

ECONOMIC COMMUNITY OF  
WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES  
ETATS DE L'AFRIQUE DE L'OUEST

COMUNIDADE ECONÓMICA DOS ESTADOS DA ÁFRICA OCIDENTAL



## **ECOWAS MODEL MINING & MINERALS DEVELOPMENT ACT (EMMMDA)**



**ECOWAS COMMISSION  
ABUJA, NIGERIA**

**JUNE 2019**

## Contents

Page

Preamble .....	
<i>Section 1 – Definitions and Scope</i> .....	
Article 1. Interpretation / Definitions .....	
Article 2. Scope of this Community Act .....	
<i>Section 2 – Institutional Structures</i> .....	
Article 3. Ownership of Minerals .....	
Article 4. Vesting of Minerals .....	
Article 5. Custodianship of Information .....	
Article 6. State acquisition of Land .....	
Article 7. Land available for application for Mineral Rights .....	
Article 8. Land reserved from Mining .....	
Article 9. Exportation and Sale of Minerals .....	
Article 10. Creation of an Independent Council on Mineral Resources .....	
Article 11. Establishment and Power of a Ministry or Agency to grant Mineral Rights .....	
Article 12. Member States’ Right of Pre-emption .....	
Article 13. Regional and National Cadastral Systems .....	
13.1 Regional Cadastre System .....	
13.2 National Cadastral Systems .....	
<i>Section 3 Mineral Rights</i> .....	
Article 14. Mineral Rights .....	
14.1 Right to conduct Mineral Operations .....	
14.2 Reconnaissance Licence .....	
14.3 Prospecting or Exploration Licence .....	
14.4 Mining Lease .....	
14.5 Mineral Rights for Small-scale & Artisanal Mining .....	
14.6 Prospecting or Exploration Licence for Small-scale & Artisanal Mining .....	
14.7 Small-scale Mining Lease .....	
14.8 Artisanal Mining .....	
14.9 Mineral Rights for Industrial Minerals .....	
14.10 Radioactive Minerals .....	
14.11 Extraction and Enrichment of Radioactive Minerals .....	
14.12 Surrender, Suspension, and Cancellation of Mineral Rights .....	
14.13 Compensation in relation to Mineral Activity .....	
14.14 Public Access to Information from Mineral Activities .....	
<i>Section 4 – Fiscal Framework</i> .....	
Article 15. Fiscal Imposts .....	
15.1 Royalties, Ground Rents and Fees .....	
15.2 Taxes .....	
15.3 Equity Participation in Mineral Activities .....	
Article 16. Incentives .....	
16.1 Transferability of Capital .....	
16.2 Stability and Development Agreements .....	
16.3 Exemptions .....	

16.4	Deductions and Allowances .....
<b>Section 5 – General Governance Issues for Enhanced Sustainable Mining .....</b>	
<b>Article 17.</b>	<b>Localization .....</b>
17.1	Regulatory Requirements .....
17.2	Local Content Development .....
17.3	Institutional Model for Implementation, Monitoring, and Evaluation .....
<b>Article 18.</b>	<b>Corporate Social Investment (Responsibility) .....</b>
<b>Article 19.</b>	<b>Local Community Development Agreement .....</b>
<b>Article 20.</b>	<b>Local Government Administration’s Development Plan .....</b>
<b>Article 21.</b>	<b>Mineral-related Development Funds .....</b>
<b>Article 22.</b>	<b>Research and Strategic Development .....</b>
<b>Article 23.</b>	<b>Roles and Responsibilities of Key Stakeholders .....</b>
<b>Article 24.</b>	<b>Gender Mainstreaming .....</b>
<b>Article 25.</b>	<b>Safety, Health and Environment .....</b>
<b>Article 26.</b>	<b>Environmental Protection Obligations .....</b>
<b>Article 27.</b>	<b>Water-use Rights .....</b>
<b>Article 28.</b>	<b>Climate Change .....</b>
<b>Article 29.</b>	<b>Geo-hazards and Risks .....</b>
<b>Article 30.</b>	<b>Resettlement Plan .....</b>
<b>Article 31.</b>	<b>Surface Rights .....</b>
<b>Article 32.</b>	<b>Compensation for disturbance of owner’s surface rights .....</b>
<b>Article 33.</b>	<b>Sustainable Development, Mine Community Infrastructure and Services ....</b>
<b>Article 34.</b>	<b>Human Rights Obligations .....</b>
<b>Article 35.</b>	<b>Access to Information .....</b>
<b>Article 36.</b>	<b>Communication and Duty to maintain Records .....</b>
<b>Article 37.</b>	<b>Transparency and Good Governance .....</b>
<b>Article 38.</b>	<b>Quality Standards in Minerals Development .....</b>
<b>Article 39.</b>	<b>Investigations and Auditing .....</b>
<b>Article 40.</b>	<b>Offences and Penalties .....</b>
40.1	Offences and Penalties relating to Prospecting or Exploration .....
40.2	Offences and Penalties relating to Mining or Mineral Extraction .....
40.3	Offences and Penalties relating to Small-scale Mining .....
40.4	Offences and Penalties relating to Artisanal Mining .....
<b>Article 41.</b>	<b>General Offences .....</b>
<b>Article 42.</b>	<b>Offences by Bodies-of-persons .....</b>
<b>Article 43.</b>	<b>General Penalty .....</b>
<b>Article 44.</b>	<b>Penalty for failing to pay a Fine .....</b>
<b>Article 45.</b>	<b>Dispute Resolution .....</b>
<b>Article 46.</b>	<b>Cross-Border Issues relating to the Minerals Sector .....</b>
<b>Article 47.</b>	<b>Regional Security, Conflict Prevention and Management .....</b>
<b>Section 6 – General and Final Provisions .....</b>	
<b>Article 48.</b>	<b>Enacting of related Regulations .....</b>
<b>Article 49.</b>	<b>General Provisions .....</b>
<b>Article 50.</b>	<b>Implementation Authority .....</b>
<b>Article 51.</b>	<b>Amendments to this Model Act .....</b>
<b>Article 52.</b>	<b>Monitoring and Evaluation of Implementation .....</b>
<b>Article 53.</b>	<b>Transitional Provisions .....</b>
<b>Article 54.</b>	<b>Publication and Entry-into-Force .....</b>
<b>Section 7 – Implementation Strategy .....</b>	

## **PREAMBLE**

We, the Authority of Heads of State and Government of Economic Community of West African States (ECOWAS):

MINDFUL of Article 31.1 of the Revised ECOWAS Treaty signed in Cotonou on 24 July 1993, that “Member States shall harmonize and co-ordinate their policies and programmes in the field of natural resources”;

MINDFUL ALSO of Article 31.2a of the Revised ECOWAS Treaty that “Member States shall seek better knowledge and undertake an assessment of their natural resources potential”;

MINDFUL of Article 31.2e of the Revised ECOWAS Treaty that “ Member States shall promote vertical and horizontal inter-industrial relationships which may be established among Member States in the course of developing such resources”;

MINDFUL ALSO of Article 31.2g of the Revised ECOWAS Treaty that “Member States shall co-ordinate their positions in all international negotiations on raw materials”;

AWARE of Article 21 of the African Charter on Human and Peoples Rights;

AWARE ALSO of the definition of ‘Mineral’ adopted in ECOWAS Directive C/DIR.3/5/09 relating to the Harmonization of Guiding Principles and Policies in the Mining Sector, and Supplementary Act A/SP.16/02/12 relating to the ECOWAS Mineral Development Policy;

MINDFUL of ECOWAS Supplementary Protocol A/SP.1/12/01 on Democracy and Good Governance which prescribes the principles of good political, economic and social governance;

MINDFUL ALSO of ECOWAS Protocol A/P.1/5/79 on Free Movement of People and Goods;

MINDFUL of Supplementary Protocol A/SP.1/06/06 amending the Revised ECOWAS Treaty and of New Article 9 paragraph 2(c) as amended by Supplementary Act A/SA.3/01/10;

AWARE of Supplementary Act A/SA.4/12/08 relating to ECOWAS Environmental Policy;

RECOGNIZING the potential of mineral resources to further contribute to the economic growth and social development of ECOWAS Member States;

MINDFUL of the key role of the Private Sector in the development of Member States’ geo-extractive resources;

ACKNOWLEDGING the fact that globalization and competition for access to raw materials have become key economic and geopolitical issues, and the need for Member States to strategically manage these non-renewable resources at both national and regional levels;

RECOGNIZING that Member States have the primary responsibility to regulate, facilitate and promote their mineral resources;

RECOGNIZING ALSO that Member States support national and foreign private initiatives in the Minerals Sector while emphasizing the necessity to improve the policy, institutional, legal and regulatory frameworks related to mining activities;

RECOGNIZING that notwithstanding the existence of these mineral resources, the socio-economic impact resulting from their exploitation could likely be far below expectation;

RECOGNIZING ALSO that the exploration, exploitation and value addition to mineral resources will contribute significantly to the exports of Member States and represent a major source of Foreign Exchange;

AWARE of ECOWAS Protocol A/P.4/1/03 on Energy and the general urgency to improve on availability of energy to drive the industrialization process;

RECOGNIZING the need for Member States to optimize development along the value chain of mineral resources in the region;

RECOGNIZING ALSO, the need to promote transparency and accountability in the Minerals Sector;

AWARE of the need to build efficient and effective institutional, human and technical capacity of Member States;

MINDFUL of the importance and specific needs of small and medium enterprises in the Minerals Sector;

CONSCIOUS that notwithstanding the fact that mineral development activities would provide significant contribution to the Gross Domestic Product (GDP) of producing Member States, the benefits derived therefrom, may not necessarily inure to enhancing the quality of life of the local communities;

CONSCIOUS ALSO, that the prevention and management of potential adverse effects on the environment, safety and health must be continuously improved;

CONSCIOUS of the need to prevent and manage mining-related conflicts and any potential adverse social, environmental and health impacts that may arise therefrom;

AWARE that the Minerals Sector in the ECOWAS region faces key challenges which require immediate and sustained, focused attention;

CONVINCED of the urgency to develop and promote a regional Mining Code and strategies towards the development of the Sector, based on efficient, effective, fair and harmonized principles;

DESIRING that this Model Mining & Minerals Development Act will complement the ECOWAS Minerals Development Policy to improve the competitiveness of the Mining Sector towards a well-diversified, sustainable, and integrated socio-economic development of Member States;

DESIRING ALSO to implement the ‘ECOWAS Guiding Framework on Local Content Development & Regional Cooperation in the Geology and Hydrocarbons Sectors (unpublished)’, an internal technical working document;

UPON the recommendation to the ECOWAS Council of Ministers from the Honorable Ministers responsible for the development of Mineral Resources in Member States; and,

ON THE RECOMMENDATION of the ..... Ordinary Session of the ECOWAS Council of Ministers held in ..... from ..... To ....., after having also considered the opinion of ECOWAS Parliament;

ADOPT the ECOWAS Model Mining & Minerals Development Act and its Implementation Strategy;

And, **PRESCRIBE AS FOLLOWS:**

## Section 1 – Definitions and Scope

### Article 1. Interpretation / Definition

In this Act, unless the context otherwise requires:

- *Artisanal Mining Operation or Activity* means a mining activity usually carried out by a person or group of persons with a Certificate of Registration and, in accordance with a production method, capital investment, and optimal safe-depth of operation as prescribed in a Member State, involving the use of rudimentary and un-motorized equipment or machinery, over a minimum land size of 3” x 3” Sub-Cadastre Block Unit of a Member State, to a maximum concession size below one (1) Regional Cadastre Block Unit defined by 10” x 10” per Unit.
- *Associate* in relation to a person entitled to exercise or control the exercise of voting power in relation to, or holding shares in a company, means;
  - i. The wife or husband or all their children.
  - ii. The trustees of any settlement including a disposition or arrangement under which property is held in trust under which that person has a life interest in possession.
  - iii. A company of which that person is director.
  - iv. A person who is an employee or partner of that person.
  - v. If that person is a company –
    - a. A director of that company.
    - b. A subsidiary or holding company of that company.
    - c. A director or employee of the subsidiary or holding company of that company.
  - vi. That other person he has an agreement or arrangement with in respect to the acquisition, holding or disposal of shares or other interests in that undertaking or body-corporate or under which they undertake to act together in exercise of their voting power in relation to it.
- *Authorized Buyer* means a person authorized by the Minister to buy minerals.
- *Authorized Officer* means a person authorized by the Minister-in-Charge, Regulatory Body, Minerals Commission, or Mines Inspectorate to exercise a power or function under their respective prescribed Acts.
- *Bulk Minerals* means the ore of minerals usually mined in huge volumes or tonnages and are usually traded in their natural state on the international market or through mutual market contracts.
- *Citizen(s)* means;
  - i. An individual who is a citizen of an ECOWAS Member State by virtue of a law for the time being in force in the Member State.
  - ii. A partnership or association which is composed exclusively of individuals who are citizens of an ECOWAS Member State.
  - iii. A body corporate which is incorporated under the laws of an ECOWAS Member State and
    - a. which is certified by the Minister to be controlled by the Member State,
    - b. whose membership is composed exclusively of persons who are citizens of that ECOWAS Member State,
    - c. whose directors are exclusively citizens of that ECOWAS Member State,
    - d. which is controlled by individuals who are citizens of that ECOWAS Member State, or
  - iv. A public corporation that is established by or under an enactment of an ECOWAS Member State.
- *Civil Society Organisation* or *Non-State Actor* means any organized non-public sector organization or grouping in a Member State but that not include body-corporates and communities.

- *Committee* means a committee set up for a purpose within a context as used.
- ‘*community*’ means people living within an area where a mineral resource exploration, development or exploitation is taking or has taken place.
- *Community* means the Economic Community of West African States referred to under Article 2 of the Revised ECOWAS Treaty.
- *Company* means a body-corporate wherever incorporated;
- *Consent not unreasonably withheld*, without prejudice to any legal definition, means a situation where a respondent replies to an inquiry within a specified number of days prescribed by a Member State, on receipt of notification stating equitable reasons for granting or rejecting a proposal or a request for consent from an applicant.
- *Continental Shelf or Exclusive Economic Zone* means the area within a Member State’s territory as defined under an appropriate enactment which is internationally recognized.
- *Controller* in relation to a company, means a person who, either along, or with an associate or associates, is entitled to exercise, or control the exercise of more than twenty (20) percent (%) of the voting power at any general meeting of the mining company or of another company which it is a subsidiary.
- *Court* means the High Court or similar Court in a Member State.
- *Designated Area* means a zoned-out area which is set aside on purpose in a Member State, on the authority of a Minister-in-Charge by a Notice or any such Instrument, published in a manner prescribed in the respective Member State.
- *Equity Share(s)* shall have the meaning assigned to it as by law prescribed in a Member State.
- *Geological Activities* means all scientific studies carried out on the ground either directly or remotely for the purpose of, among others, identifying mineral resources and generally, acquiring knowledge and understanding about, and what is on or in the earth and other planets.
- *Head of Mines Inspectorate* means the Chief Inspector of Mines or as by any name appropriately designated in a Member State.
- *Holder* means a legal entity holding a mineral right in a Member State under a definition which is in alignment to that of this Community Act.
- *Host-communities* means local communities impacted by the mineral resource operations or activities.
- *In Breach* means a violation of any provision of this Community Act.
- *Industrial mineral* means basalt, clay, granite, gravel, gypsum, laterite, limestone, marble, rock, sand, sandstone, slate, talc, barite, salt and other minerals as the Minister may from time to time declare, by notice published in the Gazette of Member State, to be industrial minerals.
- *Kimberley Process* means the international understanding among participants that was recognized by Resolution 55/56 adopted by United Nations General Assembly on 01 December 2000, and as may be amended.

- *Kimberley Process Certificate* means a forgery resistant or a forgery-proof document with particular format which identifies a shipment of rough diamonds as being in compliance with the requirements of the certificate scheme.
- *Large-scale Mining Operation or Activity* means a mining activity undertaken by a corporate-entity which involves a well-planned and coordinated open-pit or underground mining method, deploying fully-mechanized operation that carries out mining through decommissioning, over a land size above one hundred and fifty (150) Regional Cadastre Block Units defined by 10” x 10” per Unit.
- *Localization* means all policies and other enactments, and activities that aim to increase local procurement of goods and services, training, technology transfer and development of local entrepreneurship, designed towards eventual substitution of high participation of Third (3<sup>rd</sup>) Party States with optimal local participation.
- *Local Content* means a Member State’s policies and other enactments, and activities as contextualized to the ECOWAS Protocol on Free Movement of Persons, and the Right of Residence and Establishment, aimed at an optimal level of active involvement of indigene-expertise, goods and services, and Community citizens, businesses and financing within the Member State. However, these provisions should not explicitly or impliedly debar Third (3<sup>rd</sup>) Party Countries (or States) from participation in the Community’s geo-extractives sector.
- *Mine* when used as a noun, means a place, excavation or working where, an operation connected with mining is carried out, together with all buildings, premises, erections and appliance belonging or appertaining to it above and below the ground for the purpose of winning, treating or preparing minerals, obtaining or extracting a mineral or metal by a mode or method or for the purpose of dressing mineral ores, and includes a quarry where building minerals are mined.
- *Mine* when used as a verb, means intentionally to win minerals, and includes an operation involving direct or indirect prospecting which is necessary for mining or incidental to mining.
- *Mineral* means a substance in liquid or solid form that occurs naturally in or on earth, including on or under the seabed, formed by or subject to geological processes including but not limited to industrial minerals and petroleum.
- *Mineral communities* mean communities with the occurrence of economically viable minerals.
- *Mineral Operations or Activities* means reconnaissance, prospecting, exploration, mining, and all other activities undertaken along the entire value chains, including post-exploitation activities.
- *Mineral Right* means licenses, permits, leases and other authorizations granted by Member States to individuals or corporate bodies including their agents or subcontractors for the purpose of exploring, extracting, processing and exchanging or disposing or transferring of minerals.
- *Mining* means all operations carried out in the exercise of rights conferred by a license or authorization to exploit minerals.
- *Mining Area* means the area designated from time to time by the holder of a mining lease under the approval of the appropriate designated Minister or the Regulatory Authority of a Member State.
- *Mining Company* means a body-corporate which is or whose subsidiary is the holder of a mineral right as defined under this Act or as granted by any mining Act in a Member State.
- *Mining Industry* means all activities involving the global processes of exploration, extraction, processing, and decommissioning, including transporting and marketing of the mined products.



