

The African Mining Vision: Does it Repackage an Old Paradigm?

10- 12 October 2017

Johannesburg, South Africa

Contents

Introduction.	2
The Premise of Competing Developmental Models.	4
The African Mining Vision	4
The Peoples Mining Charter	5
Nothing About Us Without Us.	5
A dilemma between accumulation, distribution, poverty alleviation and the reduction of inequality.	8
A comparison of the AMV and the PMC.....	10
Can the PMC and the AMV be reconciled?.....	11
Human Rights and Corporate impunity.	12
A comment on the Alternative Mining Indaba`s support for the AMV	14
ActionAid`s 2017 Strategy and the way forward.....	15



Introduction.

The ongoing efforts to develop and reclaim the rightful place of an African worldview and identity within the global contest of ideas and systems, especially within the aftermath of a universalising colonial project of domination and control, has moved from the abstract production of knowledge to congeal into a fully-fledged philosophical, political and economic movement by Africans to re-appropriate control over the right to “**define for themselves who they are and who they should be**” (Mbeki, 1998), ¹but which right is still broadly defined by the global structure of Capitalism and whose centre is broadly located in the West.

This overarching right to determine the paradigm under which Africans are allowed to view the world, is realised in practice through the irresistible imperative towards globalisation based on a paradigm and knowledge development, derived almost exclusively from the European experience.

This fundamental realisation of how knowledge, political and economic systems are deeply imbued and influenced by the colonial project, begs the question as to the extent to which solutions proffered for the development of Africa are congruent with the ideal of defining for ourselves the paths and systems that enhance our dignity against those that maintain and entrench colonial patterns of governmentality (Foucault).

This movement of Afrocentric thought and political will has a long history of dialectical engagement, stemming from the visionary articulation by Cheikh Anta Diop in his 1948 essay “*When Can We Talk of an African Renaissance?*”

The dialectical process of renewal /reclamation, gained impetus as the continent emerged from the period of formal colonialism in the 1960`s, and intellectual giants ranging from Senghor who saw the Negritude movement as essential to an African Renaissance, to Nkrumah who argued for a new “*African personality*” and a new “*consciencism*”.

With the emergence of an apparent resolution of the last colonial conflict in Southern Africa in the 1990`s and the emergence of Nelson Mandela as a new icon of an African Renaissance, the dialectical impetus of an African Renaissance was renewed and was most famously elaborated into a critical and urgent philosophical, political and economic project, by then Deputy President of the South African Republic, Thabo Mbeki, through his “***I am an African***” speech.

The speech laid the conceptual framework for what was later articulated as the “*African Renaissance*” and even later still as “*Africa Rising*”. This intellectual and popular moment within the African psyche spurred African Heads of State to adopt the African Mining Vision in 2009.

The conceptual framework which thus underpinned a continent wide conversation about how to frame the development of Africa, was one which aimed to provide a renewed paradigm “*away from a model of extractive resource exploitation based on a high dependency on international export markets*”.

It is thus from this socially situated gaze that we propose to ground the discussion of the African Mining Vision (AMV). In other words, the AMV should be seen as part of a broader effort by the

¹ Mbeki, T., 1998. United Nations University Website. [Online] Available at: <http://archive.unu.edu/unupress/mbeki.html> [Accessed 23 April 2016]

people of Africa to emerge from the devastation of colonialism, which ravaged not only the bodies, land, mineral and resource wealth of the continent for the benefit of Europe, but which also resulted in a structural and violent effort to entrench a universalising project of Western epistemology and has historically and contemporaneously resulted in what Teboho Lebakeng describes as ***“[t]he ensuing violent destruction, in the physical sense and in the form of epistemicide, [which] facilitated the imposition of colonial moral values, traditions, philosophical outlooks, aesthetic preferences and economic fundamentals”*** (T.Lebakeng, 2014).²

The AMV, we will argue, is striking in its unquestioning acceptance and immersion in old colonial assumptions of political and economic fundamentals and instead of offering an alternative paradigm, only succeeds in domesticating old European universalising ideas of domination and control. Thus the AMV succeeds in replicating old colonial extractivist models which have historically and contemporaneously produced extreme inequality.

