

## **IANRA Launches the Model Mining Legislation for Africa**

By Tafadzwa Kuvheya

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**Naivasha, Kenya** – IANRA- International Alliance on Natural Resources in Africa has launched the Model Mining Legislation (MML) in Naivasha, a small mining town 120km outside Nairobi in Kenya. This Model is to be used by civil society organisations and policy makers to advocate for reforms to mining policies in different African countries and especially for communities to organize around the challenges that they face caused by extractives activities in their environment.

The Model is one of the major products of a 3 year project on Extractives by IANRA titled “Natural Resources ARE for Development: An inclusive dialogue on good governance in the minerals sector in Sub-Saharan Africa” Other products include a Case Study Synthesis, an Advocacy and Gender Mainstreaming Guide and a Policy Guide.

IANRA is a regional network of 41 not-for-profit organizations – 40 in Africa and 1 in Europe, including 13 national IANRA groupings in Africa (at various stages of development) with community partnerships and international linkages. Each national network has up to 30 member organizations, totaling approximately 150 participating CSOs (CBOs, FBOs, NGOs, and Social Movements). IANRA’s work focuses on advocacy for more just and sustainable management of natural resources in Africa.

Since 2011, IANRA membership had discussions about fundraising and implementing a Pan-African Project to develop and advocate for mineral resource and related policies that protect and promote human rights, and work toward inclusive development. This was mainly informed by the Road to Remedy Project which saw many communities visiting others across the sub-regions from Johannesburg to Mombasa through Malawi and Zimbabwe. The idea was kept alive through every Annual General Meeting since then until the project started in 2013. The project has included case studies on human rights impacts as per the African Charter and Human and Peoples’ Rights (African Charter) – focused on 5 countries in Africa: Angola, DRC, Kenya, South Africa and Zimbabwe.

The findings have been published in a synthesis report highlighting key findings, similarities and differences among the 5 countries. One of the most comprehensive analyses of international and national policies related to extractive industries and human rights has also been released in an upcoming report as well as a policy advocacy guide for use by communities, civil society, policymakers and other stakeholders. This analysis (Legal and Policy Analysis) formed the basis for the call for a model mining law for Africa. Some laws were found to be archaic, developed during the colonial era and thereby ensuring that people do not benefit from the natural resources of their land. Others conflicted with other acts and policies which override basic human rights and freedoms. It is against this background that IANRA saw it fit to draft a model law informed by these findings and various IANRA reports from communities across its membership in 14 African countries. .

The Model is launched against the recent development of a new mining law to be enacted in

Kenya. IANRA urges its members and other civil society organisations, communities and policy makers across Africa to make use of the tools that this project has developed to work towards just laws for effective natural resource management that benefits citizens.

IANRA chairperson Maghenda Mwikamba urged different countries to adopt the law since it captures issues affecting communities at the grassroots.

Mr Mwikamba said the law was developed from views of the community after carrying out research in five countries.

“It is the first time we are having law which is developed from community unlike others which are endorsed by the government to the people. This is a product if well utilized it will resolved a number of issues arising in different mining sites in Africa,” he said.

He added, “We urge different parliamentarians in different countries in Africa to adopt the law and localize it in their respective countries.”

Speaking during the launch of the document in Ngondi, Naivasha Kenya, Mr Mwikamba also called on the legislatures to ensure communities living in areas endowed with various minerals to be considered whenever there are any decision around natural resources.

“Among the issues we want to achieve in the near future is to see communities are involved in making decision about minerals in their area. This can be achieved through having agreements made in public,” said Mr Mwikamba.

The document got a boost after Pan African Parliament and Kenyan county governments promised to lobby politicians and experts adopt the document.

“I will lobby my fellow parliamentarians in Pan African parliament to rally behind the document. This is a political process and we have to put right advocacy plan to see a number of countries accept to support the law,” said Mr Onyango Kokaba, Member of Parliament Buikwe North Uganda who is also chair of special committee on Justice and human rights, Uganda.

Mr Kokaba said it's the positive to see an up-down kind of document which expresses wishes of community, government and investors. This is a holistic document which will revolutionise mining sector.

Nakuru county Environment, Natural Resources, Water and energy executive officer Richard Rop said they would use the model to develop laws to govern different minerals in their county.

“Kenyan Constitution gives us powers to come up with laws at County level. I have interacted with the document and there are a number of principles we can adopt as we make our laws at county assembly,” said Mr Rop adding they will localize it to suit people at the County

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