- *Mining Lease* means a legally binding written authorization granted for the purpose of extraction of minerals as issued in a specified form under the appropriate Authority defined by the Mining Act of a Member State.
- *Mining Operations* means the mining of minerals under a mining lease or restricted mining lease. *Mining Plant* means a building, plant, machinery, equipment, vehicle, tool or other property whether affixed to land or not affixed.
- *Minister* means the substantive Minister or an otherwise such designated person as shall be appointed by the President or Head of Government of a Member State and assigned the authority to perform such functions as defined by the Mining Act of the Member State.
- *Operator* means a body-corporate carrying out mining-related activities either by itself or under legitimate contractual terms on behalf of any Institution or other Body-corporate(s) which is/are the approved Licensee(s).
- *Participant* in relation to the Kimberley Process means an ECOWAS Member State or an organization comprising ECOWAS Member States, or dependency territory of a State or Customs Union.
- *Pre-emption* means the right by a Member State to buy a mineral won or raised before it is sold by the holder of a mineral right or person duly authorized to engage in dealing in minerals.
- *Prescribed* means outlined by Regulations of a Member State.
- *Programme of Mineral Operations* means a programme which accompanies or follows an application for a mineral right and includes an amendment to it as allowed under the Mining Act of a Member State.
- *Prospect* when used as a verb means to intentionally search for minerals and includes research, reconnaissance and operations to determine the extent and economic value of a mineral deposit.
- *Prospect* when used as a noun means the phase of searching for mineral resources and includes reconnaissance and related-operations to determine the extent of its economic value.
- *Prospecting or Exploration Area* means the land subject to a prospecting/exploration licence.
- *Prospecting or Exploration Licence* means a licence or a research permit granted for the purpose of searching for minerals under the Mining Act in a Member State.
- *Pollution* means the adverse change in the physical, chemical or biological properties of any part of the environment as caused by the discharge, emission, or disposition of a substance or wastes so defined by Law, to affect any beneficial use of the environment, or the use of which is hazardous to public health, safety or welfare, or flora and fauna.
- *Production* means the phase of commercial extraction of any mineral resource including any works and services associated with the activity.
- *Public Interest* means an action or inaction as may be prescribed by a Member State, which provides equitable opportunity for anyone in the society to benefit or suffer from it.
- *Published Regional Geological Map of ECOWAS* is a map adopted by the Authority of Heads of State and Government or ECOWAS Council of Ministers as will be reported in the Official Journal of the Community.

- *Qualified Person* means a person who qualifies to apply for a mineral right under this Community Act or any Act in a Member State.
- *Radio-active mineral* means a mineral which contains by weight at least **one-twentieth of one per cent (0.005 per cent) of uranium or thorium** or a combination of these elements including but not limited to the following:
  - a) Monazite sand and other ores containing thorium.
  - b) Carnotite, pitchblende and other ores containing uranium.
- *Reconnaissance* means the search for mineral resources by geophysical, geochemical or photo-geological surveys or other remote sensing techniques and surface geology in connection with it, including the collection of environmental, and all necessary data, at which stage, it excludes drilling and excavations.
- *Reconnaissance Area* means the land subject to a reconnaissance licence.
- *Regional Cadastre Block* means an Area of twenty-one (21) hectares or as by definition may be amended.
- *Regulations* means Regulations made under Section 242 of this Community Act.
- *Research Permit* means a permit or licence issued under the authority of the Member State which legally authorizes the holder to search for minerals by whatever scientific means and includes the collection of the necessary environmental data.
- *Restricted Mining Lease* means a lease to mine industrial minerals, only.
- *Restricted Prospecting Licence* means a licence to prospect for industrial minerals, only.
- *Restricted Reconnaissance Licence* means a licence limited to reconnaissance search for industrial minerals, only.
- *Rough Diamonds* means diamonds that are unworked or simply sawn, leaved or bruted and fall under the Relevant Harmonized Commodity Description and Coding System 7102.10, 7102.21, and 7101.31.
- *Shares* in relation to a company incorporated in an ECOWAS Member State, means equity shares and in relation to any other company, means shares in the share capital of a company, and includes stock, except where a distinction between stock and shares is expressed or implied, and the expression 'shareholder' includes a stockholder.
- *Shipment* means one or more parcels of gold or diamonds or any other precious minerals that are physically imported or exported.
- *Small-scale or Semi-mechanized Mining Operation or Activity* means a mining activity undertaken by a corporate-entity which involves a planned and coordinated open-pit or underground mining method deploying semi-mechanized or fully-mechanized operation that carries out mining through decommissioning, over a land size within one (1) to one hundred and fifty (150) Regional Cadastre Block Units defined by 10" x 10" per Unit.
- *State or National Agency* means a Body or Institution with a specific mandate, set up by a Parliamentary Act or any other Constitutional defined process of a Member State.

- *Sub-contractor* shall have the same meaning as an Operator.
- *Termination* means the lapse of mineral right by expiry of time, surrender, cancellation or revocation.
- *Total Revenue* means total receipts or total income from the sales of a given quantity of tradable product, gains, and service in one (1) Financial Year.
- *Water bodies or Water Resources* means all water flowing over the surface of the ground or contained in or flowing from any river, spring, stream, or natural lake or part of a swamp, in or beneath a watercourse and includes all underground water contained in an aquifer.

## **Article 2. Scope of this Community Act**

This Community Act is exclusive and shall only apply to the development of minerals which are considered not to be petroleum resources within the Community.

## **Section 2 – Institutional Structures**

### **Article 3. Ownership of Minerals**

- 1.. Every mineral occurring in its natural state in, under or upon land, streams, and water-courses including those minerals occurring in the territorial sea or continental shelf and in the exclusive economic zone in ECOWAS Region as are discovered within the defined national boundaries shall be the property of the respective Member States.
2. Member States shall take appropriate steps to protect the mineral resources in their respective countries.

### **Article 4. Vesting of Minerals**

The mineral resource is vested in the State to be held and managed in trust for the people of the respective Member State.

### **Article 5. Custodianship of Information**

All Member States shall create or designate a National Agency, which shall have the mandate as the Central Custodian of all geological and geotechnical data and information. This Agency shall serve as a one-stop central repository for all geo-data and information. The Central Custodian shall be obliged to build, manage and continuously update a national geological model for decision-making.

### **Article 6. State Acquisition of Land**

1. Where in the public interest, any land in a Member State is required for the development or utilization of a mineral resource, the Government of the Member State may acquire the land or authorize its occupation and use under an applicable enactment for the entire life cycle of the mining activity.
2. Where a private entity requires land for the purpose of carrying out a mineral activity, the private entity shall secure the consent of the landowners or lawful occupiers which consent shall not be unreasonably withheld before commencement of any mineral activity.

### **Article 7. Land available for application for mineral right**

Any land in a Member State may be made the subject of an application for a mineral right in respect of a mineral specified in the application, except for that which is:

- i. The subject of an existing mineral right in respect of the mineral being applied.
- ii. Expressly reserved by an enactment in the Member State from becoming the subject of a mineral right.

#### **Article 8. Land reserved from Mining**

1. Member States may by an appropriate Legal Instrument or any other legal process, declare a parcel of land as not being subject for a mineral right, and to be reserved:
  - i. From becoming the subject of an application for a mineral right.
  - ii. As ‘*No Go Zones*’ for mining activities if such lands have particular risks to the preservation of peace and security, including areas, which have irreversible consequences for the environment, social and cultural sensitivities, and heritage sites.
2. Any Legal Instrument arising from Article 8.1, appropriately issued under the authority of the Head of Government of a Member State for the specified purpose shall be ratified by Parliament or any such constitutional mandated institution.
3. Member States may in the determination of the “No Go Zones” involve the public and affected communities.

#### **Article 9. Exportation, Sales, and Value Addition of Minerals**

1. Member States shall not permit any Body-corporate or individual to export minerals in their raw state without a licence or authorization granted by the Government of the Member State for that purpose.
2. Member States shall adopt policies which promote the establishment of the facilities needed to ensure optimized value addition to minerals in-country as a first option. Where value addition in-country is not feasible, Member States shall consider the possibility of processing the mineral within the Community as the next preferred alternative option and where this is also not feasible, the rest of Africa shall be considered.
3. Member States shall not grant an application for the exportation of raw minerals outside Africa unless the options for processing the raw mineral in Africa have been considered and justified as being unfeasible at the material moment.
4. Where the processing of a raw mineral produced in a Member State is feasible either in the Community or in the rest of Africa, the two countries shall set out the modalities for the processing of the mineral. The modalities should be mutually beneficial to these partner-countries.
5. An application for a licence for the purpose of exporting minerals shall be in a manner prescribed by each Member State.
6. A licence issued for the purpose of exporting minerals shall not be transferrable and shall conform strictly to conditions that are to be prescribed by a Member State.
7. Diamonds shall in addition to the conditions for their mining and exportation be subjected to the Kimberly Process Certification Scheme, and any other Certification Scheme that may be adopted by a Community Act.

#### **Article 10. Establishment of a National Advisory Council on Mineral Resources**

1. Member States may establish a National Advisory Council or Committee on Mineral Resources. This body shall be apolitical with membership of identified recognized professional bodies.

2. The Advisory Council or Committee shall advise on all matters relating to the development of the minerals sector in the Member State.
3. There shall be a tenure for the National Advisory Council or Committee as may be determined by the Member State.
4. Membership of the Council or Committee, may among others, be constituted by appointed representation from the following recognized bodies:
  - i. The Ministry responsible for Mining
  - ii. The Ministry responsible for Agriculture.
  - iii. The Ministry responsible for Transport.
  - iv. The Statutory Bar Association of a Member State.
  - v. The Statutory Institute of Surveyors of a Member State.
  - vi. The Statutory National House of Traditional Leaders of a Member State.
  - vii. The recognized Institution of Geo-scientists in a Member State.
  - viii. The recognized Association of Industries in a Member State.
  - ix. The recognized Institute of Engineers in a Member State.
  - x. The Group of Universities responsible for training of Mining Professionals in a Member State.
  - xi. The Ministry responsible for Local Government in a Member State.
  - xii. The Ministries responsible for Interior Security and Public Safety.
  - xiii. The Ministries responsible for Environment, Science & Technology Innovation.
  - xiv. The Ministry responsible for the Armed Forces.
  - xv. The Ministries responsible for Trade and Industry.
  - xvi. The Chamber and/or Association of Mines.
  - xvii. The recognized geo-extractives sector-related Coalition of Civil Societies in a Member State.

#### **Article 11. Establishment and Power of a Ministry or Agency to grant Mineral Rights**

1. Member States shall establish or designate a Ministry or Agency which shall have sufficient autonomy and also be answerable to the Legislature. The Ministry or Agency shall on behalf of Government be responsible for the negotiation, grant, revocation, suspension or renewal of mineral rights under a Mining Act of a Member State.
2. The Minister or the Head of the designated Agency shall determine whether or not the land over which an application has been submitted is subject to a grant of a mineral right.
3. Where the Minister or the Head of designated Agency determines not to grant an application over a part or whole of the land applied for, the Minister or designated Agency shall give the applicant written reasons.
4. All Agreements involving the grant of a large-scale mineral right or concession, by or on-behalf of an individual or body-corporate, for the exploitation of any mineral for commercial purposes in a Member State, shall be subject to ratification by Parliament or adoption by any such constitutional mandated institution.
5. The Parliament or any such mandated institution may by resolution exempt from the provision of Article 11.4 of this Act, a particular class of Agreements.

#### **Article 12. Member States' Right of Pre-emption**

1. Member States shall, as per their defined territorial boundaries, have right of pre-emption over all minerals won or obtained in any land, including territorial waters, exclusive economic zone or the continental shelf and any products derived from the processing or refining or treatment of these minerals.

2. Member States may by appropriate legislation appoint a statutory body to act as its agent for the exercise of the right of pre-emption.
3. Member States shall prescribe the Terms and Conditions of exercising their pre-emptive rights.

## **Article 13. Regional and National Cadastral Systems**

### **13.1 Regional Cadastre System**

1. For the purposes of implementing a standardized mineral cadastre system, with the ultimate aim of establishing a regional mineral cadastre system, Member States shall:
  - i. Engage in building capacity for specialists in the basic functions required for a mineral cadastre system.
  - ii. Put in place an effective Succession Plan, sharing of experiences, expertise and information.
  - iii. Provide adequate premises and equipment including High-Capacity Servers for the Mineral Cadastre Agency or Office.
  - iv. Provide adequate systems-security for the protection of their respective Mineral Cadastre Systems.
  - v. Develop a Cadastre Policy, Land Policy and Mineral Policy.
  - vi. Develop and publish Laws and Regulations on Cadastre, Land and Mining.
2. There shall be established an ECOWAS Geo-extractives Observatory & Cadastre System as an integrated Geographic Information System (GIS), web-based metadata Platform to house the National Mineral Cadastre Systems and National Petroleum Registries. In the process of establishing the component of the Regional Cadastre System, Member States shall:
  - i. Adopt the regular Cadastre Block System within five years of coming into-force of this Community Act.
  - ii. Adopt the standard parameters for the regional Cadastre Unit.
  - iii. Adopt harmonized References and/or Protocols for representation of spatial information.
  - iv. Adopt uniform spatial information based on the WGS 84 Datum.
  - v. Adopt the Community's defined minimum, harmonized standard of information to be deployed from the National Mineral Cadastre Systems to the Regional System for which it would generally be made accessible.
  - vi. Ensure that they establish a web-incorporated, GIS-compatible National Cadastre Systems and Agency-structure aligned to the adopted regionally defined structure.
  - vii. Adhere to the adopted Implementation Strategy to establish the ECOWAS Geo-extractives Observatory & Cadastre System.
3. In establishing the National Cadastre Systems, Member States shall take into account that the Regional Cadastre System when fully established, may among others, have features such as:
  - i. A Regional Tenement Map which may contain;
    - a. Colour-coding of different minerals in the Concession Map.
    - b. Dialogue box that indicate information on all concessions including but not limited to licence type, resource type, tenure dates, owners, active licences, and others.
  - ii. The Reports Template may contain but not be limited to;
    - a. Register of mineral right applications in Priority Register.
    - b. Register of mineral right holders in the General Register.
    - c. Guidelines for blacklisting an operator in the mining and minerals sector.
    - d. Blacklist of operators not fulfilling their contractual obligations as required by the respective national systems.
    - e. Summarized national governance initiatives.

- f. Summarized mineral development funds.
  - g. Summarized technical and financial reports.
4. An established ECOWAS Geo-extractives Observatory & Cadastre System is to serve as a platform to share information on the geo-extractives sector of the Community and shall have among its components:
- i. Mineral (non-petroleum) Sector pathway.
  - ii. Mineral Sector integrated Regional Cadastre System
  - iii. Petroleum Sector pathway.
  - iv. Petroleum Sector integrated Petroleum Registry.
  - v. Experts Opinion pathway for both Mineral and Petroleum Sectors.
  - vi. Information derived from other key stakeholders such as, but not limited to, related Civil Society Groups, Private Sector Groups, Financial Security Markets and Exchanges, and other Government Sectors aside the line-Ministries..
  - vii. Information on existing infrastructure, Environmental Policy and Laws, Land Policy and Laws, Fiscal and other Regulatory Regimes, etc.
5. An Administrative Body shall manage the observatory and shall set the criteria for material to be uploaded unto the Observatory. The standard criteria and format as will be developed shall be made available to Member States. This Administrative Body shall also:
- i. Provide for the governing protocols of this Geo-extractives Observatory.
  - ii. Provide an outline as would be reviewed periodically, the content or information on the broad subjects to be uploaded on the Observatory.
  - iii. Ensure that the Observatory have links to websites of Ministries, Departments, and Agencies of Member States, Private Sector Groups, and Stock Exchanges, among others.
  - iv. Promote optimal use of existing centres of excellence and structures to enhance practices on activities within the Geo-extractives Sector.

### **13.2 National Cadastral Systems**

1. For the purposes of this Act, the surface of the Earth shall be deemed to be divided in accordance with the co-ordinates represented in the official topographic maps of Member States at a Scale of 1:50,000 and defined by:
- i. The meridian of Greenwich and by meridians that are at a distance from that meridian of fifteen (15) or a multiple of fifteen (15) seconds of longitude.
  - ii. The equator and by parallels of latitude that are at a distance from the equator of fifteen (15) or a multiple of fifteen (15) seconds of latitude, into geometric sections each of which is bounded.
  - iii. Portions of those two (2) meridians that are at a distance from each other of fifteen (15) seconds of longitude, and
  - iv. Portions of two (2) of those parallels of latitude that are at a distance from each other of fifteen (15) seconds of latitude.
2. It shall further be that:
- i. A geometric section that is wholly within a Member State constitutes a mineral block.
  - ii. Where only part of a geometric section is within the Member State, that part constitutes a block.
  - iii. Notwithstanding the provisions of Article 13.2.2i and 13.2.2ii, it shall be acceptable for fractions of blocks to be prescribed for the purpose of a licence to be granted for artisanal and small-scale mining.

## **Section 3 – Mineral Rights**

### **Article 14. Right to Conduct Mineral Operations**

- i. The right to conduct mineral activities shall be obtained under these Mineral Rights:
  - a. Reconnaissance
  - b. Prospecting
  - c. Exploration
  - d. Mining Lease
  - e. Permits and other Authorizations
  - f. Agreements
- ii. Notwithstanding any title or right which an individual or body-corporate may have to any land in a Member State, in which minerals are situate, the holder or an assign shall not conduct any mineral activity whatsoever, i.e. search, reconnaissance, prospecting, exploration or mining on or over such land unless specifically granted a mineral right in accordance with the laws of a Member State.
- iii. Where an industrial mineral is required for personal use and not for commercial activity, a person may, as shall be prescribed by a Member State, not require mineral right for its exploitation.
- iv. A government institution or agency with responsibility for conducting geological activities in accordance with its powers under an enactment shall not require a mineral right in the course of carrying out its functions.

#### **14.1 Mineral Rights for Large-scale Mining**

Articles 14.2 to 14.4 hereunder apply exclusively to Large-scale Mining.

#### **14.2 Reconnaissance Licence**

##### **14.2.1 Qualification of Grant of Reconnaissance Licence**

Unless otherwise provided in the Legislation of a Member State a mineral right for reconnaissance activities shall only be granted to an entity registered or incorporated under the Laws of the Member State.

##### **14.2.2 Application for a Reconnaissance Licence**

An application for a mineral right for reconnaissance activities shall be submitted to the Minerals Cadastre Agency in the prescribed form and manner, and shall be accompanied with a statement providing, among others:

- i. Particulars of the financial and technical resources available to the applicant for the proposed mineral operations.
- ii. Projected expenditure to be made on the operations.
- iii. Details of the work programme for the proposed mineral operations.

##### **14.2.3 Term for Reconnaissance Licence**

1. An application for a reconnaissance licence shall be processed within a maximum period of one hundred and twenty (120) days by a Member State.



2. The term of a reconnaissance mineral right shall not exceed twelve (12) months for the first grant.

#### **14.2.4 Extension or Renewal of Term of Reconnaissance Licence**

1. An application for extension or renewal of the licence shall be as would be prescribed in a Member State.
2. An application for extension of the term of a reconnaissance licence may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for reconnaissance activity may be renewed or extended for a period of not more than two consecutive times provided an application for the purpose is made within thirty (30) days from expiry of the licence.

#### **14.2.5 Rights of Holder of Reconnaissance Licence**

1. A reconnaissance licence granted confers on the holder or an authorized agent of the holder, the exclusive right to carry on reconnaissance in the specified area for the minerals to which the said licence relates and to also conduct other associated ancillary or incidental activity.
2. For the purposes of exercising the right conferred under the licence, the holder or authorized agent shall liaise with and obtain the consent of the land owners with the surface rights and the impacted community. This consent shall not be unreasonably withheld from the holder.
3. A holder of a reconnaissance licence shall not engage in drilling or excavation.