In order to bring to the fore the core and fundamental error that underpins the AMV, we will compare the AMV to the Peoples Mining Charter (PMC) which was developed between 2013 and 2016 in a process led by ActionAid South Africa (AASA) but which included a broad coalition of over 16 civil society and community organisations and which reached out to over 150 communities.

The outcomes from these two processes help to shine a light on the stark divide between the noble ideals of the anti-colonial project and the disguised embrace of the self-interest of western neo-liberal politics and economics which produces inequality and indebtedness and which only serves to perpetuate the injustices of the past.

² T.Lebakeng, 2014. Carribean Journal of Philosophy. Discourse on colonial epistemicide and contemporary attempts to reaffirm indigenous knowledge systems, with particular reference to South Africa. [Online] Available at: <http://ojs.mona.uwi.edu/index.php/cjp/article/viewFile/3932/3242> [Accessed 24 March 2016].

The Premise of Competing Developmental Models.

The African Continent has suffered centuries of underdevelopment and has endured violent interventions and destruction of its indigenous polities while being structurally impoverished both economically and epistemologically. Mono-economies based on extractive imperatives derived from European industries have left Africa mired in poverty yet paradoxically abundantly rich in mineral and other resources.

The neo-colonial models of extracting Africa's mineral and natural resources have resulted in pockets of obscene wealth and vast swathes of extreme poverty while a growing body of evidence suggests that much of the wealth extracted from Africa is realised outside of the continent.³

Various studies, including ActionAid International's (AAI) own studies⁴ have measured and brought to the fore the growing reality of extreme poverty and we will thus not repeat those findings here. Suffice to say that there is today, a growing realisation that the old models of wealth accumulation which have led to extreme poverty are no longer sustainable and that a growing part of society is acutely aware that new developmental paths are urgently required.

The African Mining Vision

It is thus from this starting point, underpinned by the rhetoric of reclaiming African identity from the ravages of colonialism, that the Heads of States proposed and adopted the AMV.

It should be noted that the process, having started at the top, emanating from the political elite and informed by the political elite's own unhappiness with their exclusion and apparent inability to benefit more extensively from the wealth of the continent, has not yet been the subject of extensive grassroots debate and discussion despite being adopted by the heads of state in 2009.

The AMV is themed as a document that aims to ensure the ***“transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development”***. In its report, the Mapungubwe Institute for Strategic Reflections (Mistra), traces the implementation of the AMV and notes that the AMV can be ***“summarised as a set of strategies aimed at increasing and improving the results of endowment and beneficiation of mineral in Africa”***.

The report suggests that the AMV argues that the most important aspect for realising this vision is the regulatory framework.

The question which this apparent wish for “transparent, equitable and optimal exploitation of mineral resources” then begs is how far down the societal tree our heads of state hope to extend the transparent, equitable and optimal exploitation of the mineral resources.

³ Capital Flight from Sub-Saharan African Countries, 1970 – 2010 – James K. Boyce, Léonce Ndikumana. The 33 countries covered by this report lost a total \$814 billion dollars from 1970 to 2010, for an accumulated capital stock (factoring in modest interest payments) of \$1.06 trillion in 2010. This far exceeds their external liabilities of \$189 billion, also making the region a “net creditor” to the rest of the world

⁴

<https://hive.actionaid.org/SiteAssets/TopStories/AA%20to%20launch%20Inequality%20report%20at%20UN%20General%20Assembly/Inequality%20SDGs%20-%20Countries%20Still%20Not%20Ready.pdf>
<http://www.actionaid.org/publications/price-privilege>

All evidence to date suggest that despite the seemingly progressive set of values, the reality of local mining outcomes, do not suggest that the outcomes will be transparent, and equitable, while the optimal exploitation has only resulted in increased mechanisation and increased unemployment in the sector.

