sector has contributed significantly to its GDP. In 2012 and 2013, the economy received a further boost in real Gross Domestic Product (GDP) growth from an annual average of 5.7 % in 2011 to 15.2 percent and 20.1 percent respectively when two substantial iron ore mines started production and export.

Specifically, mining is important to Sierra Leone's economic growth, in the following ways:

- a. Minerals constitute over 70% of Sierra Leone's exports. In 2015, it contributed 14% to the Gross Domestic Product (GDP).

b. Mining affected communities receive 1% of mineral revenues for development (to build hospitals, etc). This is known as the Community Development Fund.

c. The mining sector provides linkages for the establishment of other businesses, especially hospitality services as some people have converted their homes into guesthouses because of the influx of people to the mining communities.

4.1.2 Social impacts

The mining sector also plays an important social role in Sierra Leone. For example, the sector has attracted young people for employment especially in the northern region of Sierra Leone. Specifically, the mining sector:

a. boosts local content as it employs about 300,000 people in artisanal mining and over 700,000 in large scale mining.

b. has witnessed an improvement in community participation as project communities have become more involved in mining issues. Chiefs used to have absolute power on decisions concerning the mining sector

but now decision making has become inclusive to allow for community participation.

c. now has more community representation from CSOs, women groups, etc. to voice their concerns on mining operations.

d. on the downside, has resulted in cases of conflicts over land, violence against community people by police who protect some of the mining companies.

4.1.3 Environmental impacts

The environmental impact of mining in Sierra Leone cannot be overlooked. The effects of mining on the environment has been mostly negative although some improvements are being made. The following are the major environmental aspects of mining in Sierra Leone: Mining has destroyed the environment, causing degradation of land without being reclaimed, pollution of water bodies and air pollution. Mining operations have also affected bio diversity negatively due to the clearing of lands without replanting.

a. Environmental laws are not enforced as the Environmental Protection Agency (EPA), the organization responsible for environmental protection, has been weak in executing its roles. This is primarily because of inadequate technical expertise and vehicles for monitoring companies' compliance with environmental standards. Notwithstanding, the EPA is stepping up. Mining licenses are no longer granted until environmental license is acquired. This is to ensure that environmental impact of mining projects have been assessed and environmental management plans are in place to mitigate the effects of mining projects on the environment.

b. One milestone achieved is that much awareness is being created on the impact of mining on the environment and land reclamation issues. People within the mining communities have been educated on the consequences of deforestation.

4.2 Mining Sector Governance in Sierra Leone Before and After AMV in 2009

Prior to 2009 when the AMV was ratified by African Heads of State, Sierra Leone's mining sector was chaotic. This was largely due to the eleven-year-long civil war which ended in 2002. Mining was not a priority of the government when the war ended as Sierra Leone did not have political stability to attract investment in the sector and there was more focus on peace-keeping. As political stability increased, mining was then considered an important sector. Sierra Leone's mining sector has undergone several reforms over the years. The first piece of mining legislation enacted in Sierra Leone was the Minerals Act 1927, which was amended as the Revised Minerals Act in 1960. In 1966, the 1960 Revised Minerals Act was replaced by the 1994 Mines and Minerals Decree (1994 Act).

In 2003, Sierra Leone passed the 'Core Minerals Policy' with the specific focus of attracting private investments and ensuring that mineral wealth is utilized for economic and social development.

Until 2008, there were no effective environmental policies until the Environment Protection Agency Act 2008 (EPA Act) was passed. The EPA Act provides that mining projects can only be undertaken following the preparation and approval of an environmental impact assessment and the issuance of an environmental impact assessment license.¹²

In 2009, the Mines and Minerals Act was enacted, but the AMV did not necessarily inform this action. As the government recognized that it had lost mineral revenues over the years, primarily due to lack of transparency in the sector, there was the need to strengthen the mining sector. In 2016, drafting of the Minerals Policy began with the aim of replacing the existing Core Minerals Policy enacted in 2003, which was considered outdated.