#### **14.2.6 Rights of Grantor of Reconnaissance Licence**

1. An authorized officer may enter the licence area with or without notice to the holder of the licence for the purpose of carrying out inspection of the reconnaissance activities.
2. The authorized officer may take samples and request for, and take copies of documents that may be required for the performance of any duties.

#### **14.2.7 Compulsory reduction of Area subject to a Reconnaissance Licence**

1. Where a holder of a reconnaissance licence applies for an extension or renewal of the licence within thirty (30) days before the expiry of the licence, the area being retained under the reconnaissance shall be reduced by one-half of the original area held where the extension is for another twelve (12) months duration.
2. Where an application for extension of the reconnaissance licence is for a period not exceeding three months, the size of area originally held shall not be reduced.
3. The procedure, terms and conditions for extension or renewal shall be as would be prescribed by a Member State but in all cases, shall not exceed twelve (12) months.

#### **14.2.8 Rejection of application for Reconnaissance Licence**

An application for a reconnaissance licence may be rejected where:

- i. An applicant knowingly makes a statement that is false or misleading, or makes a false declaration or any materially false submission to the Cadastre Agency.
- ii. The application is in conflict with another application or licence granted for the same mineral.

- iii. An applicant fails to correct any errors or provide any required information to the Cadastre Agency within seven (7) working days.

#### **14.2.9 Grant of Reconnaissance Licence**

1. The Cadastre Office or Agency shall within fourteen (14) days of the approval of the licence notify the applicant and give details of fees payable in respect of the grant.
2. The Applicant shall, within fourteen (14) days after the notice is given by the Cadastre Office or Agency, give notice in writing of the acceptance or otherwise of the offer.
3. The Cadastre Office shall prepare relevant agreements, between the Parties, execute same and serve notice to relevant key stakeholders of the grant of the licence.

#### **14.2.10 Revocation or Cancellation of Reconnaissance Licence**

1. A grant of the licence shall be revoked or cancelled if the Holder:
  - i. Fails to give notice of acceptance or fails to comply within a time specified by law, with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the reconnaissance licence which he knows to be materially false.
  - iii. Is ineligible to apply for a reconnaissance licence under any law in the Member State.
2. On revocation or cancellation, the details of the licence shall be removed from the cadastre map and from the general register.
3. The Cadastre Office shall notify all key stakeholders of the revocation or cancellation of the licence.

#### **14.2.11 Programme of Reconnaissance Licence activity**

An applicant for a reconnaissance licence shall provide the work programme to be carried-out in the area being applied for.

#### **14.2.12 Amending the Programme of the Reconnaissance Licence**

1. An applicant may amend the programme of work for an application for reconnaissance licence while the approval is pending or within six (6) months from the grant of the reconnaissance licence.
2. The procedure, terms and conditions for amending the work programme for an application for a reconnaissance licence, or during tenancy of the grant of reconnaissance licence, shall be as prescribed in a Member State.

#### **14.2.13 Assignment of Reconnaissance Licence**

1. A holder of a reconnaissance licence may at any time during the tenancy of the licence, assign part or wholly, the licence to a third party in accordance with the laws of a Member State.
2. The procedure, terms and conditions for assignment of reconnaissance licence shall be as prescribed in the Member State.

#### **14.2.14 Amendment to add or subtract minerals**

1. A holder of a reconnaissance licence may at any time, before the expiry of the licence, apply to the Cadastre Office or authorized Agency to add or subtract a mineral to the existing minerals for which the licence is granted.

2. The procedure, terms and conditions for adding or subtracting a mineral shall be as prescribed in a Member State.

#### **14.2.15 Duties of holders of Reconnaissance Licence**

1. A holder of a reconnaissance licence shall comply with the terms and conditions of the licence.
2. A holder of a reconnaissance licence shall furnish the Sector's regulatory bodies with all reports.
3. Member States shall prescribe other duties as may be appropriate.

#### **14.2.16 Recruitment and training of Citizens of Member States**

1. A holder of a reconnaissance licence shall submit to the Cadastre Office, a detailed programme for the recruitment and training of citizens of Member States as may be prescribed.
2. The programme for the recruitment and training of citizens of Member States shall be a condition precedent to the grant of the reconnaissance licence.

#### **14.2.17 Suspension of Reconnaissance Licence**

1. A grant of the reconnaissance licence shall be suspended if the applicant:
  - i. Fails to give notice of acceptance or fails to comply within a time specified in law, with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the reconnaissance licence which he knows to be materially false.
  - iii. Is ineligible to apply for a reconnaissance licence under any law in a Member State.
  - iv. Fails to remedy the deficiencies within the time given by the Cadastre Office.
2. The process for suspending the granting or a granted reconnaissance licence shall be as prescribed in a Member State.

#### **14.2.18 Change of control of company holding a Reconnaissance Licence**

A person may not become a Controller of a reconnaissance licence unless:

- i. The holder of the reconnaissance Licence and the person have notified the Minister responsible for minerals through the Cadastre Office that the person intends to become a controller of holder of the licence.
- ii. The Minister, notifies the person and the holder within ninety (90) days from the date of notification by the person that there is no objection to the person becoming a controller or that the period has elapsed without the Minister serving a written notice of objection to the person becoming a controller.
- iii. The Minister shall prescribe the information required for the person and the holder who may apply to be controller of a holder of a reconnaissance licence.
- iv. Where the person fails to acquire the controlling interest within twelve (12) months from the date of service of notice to the Minister through the Cadastre Office, the notice shall have no effect.

#### **14.2.19 Objections to new or increased control of reconnaissance licence**

1. The Minister responsible for Mines shall serve a written notice of objection on a person who has given notice to be the controller of a holder of a reconnaissance licence if the Minister considers on reasonable grounds that public interest will be compromised by the person becoming a controller of a holder of a reconnaissance licence.
2. Where a person required to give notice under Article 14.2.18i becomes a Controller without having been given approval by the Minister responsible for Mines, the Minister shall give notice to the Controller to provide the required information as may be prescribed and if within thirty (30) days the controller fails to provide the required information to the satisfaction of the Minister, the licence shall be suspended.
3. Any dispute arising from change of control of a holder of reconnaissance licence shall be referred for dispute resolution as prescribed under the laws of a Member State.

#### **14.2.20 Contraventions by the Controller**

A person commits an offence and is liable for sanctions in accordance with the laws of the Member State by:

- i. Contravening Article 14.2.18 in failing to give notice to the Minister responsible for Mines.
- ii. Becoming a Controller of a holder of a reconnaissance licence without approval from the Minister responsible for Mines.

#### **14.2.21 Restriction and sale of Shares**

Where a person contravenes the provisions of Article 14.2.19 herein or becomes a controller after notice has been served on the person, Member States shall in accordance with their national laws ensure that the specified shares to which the person controls shall not be traded in whatsoever manner.

#### **14.2.22 Notification of ceasing to be controller**

1. A person who is a controller of a mining company shall notify the Minister responsible for mines in writing within fourteen (14) days of ceasing to be a controller.
2. A person who defaults in notifying the Minister responsible for mines commits an offence and subject to punishment under laws of Member States.

#### **14.2.23 Notification by Reconnaissance Licence holder**

A holder of a reconnaissance licence shall notify the Minister responsible for Mines in writing within fourteen (14) days of a person who has become or ceased to be a controller of the company.

#### **14.2.24 Investigation by Member State on operations of a Reconnaissance Licence Holder**

1. Where at any time, the Minister responsible for Mines considers it necessary or determines it to be in the public interest, the Minister may appoint competent persons to investigate the operations of a holder of a reconnaissance licence.
2. The processes for carrying out the investigation shall be determined by the Member State.

#### **14.2.25 Preference of local products and employment of Citizens of Member State**

1. Persons or companies operating in Member States shall give preference to the local goods and services to the maximum extent possible and shall give priority to the employment of citizens of the Member State.

2. Where the Member State is unable to provide the goods, services and human expertise required by the mining company, the company has to first source these services from the Community.
3. Persons or companies may only source goods, services and personnel from outside the Community only after demonstrating to the satisfaction of the Member State that the required goods, services and personnel could not be sourced from within the Community.
4. Processes for procuring local goods, services and personnel shall be determined by the Member State.

#### **14.2.26 Mine Support Services**

1. Persons or companies operating in Member States preferentially, shall provide mine support services in various categories as may be required by the holder of the reconnaissance, prospecting or mining licence.
2. Member States are to ensure that only services that cannot under any circumstances be provided by citizens of Member States or within the Community shall be outsourced to citizens outside the Community.

#### **14.2.27 Records and reports by Mine Support Services Provider**

1. Where a mine support service provider provides supports to a Holder of a reconnaissance, prospecting or mining licence, the Holder shall maintain in the Member State documents, records and samples of rocks that may be kept in a manner prescribed by the Member State.
2. A holder of the reconnaissance, prospecting or mining licence shall furnish the Cadastre Office and any other authorized state institution in the Member State periodic updates on his activities.
3. Save for confidential information, Records, documents and information furnished to the Cadastre Office and any other authorized State institutions shall be made available to the public.
4. Member States shall determine information that is of public interest and those that are to be treated confidential.
5. All information provided by holder of the reconnaissance, prospecting or mining licence shall pass on and reside with the Member State and from time to time may be made available to the public on terms and conditions as prescribed by the Member State.

### **14.3 Prospecting or Exploration Licence**

#### **14.3.1 Qualification of grant of Prospecting or Exploration Licence**

1. Unless otherwise provided for in the Legislation of a Member State, a mineral right for prospecting or exploration activities shall only be granted to an incorporated-entity.
2. Member States shall by law grant either exclusive or non-exclusive prospecting or exploration licences.

#### **14.3.2 Application for Prospecting or Exploration Licence**

An application for a mineral right for prospecting or exploration activities shall be submitted to the Minerals Cadastre Office or Agency in the form as prescribed and shall be accompanied with a statement providing, among others:

- i. Particulars of the financial and technical resources available to the applicant for the proposed mineral operations.

- ii. An estimate of the amount of money proposed to be spent on the operations.
- iii. Details of the work programme for proposed mineral operations.
- iv. Particulars of the applicant's proposals with respect to employment and training in the mining industry of citizens of the Member State.

#### **14.3.3 Terms for the Prospecting or Exploration License**

1. An application for a prospecting or exploration licence shall be processed within a maximum period of one hundred and twenty (120) days by a Member State.
2. The term of a prospecting or exploration license shall not exceed thirty-six (36) months for the first grant.

#### **14.3.4 Extension of Term of a Prospecting or Exploration Licence**

1. An application for extension of the licence shall be as may be prescribed in a Member State.
2. An application for extension of the term of a prospecting or exploration license may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for prospecting or exploration activity may be extended only once and for a period not exceeding six (6) months provided an application for the purpose is made within thirty (30) days before the expiry of the licence.

#### **14.3.5 Renewal of Term of a Prospecting or Exploration Licence**

1. An application for the renewal of prospecting or exploration licence shall be as may be prescribed in a Member State.
2. An application for renewal of the term of a prospecting or exploration license may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for prospecting or exploration activity may be renewed for as long as may be prescribed in a Member State provided the Holder mandatorily sheds off one-half of the size previously held and the application for renewal is made within thirty (30) days before the expiry of the licence.
4. Member States shall prescribe the minimum size of a prospecting or exploration licence for which a renewal will not be allowed.

#### **14.3.6 Rights of holder of Prospecting or Exploration licence**

1. A prospecting or exploration licence granted shall confer on the holder or an agent authorized by the holder, the exclusive right to carry-on prospecting or exploration activities in an area for the minerals to which the prospecting or exploration licence relates and to conduct other ancillary or incidental activities as shall be prescribed by a Member State.
2. For the purposes of exercising the right conferred under the licence, the holder or authorized agent shall liaise with and obtain the consent of the land owners with the surface rights and the impacted community. This consent shall not be unreasonably withheld from the holder.
3. A holder of a prospecting or exploration licence may engage in prescribed subsurface excavation and drilling, and may carry out bulk sampling for purposes of determining suitable methods to process the mineral.

### **14.3.7 Rights of Grantor of a Prospecting or Exploration Licence**

1. An Authorized Officer may enter the licence area with or without notice to the holder of the licence for the purpose of carrying out inspection of the prospecting or exploration activities.
2. The Authorized Officer may take samples and request for, and take copies of documents that may be required for the performance of any duties.

### **14.3.8 Compulsory reduction of area subject to a Prospecting or Exploration Licence**

1. Where a holder of a prospecting or exploration licence applies for a renewal of the licence within thirty (30) days before the expiry of the licence, the area being retained under the prospecting or exploration licence shall be reduced by one-half of the original area held where the renewal is for another twelve (12) months duration.
2. Where the application is for extension the size of area originally held shall not be reduced.
3. The procedure, terms and conditions for extension or renewal of the prospecting or exploration licence shall be as may be prescribed by the Member State. The process for granting the extension or renewal shall not exceed forty-five (45) days.

### **14.3.9 Rejection of Application for Prospecting and Exploration Licence**

An application for a prospecting or exploration licence may be rejected where:

- i. An application does not satisfy the criteria set in Article 14.3.2.
- ii. An applicant knowingly makes a statement that is false or misleading, or makes a false declaration or any materially false submission to the Cadastre Agency.
- iii. The application is in conflict with another application or licence granted for the same mineral.
- iv. An applicant fails to correct any errors or provide any required information to the Cadastre Agency within seven (7) working days.

### **14.3.10 Member State Participation in the mineral right**

1. A Member State may acquire a free carried interest in any prospecting or exploration activity for which the State shall make no financial contribution towards the acquisition of the shares.
2. Notwithstanding the provision in Article 14.3.10.1, the Member State may acquire further shares in the prospecting, exploration or mining on terms that may be agreed with the holder.

### **14.3.11 Grant of Prospecting or Exploration Licences**

1. The Cadastre Office shall within fourteen (14) days of the approval of the licence notify the applicant and give details of fees payable in respect of the grant.
2. The Applicant after being notified of the approval by the Cadastre Office shall also within fourteen (14) days notify in writing of the acceptance or otherwise of the offer.
3. The Cadastre Office shall prepare relevant agreements, between the Parties, execute same and serve notice to relevant key stakeholders of the grant of the licence.

### **14.3.12 Revocation or Cancellation of Prospecting or Exploration Licence.**

1. A grant of the licence shall be revoked or cancelled if the Holder:
  - i. Fails to comply within a time specified by law, any of the terms and conditions of the licence.

- ii. Makes a statement or provides information in connection with the prospecting or exploration licence which he/she knows to be materially false.
  - iii. Is ineligible to apply for a prospecting or exploration licence under any law in the Member State.
2. On revocation or cancellation, the details of the licence shall be removed from the cadastre map and from the general register.
  3. The Cadastre Office shall notify all key stakeholders of the revocation or cancellation of the licence.

#### **14.3.13 Programme of Prospecting and Exploration Activity**

1. An applicant for a prospecting or exploration licence shall provide a work programme to be carried-out and its minimum budget for the area being applied for.
2. An applicant may amend the programme of work for an application for prospecting or exploration licence while the approval is pending, or within six (6) months from the grant of the licence.
3. The procedure, terms and conditions for amending the work programme of an application for a prospecting or exploration licence, or during tenancy of the grant of the licence shall be as prescribed in a Member State.

#### **14.3.14 Assignment of Prospecting or Exploration Licence**

1. A holder of a prospecting or exploration licence may at any time during the tenancy of the licence, assign part or wholly the licence to a third party in accordance with the laws of the Member State.
2. The procedure, terms and conditions for assignment of prospecting or exploration licence shall be as prescribed in the Member State.

#### **14.3.15 Amendment to add or subtract minerals**

1. A holder of a prospecting or exploration licence may at any time, before the expiry of the licence, apply to the Cadastre Office to add or subtract a mineral to the existing minerals for which the licence is granted.
2. The procedure, terms and conditions shall be as may be prescribed in the Member State.

#### **14.3.16 Duties of holders of Prospecting or Exploration Licence**

1. A holder of a prospecting or exploration licence shall comply with the terms and conditions of the licence.
2. A holder of a prospecting or exploration licence shall furnish the Sector's regulatory bodies with all reports, drillhole data and where possible samples of drillhole cores to be stored in a national drill core shed in a Member State.
3. Member States shall prescribe other duties as may be appropriate.

#### **14.3.17 Recruitment and training of citizens of Member States**

1. A holder of a prospecting or exploration licence shall submit to the Cadastre Office, a detailed programme of recruitment and training of citizens of the Member State as may be prescribed.



2. The programme of recruitment and training of citizens of the Member State shall be a condition precedent to the grant of prospecting or exploration licence.

#### **14.3.18 Suspension of Prospecting or Exploration Licence**

1. A grant of prospecting or exploration licence shall be suspended if the applicant:
  - i. Fails to comply within a time specified in law, with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the prospecting or exploration licence which he knows to be materially false.
  - iii. Is ineligible to apply for a prospecting or exploration licence under any law in the Member State.
  - iv. Fails to remedy the deficiencies within the time given by the Cadastre Office.
2. On suspension, the status of the licence shall be indicated on the cadastre map and the general register.
3. The process for suspending the granting or a granted prospecting or exploration licence shall be as prescribed in a Member State.

#### **14.3.19 Change of control of company holding a Prospecting or Exploration licence.**

A person may not become a Controller of a prospecting or exploration licence unless:

- i. The person and the holder of the prospecting or exploration licence have notified the Minister responsible for minerals in writing, through the Cadastre Office that the person intends to become a controller of holder of the licence.
- ii. The Minister, notifies the person and the holder within ninety (90) days from the date of notification by the person that there is no objection to the person becoming a controller, or that, the period has elapsed without the Minister serving a written notice of objection to the person becoming a controller.
- iii. The Minister shall prescribe the information required for person and the holder who may apply to be controller of a holder of a prospecting or exploration licence.
- iv. Where the person fails to acquire the controlling interest within twelve (12) months from the date of service of notice to the Minister through the Cadastre Office, the notice shall have no effect.

#### **14.3.20 Objections to new or increased control of Prospecting or Exploration Licence**

1. The Minister responsible for Mines shall serve a written notice of objection on a person who has given notice to be the controller of a holder of a prospecting or exploration licence if the Minister considers on reasonable grounds that, public interest will be compromised by the person becoming a controller of a holder of a prospecting or exploration licence.
2. Where a person required to give notice under Article 14.3.19i becomes a Controller without having been given approval by the Minister responsible for Mines, the Minister shall give notice to the Controller to provide the required information as may be prescribed and if within thirty (30) days the Controller fails to provide the required information to the satisfaction of the Minister, the licence shall be suspended.
3. Any dispute between the Minister and the Controller of a holder of prospecting or exploration licence shall be referred for dispute resolution as prescribed under the laws of a Member State.

### **14.3.21 Contraventions by the Controller**

A person commits an offence and is liable for sanctions in accordance with the laws of the Member State by:

- i. Contravening Article 14.3.19 in failing to give notice to the Minister responsible for Mines.
- ii. Becoming a Controller of a holder of a prospecting or exploration licence without approval from the Minister responsible for Mines.