In its report, the Mapungubwe Institute for Strategic Reflections (Mistra), traces the implementation of the AMV and notes that the AMV can be “**summarised as a set of strategies aimed at increasing and improving the results of endowment and beneficiation of mineral in Africa**”.⁵

The Peoples Mining Charter

Similar to the Heads of State, the Civil Society coalition of organisations and communities started from the analysis that mining corporations occupy a strategically important part of the South African and African economies and wield enormous power and influence over the political structures of government and its Policy and Regulatory frameworks. Or, as Mistra suggests in its research report, that “**the international community actively participates in the process of designing policies and regulatory frameworks.**”

Like the heads of state, the communities gathered around the Peoples Mining Charter (PMC), while generally sharing the foregoing analysis of the need to de-colonise the African epistemology at the social, political and economic levels, diverges radically from the AMV in terms of its starting points.

After 2 years of preliminary discussions among civil society and communities, the PMC, in its very first iteration at a consultative conference which led to the Berea Declaration of 2015, departs from the premise that: “**affected people must determine their own destinies. For us (The communities gathered in Berea) this means choosing for our-selves both our own developmental paths, and to participate in all decision making and manage or co-manage the utilisation of our resources if we so choose.**”

This starting point is informed by the understanding that according to research by feminist organisations like WoMin, that “*an estimated 90 million people could potentially be displaced in Africa, 30 million of which would be due to mineral-based development alone.*”⁶

Whereas then the AMV starts with the question of how to more effectively exploit the earth and its resources, while mitigating impacts on people and the environment, the PMC starts from the fundamental recognition of people and their rights and needs.

Nothing About Us Without Us.

Thabo Mbeki in his “**I am African**” address to the United Nations in 1998, affirmed that “[t]hese economic objectives, which must result in the elimination of poverty, the establishment of modern multi-sector economies, and the growth of Africa's share of world economic activity, are an essential part of the African Renaissance.”

⁵ Uncommon Wealth: Tracing the Implementation of the African Mining Vision: Research Report prepared by The Mapungubwe Institute for Strategic Reflection (Mistra) 2014 pg 12.

⁶ <https://womin.org.za/images/docs/analytical-paper.pdf>

But crucially, Mbeki continued; “...**the African Renaissance, in all its parts, can only succeed if its aims and objectives are defined by the Africans themselves, if its programmes are designed by ourselves(sic).**”

Thus from the question posed by Cheikh Anta Diop, through Senghor and Nkrumah and up to Mbeki, the central point has always been about the right to decide for ourselves. The question is thus who gets to decide for whom?

The central element that has underpinned most social struggles across time and space and which finds expression contemporaneously as “Nothing about us without us” remains as critical today as it was when Cheik anta Diop first asked the question in the 20th century or when the American patriots demanded no taxation without representation in the 18th century.

With the vast majority of 90 million people who are likely to be affected by the extractives industry, structurally and systematically excluded from participating in developing documents like the AMV, the question of whose interests are being considered becomes increasingly important.

The argument is extensively made in the AMV that consideration should be made of “*the localised nature of mineral endowments which requires the balancing of local benefits with sustainable national poverty alleviation strategies*”⁷. This view does not however, refer to or even deal with the uneven nature of impacts or distribution of wealth experienced by directly impacted communities.

In its report, WoMin argues that:

“[r]egardless of the numerous negative impacts implied, it is maintained in the document (The AMV) that “most [negative impacts] can be avoided during the mining cycle (during the pre-development, development and post-development stages) if prevention and mitigation measures are established”. Beyond this, prevention and mitigation measures for land, water and air pollution are not elaborated and examples are not provided. Further on in the chapter it is noted that African countries lack the skills, technology and financial inputs necessary for environmental management and comprehensive evaluation of the costs and benefits of mining projects. Given these apparently contradictory admissions and omissions, we are left to conclude that land, water and air destruction are necessary elements of the “sustainable development” envisioned by the AU and UNECA for Africa.”

In the AASA report ***Precious Metals II; A Systemic Inequality***, we note that in the case of the Mapela community who live under the direct impact of the Anglo Platinum mine in the Limpopo province of South Africa, that the Mapela community provides evidence of “***structural inequalities that systematically deny some people their basic human needs.***” This constitutes “***a structural violation of human rights in that structural violence yields a complex picture of inequality as it considers economic, political and social factors.***”

In contemporary times, the central role of land-based livelihoods has been undercut by the mine related land displacements....and [t]he livelihood crisis experienced by rural households in the Mapela area, to a large extent, manifests itself in the inability of rural households to grow their own food which has resulted in widespread food insecurity.