In addition to the mining legislation, a number of institutions have been set up. They include:

4.2.1 Ministry of Mines and Mineral Resources

The Ministry of Mines and Mineral Resources is responsible for the management of minerals in accordance with the Mines and Minerals Act 2009. The Ministry handles both large and small scale mining concessions. Through the Mining Cadastre Office (MCO) in Freetown, the Ministry manages concessions for exploration and large-scale mining while all artisanal mining licenses are managed by the Ministry's regional offices.¹³

4.2.2 National Minerals Agency (NMA)

In 2012, the NMA was set up to serve as the technical wing of the Ministry of Mines and Mineral Resources. It was set up as a semi-autonomous agency to promote the development of the minerals sector; implement mining policies and regulations; enforce compliance with all mining laws and regulations; and promote the rights of communities.¹⁴

¹² Herbert Smith Freehills LLP (2015). Mining in Sierra Leone: an overview of the current legal framework Available at <https://www.lexology.com/library/detail.aspx?g=0f68dda3-1d7a-4770-b96a-d6df219e3fd0>

¹³ Wikipedia (2018). Ministry of Mineral Resources (Sierra Leone). Available at [https://en.wikipedia.org/wiki/Ministry_of_Mineral_Resources_\(Sierra_Leone\)#cite_note-1](https://en.wikipedia.org/wiki/Ministry_of_Mineral_Resources_(Sierra_Leone)#cite_note-1)

¹⁴ National Minerals Agency website (2016). Available at <http://www.nma.gov.sl/home/> Accessed 3rd May, 2018.

4.2.3 Sierra Leone Local Content Agency (SLLCA)

In 2016, the SLLCA was set up through the Sierra Leone Local Content Agency Act, 2016 (No. 3 of 2016). The SLLCA is a semi-autonomous institution that promotes local content development by creating linkages between Foreign Direct Investments in Sierra Leone.¹⁵

4.3 Sierra Leone's progress in contextualizing the AMV: successes, challenges and opportunities.

4.3.1 Successes

Although Sierra Leone has not established a country mining vision, the country has made some efforts in integrating the AMV goals in its draft mineral sector policy. Sierra Leone also adopted some aspects of the CMV process in reforming its mineral sector. The following are some of the successes of Sierra Leone's efforts in contextualizing the AMV:

4.3.1.1 Establishment of a CMV coordinating body/expert panel

An expert panel, made of representatives from civil society organizations (CSOs), government, academia and private sector, was formed in 2015 to oversee the process of developing the Minerals Policy in alignment with the AMV. The setting up of the expert panel was coordinated by the Ministry of Mines and Mineral Resources. The establishment of the expert panel has encouraged multi-stakeholder consultations making room for inclusiveness of CSOs, private sector, government agencies, etc. which is an important step to promoting a transparent and accountable management of the minerals sector.

4.3.1.2 Mining sector gap analysis

A benchmarking exercise was undertaken to assess the status of the mining sector and the gaps that exist. The benchmarking exercise was a multi-level analysis comprising both local and regional assessments.

¹⁵ Sierra Leone Local Content Agency website (2016). Available at <http://www.localcontent.sl/> Accessible 3rd May, 2018.

Using the Social Technical Economic Environmental and Policy (STEEP) process, the challenges in the mining sector were analyzed both within the local setting and by comparing with other mining sectors within the African region. The findings of the mineral sector gap analysis from the benchmarking exercise was instrumental input to the draft Minerals Policy. Development partners including the World Bank, African Development Bank (AfDB), United Nations Development Program (UNDP) and GIZ provided financial and technical support for the benchmarking exercise and setting up of the expert panel.

4.3.1.3 Draft Minerals Policy

The draft Minerals Policy, which is expected to be assented to by mid-2018, has been aligned with the aspirations of the AMV and reflects government's desire to contextualize the AMV and strengthen the regulation of the minerals sector. For Sierra Leone, the integration of the AMV in the draft Minerals Policy has had a positive impact on its minerals sector. Firstly, it has ensured that the draft Minerals Policy is comprehensive to provide for local content, inclusive growth,

research and development. Secondly, it is context specific as it makes some adaptations to address artisanal mining, which is of central focus to Sierra Leone.

4.3.2 Challenges

Although the respondents interviewed were aware that Sierra Leone had integrated the goals of the AMV in the draft Minerals Policy, about 80% had no idea of the CMV Guidebook as they became aware of the CMV by word of mouth from stakeholders or as a result of their direct involvement in the CMV process. This shows that there is a knowledge gap of the key features of the AMV which weakens its leverage as a shared blueprint for Africa's minerals sector development.

Again, there remains a fundamental challenge with the absence of well-established linkages between the mining sector and that of manufacturing industry. For example, the mining sector imports the majority of its equipment because Sierra Leone does not have a manufacturing industry or the technological know-how to produce what is needed in-country.