### **14.3.22 Restriction and sale of Shares**

Where a person contravenes the provisions of Article 14.3.20 herein or becomes a controller after notice has been served on the person, Member States shall in accordance with their national laws ensure that the specified shares to which the person controls shall not be traded in whatsoever manner.

### **14.3.23 Notification of ceasing to be controller**

1. A person who is as controller of a mining company shall notify the Minister responsible for mines in writing within fourteen (14) days of ceasing to be a controller.
2. A person who defaults in notifying the Minister responsible for mines commits an offence and subject to punishment under laws of Member States.

### **14.3.24 Notification by Prospecting or Exploration Licence holder**

A holder of a prospecting or exploration licence shall notify the Minister responsible for mines in writing within fourteen (14) days of a person who has become or ceased to be a controller of the company.

### **14.3.25 Investigation by a Member State on Operations of a Prospecting or Exploration Licence holder**

1. Where at any time, the Minister responsible for Mines considers it necessary or determines it to be in the public interest, the Minister may appoint competent persons to investigate the operations of a holder of a prospecting or exploration licence.
2. The processes for carrying out the investigation shall be determined by the Member State.

## **14.4 Mining Lease**

### **14.4.1 Qualification of grant of Mining Lease**

Unless otherwise provided for in the Mining Law of a Member State a mineral right for extraction activities shall only be granted to an incorporated-entity under other Laws of the Member State as may be applicable.

### **14.4.2 Application for Mining Lease**

An application for a mining lease shall be submitted to the Minerals Cadastre Agency in the form prescribed by a Member State and shall be accompanied with a statement providing, among others:

- i. Particulars of applicant including incorporation documents.
- ii. Number of blocks and cadastral co-ordinates of area being applied for.
- iii. The mineral to be mined.
- iv. Particulars of qualifications and experience of manager and other members of the technical team.
- v. Feasibility report to be prepared according to guidelines provided by the Member State.

- vi. Particulars of financial resources available to the applicant for the proposed mining operations.
- vii. Evidence of payment of required Fees.
- viii. Proposals to incorporate local content, specifically the use of local goods and services and recruitment and training of citizens for the mining activities in accordance with the guidelines provided by the Member State.
- ix. Environmental & Social Impact Assessment (ESIA) Report and Environmental Permit.

#### **14.4.3 Terms and conditions of a Mining Lease**

A lease granted by a Member State shall contain, among others, particulars of:

- i. The registered name and address of holder.
- ii. The date of issue of the lease.
- iii. The term of the mining lease which shall be based on the measured and indicated resources proven by the company and shall not exceed twenty (20) years for any grant.
- iv. The Minerals to be mined.
- v. Cadastral co-ordinates of the area and the number of cadastre blocks.
- vi. Period of limitation for the submission of an application for renewal of the lease.
- vii. Annual mineral right fee and ground rent payable.
- viii. Obligations of the holder in relation to reporting requirements.
- ix. Other terms and conditions as may be determined by the Member State.

#### **14.4.4 Ratification of a Mining Lease**

The Minister responsible for mines shall within six months of a grant of a mining lease submit all particulars of the grant and any other transactions relating to the lease to Parliament, or any such mandated Institution in a Member State, for ratification.

#### **14.4.5 Renewal of term of Mining Lease**

1. An application for the renewal of the mining lease shall be as may be prescribed in a Member State.
2. An application for renewal of the lease may be recommended only if the holder has materially complied with the terms and conditions imposed under the lease.
3. A mining lease may be renewed for as long as may be prescribed in a Member State provided the holder complies materially with the terms of the lease, has mineable reserves to justify continuous mining operations, and also, that the application for renewal is made within one hundred and eighty (180) days prior to the expiry of the lease.

#### **14.4.6 Rights of holder of Mining Lease**

1. A mining lease granted shall confer on the holder or an agent authorized by the holder, the exclusive right to carry-on mining activities in an area for the minerals to which the lease relates and to conduct other ancillary or incidental activities as shall be prescribed by a Member State.
2. For the purposes of exercising the right conferred under the lease the holder or authorized agent shall liaise with and obtain the consent of the land owners with the surface rights and the impacted communities. This consent shall not be unreasonably withheld from the holder.

#### **14.4.7 Rights of Grantor of a Mining Lease**

1. An authorized officer may enter the lease area with or without notice to the holder of the lease for the purpose of carrying out inspection of the mining activities.

2. The authorized officer may take samples and request for and take copies of documents that may be required for the performance of his/her duties.

#### **14.4.8 Rejection of application for Mining Lease**

An application for a mining lease may be rejected where:

- i. An application does not satisfy the criteria set in Article 14.4.2 herein.
- ii. An applicant knowingly makes a statement that is false or misleading, or makes a false declaration or any materially false submission to the Authorized Agency.
- iii. The application is in conflict with another application or licence granted for a same mineral in a particular location within the concession.
- iv. An applicant fails to correct any errors or provide any required information to the Cadastre Agency within twenty-one (21) working days.

#### **14.4.9 Member State Participation in the Mining Activity**

1. A Member State may acquire a free carried-interest in any mining activity for which the State shall make no financial contribution towards the acquisition of such shares.
2. Notwithstanding section Article 14.4.9.1 the State may acquire further shares in the mining activity on terms that may be agreed with the holder of the lease.

#### **14.4.10 Grant of Mining Leases**

1. The Cadastre Office shall within fourteen (14) days of the approval of the mining lease notify the applicant and give details of fees payable in respect of the grant.
2. The Applicant after being notified of the approval by the Cadastre Office shall also within fourteen (14) days notify in writing of the acceptance or otherwise of the offer.
3. The Cadastre Office shall prepare relevant agreements, between the Parties, execute same and serve notice to relevant key stakeholders of the grant of the lease.

#### **14.4.11 Suspension or Revocation of Mining Lease**

1. A grant of the mining lease shall be revoked if the Holder:
  - i. Fails to comply with any of the terms and conditions of the lease within a time specified by law.
  - ii. Makes a statement or provides information in connection with the mining lease which he/she knows to be materially false.
  - iii. Is ineligible to have applied or be a holder of a mining lease under any law in the Member State.
2. On revocation, the details of the lease shall be removed from the cadastre map and the status indicated in the general register.
3. On suspension, the status of the lease shall be indicated on the cadastre map and in the general register.
4. The Cadastre Office shall notify all key stakeholders of the revocation or cancellation of the lease.
5. The process for suspending or revoking a mining lease shall be as prescribed in a Member State.

#### **14.4.12 Programme of Mining Activity**

1. An applicant for a mining lease shall provide a detailed work programme of the mining activity to be carried out in the area being applied for and this shall form the basis of obtaining an operating permit to commence mining activities.
2. An applicant may amend the programme of mining activity at any time of the mining activity after obtaining the approval of the Minister or the Cadastre Office.
3. The procedure, terms and conditions for amending the work programme for the mining lease or during tenancy of the grant of the lease shall be as prescribed in a Member State.

#### **14.4.13 Assignment of Mining Lease**

1. A holder of a mining lease may at any time during the tenancy of the lease, assign part or wholly, the lease to a third party in accordance with the laws or as may be prescribed by a Member State.
2. The procedure, terms and conditions for assignment of mining lease shall be as prescribed in a Member State.

#### **14.4.14 Amendment to add or subtract minerals**

1. A holder of a mining lease may at any time, before the expiry of the lease, apply to the Cadastre Office to add or subtract a mineral to the existing minerals for which the lease is granted.
2. The procedure, terms and conditions shall be as may be prescribed in a Member State.

#### **14.4.15 Duties of holder of a Mining Lease**

1. A holder of a mining lease shall comply with the terms and conditions of the lease.
2. A holder of a mining lease shall furnish regulatory bodies with responsibility for the minerals sector, all reports, and drillhole data and where possible samples of drillhole cores to be stored in national drillcore shed in the Member State.
3. Member States may prescribe other duties as are appropriate.

#### **14.4.16 Recruitment and training of citizens of Member States**

1. A holder of a mining lease shall submit to the Cadastre Office, a detailed programme for the recruitment and training of citizens of Member States as may be prescribed.
2. The programme for the recruitment and training of citizens of Member States shall be a condition precedent to the grant of the mining lease.

#### **14.4.17 Suspension of mining activities**

The mining activities shall be suspended, notably, if the holder:

- i. Fails to comply with any of the terms and conditions of the mining lease, within the time specified in law.
- ii. Fails to conduct mining operations materially in accordance with the approved programme of mining operations as specified in the feasibility report.

- iii. Makes a statement or provides information in connection with the mining lease which he knows to be materially false.
- iv. Becomes insolvent or bankrupt.
- v. Is ineligible to have applied or be a holder of a mining lease under any law in the Member State.
- vi. Fails to remedy any deficiencies within a reasonable time given by the Cadastre Office.
- vii. Is convicted of any offence relating to smuggling or illegal sale or dealing in minerals.
- viii. The process for suspending mining activities shall be as prescribed in the Member State.

#### **14.4.18 Change of control of company holding a Mining Lease**

A person may not become a controller of a mining lease unless:

- i. The person has notified the Minister responsible for minerals through the Cadastre Office that the person intends to become a controller of holder of the lease.
- ii. The Minister in turn, notifies the person within ninety (90) days from the date of notification by the person that there is no objection to the person becoming a controller, or that, the period has elapsed without the Minister serving a written notice of objection to the person becoming a controller.
- iii. The Minister shall prescribe the information required from the person who applies to be a controller of a holder of a mining lease.
- iv. Where the person fails to acquire the controlling interest within twelve (12) months from the date of service of notice to the Minister through the Cadastre Office, the notice shall have no effect.

#### **14.4.19 Objections to new or increased control of Mining Lease**

1. The Minister responsible for Mines shall serve a written notice of objection on a person who has given notice to be the controller of a holder of a mining lease if the Minister considers on reasonable grounds that, public interest will be compromised by the person becoming a controller of a holder of mining lease.
2. Where a person required to give notice under Article 14.4.18i becomes a Controller without having been given approval by the Minister responsible for Mines, the Minister shall give notice to the Controller to provide the required information as may be prescribed and if within thirty (30) days the Controller fails to provide the required information to the satisfaction of the Minister, the mining lease shall be suspended.
3. Any dispute between the Minister and the Controller of a holder of the mining lease shall be referred for dispute resolution as prescribed under the laws of a Member State.

#### **14.4.20 Contraventions by the Controller**

A person commits an offence and is liable for sanctions in accordance with the laws of the Member State by:

- i. Contravening Article 14.4.18 in failing to give notice to the Minister responsible for Mining.
- ii. Becoming a Controller of a holder of a mining lease without approval from the Minister responsible for Mining.

#### **14.4.21 Restriction and sale of Shares**

Where a person contravenes the provisions of Article 14.4.19 herein or becomes a controller after notice has been served on the person, Member States shall in accordance with their national laws ensure that the specified shares to which the person controls shall not be traded in whatsoever manner.

#### **14.4.22 Notification of ceasing to be controller**

1. A person who is a controller of a mining company shall within fourteen days of ceasing to be a controller, notify the Minister responsible for mining in writing.
2. A person who defaults in notifying the Minister responsible for mining commits an offence and shall be liable to punishment under the applicable laws of the Member State.

#### **14.4.23 Notification by Mining Lease holder**

A holder of a mining lease shall notify the Minister responsible for mines in writing within fourteen (14) days of a person who has become or ceased to be a controller of the company.

#### **14.4.24 Investigation by Member State of operations of a Mining Lease holder**

1. Where at any time, the Minister responsible for Mines considers it necessary or determines it to be in the public interest, the Minister may appoint competent persons to investigate the operations of a holder of a mining lease.
2. The processes for carrying out the investigation shall be determined by the Member State.

#### **14.2.25 Preference of local products and employment of Citizens of Member State**

1. Persons or companies operating in Member States shall give preference to the local goods and services to the maximum extent possible and shall give priority to the employment of citizens of the Member State.
2. Where the Member State is unable to provide the goods, services and human expertise required by the mining company, the company has to first source these services from the Community.
3. Persons or companies may only source goods, services and personnel from outside the Community only after demonstrating to the satisfaction of the Member State that the required goods, services and personnel could not be sourced from within the Community.
4. Processes for procuring local goods, services and personnel shall be determined by the Member State.

#### **14.2.26 Mine Support Services**

1. Persons or companies operating in Member States preferentially, shall provide mine support services in various categories as may be required by the holder of the reconnaissance, prospecting or mining licence.
2. Member States are to ensure that only services that cannot under any circumstances be provided by citizens of Member States or within the Community shall be outsourced to citizens outside the Community.

#### **14.2.27 Records and reports by Mine Support Services Provider**

1. Where a mine support service provider provides supports to a Holder of a reconnaissance, prospecting or mining licence, the Holder shall maintain in the Member State documents, records and samples of rocks that may be kept in a manner prescribed by the Member State.

2. A holder of the reconnaissance, prospecting or mining licence shall furnish the Cadastre Office and any other authorized state institution in the Member State periodic updates on his activities.
3. Save for confidential information, Records, documents and information furnished to the Cadastre Office and any other authorized State institutions shall be made available to the public.
4. Member States shall determine information that is of public interest and those that are to be treated confidential.
5. All information provided by holder of the reconnaissance, prospecting or mining licence shall pass on and reside with the Member State and from time to time may be made available to the public on terms and conditions as prescribed by the Member State.

## **14.5 Mineral Rights for Small-scale & Artisanal Mining**

### **14.5.1 Qualification of grant of Small-scale & Artisanal Mining Reconnaissance Licence**

Unless otherwise provided in the Legislation of a Member State a mineral right for reconnaissance activities shall not be granted to a person unless the person is a citizen of the Member State or of the Community.

### **14.5.2 Application for a Small-scale & Artisanal Mining Reconnaissance Licence**

An application for a mineral right for reconnaissance activities shall be submitted to the Minerals Cadastre Office in the form as prescribed and shall be accompanied with a statement providing:

- i. An estimate of the amount proposed to be spent on the operations.
- ii. The curriculum vitae of the geologist or appropriate professional who will carry-out the reconnaissance activity as per the licence.

### **14.5.3 Term for Small-scale & Artisanal Mining Reconnaissance Licence**

1. An application for a reconnaissance licence under this Article shall be processed within a maximum period of thirty (30) days by a Member State.
2. The term of a reconnaissance mineral right shall not exceed six (6) months for the first grant.

### **14.5.4 Extension or Renewal of term of Reconnaissance Licence for Small-scale & Artisanal Mining**

1. An application for extension or renewal of the reconnaissance licence shall be as may be prescribed in a Member State.
2. An application for extension or renewal of the term of a reconnaissance licence may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for reconnaissance activity may be renewed or extended for a period, only once, provided an application for the purpose is made within fourteen (14) days from expiry of the licence.

### **14.5.5 Rights of holder of Reconnaissance Licence for Small-scale & Artisanal Mining**

1. A reconnaissance licence granted for small-scale or artisanal mining confers on the holder or an agent authorized by the holder, the exclusive right to carry-out reconnaissance activities within an



area for minerals to which the reconnaissance licence relates and to conduct other ancillary or incidental activity as are prescribed.

2. For the purposes of exercising the right conferred under the licence, the holder or authorized agent shall liaise with and obtain the consent of the land owners with the surface rights and the impacted community. This consent shall not be unreasonably withheld from the holder.

3. A holder of a reconnaissance licence for small-scale and artisanal mining shall not engage in drilling or excavation.

#### **14.5.6 Rights of Grantor of Reconnaissance Licence for Small-scale & Artisanal Mining**

1. An authorized officer may enter the licence area with or without notice to the holder of the licence for the purpose of carrying out inspection of the reconnaissance activities.

2. An authorized officer may take samples and request for and take copies of documents that may be required for the performance of his/her duties.

#### **14.5.7 Rejection of application for Reconnaissance Licence for Small-scale & Artisanal Mining**

An application for a reconnaissance licence for small-scale and artisanal mining may be rejected where:

- i. An applicant is not a citizen of a Member State or Community.
- ii. An applicant knowingly makes a statement that is false or misleading, or makes a false declaration or any materially false submission to the Cadastre Agency.
- iii. The application is in conflict with another application or licence granted for the same mineral.
- iv. An applicant fails to correct any errors or provide any required information to the Cadastre Agency within seven (7) working days.

#### **14.5.8 Grant of Reconnaissance Licence for Small-scale & Artisanal Mining**

1. The Cadastre Office shall within fourteen (14) days of the approval of the licence notify the applicant and give details of fees payable in respect of the grant.

2. The Applicant shall in turn, within fourteen (14) days after the notice is given by the Cadastre Office, give written notice of acceptance or otherwise to the offer.

3. The Cadastre Office shall prepare relevant agreements, between the Parties, execute same and serve notice to relevant key stakeholders of the grant of the licence.

#### **14.5.9 Suspension or Revocation of Reconnaissance Licence of Small-scale & Artisanal Mining**

1. A grant of the licence shall be revoked if the applicant:
  - i. Fails to comply within a time specified by law, with any of the terms and conditions of the licence.
  - ii. An applicant knowingly makes a statement that is false or misleading, or makes a false declaration or any materially false submission to the Cadastre Office.
  - iii. Is ineligible to have applied or be a holder of a reconnaissance licence under any law in the Member State.

2. On suspension, the status of the licence shall be indicated on the cadastre map and the general register.

3. On revocation, the licence shall be removed from the cadastre map and the status indicated in the general register.
4. The Cadastre Office shall notify all key stakeholders of the revocation or suspension of the licence.
5. The process for suspending a reconnaissance licence shall be as prescribed in a Member State.

#### **14.5.10 Assignment of Reconnaissance Licence of Small-scale & Artisanal Mining**

A holder of a reconnaissance licence for small-scale and artisanal mining shall not during the tenancy of the licence, assign part or wholly the licence to a third party.

#### **14.5.11 Amendment to add or subtract minerals of Small-scale & Artisanal Mining Reconnaissance Licence**

1. A holder of a reconnaissance licence for small-scale and artisanal mining may at any time, before the expiry of the licence, apply to the Cadastre Office to add or subtract a mineral to the existing minerals for which the licence is granted.
2. The procedure, terms and conditions shall be as may be prescribed in a Member State.

#### **14.5.12 Duties of holders of Reconnaissance Licence of Small-scale & Artisanal Mining**

1. A holder of a reconnaissance licence shall comply with the terms and conditions of the licence.
2. A holder of a reconnaissance licence for small-scale and artisanal mining shall furnish regulatory bodies with responsibility for the minerals sector, all reports.
3. Member States shall prescribe other duties as may be appropriate.

### **14.6 Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

#### **14.6.1 Qualification of Grant of Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

Unless otherwise provided for in the Legislation of a Member State a mineral right for small-scale and artisanal mining prospecting or exploration activities shall not be granted to a person unless the person is a citizen of the Member State or the Community.

#### **14.6.2 Application for Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

An application for a mineral right for prospecting or exploration activities shall be submitted to the Minerals Cadastre Office in the form as prescribed and shall be accompanied with a statement providing:

- i. An estimate of the amount proposed to be spent on the operations.
- ii. Details of the work programme for proposed mineral operations.