⁷ AMV pg 12. http://www.africaminingvision.org/amv_resources/AMV/Africa_Mining_Vision_English.pdf

Kathleen Ho⁸, in the Essex Human Rights review, states that;

*“structural violence theorists define violence as the avoidable disparity between the potential ability to fulfil basic needs and their actual fulfilment. The theory further locates **the unequal share of power to decide over the distribution of resources as the pivotal causal factor of these avoidable structural inequalities.** Recognizing that structural causes are responsible for constrained agency is pivotal in making the transition from structural violence to structural violations of human rights. It is the effect of structures on individual agency that results in this gap between potential and actual fulfilment of rights.”*

The AMV does not in any way hold at its centre the rights of communities and directly affected communities to Free Prior and Informed Consent (FPIC) and instead only mentions the word consent once in its 55 page document outlining the logic underpinning the AMV.

The AMV document also holds up the Bafokeng community as an example of a community that has *“done exceedingly well with its participation in mining operations conducted on its land.”* This is especially ironic given that the Bapo-Ba-Mogale community of the Bafokeng tribe have been struggling for decades to get any form of justice from illegal and exclusionary land deals between the mines and the traditional leadership and political elites. The South African Public Protector, who is investigating the missing R615 Million Rand of the Bafokeng community, recently reported that:

The biggest amount spent, said the Public Protector, was on the building of the palace (for the Traditional leader). Initially, the budget for the palace was R20million. When the Public Protector got involved, the amount spent had risen to R50million. The last forensic report investigators received stated R80million had already been spent. This was despite the Public Protector having asked that the expenditure be halted pending her investigation.⁹

If nothing else, this ironic exemplar of *“good practise”* gives us the clearest indication of the type of wealth distribution envisaged in the AMV.

Thus in its premise, the AMV does not offer an alternative paradigm to the *“self-interest of western neo-liberal politics and economics which produces inequality and indebtedness”*¹⁰ and instead it domesticates for the local elites the model of skewed accumulation patterns which have resulted in the severe inequality we consistently report on.

⁸ Ho, K. (2007). Structural Violence as a Human Rights Violation. Essex Human Rights Review Vol. 4.2.

⁹ <http://www.gov.za/speeches/public-protector-thuli-madonsela-updates-bapo-ba-mogale-her-investigation-alleged-looting>

¹⁰ Murobe, M., 1998. Globalisation and African Renaissance: an ethical reflection. In: P. A. A.P.J.Roux, ed. The African Philology Reader. London: Routledge, p. 674.

A dilemma between accumulation, distribution, poverty alleviation and the reduction of inequality.

The African post-colonial experience and efforts by the political elites in Africa to manage and control Africa's developmental paths are also broadly informed by the concept of a "developmental state". This concept and the literature it produced, emerged out of the experiences of the East-Asian "miracle" economies in the post-World War II period.

In this sense the AMV sets as its central outcome, the idea of a purely technocratic conception of the state in which the efficiency of the state is unhindered by the distracting reality of power relations and its unequal outcomes in the mining sector specifically.

While the AMV speaks of the need to develop alternative wealth distribution mechanisms and contracts, the AMV is nonetheless silent on how this is to be achieved or in providing any reasonable examples as in the case of the Bafokeng.

In its research report on the AMV, MISTRA¹¹ identifies South Africa as one of the African countries which has closely aligned its own mining legislation to that of the broad principles outlined in the AMV and in its benchmarking exercise, it concludes that "**South Africa has done relatively well**" in directly and indirectly responding to the aspirations of the AMV.

This research opinion, if taken in relation to the ongoing struggles of mining affected communities and the wealth of research which points to a growing inequality, especially in rural areas where mining activities are most rampant, is further cause for concern.

In a the recently published, **State of the Nation, South Africa 2016, Who is in Charge**, in a chapter entitled; **Inequality, poverty and the state: The case of South Africa 2006 – 2011** by Margaret Chitiga – Mabugu, Evans Mupela, Phindile Ngwenya and Precious Zikhali, the authors argue that "**empirically there is a disconnection between poverty and inequality in South Africa**"¹². They find in their paper that "**while South Africa has made notable progress in terms of aggregate poverty reduction...this has not been accompanied by a corresponding reduction in inequality**".

