



## **A Review of Alignment between National Extractives Legislation and Policy and the Africa Mining Vision (AMV)**

**Isabel B. Franco, Ph.D**

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The African Union (AU) Heads of State and Government adopted the Africa Mining Vision in February 2009 and will be expected to align with it in the coming years. Its main goal is to promote transparent, equitable and optimal resource extraction in order to underpin “broad-based sustainable growth and socio-economic development”. An action plan was approved in December 2011 by the Second AU Conference of Ministers Responsible for Mineral Resources Development. Through their Declaration on building a sustainable future for Africa’s extractive industry, the Ministers endorsed the Action Plan as the continental tool for guiding sustainable resource extraction in the continent. This will also require, amongst other things, ensuring that national policies and legislation align with the AMV as well as the African country’s overall development vision to ensure that the extractive sector fosters inclusive and sustainable development in the region.

Inspired by the mission undertaken by the United Nations Development Programme’s (UNDP) Crisis Response Unit and Under-Secretary General of the United Nations to promote inclusive and sustainable resource development, the UNDP presents the study “A Review of Alignment between National Extractives Legislation and Policy and the Africa Mining Vision (AMV)” to assist Angola in assessing the extent to which national policies (strategies) and legislation align with the AMV. This study also aims to review the existing legal, institutional, policy and regulatory frameworks with the AMV and identifies Government’s capacity gaps to propose a roadmap for Angola in the coming years.

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The research and editorial board for this publication was led by Dr. Isabel Buitrago Franco, PhD, under the overall guidance of the United Nations Development Programme. Dr. Buitrago Franco acted as lead researcher and international consultant for this study. Fieldwork and desk review was conducted in the languages of Portuguese and English in Angola, Africa in 2015. Dr. Buitrago Franco also facilitated a stakeholder workshop for a group of senior government officials in Luanda, Angola. The workshop counted on the participation of Mr. Francisco Queiroz, Ministry of Mines and Geology of Angola, Mrs. Glenda Gallardo, UNDP Senior Economic Advisor, amongst other senior government representatives. The workshop was conducted in Portuguese and led to the endorsement of this study.

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Dr. Isabel Buitrago Franco, PhD is an expert in global change-based research. Dr. Buitrago Franco is international consultant for the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and the United Nations Development Programme (UNDP). She is also a guest lecturer and researcher at the University of Queensland, Australia and the Global Change Institute. Her current interests include sustainable development, socially responsible business, sustainable resources development, artisanal and small scale mining, governance, planning for resource regions, sustainable livelihoods, gender inclusion, social entrepreneurship and human capital development. Dr. Buitrago Franco is the Founder of Women in Sustainable Enterprises and Livelihoods -WISELy-, a global social change initiative, and DisAndes International Foundation (Women in Mining in Latin America and the world -WIMLATAM), a non-for profit organization for research, strategic consultancy and capacity-building services operating globally. Dr. Buitrago Franco has extensive international experience in government, academia and international organizations in Latin America, Africa, Oceania and Asia. She has held consulting and research appointments at international organizations such as the United Nations, British Council, the International Mining for Development Centre and the Sustainable Minerals Institute. She holds a PhD in Governance for Corporate and Social Sustainability from the University of Queensland, Australia. She has been awarded highly competitive research grants and has authored a large number of books, journal articles, peer reviewed papers and reports. Her most recent book is entitled “Beyond CSR? The Global Business of Local Sustainability: Toward Sustainable Livelihoods”.

## SUMMARY

This report presents “A Review of Alignment between National Extractives Legislation and Policy and the Africa Mining Vision (AMV)”. The alignment cannot be undertaken by a government or other institution in isolation but must be addressed as a pervasive concern which every stakeholder and institution in the Angolan extractive industry needs to engage with. With such a view in place, this report contributes to the alignment with the African Mining Vision (AMV). Under the guidance of the United Nations Development Programme (UNDP), this study assesses to what extent the existing legal, institutional, policy and regulatory framework aligns with the AMV and recommends ways of improvement to conduct this alignment. The AMV makes an important contribution, while defining the roadmap for African resource-based economies. In response, Angola has undergone transformations so as to align itself with this regional policy. However, there are capacity-building gaps, particularly at the government level, which need to be addressed in order to assist the country in meeting the requirements of the AMV.

Based on rigorous research, policy and capacity analyses, this study contributes to defining and consolidating the Angolan roadmap and agenda for the extractive industry in the coming years. This contribution consists of three components a) a multi-sectoral review of existing legal, institutional, policy and regulatory frameworks related to minerals and hydrocarbon with regards to alignment with the AMV b) a detailed analysis of the Government’s capacity gaps for aligning legal, institutional, policy and regulatory frameworks with the AMV c) a roadmap for implementing the alignment of national legal, institutional, policy and regulatory frameworks with the AMV.

This report is pivotal in identifying capacity-building opportunities at the government level to assist Angola in aligning with the AMV. Analyses established that the existing legal, institutional, policy and regulatory frameworks need to be enhanced. In doing so, the government’s capacity needs to be built in the transition from artisanal mining towards small scale mining (SSM). This issue is also the first challenge to be tackled in the proposed roadmap. In addition, the government’s capacity needs to be developed in order to foster research and development and more efficient geological information systems. Actions also need to be undertaken to promote economic diversification, social and environmental sustainability and human capital capacity-building. The roadmap concludes by recommending ways of improvement for existing taxation, investment and governance schemes. Recommendations are essential for stakeholders and institutions in Angola willing to align with the AMV.