#### **14.6.3 Terms for the Prospecting or Exploration License of Small-scale & Artisanal Mining**

1. An application for a small-scale and artisanal mining prospecting or exploration licence shall be processed within a maximum period of sixty (60) days by a Member State.

2. The term of a prospecting or exploration license for small-scale and artisanal mining shall not exceed twelve (12) months for the first grant.

#### **14.6.4 Extension of term of a Prospecting or Exploration License for Small-scale & Artisanal Mining**

1. An application for extension of a prospecting or exploration licence for small-scale and artisanal mining shall be as prescribed in the Member State.
2. An application for extension of the term of a prospecting or exploration license for small-scale and artisanal mining may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for a small-scale and artisanal mining's prospecting or exploration activity may be extended only once and for a period not exceeding six (6) months provided an application for the purpose is made within thirty (30) days prior to the expiry of the licence.

#### **14.6.5 Renewal of term of a Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. An application for the renewal of prospecting or exploration licence for small-scale and artisanal mining shall be as prescribed in the Member State.
2. An application for renewal of the term of a prospecting or exploration license for small-scale and artisanal mining may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for a small-scale and artisanal mining's prospecting or exploration activity may be renewed only once, provided the holder mandatorily sheds off one-half of the size previously held and the application for renewal is made within thirty (30) days prior to the expiry of the licence.
4. Member States shall respectively, prescribe the minimum size of a prospecting or exploration licence for small-scale and artisanal mining for which a renewal will not be allowed.

#### **14.6.7 Rights of holder of Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. A prospecting or exploration licence granted for small-scale and artisanal mining confers on the holder or an agent authorized by the holder, the exclusive right to carry-out prospecting or exploration activities within an area for the minerals to which the reconnaissance licence relates and to conduct other ancillary or incidental activities as shall be prescribed by a Member State.
2. For the purposes of exercising the right conferred under the licence, the holder or authorized agent shall liaise with and obtain the consent of the land owners with the surface rights and the impacted community. This consent shall not be unreasonably withheld from the holder.
3. A holder of a prospecting or exploration licence for small-scale and artisanal mining may engage in any prescribed subsurface excavation and drilling, and may carry-out bulk sampling for purposes of determining suitable methods to process the mineral.

#### **14.6.8 Rights of Grantor of a Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. An authorized officer may enter the licence area with or without notice to the holder of the small-scale or artisanal mining licence for the purpose of carrying out inspection of the prospecting and exploration activities.

2. An authorized officer may take samples and request for, and take copies of documents that may be required for the performance of his duties.

#### **14.6.9 Compulsory reduction of area subject to a Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. Where a holder of a prospecting or exploration licence for small-sale and artisanal mining applies for a renewal of the licence within thirty (30) days before the expiry of the licence, the area to be retained under the prospecting or exploration licence shall be one-half of the original area held, where the renewal is for another twelve (12) months duration.
2. Where an application for extension of the prospecting or exploration licence is for a period not exceeding three months, the size of area originally held shall not be reduced.
3. The procedure, terms and conditions for extension or renewal of the prospecting or exploration licence shall be as prescribed by the Member State. The process for granting the extension or renewal shall not exceed thirty (30) days.

#### **14.6.10 Rejection of application for Prospecting and Exploration Licence for Small-scale & Artisanal Mining**

An application for a prospecting or exploration licence for small-scale and artisanal mining may be rejected where:

- i. An applicant knowingly makes a statement that is false or misleading, or makes a false declaration or any materially false submission to the Cadastre Office.
- ii. The application is in conflict with another application or licence granted for the same mineral.
- iii. An applicant fails to correct any errors or provide any required information to the Cadastre Office within seven (7) working days.

#### **14.6.11 Grant of Prospecting and Exploration Licences for Small-scale & Artisanal Mining**

1. The Cadastre Office shall within fourteen (14) days of the approval of the licence notify the applicant and give details of fees payable in respect of the grant.
2. The Applicant shall in turn, within fourteen (14) days after the notice is given by the Cadastre Office give a written notice in acceptance or otherwise of the offer.
3. The Cadastre Office shall prepare relevant agreements, between the Parties, execute same and serve notice to relevant key stakeholders of the grant of the licence.

#### **14.6.12 Suspension or Revocation of Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. A grant of a small-scale and artisanal mining licence shall be revoked if the holder:
  - i. Fails to comply within a time specified by law, with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the prospecting or exploration licence which he knows to be materially false.
  - iii. Is ineligible to have applied or be a holder of a prospecting or exploration licence under any law in the Member State.

2. On suspension, the status of the licence shall be indicated on the cadastre map and in the general register.
3. On revocation, the details of the licence shall be removed from the cadastre map and the status indicated in the general register.
4. The Cadastre Office shall notify all key stakeholders of the revocation or suspension of the licence.
5. The process for suspending or revoking a prospecting or exploration licence shall be as prescribed in a Member State.

#### **14.6.13 Programme of Prospecting and Exploration activity for Small-scale & Artisanal Mining**

1. An applicant for a prospecting or exploration licence shall provide the work programme to be carried-out in the area being applied for.
2. An applicant may amend the programme of work for an application for prospecting or exploration licence, or within six (6) months from the grant of the licence.
3. The procedure, terms and conditions for amending the work programme for an application for a prospecting or exploration licence or during tenancy of the grant of the licence, shall be as prescribed in a Member State.

#### **14.6.14 Assignment of Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. A holder of a prospecting or exploration licence for small-scale and artisanal mining may at any time during the tenancy of the licence, assign part or wholly, the licence to a third party in accordance with the laws of the Member State.
2. The procedure, terms and conditions for assignment of a prospecting or exploration licence shall be as prescribed in a Member State.

#### **14.6.15 Amendment to add or subtract minerals to Small-scale & Artisanal Mining Prospecting or Exploration Licence**

1. A holder of a prospecting or exploration licence for small-scale and artisanal mining may at any time, before the expiry of the licence, apply to the Cadastre Office to add or subtract a mineral to the existing minerals for which the licence is granted.
2. The procedure, terms and conditions shall be as prescribed in a Member State.

#### **14.6.16 Duties of holders of Prospecting or Exploration Licence for Small-scale & Artisanal Mining**

1. A holder of a prospecting or exploration licence for a small-scale and artisanal mining shall comply with the terms and conditions of the licence.
2. A holder of a prospecting or exploration licence for small-scale and artisanal mining shall furnish regulatory bodies with responsibility for the minerals sector, all reports, drillhole data, and where possible, samples of drillhole cores to be stored in national drillcore shed in a Member State.

3. Member States shall prescribe other duties as are appropriate.

#### **14.6.17 Suspension of Prospecting or Exploration operations for Small-scale & Artisanal Mining**

1. A grant of a prospecting or exploration licence for small-scale and artisanal mining shall be suspended if the holder:
  - i. Fails to comply within a time specified in law, with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the prospecting or exploration licence which he knows to be materially false.
  - iii. Is ineligible to have applied for, or be a holder of a prospecting or exploration licence under any law in the Member State.
  - iv. Fails to remedy the deficiencies within the time given by the Cadastre Office.
2. On suspension, the status of the licence shall be indicated on the cadastre map and in the general register.
3. The process for suspending a prospecting or exploration licence shall be as prescribed in a Member State.

#### **14.7 Small-scale Mining Lease**

##### **14.7.1 Lease for Small-scale Mining**

1. A person shall not engage in small-scale mining unless the person is granted a mining lease by the appropriate authority in a Member State.
2. An application for a small-scale mining lease shall be made to a Zonal Cadastre Office applicable to the lease area, if any, otherwise to the National Mining Cadastre Office.
3. Where a small-scale mining lease is granted for an area for a particular mineral, no other licence shall be granted for any other mineral over the same area, to a different person.

##### **14.7.2 Qualification for Small-scale Mining**

A lease for small-scale mining shall be granted to a sole proprietor, partnership, cooperatives, registered association, or body corporate who is:

- i. Citizens of the Member State or the Community.
- ii. Has been provided training on small-scale mining by an authorized body as prescribed in the guidelines on the sector, in a Member State.
- iii. Has registered with the Zonal Cadastre Office, if any, otherwise the National Cadastre Office.

##### **14.7.3 Conditions for Grant of a Small-scale Mining Lease**

1. Member States shall respectively, determine the size of area that can be granted for small-scale mining.
2. A lease granted for small-scale mining shall specify the mineral to be mined and the coordinates of the area to be mined.

3. Small-scale mining activity shall not be carried out within one hundred (100) meters from any first, second or third order waterbody or watercourse, and aquifer recharge areas.
4. A holder of small-scale mining lease may use chemicals as authorized by the Member State.
5. A holder of a small-scale mining lease shall not use prohibited substances, such as mercury, at any phase of the mining activity.
6. A grant of a small-scale mining lease shall be contingent upon the payment of the prescribed fees.

#### **14.7.4 Duration of Small-scale Mining Lease**

1. A lease granted for the purpose of small-scale mining shall be for a maximum duration of five (5) years for the first grant. Thereafter, renewable within same maximum periods.
2. Renewal of the lease shall be based on the holder fulfilling the terms and conditions of the subsisting mining lease.
3. No renewal shall be granted to a holder of small-scale mining lease unless the holder demonstrates to the satisfaction of the supervising Minister that, all environmental conditions relating to the first and thereafter, subsisting grants have been complied with.

#### **14.7.5 Duties of holders of Small-scale Mining Lease**

1. A holder of a small-scale mining lease shall comply with the terms and conditions of the lease.
2. Member States shall prescribe other duties as are appropriate.

#### **14.7.5 Permissible or Designated areas to be subject of small-scale mining**

The Cadastre Offices in Member States shall designate areas which shall be reserved for small-scale mining.

#### **14.7.6 Revocation of Small-scale Mining Lease**

The Minister or any otherwise authorized person in the Member State may revoke the small-scale mining lease granted under Article 14.7.2 where the holder:

- i. Contravenes or fails to comply with the terms and conditions of the lease.
- ii. Is convicted for any offence of illicit trade in minerals.

#### **14.7.7 Transferability of Small-scale Mining Lease**

A holder of a small-scale mining lease may be permitted to transfer the lease as prescribed by the Member State.

#### **14.7.8 Establishment of Local Administrative Offices for Small-scale, Artisanal, and Industrial Minerals Mining**

The National Cadastre Office shall establish zonal administrative offices to:

- i. Compile a register of all small-scale, artisanal, and industrial mineral miners.

- ii. Supervise and monitor the operational activities of small-scale, artisanal, and industrial mineral miners.
- iii. Collect information from the operations of the small-scale, artisanal, and industrial mineral miners.
- iv. Facilitate the formation of co-operatives of small-scale, artisanal, and industrial mineral miners at the local level.

#### **14.7.9 Establishment of Non-State Actors**

There shall be established in all areas designated for small-scale, artisanal, and industrial mineral mining, Non-State Actors to assist in the management of small-scale, artisanal and industrial mineral mining at the local level.

#### **14.7.10 Compensation for use of land for Small-scale, Artisanal, and Industrial Mineral Mining**

1. Where a land is designated for small-scale, artisanal or industrial mineral mining by the Cadastre Office, any applicant for a lease within the designated area or any such areas that may be determined, shall pay prompt and adequate compensation to the landowner or lawful occupier as prescribed for the use of the land, including but not limited to, the destruction of crops or any buildings or settlement thereon.

2. The amount and method of compensation payable shall be determined in the Member State.

#### **14.7.11 Use of explosives and Heavy Earth Moving Equipment**

1. A holder of a small-scale or industrial mineral mining lease may, subject to the regulations of a Member State, use explosives and heavy earth moving equipment in the mining activity.

2. The Authorized Institution shall ensure that the handling and usage of the explosives or the operating of the heavy earth moving equipment are certified in accordance with laws in the Member State.

#### **14.7.12 Purchase and Use of Chemicals**

A holder of a small-scale mining lease may purchase chemicals except mercury in accordance with the laws and regulations in the Member State.

#### **14.7.13 Sale of minerals won**

A holder of a small-scale or industrial mineral mining lease shall hold, sell or export any mineral won in accordance with the relevant laws of the Member State.

#### **14.7.14 Mine Support Services**

1. A holder of a small-scale mining lease shall only source mine support services from citizens of the Member State or citizens of the Community.

2. Where a holder of a small-scale mining lease sources mine support services from outside the Member State or the Community, it shall constitute grounds for the termination of the licence.



## **14.8 Artisanal Mining**

### **14.8.1 Licence for Artisanal Mining**

1. A person shall not engage in artisanal mining unless the person is granted a mining licence by the appropriate authority in the Member State.
2. An application for an artisanal mining license shall be made to the Zonal Cadastre Office responsible for the licence area (if any), otherwise, to the National Cadastre Office.
3. Where an artisanal mining licence is granted for an area for a particular mineral, no other licence shall be granted for any other mineral over the same area, to a different person.

### **14.8.2 Qualification for Artisanal Mining**

A licence for artisanal mining shall be granted to persons who:

- i. Are citizens of the Member State or from the Community with valid legal status.
- ii. Have been provided training on artisanal mining by an authorized body as prescribed in the guidelines on the sector, in a Member State.
- iii. Are legal adults as defined by a Member State.
- iv. Have registered with the Zonal Cadastre Office, if any, otherwise the National Cadastre Office.

### **14.8.3 Conditions for Grant of Artisanal Mining Licence**

1. Member States shall respectively, determine the size of area that can be granted for artisanal mining.
2. A licence granted for artisanal mining shall specify the mineral to be mined and the coordinates of the area to be mined.
3. Artisanal mining activity shall not be carried out within one hundred (100) meters from any first, second or third order waterbody or watercourse, aquifer recharge areas, and other restricted areas.
4. A holder of an artisanal mining licence may use chemicals as may be authorized by the Member State.
5. A holder of an artisanal mining licence shall not use mercury at any phase of the mining activity.
6. A grant of an artisanal licence shall be contingent upon the payment of the prescribed fees.

### **14.8.4 Duration of an artisanal licence**

1. A licence granted for the purpose of artisanal mining shall be for a maximum duration of not more than three (3) years for the first grant.
2. Renewal of the licence shall be based on the holder fulfilling the terms and conditions of the mining licence and any such renewal shall be for a maximum period of three (3) years.
3. No renewal shall be granted to a holder of artisanal mining licence unless the holder demonstrates to the satisfaction of the authorized institution that, all environmental conditions relating to the first and thereafter, subsisting grants have been complied with.

#### **14.8.5 Duties of holders of Artisanal Mining Licence**

1. A holder of an Artisanal Mining Licence shall comply with the terms and conditions of the licence.
2. Member States shall prescribe other duties as are appropriate.

#### **14.8.6 Permissible or Designated areas to be subject of artisanal mining**

1. The National Cadastre Offices shall respectively, designate areas within their jurisdiction as reserved for artisanal mining.
2. Artisanal mining shall only be carried out in such designated areas.

#### **14.8.7 Revocation of Artisanal Mining Licence**

The Minister or any otherwise authorized person in a Member State may revoke the artisanal mining licence granted under Article 14.8.2 where the holder:

- i. Contravenes or fail to comply with the terms and conditions of the licence.
- ii. Is convicted for any offence of illicit trade in minerals.
- iii. Operates in any waterbody, watershed or watercourse or carry-out mining in an environmentally unsustainable manner.

#### **14.8.8 Transferability of artisanal mining licence**

A holder of an artisanal mining licence is not permitted to transfer the licence to any other person.

#### **14.8.9 Use of explosives and Heavy Earth Moving Equipment**

A holder of an artisanal mining licence shall not use any explosives or heavy earth moving equipment in the mining activity.

#### **14.8.10 Purchase and Use of Chemicals**

A holder of an artisanal mining licence may purchase chemicals except mercury in accordance with the laws and regulations in the Member State.

#### **14.8.11 Sale of minerals won**

A holder of an artisanal mining licence shall hold or sell any mineral won to only persons authorized in the Member State to buy or deal in the specified mineral.

### **14.9 Mineral Rights for Industrial Minerals**

#### **14.9.1 License for Industrial Mineral Mining**

1. A person shall not engage in industrial mineral mining unless the person is granted a mining licence by the appropriate authority in the Member State.
2. An application for an industrial mineral mining lease shall be made to the Zonal Cadastre Office responsible for the lease area, if any, otherwise to the National Cadastre Office.
3. Where an industrial mineral mining lease is granted for an area for a particular mineral, no other licence shall be granted for any other mineral to a different person, for the same lease area.

### **14.9.2 Qualification for industrial mineral mining**

1. A licence for industrial mineral mining shall be granted to person who is:
  - i. A Citizen of the Member State or the Community.
  - ii. Trained by an authorized institution in member state in industrial mineral mining.
  - iii. Legal adult as may be defined by a Member State.
  - iv. Registered with the local Cadastral Office.
2. A licence for industrial mineral mining shall also be granted to a Body-corporate registered by nationals or Community citizens under the laws of the Member State.

### **14.9.3 Qualification for industrial mineral mining by non-citizens of Member States**

1. A lease for industrial mineral mining may be granted to corporate entities of non-citizens of Member States where the proposed investment by a non-citizen will bring substantial development, have significant impact on the economy, and lead to significant job creation for the Community citizens.
2. Each Member State shall determine its relative level of investment required for non-citizens to engage in industrial mining.

### **14.9.4 Conditions for grant of an industrial mineral mining lease**

1. Member States shall respectively, determine the size of area that can be granted for industrial mineral mining.
2. A lease granted for industrial mineral mining shall specify the mineral to be mined and the co-ordinates of the area to be mined.
3. Except otherwise provided in the Legislation of a Member State, a grant of an industrial mineral mining lease shall not permit the holder to mine in any river, watershed or watercourse.
4. Notwithstanding the provision in Article 14.9.4.3, industrial mineral mining activity shall not be carried out within one hundred (100) meters from any first, second or third order waterbody or watercourse, and other restricted areas.
5. A holder of an industrial mineral mining lease may use chemicals as are prescribed by law in a Member State.
6. A grant of an industrial mineral mining lease shall be contingent upon the payment of the prescribed fees.

### **14.9.5 Duration of Industrial Mineral Lease**

1. A lease granted for the purpose of industrial mineral mining shall be for a maximum duration of five (5) years for the first grant. Thereafter, renewable for same maximum periods.
2. Renewal of the subsisting mining lease shall be based on the holder fulfilling the terms and conditions therein.
3. No industrial mineral mining lease shall be renewed unless the holder demonstrates to the satisfaction of the supervising Minister, that all environmental conditions relating to the first grant, and thereafter, successive grants, have been complied with.

#### **14.9.6 Duties of holders of Industrial Mineral Mining Lease**

1. A holder of an Industrial Mineral Mining Lease shall comply with the terms and conditions of the Lease.
2. Member States shall prescribe other duties as are appropriate.

#### **14.9.6 Permissible or Designated areas to be subject of industrial mineral mining**

The Member States shall designate areas which shall be reserved for industrial mineral mining.

#### **14.9.7 Revocation of industrial mineral mining lease**

The Minister or any otherwise authorized person in a Member State may revoke the industrial mineral mining lease granted under Article 14.9.2 where the holder:

- i. Contravenes or fails to comply with the terms and conditions of the lease.
- ii. Is convicted for any offence of illicit trade in minerals.
- iii. Operates in any waterbody, watershed or watercourse or carry out the mining in an environmentally unsustainable manner.