They further make the argument that their research points to the fact that "**growth does not necessarily affect poverty and inequality either together or indeed at all**" while noting that "**it is highly likely that inequality drives much of the social unrest in South Africa...and has both a direct and indirect impact on dampening growth rates in the country**".

If South Africa is used as a case study of what the AMV holds in store, then the message is clear and we should realistically expect continued growth of inequality alongside the extractivist driven growth models.

In what Professor Vivek Chibber describes as "one of the most important works of political economy", Professor Anwar Shaikh, in his book **Capitalism; Competition, Conflict and Crises**¹³, using a "careful blend of original theory and empirical work" makes a compelling case that **the capitalist economic system generates powerful ordered patterns in which deeply hierarchical structures are disproportionately impacted by forces such as the profit motive.**

¹¹ Uncommon Wealth: Tracing the Implementation of the African Mining Vision: Research Report prepared by The Mapungubwe Institute for Strategic Reflection (Mistra) 2014

¹² State of the Nation 2016: Who is in Charge? Chapter 7; Inequality, Poverty and the State: the Case of South Africa 2006 2011. Chitiga-Mabugu, Mupela, Ngwenya, & Zikhali Pg 200

¹³ Capitalism; Competition Conflict and Crises. Anwar Shaikh. 2016 pg 5

In this significant body of work, Professor Anwar Shaikh goes through extraordinary lengths using both theory and empirical evidence to show that “**profit driven growth is capable of generating a persistent rate of unemployment**”. This conclusion is particularly relevant to a continent that appears to propose that profit driven growth is the path out of underdevelopment, poverty and unemployment.

Chitiga-Mabugu et al also make the connection between South Africa’s economic policies and the fixation on economic growth. They point to a period in South African economic history when the state abandons its more idealistic ambition of connecting development and reconstruction on the premise that economic growth on its own cannot be the sole goal of policy makers. Rather they suggest that economic growth must consider its sustainability, its distribution and its contribution to the long term productive capacity and human resource development to the economy.

It is this apparent lack of congruence with broader sustainable and developmental goals that stand out in terms of the AMV. The AMV explicitly proposes that:

*The key elements to an African Mining Vision, that uses mineral resources to catalyse broad-based growth and development need to be, from looking at successful resource based development strategies elsewhere, the maximisation of the concomitant opportunities offered by a mineral resource endowment, particularly **the “deepening” of the resources sector through the optimisation of linkages into the local economy.***

Its broad unrefined implication is the untrammelled exaggerated dependence on non-renewable natural resources which will only lead to a poverty trap and underdevelopment, to paraphrase Joseph Stiglitz, the Nobel Prize winner¹⁴.

If the great challenge of our time is to “**utilise extractivism in order to overcome extractivism**”¹⁵ a suggested by President Correa of Ecuador and intimated by Joseph Stiglitz, the AMV’s exclusive reliance on extractivism to lift Africa out of its underdeveloped status, presents its own challenges of ideas.

In this regard the AMV hardly addresses the three basic operative criteria that Herman E Daly, American ecological and Georgist economist, suggests should be applied by any ecologically sustainable society:

1. Not to exploit renewable resources at a rate over and above that at which they renovate.
2. Do not exploit non-renewable resources at a rate over and above that at which they can be substituted by renewable resources.
3. Do not emit into the air, water and soil an amount or composition of residues over and above the capacity of ecosystems to absorb them.

It is, Daly argues, not about saying no to development, but instead “**conceiving and making reality genuinely human models of development**” or sustainable development. That is “**a society that satisfies in an equal way the necessities of their inhabitants without putting in danger the satisfaction of the necessities of the future generations**”¹⁶.

The AMV’s consistent focus on how to capture rents and accumulate wealth is particularly far removed from a more human oriented developmental path and reinforces the conception of the

¹⁴ As quoted by Martha Harneker: A World to Build 2015, pg 148

¹⁵ Ibid

¹⁶ Ibid pg149

AMV as more of a continuation of the past colonial models of wealth accumulation and its concomitant unequal outcomes than a new vision of a more humane and human centric world.