The minerals extracted are exported as raw materials by foreign-owned shipping lines to be processed in other countries, due to the absence of a well-developed manufacturing industry or the necessary skills set to do so in-country. This presents a major challenge to the actualization of the AMV goals in Sierra Leone.¹⁶

4.3.3 Opportunities for Contextualizing the AMV in Sierra Leone

Sierra Leone recognizes that contextualizing the AMV is significant to the development of its mining sector. The CMV is not intended to replace national mineral policies. In fact, the CMV Guidebook acknowledges that not all countries would need to formulate a CMV. Notwithstanding, the CMV is expected to capture national aspirations and views on the developmental role of the minerals sector. This makes the CMV versatile and laden with opportunities for African countries to utilize. Sierra Leone can utilize the following opportunities in domesticating the AMV:

1. The involvement of a broad range of stakeholders from CSO, government and private sector creates a collective national ownership that will help to ensure continuity of the CMV process even beyond electoral cycles. Sierra Leone can maximize this by creating an enabling environment for the expert panel to oversee and review the CMV implementation independently without political interference.
2. Sierra Leone must use the AMV domestication process as an opportunity to build a new paradigm in how it views the mining sector. One such way is to allow for further inclusive growth through shared responsibilities of the other sectors which have linkages with the mining sector.
3. Demonstrate the will to implement the Minerals Policy by creating an enabling legal and regulatory environment. This fosters credibility and increases investment attraction for the minerals sector.

¹⁶ The Patriotic Vanguard (2015). The mining industry's contribution to Sierra Leone's post-Ebola economy. Available at <http://www.thepatrioticvanguard.com/the-mining-industry-s-contribution-to-sierra-leone-s-post-ebola-economy>

4. Utilize the regional integration of the AMV for shared infrastructure, technology and skills transfer across the African continent.

4.4 Conclusion, Summary of key findings and recommendations.

Sierra Leone's efforts in strengthening its mineral sector policies suggests that the AMV is not an end in itself but a means to an end. The AMV domestication process allows for countries to assimilate the broad regional context into its unique political economy which is an important step to sustainability. However, there remains a knowledge gap of the CMV Guidebook among some relevant sections of stakeholders. The CMV Guidebook can serve as a useful material to restructure mineral sector policies to accommodate the unique and dynamic political and economic settings of African countries. The real challenge lies with the implementation of the Minerals Policy as this is the opportunity for Sierra Leone to demonstrate its willingness to improve its mining sector governance for sustainable development.

Specific findings are as follows:

1. Sierra Leone has initiated the AMV domestication process by establishing a coordinating body called the expert panel, conducting a gap analysis of the mining sector, and using the gap analysis as basis to draft its Minerals Policy which aligns with the goals of the AMV. The country therefore does not find it necessary to create a separate CMV implementation document.

2. The initiative taken by Sierra Leone to strengthen mining sector policies independent of the AMV in 2009 is an indication that even without a regional intervention, an African country can be responsive to the challenges of its minerals sector and develop strategies to promote growth in the sector. Notwithstanding, the integration of the AMV goals in the Minerals Policy suggests that the existence of a shared vision on the regional level can be maximized in the design and implementation of national policies to accommodate best practices and standards for sustainable resource management.

3. About 80% of the respondents had no idea of the CMV Guidebook as they became aware of the CMV by word of mouth

from stakeholders or as a result of their direct involvement in the CMV process. This shows that there is a knowledge gap of the key features of the AMV which weakens its leverage as a shared blueprint for Africa's minerals sector development.

4. With the setting up of the expert panel to oversee the AMV contextualization process, Sierra Leone has taken an important step for inclusiveness and transparency as a result of the multi-stakeholder representation of the panel. Sierra Leone can maximize the expert panel to ensure continuity of the CMV process beyond electoral cycles by allowing the expert panel to carry out its work without political interference.

5. Development partners such as the World Bank, GIZ, UNDP and AfDB have provided technical and financial support for the domestication of the AMV in Sierra Leone. The onus lies on Sierra Leone to demonstrate the willingness and capability of implementing the Minerals Policy to attract investment in the mining sector.

To complement the efforts Sierra Leone is making, the following are recommended:

1. The African Minerals Development Centre should initiate and facilitate an experience sharing exercise for African countries to share success stories and challenges faced in the domestication of the AMV. Useful lessons drawn from this should can be coupled with a rigorous review of the AMV to assess its strength and shortfalls. This will serve as a useful tool for countries yet to begin the implementation process avoid the mistakes of those who have already gone ahead.

2. Sierra Leone must develop its local content in the mining industry to help address skills and technology gap. The SLLCA is crucial tool in creating linked local manufacturing industries and developing a solid supplier network which can supply goods and services or process the raw materials.

3. The government of Sierra Leone must manage and invest mineral revenues in productive and pro-poor sectors. In doing so, revenues must be utilized for research and development to bridge the technological divide,

capital asset investment to deal with infrastructure deficits, and also for capacity building to address institutional weakness.

4. Engage the media to create awareness of the AMV goals and the CMV process at the national level. This will promote active participation in the governance space and strengthen the roles of oversight actors, CSOs and citizenry.

Notes

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