#### **14.9.8 Transferability of industrial mineral mining lease**

A holder of an industrial mineral mining lease may be permitted to transfer the lease as prescribed by the Member State.

#### **14.9.9 Mine Support Services for industrial mineral mining**

1. A holder of an industrial mineral mining lease shall only source mine support services from citizens of Member States or citizens of the Community.
2. Where a holder of an industrial mineral mining lease sources mine support services from outside the Member State or the Community, it shall constitute grounds for the termination of the lease.

#### **14.10 Radioactive Minerals**

##### **14.10.1 Qualification of grant of Radioactive Mineral Licence**

1. Unless otherwise provided in the Legislation of a Member State a mineral right for prospecting or exploration of radioactive minerals shall only be granted to incorporated-entities under the Laws of a Member State. Institutions and citizens of the Member State may constitute the majority shareholders of such incorporated-entity.
2. Member States shall determine the category of persons who qualify to apply for a licence for a radioactive mineral on behalf of the incorporated-entity.
3. A Member State shall establish or designate an institution for the purpose of advising and developing the radioactive mineral.

##### **14.10.2 Application for Prospecting or Exploration License for Radioactive mineral**

An application for a mineral right for prospecting or exploration for a radioactive mineral shall be submitted to the Minerals Cadastre Office in the form as prescribed and shall be accompanied with a statement providing:

- i. Particulars of the financial and technical capacities available to the applicant for the proposed mineral operations.
- ii. An estimate of the expenditure profile of the operations.
- iii. Details of the work programme for the proposed mineral operations.
- iv. Particulars of the applicant's proposals with respect to the employment and training in the mining industry of citizens of the Member State.

#### **14.10.3 Terms for the Prospecting or Exploration Licence for Radioactive Mineral**

1. An application for a prospecting or exploration licence for a radioactive mineral may be processed within a maximum period of one hundred and twenty (120) days by a Member State.
2. The tenure of a prospecting or exploration license for a radioactive mineral shall not exceed thirty-six (36) months for the first grant.

#### **14.10.4 Extension of Term of a Prospecting or Exploration Licence for a Radioactive Mineral**

1. An application for extension of the licence shall be as prescribed in a Member State.
2. An application for extension of the term of a prospecting or exploration licence for a radioactive mineral may be recommended only if the holder has materially complied with the terms and conditions imposed under the licence.
3. A licence granted for prospecting or exploration activity may only be extended once, and for a period not exceeding six (6) months, provided an application for the purpose is made within thirty (30) days prior to expiry of the licence.

#### **14.10.5 Renewal of Term of a Prospecting or Exploration Licence for a Radioactive Mineral**

1. An application for the renewal of prospecting or exploration licence for radioactive mineral shall be as prescribed in the Member State.
2. The renewal of the licence shall be for a two (2) term period, each term for a maximum duration of thirty-six (36) months.
3. An application for renewal of the Term of a prospecting or exploration license for the radioactive mineral may only be recommended if the holder has materially complied with the terms and conditions imposed under the licence.
4. A licence granted for such prospecting or exploration activity may be renewed as prescribed in a Member State provided the corporate-entity mandatorily sheds off one-half of the size previously held and the application for renewal is made at least, thirty (30) days prior to the expiry of the licence.
5. Member States shall prescribe the minimum size of the prospecting or exploration licence for which a renewal will not be allowed.

#### **14.10.6 Rights of holder of Prospecting or Exploration licence for a Radioactive Mineral**

1. A prospecting or exploration licence granted for radioactive minerals confers on the holder or an authorized agent of the holder, the exclusive right to carry on prospecting or exploration activities in the licenced area for the radioactive minerals.

2. For the purposes of exercising the right conferred under the licence, the holder or authorized agent shall liaise with and obtain the consent of the land owners with the surface rights and the impacted community. This consent shall not be unreasonably withheld from the holder.
3. A holder of a prospecting or exploration licence for radioactive minerals may engage in any subsurface excavation, drilling and may carry out bulk sampling for the purpose of determining the suitable methods for processing the mineral.

#### **14.10.7 Rights of Grantor of a Prospecting or Exploration Licence for a Radioactive Mineral**

1. Officers of an authorized institution may enter the licence area with or without notice to the holder of the licence for the purpose of carrying out inspection of the prospecting or exploration activities.
2. The Officers of the authorized institution may take samples and request for, and take copies of documents that may be required for the performance of their duties.

#### **14.10.8 Rejection of application for Prospecting or Exploration Licence for a Radioactive Mineral**

An application for a prospecting or exploration licence may be rejected where:

- i. An applicant knowingly makes a statement which is false, or misleading, or makes a false declaration or any materially false submission to the Cadastre Office.
- ii. The application is in conflict with another application or licence granted for the same mineral.
- iii. An applicant fails to correct any errors or provide any required information to the Cadastre Office within seven (7) working days.

#### **14.10.9 Member State Participation in Radioactive Mineral Exploration or Exploitation**

1. A Member State may acquire a free carried interest in the prospecting, exploration or exploitation activity for which the State shall make no financial contribution towards the acquisition of the shares.
2. Notwithstanding Article 14.10.9.1, the State may acquire further shares in the prospecting or exploration on terms that may be agreed with the holder of the licence.

#### **14.10.10 Grant of Prospecting or Exploration Licences for Radioactive Mineral**

1. The Cadastre Office shall within fourteen (14) days of the approval of the licence notify the applicant and give details of fees payable in respect of the grant.
2. The Applicant shall in turn, within fourteen (14) days after the notice is given by the Cadastre Office, give notice in writing of the acceptance or otherwise of the offer.
3. The procedure for granting a prospecting or exploration licence shall be as prescribed in the Member State.

#### **14.10.11 Revocation or Cancellation of Prospecting or Exploration Licence for Radioactive Mineral**

1. A grant of the licence shall be revoked or cancelled if the applicant:

- i. Fails to comply within a specified time required by law with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the prospecting or exploration licence for the radioactive mineral, which he knows to be materially false.
  - iii. Is ineligible to have applied or to be a holder of a prospecting or exploration licence for a radioactive mineral under any law in the Member State.
2. On revocation or cancellation, the licence for the radioactive mineral shall be removed from the cadastre map and status indicated in the general register.
  3. The Cadastre Office shall notify all key stakeholders of the revocation or cancellation of the said licence.
  4. The process of revoking or cancelling a prospecting or exploration licence for radioactive minerals shall be as prescribed in the Member State.

#### **14.10.12 Programme of Prospecting or Exploration activity for Radioactive Mineral**

An applicant for a prospecting or exploration licence for a radioactive mineral shall provide a technical report and budget of the expected work programme to be carried out in the area being applied for.

#### **14.10.13 Amending Programme of the Prospecting or Exploration activities for Radioactive Mineral**

1. An applicant may amend the programme of work for an application for the prospecting or exploration licence within six (6) months from the grant of the licence.
2. The procedure, terms and conditions for amending programme of work for an application for the prospecting or exploration licence or during tenancy of the grant of the licence shall be as prescribed in the Member State.

#### **14.10.14 Assignment of Prospecting or Exploration Licence for Radioactive Mineral**

1. A holder of a prospecting or exploration licence for radioactive minerals may at any time during the tenancy of the licence, assign part or wholly, the licence to a third party in accordance with the laws of the Member State.
2. The procedure, terms and conditions for assignment of a prospecting or exploration licence shall be as prescribed in the Member State.

#### **14.10.15 Amendment to add or subtract minerals to Radioactive Mineral**

1. A holder of a prospecting or exploration licence for radioactive minerals may at any time, before the expiry of the licence, apply to the Cadastre Office to add or subtract a mineral to the existing minerals for which the licence is granted.
2. The procedure, terms and conditions shall be as prescribed in a Member State.

#### **14.10.16 Duties of a holder of Prospecting or Exploration Licence for Radioactive Mineral**

1. A holder of a prospecting or exploration licence for radioactive minerals shall comply with the terms and conditions of the licence.

2. A holder of a prospecting or exploration licence for radioactive minerals shall furnish regulatory bodies with responsibility for the minerals sector, all reports, and drillhole data and where possible, samples of drillhole cores to be stored in national drillcore shed in the Member State.
3. Member States shall prescribe other duties for a holder of licence for radioactive mineral as appropriate.

#### **14.10.17 Recruitment and training of citizens of Member States**

1. A holder of a prospecting or exploration licence for radioactive minerals shall, as prescribed by a Member State, submit to its Cadastre Office, a detailed programme for the recruitment and training of citizens of the Member State or of Community citizens.
2. The programme for the recruitment and training of citizens of Member States shall be a condition precedent to the grant of the prospecting or exploration licence.

#### **14.10.18 Suspension of Prospecting or Exploration licence for Radioactive Minerals**

1. A prospecting or exploration licence for radioactive minerals shall be suspended if the applicant:
  - i. Fails to comply within a time specified in law, with any of the terms and conditions of the licence.
  - ii. Makes a statement or provides information in connection with the prospecting or exploration licence which he knows to be materially false.
  - iii. Is ineligible to have applied for, or to be holder of a prospecting or exploration licence for radioactive minerals under any law in the Member State.
  - iv. Fails to remedy the deficiencies within the time given by the Cadastre Office.
2. On suspension, the status of the licence shall be indicated on the cadastre map and in the general register.
3. The process for suspending a prospecting or exploration licence for radioactive minerals shall be as prescribed in the Member State.

#### **14.10.19 Change of control of Company holding a Prospecting or Exploration Licence for Radioactive Mineral**

1. A person may not become a Controller of a prospecting or exploration licence for a radioactive minerals unless:
  - i. The person has notified the Minister responsible for minerals through the Cadastre Office that the person intends to become a controller of holder of the licence.
  - ii. The Minister, in turn, provides a written notification to the person within ninety (90) days from the date of that person's notification, that there is no objection to that person becoming a controller or, that the period has elapsed without the Minister serving a written notice of objection to the person becoming a controller.
  - iii. Is a body-corporate registered under the laws of the Member State.
2. The Minister shall prescribe the information required from the person who applies to be a controller of a holder of a prospecting or exploration licence for radioactive minerals.
3. Where the person fails to acquire the controlling interest within twelve (12) months from the date of service of notice to the Minister through the Cadastre Office, the notice shall have no effect.



#### **14.10.20 Objections to new or increased control of Prospecting or Exploration Licence for Radioactive Minerals**

1. The Minister responsible for Mines shall serve a written notice of objection on a person who has given notice to be the controller of a holder of a prospecting or exploration licence for radioactive minerals, if the Minister considers on reasonable grounds that, public interest will be compromised by the person becoming the controller of the a holder.
2. Where a person required to give notice under Article 14.10.19.1 becomes a Controller without having been given approval by the Minister responsible for Mines, the Minister shall give written notice to the Controller to provide the required information as may be prescribed and if within thirty (30) days the Controller fails to provide the required information to the satisfaction of the Minister, the mining lease shall be suspended.
3. Any dispute between the Minister and the Controller of a holder of the prospecting or exploration licence for a radioactive mineral shall be referred for dispute resolution as prescribed under the laws of the Member State.

#### **14.10.21 Contraventions by the Controller of Holder of Prospecting or Exploration Licence for Radioactive Minerals**

A person commits an offence and is liable for sanctions in accordance with the laws of the Member State by:

- i. Contravening Article 14.10.19 in failing to give notice to the Minister responsible for Mining.
- ii. Becoming a Controller of a holder of a prospecting or exploration licence for radioactive minerals without approval from the Minister responsible for Mining.

#### **14.10.22 Restriction and sale of Shares in a licence for a radioactive mineral**

Where a person contravenes the provisions of Article 14.10.20 herein, or becomes a Controller after written notice has been served on the person, Member States shall in accordance with their national laws ensure that the specified shares to which the person controls shall not be traded in whatsoever manner.

#### **14.10.23 Notification of ceasing to be Controller of Holder of Prospecting or Exploration Licence for Radioactive Minerals**

1. A person who is a controller of a mining company for a radioactive mineral shall within fourteen (14) days of ceasing to be the controller, notify the Minister responsible for mining in writing.
2. A person who defaults in notifying the Minister responsible for mining commits an offence and shall be liable to punishment under the applicable laws of the Member State.

#### **14.10.24 Notification by Prospecting or Exploration Licence Holder of a Radioactive Mineral**

A holder of a prospecting or exploration licence for radioactive minerals shall notify the Minister responsible for Mines in writing within fourteen (14) days of a person who has become or ceased to be a controller of the company.

#### **14.10.25 Investigation by the Member State on operations of a Prospecting or Exploration Licence holder of a Radioactive Mineral**

1. Where at any time, the Minister responsible for Mines considers it necessary or determines it to be in the public interest, the Minister may appoint competent persons to investigate the operations of a holder of the license.

2. The processes for carrying out the investigation shall be determined by the Member State.

#### **14.10.26 Mine Support Services for Operations on Radioactive Minerals**

1. Persons or companies operating in Member States shall preferentially, provide mine support services in various categories as may be required by the holder of the prospecting or exploration licence for radioactive minerals.
2. Member States are to ensure that only services that cannot under any circumstances be provided by citizens of Member States or within the Community shall be outsourced to citizens outside the Community.

#### **14.10.27 Records and Reports by Prospecting or Exploration Licence Holders of Radioactive Mineral**

1. A holder of a prospecting or exploration licence for a radioactive mineral shall maintain in the Member State documents, records, and samples of rocks which shall be kept in a manner prescribed by the Member State.
2. A holder of the prospecting or exploration licence for a radioactive mineral shall furnish the Cadastre Office and any other authorized state institution in the Member State, with quarterly updates on its activities.

#### **14.11 Extraction and Enrichment of Radioactive Minerals**

1. Extraction of radioactive minerals and any enrichment processes of these minerals into pellets or nuclear fuel rods in a Member State shall be under terms and conditions agreed between that Member State and International Atomic Energy Commission, the World Nuclear Association, and other such relevant stakeholders, as would be actively supported by the Authority of ECOWAS Heads of State and Government.
2. Member States which have granted mineral rights for radioactive minerals shall periodically update the Ordinary Sessions of the ECOWAS Summit on such mineral operations as would be determined by the Authority of Heads of State and Government.

#### **14.12 Surrender, Revocation and Termination of Mineral Rights**

##### **14.12.1 Surrender or Termination of Mineral Rights**

1. A holder of a mineral right granted by a Member State may surrender part or wholly, the mineral right provided that:
  - i. The holder is fully compliant with the laws of the Member State relating to mining.
  - ii. The licence area has not been negatively impacted by the operations of the holder.
  - iii. Terms and conditions of the grant of the licence have been fulfilled at the time of application to surrender.
2. An application to surrender a mineral right shall be made to the Authorized Institution in a manner prescribed by the Member State.
3. Where a mineral right is terminated, the rights of the holder shall cease without prejudice to liabilities or obligations that might have been occasioned by the grant of the mineral right.
4. A dispute that arises from the surrender or termination of a mineral right under this Article shall be referred for resolution under Article 45 herein.

### **14.12.2 Vesting of property on Revocation, Surrender, or Termination of a mineral right**

1. Where a mineral right is revoked, surrendered, or terminated, the holder of the mineral right shall within one hundred and eighty (180) days remove any plant or machinery from the mining area for use by the holder or person deriving title from the former holder of the mineral title in another mining activity in the Member State or within the Community.
2. Where the Mineral Right is for a radioactive mineral, the holder shall remove any plant or machinery from the mining area as prescribed in the Laws of the Member State.
3. Where a mining plant or machinery is not removed within one hundred and eighty (180) days, the mining plant or machinery shall vest in the Member State without prejudice to any liabilities the holder or person deriving title from the holder may have with respect to the mining activity and rehabilitation of the environment.
4. Immovable properties of the mineral right holder on Revocation, Surrender, or Termination of the mineral rights shall vest in the Member State.

### **14.12.3 Delivery of documents to Authorized Institution on termination of Mineral Right**

On cancellation or termination of a mineral right, the former holder shall deliver to the Cadastre Office or any other office that may be prescribed by the Member State:

- i. Records of all obligations the former holder fulfilled under the terms and conditions of the mineral right licence and any other relevant provisions as by Law established in the Member State.
- ii. Plans; maps; geological, geochemical, geophysical, and environmental data; and any other information gathered in the course of exercising rights and obligations under the mineral right.
- iii. Any other information as may be requested by the Cadastre Office in both hard and electronic format.

### **14.13 Compensation in relation to Mineral Activity**

1. A land owner or owners with the surface rights, or the lawful occupier of land which is the subject of a mineral right is entitled to compensation where by virtue of the exploration or mining activity, the owner or lawful occupier:
  - i. Cannot reasonably make use of all or part of the surface of the whole land.
  - ii. Suffers loss of or damage to immovable property.
  - iii. Suffers loss of expected income depending on nature of crops cultivated on the land, which is the subject of the mineral right.
  - iv. Cannot use the land for the original intended purpose after cessation of the mineral activity.
  - v. Suffers a diminution of the value of the land due to the mineral activity.
  - vi. Gets deprived of access to the land as a result of the mining activity.
2. Member States shall prescribe their respective processes for compensation in terms of relocation, resettlement, or monetary compensation.
3. Where the owner or lawful occupier of land does not have the capacity to negotiate the amount of compensation payable, the Member State shall provide the required expertise to the owner or lawful occupier on terms and conditions to be agreed with the owner or lawful occupier.

4. The cost of this expert advice shall be considered in determining the level of compensation payable to the owner or lawful occupier.
5. Where a Claimant for compensation is dissatisfied with the level of compensation determined as payable, the Claimant may appeal for review by the Minister responsible for Mining in the Member State. The Minister responsible for Mining in the Member State shall within six (6) months from the date of receipt of appeal determine the compensation payable.
6. Where a claimant is dissatisfied with the compensation determined to be payable upon review by the Minister, the Claimant may apply to the Court for a review of the determination of the Minister.

#### **14.14 Public Access to Information from Mineral Activities**

##### **14.14.1 General Access to the Information**

1. Save for classified information, Records, documents, and other information furnished to the Cadastre Office and any other authorized State institutions shall be made available to the public on terms and conditions as shall be prescribed by the Member State.
2. Member States shall determine information that is of public interest and those that are to be treated confidential.

##### **14.14.2 Copyright Information from the Operations**

Notwithstanding any law to the contrary, the copyright in respect of documents, records and information produced, submitted or attained under any Article herein, shall pass to and reside with the Member State; and to ECOWAS Commission as may become necessary; and, may be made available to the public under terms and conditions as shall be prescribed by the respective Member States.

### **Section 4 – Fiscal Framework**

#### **Article 15. Fiscal Imposts**

Member States shall in general, ensure synchronization of this Fiscal Framework with their respective Revenue Regimes.