A comparison of the AMV and the PMC

Having established that the AMV does not represent either a continuation of the effort to de-colonise the African political economy nor is it an alternative to the colonial legacy of extractivism on the continent, we are now able to consider how the different starting points results in different outcomes in terms of visions for the future.

The top down vision of political elites, as represented by the African heads of states who adopted AMV is unashamedly aimed at extracting maximum wealth with the ostensible goal of ensuring a greater distribution of wealth and development on the continent, but which inevitably ends up in the pockets of the politically connected elites and unaccountable traditional leaders.

In comparing the key principles of the AMV against those of the PMC the following table highlights the vast disparity in focus and points to the underlying reasons for the skewed outcomes of the colonial extractivist models.

AMV	PMC
Top Down	Bottom Up
1. Mining Revenues and Mineral Rents management.	1. Community Voice in Decision Making.
2. Geological and mining Information Systems.	2. Democratic Community representation.
3. Build Human and Institutional capacity.	3. Benefits from mining should be shared equitably
4. Allow for ASM's	4. Right to Free and accessible access to information
5. Mineral Sector Governance.	5. independent, accessible, speedy, and effective recourse mechanisms.
6. Research and Development	6. ensure that the land is no worse than when mining started.
7. Environmental and social issues	7. Restitution and Reparations should correct historical wrongs
8. Linkages and diversification.	8. Compensation should be based on full cost accounting.
9. Mobilising Investment.	9. Women must have the right to Inherit Land and should be consulted on all issues affecting their bodies, families, land and lives

1. Where the PMC starts with the concerns and needs of people living in poverty and who are directly affected by mining activities, the AMV is immediately concerned with capturing mining revenues and mineral resource rents.
2. Where the PMC is concerned with ensuring the development of democratic governance structures to limit corruption, the AMV is concerned with understanding how much wealth lay beneath the soil in order to better manage and extract the wealth.

3. Where the PMC is concerned with ensuring that the benefits from mining are equitably shared, the AMV is concerned with building Human and institutional capacity in order to ensure that the elites benefit more fully from the exploitation of mineral resources.
4. Where the PMC is concerned with ensuring that the right of affected communities to access information on mining deals, the AMV to its credit proposes the use of Artisanal and small scale mining as a developmental path. Noting that even if ASM`s are mainstreamed that this would nonetheless become problematic if the extractive model of elite accumulation does not change.
5. Where the PMC speaks of independent and accessible recourse mechanisms for those directly impacted by the activities of mining, the AMV sets out the need to ensure effective governance mechanisms. The logic being, first maximum extraction and then good governance.
6. When the PMC speaks of ensuring that land is rehabilitated and returned to its original condition the AMV focuses on research and development in order to ensure more efficient and effective means of exploiting the mineral resources beneath the soil.
7. After having secured maximum extraction and accumulation, the AMV finally gets around to speaking of the environmental and social impacts while the PMC, having placed these issues at its front and centre, is also concerned with restitution and redress for addressing the historical wrongs.
8. Following on from having set the case for maximum extraction and accumulation, the AMV proposes the up and down stream linkages that should drive the beneficiation of minerals and the industrialisation of the local economies, while the PMC insists that compensation to communities and society for loss of livelihoods and economic social, environmental, cultural and heritage resources should be based on full cost accounting including future losses of alternative development paths and value loss of minerals.
9. And lastly while the AMV is focussed on mobilising investments for further and more intensive extractivist exploitation of the land and its people, the PMC calls for the principle that women must have the right to Inherit Land and should be consulted on all issues affecting their bodies, families, land and lives in both customary traditional structures and community, local, provincial and national structures

The stark contrast in outcomes and principles suggest that these are two documents are radically different in that the one places profit and the profit motive at the centre of its goal, while the other places people and their needs at its centre.

Can the PMC and the AMV be reconciled?

There are areas of similarities in the documents but these are not extensive. While the AMV in its rhetoric implies a deepening of wealth sharing and concern for people, the unambiguous goal of developing a model which ensures maximum extraction while maintaining all the trappings and paradigmatic frameworks of a colonial mining model, suggests that the AMV is fundamentally set up against any narratives or alternatives that do not subscribe to the ***“self-interest of western neo-liberal politics and economics which produces inequality and indebtedness”***.

Human Rights and Corporate impunity.

The International Study Group Report on Africa's Mineral Regimes: Minerals and Africa's Development, which supports the Africa Mining Vision, highlights the question of Human Rights abuses by corporates on the continent. The report states that;

“Respect for human rights by companies is an important part of their social licence to operate, but the scope of the obligations imposed on them by international human rights law is limited and contentious, even as it is widely recognized that with the growth of global power and reach of corporations, domestic regulation is inadequate to protect human rights from corporate infractions”.

Unfortunately the report does not offer solutions to the ongoing problem of Human Rights Violations other than calling on local government to ensure that communities are protected.

Considering the weak governance systems that exist at both national and continental levels, the lack of attention to real and documented danger of corporate abuses on the continent, the relegation of this concern to national governments belie the stated goal of promoting *“the transformative role of mineral resources in the development of the continent”*.¹⁷

At the AU level, the recent report by Paul Kagame on the Proposed Recommendations for the Institutional Reform of the African Union, THE IMPERATIVE TO STRENGTHEN OUR UNION, points out among other shortcoming the following:

- Underperformance of some organs and institutions due to unclear mandates or chronic underfunding
- Limited managerial capacity
- Lack of accountability for performance, at all levels

The report goes further to state that;

“The Assembly has adopted more than 1,500 resolutions. Yet there is no easy way to determine how many of those have actually been implemented. By consistently failing to follow up on the implementation of the decisions we have made, the signal has been sent that they don’t matter.

*As a result, we have a dysfunctional organisation in which member states see limited value, global partners find little credibility, and our citizens have no trust.”*¹⁸

The glaring omission in the AMV of any appreciation for the tremendous impact of mining and corporate activity on the continent, together with the governance shortcomings which have historically left Africa and its people in destitution, is indicative of the extractive nature of the AMV and is a source of deep concern.

Realising this glaringly obvious lacuna, the report acknowledges that;

“[w]e cannot leave implementation of the institutional reforms to chance, or treat it as routine. Both in the Assembly and in the Commission, the responsibility for delivery of the reform agenda must be clearly assigned.

¹⁷ <https://www.uneca.org/pages/about-amdc>

¹⁸

http://www.gsdpp.uct.ac.za/sites/default/files/image_tool/images/78/News/Final%20AU%20Reform%20Combined%20report_28012017.pdf

Since many previous decisions have been taken but not implemented, it is time to look for a different mechanism that formally and legally binds us to act without delay, and holds us accountable for outcomes”

The idea of a Laissez-faire approach to governance of the continent, its institutions and its minerals is clearly a recipe for failure and a ticket to the power players of the global economic system to enjoy impunity at the expense of the marginalised citizens of the continent.

In 2014 the South African Government in partnership with the Government of Ecuador, initiated a process towards the “Elaboration of an international legally binding instrument on Transnational Corporations (TNCs) and Other Business Enterprises (OBEs) with respect to human rights.

According to the South African Department of International Relations and Cooperation,

“The rationale behind these attempts by the United Nations is to ensure that these entities who are the primary drivers of globalization and owners of the global wealth should be held accountable in International Human Rights and Humanitarian Law and must also have the obligation to apply universal and uniform standards in all the regions of the world where they do business”.

Any serious vision that promotes expanded and increased extraction of mineral resources, on a continent which struggles with governance in the face of Trans National Corporations who often have bigger budgets than the countries they operate in, is a surely a short-sighted and dangerous endeavour?

A comment on the Alternative Mining Indaba's support for the AMV

The challenge for Civil Society, who in many cases are important conduits for communities to challenge large corporates and powerful states, is how to square the circle of representing the interests of the poor and marginalised while acting as a cheer leader for increased extractivist developmental paths.

At the recent AMI in Cape Town the declaration by the organisers after the event, came out in full support of the AMV and in its declaration the issue of consent is not dealt with and is not mentioned once, despite many contributions at the AMI of the central demand that communities have the right of consent. It is notable that this outcome was arrived at despite the keynote address by Nonhle Mbuthuma Forsland of the Xholobeni community making an impassioned plea for her community's right to consent and despite various community and civil society voices articulating the same issue throughout the conference. Many of the contributions completely rejected the AMV for this very reason.