##### **15.1 Royalties, Ground Rents and Fees**

###### **15.1.1 Royalties**

1. A holder of a mineral right shall be liable to pay mineral royalties in a manner prescribed in the Member State. In determining the royalty payable, Member States shall take into account the type and value of mineral which is to be exploited.
2. For the avoidance of doubt, this Act hereby prescribes that the rate of royalty for Gold shall not be more than ten (10) percent (%) and less than five (5) percent (%) of the total revenue obtained by the holder of the mineral right.
3. For precious and semi-precious minerals, the rate of royalty shall not be more than twenty (20) percent (%) and less than ten (10) percent (%) of the total revenue obtained by the holder of the mineral right.

4. For base metals, the rate of royalty shall not be more than fifteen (15) percent (%) and less than six (6) percent (%) of the total revenue obtained by the holder of the mineral right.
5. For radioactive minerals, the rate of royalty shall not be more than twelve (12) percent (%) and less than five (5) percent (%) of the total revenue obtained by the holder of the mineral right.
6. For industrial minerals, the rate of royalty shall be as prescribed by the Member State.
7. For bulk minerals the rate of royalty shall not be more than fifteen (15) percent (%) and not less than ten (10) percent (%) of the total revenue obtained by the holder of the mineral right.

#### **15.1.2 Ground Rents**

1. A holder of a mineral right shall pay ground rent at rates to be prescribed by the Member State.
2. The ground rent payable shall, among others, take into consideration the type of mineral and nature of activity being carried out on the land, and the size of the land licenced to the holder.

#### **15.1.3 Annual Mineral Right Fees**

A holder of a mineral right shall pay annual mineral right fees as may be prescribed by the Member State. The Annual Mineral Right fee shall take into account the type and nature of mineral activity being carried out.

#### **15.2 Taxes**

1. A holder of a mineral right shall be liable to pay all taxes as may be prescribed by the Member State. Such rate payable shall within justifiable limits, align with the average rates being charged by other Member States.
2. A holder of a mineral right shall not be exempted from paying taxes on profits.

#### **15.3 Equity Participation in Mineral Activities**

Member States shall have the right to participate in the operations of any mineral activity in a manner as may be prescribed by the Member State. To this end:

- i. A competent authority in a Member State may by notice in writing require a mineral right holder which is a body-corporate to issue to that Member State a special share not exceeding fifteen (15) percent, by whatever name called in the company for no consideration.
- ii. The special shares shall constitute a separate class of shares and shall have rights agreed on between the competent authority of the Member State and the Mineral Right Holder.
- iii. A Member State may also participate in the equity of a mineral operation within its territory on terms to be mutually agreed upon.
- iv. A Member State may use other lawful 'corporate vehicles' to participate in mineral operations of other Member States on prevailing market terms.
- v. A holder of a mineral right which grant includes authorization for commercial extraction may within five (5) years of mining activities in a Member State endeavor to list their mining operations on the Stock Exchange as prescribed by the Member State or where not available or developed, listing shall be in any other Member State.

## **Article 16. Incentives**

### **16.1 Transferability of Capital**

1. A holder of a mineral right who earns foreign exchange in its operations may be permitted to retain a proportion of the earnings in an offshore account.
2. The Member State and the mineral right holder shall determine the purpose and proportion of the earnings to be retained through negotiation from time to time.
3. Notwithstanding Article 16.1.1, where a Member State can guarantee and demonstrate its readiness to promptly provide foreign exchange to the holder of a mining right in the amount required for machinery and spare parts, there shall be no requirement to maintain an offshore account by the holder of the mining right and all funds generated from the mining activity will be in an account in the Member State.

### **16.2 Stability and Development Agreements**

#### **16.2.1 Stability Agreements**

1. A holder of a mineral right which grant includes authorization for commercial extraction may enter into a Stability Agreement with the Member State only for a term of not more than ten (10) years or for the duration of the mining lease whichever is shorter.
2. The Stability Agreement shall freeze all fiscal imposts under the general tax laws in the Member State at the time of grant of the mining lease and shall remain so during the validity period of the stability agreement.
3. Where during the period of the Stability Agreement, the fiscal imposts of the Member State is reviewed favorably, the holder of a mining lease who is under a stability agreement shall remain under the terms and conditions of the stability agreement, irrespective of the favorability of the revised fiscal regime.
4. Stability Agreements shall not affect the applicability of cost on, or any law or regulation relating to health, safety, labour, human rights, or the environment.

#### **16.2.2 Development Agreement**

1. A holder of a mineral right shall be subject to the conditions as apply to the Member State for a Development Agreement where the amount of investment to be made is in excess of the equivalent of one billion US dollars.
2. The procedures for granting a Development Agreement shall be as prescribed in the Member State.

### **16.3 Exemptions**

1. A holder of a reconnaissance, prospecting or exploration licence shall be exempted from the payment of Value Added Tax (VAT) in the Member State.
2. A holder of a mineral right may be exempted from the payment of customs import duty in respect of plant and machinery imported wholly, exclusively, and necessarily for the commercial extraction of the mineral.
3. Where a Member State elects to grant exemptions on plant and machinery, such decisions shall be based on a value-for-money analysis.

## **16.4 Deductions and Allowances**

All deduction or capital allowances which are incurred wholly, exclusively, and necessarily for the production of a mineral may be deductible expenses for tax purposes, in the manner prescribed in the Member State.

## **Section 5 – General Governance Issues for Enhanced Sustainable Mining**

### **Article 17. Localization**

#### **17.1 Regulatory Requirements**

1. Pursuant to a localization policy in a Member State, a Mineral Right Holder in a Member State shall submit to the competent authority for approval, a detailed programme for recruitment, technology transfer, and training of local personnel, prior to the granting or renewal of a Mineral Right.
2. Notwithstanding Article 17.1.1, all existing Mineral Right Holders shall comply with this requirement within three (3) years of coming into Force of a Member State's Local Content Development Policy.
3. A Mineral Right Holder shall in all phases of operations give preference in employment to citizens of Member States, especially, affected communities and women to the maximum extent possible and consistent with safety, efficiency and economy.
4. In pursuance of Article 17.1.1 of this Act, for each mineral operation, Member States shall ensure that:
  - i. No expatriate staff is employed for clerical duties and as unskilled labour.
  - ii. No expatriate staff is employed in the skilled, technical and supervisory staff categories where such competent personnel are available in the Member State or the Community. Member States shall ensure the necessary Framework is established for an accelerated capacity building to substitute any such expatriate.
  - iii. The necessary Framework is established for an accelerated capacity building to develop competent personnel of Community-origin for management positions.
  - iv. Sanctions for non-compliance with the provisions of the Framework for accelerated capacity building shall use such penalty clauses as shall be adequate to ensure the training of at least three local staff for the equivalent of each expatriate position.
5. A Mineral Right Holder shall in the conduct of mineral operations have a procurement policy which gives preference to:
  - i. Materials and products of a Member State or of Community-origin consistent with the required quality standard, safety, efficiency and economy.
  - ii. Service Agencies located in the Member State or of Community-origin and owned by a Community-citizen and or public corporation, to the maximum extent possible and consistent with required quality standard, safety, efficiency and economy.
6. Member States shall take steps to enact appropriate legislation to provide for the participation of Micro-, Small-, and Medium-scale Enterprises in mineral operations and ensure safe, efficient and environmentally sustainable activities.
7. Member States are to ensure peaceful co-existence between the Large-scale and the Micro-, Small-, and Medium-scale Enterprises in mineral operations.

## 17.2 Local Content Development

1. Member States shall develop Local Content Development Framework which shall include all policies, enactments, and activities in Member States as contextualized in the ECOWAS Protocol on Free Movement of Persons, and the Right of Residence and Establishment, aimed at an optimal level of active involvement of indigene-expertise, goods and services, Community Citizens, businesses and financing within the Member State.
2. A Member State shall ensure that participation in its mineral activities is open to all Citizens of the Community and conducted in accordance with laws of the Member State and the relevant ECOWAS Protocols.
3. For the purposes of supporting national private entrepreneurship and professional opportunities for Community citizens, Member States shall:
  - i. Promote the participation of national private sector and public-private partnerships in the Mineral Sector.
  - ii. Facilitate access to funding for local participation in mineral projects in the Community, particularly for women-owned enterprises.
  - iii. Promote the pooling of local investment funds for access by local mineral operators.
  - iv. Promote the development of national expertise and the participation of Community experts in the development of the mineral sector.
  - v. Promote the adoption of procurement policies by mineral operators that give preference to goods and services produced in Member States or of Community-origin that meet, efficiency and safety standards in the Mineral Sector.
  - vi. Ensure that mineral operators provide evidence that the comparable quality of goods and services otherwise needing to be procured from a Third Party State are not available in the Community.
  - vii. Promote the giving of preference to Community citizens who meet the skills requirements and professional standards in recruitment, continuous improvement for further advancement and professional opportunities.
  - viii. Ensure that a mineral operator provides evidence that the comparable quality of skills and professional expertise otherwise needing to be procured from a Third Party State are not available in the Community.
4. Member States shall develop actions and programs to:
  - i. Modernize mineral agencies for better efficiency and good governance in the Mineral Sector.
  - ii. Build institutional, technical, human and financial capacities of agencies in-charge of the development of the Mineral Sector, particularly in the area of monitoring and evaluation.
  - iii. Promote the understanding and application of international mineral-market principles and technology developments in order to improve the regulation of mineral activities.
  - iv. Promote the development of collaborations within specialized research and training institutions in the Community, Centres of Excellence in geosciences, and Operator training schools.



- v. Promote the continuous development of curriculum for the training of technical staff of mineral agencies in evolving mineral technologies and administrative practices.
  - vi. Promote interest in mineral development programs and courses, including gender development, and funding of universities and other training institutions.
  - vii. Promote the development and transfer of innovative technologies through research, and sharing of technologies between operators in the mineral sector and other sectors of the economy.
  - viii. Promote Community-wide resource mobilization policy for the development of the Mineral Sector.
  - ix. Promote the value addition to minerals produced in the Community as an additional consideration to granting Mineral Rights on preferential choice.
  - x. Ensure a holder of a mineral right for exploitation of minerals gives preference to the procurement of goods and services located and owned by citizens of Member States or citizens of the Community.
  - xi. Ensure a holder of a mineral right gives preference to the employment of citizens of Member States or of the Community to the maximum extent possible provided the required skills are available in the Member State or in the Community.
  - xii. Develop skills, goods or services, where not available in the Member State, and ensure that the holder of a mineral right shall procure such skills, goods or services from the Community and where these services are not available in the Community, the holder shall source for the services from any country in Africa.
  - xiii. Ensure that a holder of a mineral right submits for approval of the Member State, a programme of activity for the development of Institutional, Human, Technical, and Financial Capacities and Technology Transfer into the Member State.
  - xiv. Ensure that a holder of a mineral right only source for skills, goods and services from outside Africa after seeking approvals from the Member State.
5. Member States shall identify and classify skills, goods and services which shall necessarily be procured from within the Member State.
6. The manner of procurement of these skills, goods and services shall be prescribed by the Member State.

### **17.3 Institutional Model for Implementation, Monitoring, and Evaluation**

#### **17.3.1 National Agency for Local Content Development**

Member States shall establish or designate, an Institution as its National Agency for Local Content Development.

#### **17.3.2 Nature of the National Local Content Development Agency**

The Agency shall:

- i. Be a body corporate with perpetual succession and a common seal.
- ii. Have its Constituent Structure determined by each Member State as per the national development needs.

- iii. Have its Administrative and Miscellaneous Space determined by each Member State as are consistent with its National Laws.

### **17.3.3 Functions of the National Content Development Agency**

The Agency shall have:

- i. Powers and functions as conferred on it by an Act of Parliament or any such Statutory Authority.
- ii. Among its main objectives, the development of a National Policy for continuous growth of linkages within all economic sectors, particularly, the optimal integration of the Mineral Sector with other national economic sectors.
- iii. An integrated programme of planning, target setting, monitoring and evaluation, prioritized sector stimulation for employment creation, capabilities development, and international competitiveness to promote an equitable share of local content and participation of indigenized knowledge, expertise and skills, technology, goods and services, and finance.

### **Article 18. Corporate Social Investment (Responsibility)**

1. Member States shall establish guidelines and use an appropriate mechanism for the realization of mining companies to assist in the Community's aggregate development.
2. Member States shall ensure that:
  - i. Corporate Social Investment and Alternative Livelihood Programmes enhance the livelihoods of the host-mineral communities with programs drawn up with the active participation and in agreement with the communities.
  - ii. Member States shall prescribe sanctions for violating an approved Corporate Social Responsibility and Alternative Livelihood Programme.

### **Article 19. Local Community Development Agreement**

In establishing a local community development agreement, all stakeholders in Member States shall:

- i. Make adequate provision for the progressive realization of economic, social and cultural rights as they relate to mineral activities and empowerment of women.
- ii. Ensure that mining companies conduct their activities in a manner that respects the right to development in which peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development in a sustainable manner.
- iii. Ensure that mineral rights holders obtain free, prior, and informed consent of host-mineral communities, which consent shall not be unreasonably withheld, throughout all phases of mineral operations.
- iv. Ensure where a consent for the commencement of a mining operation in a community is unreasonably withheld, the Member State shall without any further notice to the community authorize the commencement of the mining activity.
- v. Ensure that mineral rights holders in Member States respect the rights of host-mineral communities. A mineral right holder shall particularly respect the rights of local people in these

host-mineral communities to own, occupy, develop, control, protect, and use their lands, other natural resources, and cultural and intellectual property to the extent possible.

- vi. Ensure that where land has been acquired for the development of a mineral resource, the owner or lawful occupier shall be paid adequate and prompt compensation in accordance with existing laws of a Member State.
- vii. Ensure that the computation of any compensation for the acquisition of land to develop a mineral resource should take into consideration the loss to be suffered by the user of the land area, the inconveniences which can be assessed according to legal principles in monetary terms caused to the land owner or lawful occupier, the losses and damages suffered by the immovable assets and their appurtenances, the loss of revenue, including expected losses of agricultural income; and other reasonably proven losses, by providing compensation in accordance with best international practices.
- viii. Ensure that mineral Rights holders maintain consultations and negotiations on issues or decisions affecting host-mineral communities throughout the mineral operations.
- ix. Ensure that a participatory framework of all stakeholders established to ensure fruitful collaboration and peaceful cohabitation throughout all phases of the mineral operations.
- x. Ensure the cooperation with other stakeholders while taking decisions on mineral activities.

#### **Article 20. Local Government Administration's Development Plan**

In recognition of the adverse social impacts associated with mining, Member States shall:

- i. Mainstream into local legislations, adequate relief and developmental measures for host-mineral communities with their active participation.
- ii. Strengthen multi-stakeholder consultations in all aspects of mineral activities to improve the synergy among them.
- iii. Improve environment, health and safety management for workers and communities affected by mineral activities.
- iv. Develop basic facilities necessary for the development of all aspects of economic activities in the mineral communities.
- v. Create a suitable environment and relevant incentives for all entities participating in the mineral sector to be involved in the development of basic facilities necessary for the development of mineral hosted communities.
- vi. Encourage the common use and maintenance of the facilities developed for the communities.

#### **Article 21. Mineral-related Development Funds**

1. Member States shall ensure that a Mineral-related Development Fund is set up and become fully functional in their territories and shall have the usage of the portion allocated to community development mainstreamed into the Local Government Administration's Development Plan.
2. Subject to Article 21.1, Member States shall:
  - i. Set-up a 'Content Development Fund' or a 'Socio-economic Development Fund', or any such alternative, to which the State, Mineral Rights Holders, and other beneficiaries of mineral

revenues shall contribute to, by Law, for the development of post-mineral diversified economic activities.

- ii. Ensure that, on a case-by-case basis, the creation of an Environmental, Reclamation and Rehabilitation Bonds, the Funds of which shall be held in an escrow account in the host country to guarantee that rehabilitation obligations which are not honoured by the mineral right holder are made good through national entities.

## **Article 22. Research & Strategic Development**

1. Member States shall ensure that research and strategic development of mineral resources is mainstreamed into the natural resource development agenda.
2. Member States shall:
  - i. Identify key occurring minerals within their territories and where necessary designate them as Strategic Minerals to National Development.
  - ii. Take all necessary legitimate steps for the integrated development of such strategic minerals to assist anchor national development strategy.
  - iii. Dedicate some portion of the Mineral-related Development Fund for 'Research & Strategic Development'.
  - iv. Take due cognizance of the increased advantages afforded in the exploitation of the minerals, by entering into Production Sharing Agreements with Mineral Operators.

## **Article 23. Roles and Responsibilities of the Key Stakeholders**

1. For the purposes of this Act, Members States shall also, among others:
  - i. Develop a National Policy for supporting local content development and participation.
  - ii. Ensure that mineral right holders shall submit local procurement plans taking cognizance of ECOWAS Trade Liberalization Scheme and Common External Tariff.
  - iii. Reduce concessions on import tariffs and duties.
  - iv. Allocate revenues from mineral activities to support local supplier development.
  - v. Formulate regulations for supporting local content development.
  - vi. Promote linkages and investments along the entire mineral sector value chains.
  - vii. Undertake wider measures to create a supportive enabling environment for local content development.
2. Mineral Rights Holders shall, among others:
  - i. Identify and broaden access to opportunities available to medium-scale and small-scale enterprises in the community.
  - ii. Provide technical support to local suppliers of goods and services in the community as part of their Corporate Social Responsibility.
  - iii. Provide financial support to medium-scale and small-scale enterprises in the community as part of their Corporate Social Responsibility.
  - iv. Provide full disclosure of all procurement and supplier contracts to Authorized Agencies in the Member State.
3. Civil Society Organizations and Other Non-State Actors shall, among others:

- i. Monitor and evaluate Mineral Rights Holders' implementation of commitments to supporting local content development and expenditure in relation thereto.
  - ii. Use collaborative advocacy including capacity building for host-mineral communities on local content development and related supporting mechanisms.
  - iii. Engage in enhanced collaborative techniques for greater information sharing and awareness creation within government, mineral right holders, education and training institutions, civil society, and regional intergovernmental organizations.
  - iv. Facilitate stakeholder dialogue to exchange knowledge and collaborate on approaches to supporting local content development.
  - v. Not do or cause to be done any activity by the community that would hinder smooth mining activities.
4. Host-mineral Communities shall, among others:
- i. Actively take advantage of capacity building programmes to enhance the opportunities of their participation in mineral operations.
  - ii. Respect the terms and conditions of all Mineral Rights issued by the State.
5. ECOWAS Commission shall, among others:
- i. Facilitate the development of a common framework for defining local content development and provide monitoring framework for the implementation of the ECOWAS Model Mining and Mineral Development Act.
  - ii. Support alignment of provisions and processes related to requirements for mineral-related licence holders to develop local procurement plans.
  - iii. Facilitate the adoption of common requirements and processes related to those local procurement plans across the region.
  - iv. Standardize and align the content, submission frequency, responsible oversight and monitoring entities, penalties and enforcement actions to be agreed upon with Member States within the Community.
  - v. Develop a harmonized list of products across the region that may be exempted from customs duties and taxes.
  - vi. Develop a regional list of suppliers of Community-origin.
  - vii. Establish platforms for promoting linkages and investments along the mineral sector supply chains.
  - viii. Assist with information sharing and facilitate partnering on upstream activities in the mineral sector.
  - ix. Continue to facilitate regional trade, focusing on implementation of rules.