It is more than a bit ironic then that the African Union AMV document mentions the need for consent at least once in its extensive vision while the civil society organisations that normally would align alongside the interest of the marginalised and poor do not mention this central issue at all.

Besides the apparent lack of concern about its primary constituents ongoing struggles with mining corporations and states, reading through the declaration one is struck by the fact that the declaration is constrained by the same growth and accumulation paradigmatic framework of the AMV. This wholesale immersion into a framework based on the exploitation of the many to benefit the few, limits any critical considerations that may emerge from processes such as the AMI.

The following areas are of notable concern:

1. The declaration starts by acknowledging that ***"mobilising domestic adequate resources and financing for development remains a national obligation and a challenge."*** One could be forgiven for mistaking this as a call to mobilise financing at the expense of local communities.
2. The declaration then affirms that the AMV ***"presents an institutional, analytical and methodological framework that can be used by all stakeholders at continental, regional and national levels to monitor the operationalization of the AMV."*** It is noteworthy that the premise of extracting maximum wealth is implied in the operationalising of the AMV and questions of its appropriateness for civil society arises. The declaration also brings into sharp focus the question of what role civil society should play in societies dominated by powerful actors and where communities are often left powerless in the face of such dominant power.
3. In an even more congratulatory note the declaration declares that it is ***"Convinced that AMV is an important vehicle to stimulate inclusive economic development, which doubly serves as an aspirational standard for the extractive industries (EI) in Africa"***. This endorsement completely ignores any critique of the AMV and sets the AMV as an aspirational standard. If community exclusion and lack of support for consent is the standard then this would be understandable, but as we have pointed out above, **this standard does not feature in the AMV.**
4. The declaration proceeds to wax lyrical about the glory of the AMV before it calls for Fiscal Regime and Revenue Management and as part of many top down mechanism to control wealth accumulation based on maximum extraction. The document calls ***"on governments to not only focus on revenue mobilisation but also the distribution end to ensure that the poorest in society also benefit from the mineral wealth transparently and accountably."***

While this may appear on the surface as a progressive ask, it nonetheless remains and **reaffirms the paradigm of elite control as it does not propagate or promote community right of participation and consent.** Instead it calls for governments to recognise the value of community ownership without any clear indication of how that ownership should be exercised. **In essence the declaration inadvertently affirms the exclusion of communities and only recognises their participation at the pleasure and discretion of the ruling elites.**

5. And so the declaration proceeds. The focus being on top down management of a broken system which has historically and continues to lead to extreme inequality and growing poverty.

ActionAid's 2017 Strategy and the way forward.

There are four priority areas which will guide the collective actions of the Federation in the coming years. Of the four, three are particularly relevant and useful to us in assessing what our relationship to the AMV should be. These are:

PRIORITY 1: Address the structural causes of violence against women and girls and secure women's economic justice.

PRIORITY 2: Ensure increased civic participation and state accountability for the redistribution of resources and delivery of quality, gender-responsive public services.

PRIORITY 3: Strengthen resilient livelihoods and secure climate justice.

These priorities, in line with the analysis that underpins them, mandate us to ensure that we address the structural causes of violence and economic injustice, increase civic participation and state accountability for the redistribution of resources while strengthening resilient livelihoods and securing climate justice.

The AMV, as outlined above, does not address in any significant way, other than rhetorical platitudes, the three priority areas outlined above.

1. It does not address the structural causes of structural violence experienced by women, girls and affected communities. Instead we made a case for why this will exacerbate and intensify the already existing structural inequalities and injustices of the colonial system of extraction and accumulation.
2. The AMV recognises the need for broader participation but it is specifically unclear and downright opposed to any type of FPIC. This concept of consent does not feature in the AMV at all and thus runs directly contrary to our own stated priorities.
3. By ramping up and promoting extractivist models of maximum extraction, the AMV once again stands in direct opposition to our own priorities to ensure resilient livelihoods and securing climate justice. As a Federation with a stated preference for these developmental paths, it would be contradictory to support the AMV in its efforts to promote old colonial models for deepening inequality and injustice.