## **Article 24. Gender Mainstreaming and Child labour**

### **24.1 Gender Mainstreaming**

1. Member States shall by enactments address gender issues along the entire value chain of Mineral Operations.
2. Such enactments shall promote the mainstreaming of gender issues in the Sector's activities. To this end, Member States shall:
  - i. Secure equity in the opportunities available and protect both women and men, while taking into account the different roles women may play in the sector to mitigate their potential vulnerabilities to effectively participate in the economies.
  - ii. Guarantee sustainable livelihoods for both women and men in communities likely to be impacted by mining activities.
3. Specifically, Member States may consider the following enactments, among others:
  - i. A Contract Labour Act that could provide for a percentage-quota of women-employees as contract labour.
  - ii. A Maternity Benefit Act that would particularly address the child-bearing and child-caring characteristics of women.
  - iii. An Equal Opportunity for women and men in the Mining Sector.
  - iv. A non-discriminatory Welfare Fund Act, particularly beneficial to all employees of the industry regardless of demographics and their gender identity.

### **24.2 Protection of Children from Mining Activities**

Member States shall enact appropriate legislation which shall prevent children, as may be defined in the legislation, from visiting any mining site or carrying out any form of labour in a mining activity.

## **Article 25. Safety, Health and Environment**

1. Member States shall adopt best practice and standards on health and safety in mining operations.
2. In furtherance with the necessity to develop mineral resources in Member States while protecting and preserving the environment for both current and future generations, Member States shall:
  - i. Strengthen the policy, legislative and regulatory frameworks of the environment in the mineral sector and ensure its effective and efficient enforcement.
  - ii. Encourage an integrated approach to the needs and management of the mineral industry and the impacts of mineral operations on the environment and take measures to prevent or mitigate the negative effects of mineral operations in host-mineral communities.
  - iii. Identify through mapping and research to establish, where mineral operations will have irreversible damage on the ecosystem and declare them as 'Non-mineral Development Areas'.
  - iv. Develop and apply an environmental manual of best practices to promote the sustainable development of the mineral sector.
  - v. Ensure the carrying out of Strategic Environmental Assessment, and Environmental & Social Impact Assessment for all mineral projects, where applicable.
  - vi. Improve Environmental Management and Social Impact Assessment methods.

- vii. Adopt international best practice for the management of waste, effluent, and spillage to ensure that efficient sanitation systems are in place in the communities.

## **Article 26. Environmental Protection Obligations**

A holder of a mineral right shall before undertaking any mining activity:

- i. Obtain the necessary permits and approvals from the requisite regulatory authorities in the Member State for the protection of forests, water resources, the environment, other natural resources and public health in its mining activities.
- ii. Carry out the mineral activity in accordance with all national laws, regulations, administrative practices, and policies relating to the preservation of the environment in which the operation takes place and shall respect all relevant international agreements, principles, objectives, and standards with regard to the environment, public health, and safety.
- iii. Conduct the mineral activity in a manner that will contribute to the wider goal of sustainable development.
- iv. Develop and make adequate provision to implement reclamation, remediation, closure, and post closure plans before operations begin. A plan for this purpose shall be submitted to the Environmental Protection Agency, the affected community, regulatory body responsible for mines and other stakeholders for review and approval. Where during the course of mining, the mining operating plan changes, the mineral right holder shall produce and submit for approval, a revised plan taking cognizance of the changes in the mining operating plan.
- v. Conduct periodic audits to ascertain the operational and environmental performance of mines with the active participation of stakeholders especially affected mining communities.
- vi. Be responsible to, prevent and manage spillage of cyanide, mercury and other similar substances as well as other hazards related to mining activities within their place of operations.
- vii. Pay for all cost of the operations involving environmental, social, cultural costs of their operations and shall be responsible for the full cost of reclaiming and rehabilitating mined out areas specifying in detail to the competent authority.
- viii. Setup Reclamation Fund to cover unforeseen cost and legacy problems of their operations during the pre-production, production, mine closure and post closure phases of their operations.

## **Article 27. Water-use Rights**

1. Subject to obtaining the requisite approvals or licences from the lawful State Institution and in agreement with communities under the environmental impact assessment carried out, a holder of a mineral right may, use water from a river, stream, underground reservoir or watercourse within the land which is the subject of the mineral right.
2. Where the right is granted by the lawful authority, the holder of the mineral right shall not use the water in such a manner that would affect the quality and integrity of the water body.
3. For the avoidance of doubt, the mineral rights holder shall ensure that its use of water resource shall not pollute and deprive the communities' use of the water resource in fulfilment of their socio – cultural and economic benefits.

## **Article 28. Climate Change**

A holder of a mineral right shall carry out its mineral or mining activity in a transparent manner and in accordance with conventions and protocols established by the United Nations Framework Convention on Climate Change.

## **Article 29. Geo-hazards and Risks**

1. Member States shall:
  - i. Prescribe minimum standards for Mineral Operators to adopt as best practice disaster preparedness, mitigation, and management mechanism.
  - ii. Require of Mineral Operators to incorporate in their mineral activities, the carrying-out of analysis on geological/geotechnical processes that could potentially influence their licence areas or structures.
2. Member States shall design response systems and mechanism towards mitigation – capacity building and assessment, data management and monitoring; and shall also consider the following towards risk assessment:
  - i. Identification of hazards and vulnerabilities to risks.
  - ii. Forecasting hazards and assessing risks.
  - iii. Dynamic modelling of risk.
  - iv. Identify relevant decision-making systems and their interactions.
  - v. Understanding decision-making in the context of environmental hazards.
  - vi. Improving the quality of decision-making practice.
  - vii. Vulnerability Assessments.
  - viii. Effective approaches to risk reduction.
3. Member States and mineral right holders shall generally identify and employ effective approaches to risk reduction in all aspects of the mineral operation.

## **Article 30. Resettlement Plan**

1. Where subject to the grant of a mining lease, it shall be necessary to resettle a community to allow mining activities, the holder of the mining lease shall:
  - i. Notify the community to be affected within a reasonable time.
  - ii. Cause a Resettlement Plan to be prepared in conjunction with the local government administration, non-state Actors, Traditional Authorities and affected community leaders. The Resettlement Plan shall consider land use proposals within the affected community, demographic and socio-economic survey of the community, household surveys of the existing infrastructure, physical and environmental conditions and analyze the environmental opportunities and constraints.
  - iii. Submit the agreed Resettlement Plan to the Minister responsible for Mining and the competent Authority responsible for Resettlements, for approval.
2. The cost of resettlement under this section shall be borne by the holder of the mining lease and the obligation to bear the cost of resettlement shall only arise upon the holder actually deciding to proceed with the mining operation that necessitated the resettlement.
3. Where the operations of a holder of a mining lease involves the displacement of any inhabitants, the Minister responsible for Mines shall ensure that the inhabitants who prefer to be compensated by



way of resettlement, are resettled by the holder on suitable alternative land with regard to the economic well-being and socio-cultural values of the inhabitants concerned.

4. The Minister responsible for Mining and the competent Authority responsible for Resettlements shall set up a Resettlement Committee to ensure the completion of the resettlement in compliance with the agreed plan.

### **Article 31. Surface Rights**

1. The holder of a mineral right shall exercise by demanding his/her rights under this Model Community Act in relation to its mineral operations.

2. The lawful occupier of land within an area subject to a mineral right shall retain the right to graze livestock upon or to cultivate the surface of the land in so far as the grazing or cultivation does not interfere with the mineral operations in the area.

3. Where a holder of a mining lease serves notice to the Minister responsible for Mines or the Regulatory body for the mining sector of its intent to declare a mining area subject to Article 14.4.6 herein, the owner or lawful occupier of the land within the mining area shall cease to carry out any activity in the mining area without the written consent of the holder of the mining lease, or if the consent is unreasonably withheld, without the consent of the Minister responsible for mines acting on the advice of the regulatory body responsible for mines.

4. Where a mining area is declared by the holder of a mining lease, compensation or resettlement shall be carried out in accordance with Article 14.13 herein.

5. The owner of a mining lease shall, in the presence of the owner or lawful occupier or accredited representative of the owner or lawful occupier of land, which is the subject of a Mining Lease and in the presence of an officer of the Government agency responsible for land valuation carry out a survey of the crops and produce a crop identification map for the compensation in the event that mining activities are extended to the areas.

6. An owner or lawful occupier of land shall not upgrade to a higher value crop without the written consent of the holder of the mining lease, or if the consent is unreasonably withheld, without the consent of the Minister acting on the advice of the regulatory body responsible for mines.

### **Article 32. Compensation for disturbance of owner's surface rights**

1. The owner or lawful occupier of any land subject to a mineral right is entitled to and shall claim from the holder of the mineral right compensation for the disturbance of the rights of the owner or occupier, in accordance with Article 14.13.

2. A claim for compensation under Article 32.1 hereabove, shall be copied to the Minister responsible for Mines, Regulatory body responsible for minerals, and the Government agency responsible for land valuation.

3. The amount of compensation payable under Article 32.1 hereabove, shall be determined by agreement between the parties but if the parties are unable to reach an agreement as to the amount of compensation, the procedure for determining the compensation payable shall be as prescribed in Article 14.13 herein.

4. Where the compensation requires resettlement, it shall be carried out in the manner prescribed in Article 30 hereabove.

### **Article 33. Sustainable Development, Mine Community Infrastructure and Services**

1. Member States shall enact appropriate legislation where the holder of a mining lease shall in collaboration with government ensure that mineral resource development becomes a growth pole in Member States.
2. Member States shall in collaboration with the mining right holders:
  - i. Facilitate and nurture human resources development and skills formation in tandem with the development of resources technological clusters through the facilitation of research and development.
  - ii. Facilitate that building of knowledge networks and niches involving academia, industry, government and other players shall be in integral part of this human resource development.
  - iii. Provide supporting infrastructure including roads, railways, ports, energy, water and telecommunication especially in mining communities;
  - iv. Encourage the establishment of strong instruments of collaboration among industry professionals to identify and address the issues that confront the minerals and mining industry.
  - v. Promote local beneficiation and value addition of minerals within the Community to provide manufacturing feedstock;
  - vi. Promote the development of mineral resources including industrial minerals for the local production of consumer and industrial goods;
  - vii. Establish in Member States, an industrial base through backward and forward linkages of the minerals and mining sector.
  - viii. Encourage and support small and medium-scale enterprises sector with greater multiplier effects and potential to create employment that can provide services to the minerals and mining industry.
3. Specifically, Member States shall enact appropriate legislations to:
  - i. Improve the quality of the mining business environment, increase private sector confidence and participation, and promote investment into the sector.
  - ii. Establish and increase production of local suppliers of mining industry needs within the Community and enhancing local beneficiation and value addition of goods;
  - iii. Facilitate lateral migration of mining technologies to other industries within Member States and in the Community.
  - iv. Increase social, human, knowledge and institutional capital in the mineral and mining sector applicable in other sectors of the national and Community economy.
  - v. Promote the development of sustainable livelihoods in mining communities;
  - vi. Ensure that compliance of industry players with the highest standards of corporate governance, and environmental, social and material stewardship;
  - vii. Harness the potential of marginal mineral resource deposits that may not necessarily attract major international companies and grant them to entrepreneurs of the Community.
  - viii. Establish the requisite enabling markets and common platforms for critical services in the mining industry such as raising capital, mineral commodity exchanges, modern legal and regulatory support, mineral marketing support and development.
  - ix. Develop and promote Public Private Partnerships in the minerals and mining industry.
4. Specifically, the ECOWAS Commission shall adopt policies and legislations that will
  - i. Promote regional integration of and harmonization of the minerals and mining sector in the Community.
  - ii. Ensure continued innovation and human resources development in the minerals industry to sustain a local content use mining to diversity the national and Community and diversified economy.
  - iii. Work towards the creation of an African Spatial Development Programme that will consist of

a network of key Development Corridors across West Africa to assist in the development of the Community's mineral resources and associated industries.

- iv. Ensure regional cooperation and integration in reducing transaction costs, establishing intra-regional synergies, enhancing competitiveness and realizing economies of scale that would catalyze minerals cluster development.
  - v. Ensure that goods, services, capital and other factors for the minerals and mining sector freely flow within the Community.
  - vi. Expedite intra-regional harmonization of laws, regulations and fiscal regimes, among other critical factors relating to the minerals and mining sector.
  - vii. Ensure that Member States maximize the resource sector linkages by building integrated mineral resource industrial clusters across the entire value chains.
  - viii. Ensure that Member States enact appropriate legislations to promote the pooling of resources, both bilateral and multilateral among Member States, for technical data acquisition and management, in mineral exploration and production.
5. ECOWAS Commission shall promote the establishment of a West African Market System for minerals aligned to Terms of International Trade.

#### **Article 34. Human Rights Obligations**

1. The holder of a mineral right in a Member State shall be under obligation to respect the human rights of citizens of the community especially the vulnerable in society and of its workers.
2. A holder of a mineral right shall ensure that the rights of the local communities where they operate are respected at all times. Where such legislations do not exist, Member State shall ensure that modern legislations to guarantee the human rights of the local communities are enacted.
3. Notwithstanding the provisions of Article 33, Member States shall enact appropriate policies for the progressive realization of economic, social and cultural rights of the communities so far as it relates to mining activities and the empowerment of women.
4. A holder of a mineral right shall comply strictly with the Member States laws on the carrying and use of firearms.
5. Where a mineral right holder operates in any conflict zone, it shall abide by all the major international human rights agreements and humanitarian laws.
6. Member States shall establish a mechanism for prevention and compensation on Human Rights violations of mining communities.

#### **Article 35. Access to Information**

1. A holder of a mineral right shall furnish the competent authorities in Member States quarterly and annual reports of the operations of the mineral activities or at any other time as may be prescribed by the Member State.
2. All records, information, documents, reports and maps produced by a holder of a mineral right shall be made available to the public in a manner as prescribed in the Member State.
3. Member States without legislation on free, uninterrupted access to information on extractive industries, shall ensure such legislations are in place in a reasonably, shortest possible time.
4. Notwithstanding any provision in this Community Act, the regulatory body or competent authority responsible for the minerals industry may divulge any information, record, document or map produced from a mineral activity to third parties or the general public if it is in the public interest to do so.

5. For the avoidance of doubt, no information or record relating to environmental degradation, human health, and safety relating to mining activities shall be deemed to be confidential.
6. A holder of a mineral right who willfully provides false, incomplete, misleading information or misrepresents information shall be liable for sanctions in accordance with Article 41 herein.

### **Article 36. Communication and Duty to Maintain Records**

1. A holder of a mineral right shall maintain an address in the Member State with notice to the Minister responsible for Mines and the regulatory body responsible for minerals. This address shall hold all documents, reports and maps relating to the operations of the mineral activity.
2. An officer authorized by the Minister or the regulatory body responsible for minerals shall have uninterrupted access to all documents, reports and maps of the holder of the mineral right at any reasonable time.
3. Information, data or maps submitted by the mineral right holder to the regulator in the Member State shall be used in generating a geological, mining or mineral databank in accordance with directives issued by the ECOWAS Commission on the format of the databank.
4. Member States shall identify and create database which is compatible with any ECOWAS directive for the entire value chain of the minerals sector.

### **Article 37. Transparency and Good Governance**

1. Member States shall sign unto an internationally recognized Transparency Initiative, and may specifically sign unto the Extractive Industries Transparency Initiative of which, they shall strive to be compliant with the initiative, within a maximum period of three (3) years.
2. Member States shall adopt minerals and mining policies consistent with the ECOWAS Guiding Principles on the Harmonization of Mining Policies and ensure that appropriate institutions have been set up to manage the effective exploration and exploitation of mineral resources.
3. Member States shall ensure that all operators in the entire mineral value chain fulfill all their fiscal obligations as provided for in law.
4. Member States shall put in place effective monitoring mechanisms to ensure no leakage of mineral revenues either locally or to international bodies.
5. For the avoidance of doubt, Member States shall adopt appropriate legislation on the free flow of information and promote public and media access to information especially as they relate to mining.
6. Member States shall enact a mineral revenue management Act for the transparent and accountable management of all streams of revenues from mining, both in cash and in kind, within three (3) years from coming into-force of this Act.
7. Mining Companies shall disclose their corporate structure, affiliates, and beneficial ownership, and any change thereof, as may be prescribed by a Member State.

### **Article 38. Quality Standards in Minerals Development**

1. Member States shall enact appropriate legislation on Quality Standards for the Sector in line with relevant harmonized international standards. The Legislation shall include the following criteria:

- i. Quality Management which shall encourage stakeholder institutions and operating entities in the sector to implement a Quality Management System based on the most current International Organization for Standardization.
  - ii. Environmental Management which shall encourage stakeholder institutions and operating entities in the sector to implement an Environmental Management System.
  - iii. Social Responsibility which shall encourage stakeholder institutions and operating entities to implement an acceptable Social Responsibility standards.
  - iv. Energy Management which shall encourage stakeholder institutions and operating institutions to implement energy efficient and diversified energy production.
  - v. Risk Management which shall encourage stakeholder institutions and operating institutions to implement risk management systems.
  - vi. Food Safety Management which shall encourage stakeholder institutions and operating institutions to implement food safety management within the mining community
  - vii. Information Security which shall encourage stakeholder institutions and operating institutions to implement information management security systems.
  - viii. Organizational Health and Safety which shall encourage stakeholder institutions and operating institutions to implement organizational health and safety systems.
2. Further to Article 38.1 hereabove, all quality standards shall, at the minimum, be based on that of the most current International Organization for Standardization (ISO).

### **Article 39. Investigations and Auditing**

1. Member States shall no less than once in a calendar year, carry out comprehensive auditing of the operations of all companies in the entire value chain.
2. Where an issue is reported about the operations of any company in the mineral value chain, the Member State shall carry out an independent, swift investigation into the matter and publish the outcome in both, select electronic and print media with wide coverage.
3. A mineral right holder found to have breached the terms of his Licence or Lease shall be dealt with in accordance with the laws of the Member State.

### **Article 40. Offences and Penalties**

#### **40.1 Offences and Penalties relating to Reconnaissance, Prospecting or Exploration**

1. A person who conducts reconnaissance, prospects or explores for any mineral without a Licence shall be guilty upon conviction to a fine as prescribed by the Member State, or to a term of imprisonment for a period not less than three (3) years, or to both.
2. Where the person who commits an offence under Article 40.1.1 hereabove is a foreigner, the person shall be deported from the Member State after serving the sentence under this section, and the Member State shall notify the other Member States.
3. The person in reference under Article 40.1.2, shall be banned from securing any Licence in any other Member State within the Community for a period not less than five (5) years.

4. All the equipment used for the illegal reconnaissance, prospecting, or exploration activity and any mineral won from the activity shall be confiscated to the State.

#### **40.2. Offences and Penalties relating to Mining or Mineral Extraction relating to Large-scale Mining**

1. A person who conducts mining of any mineral without a Lease in a Member State shall be guilty upon conviction to a fine or to a term of imprisonment for a period not less than five (5) years, or to both.

2. Where the person who commits an offence under Article 40.2.1 hereabove is a foreigner, the person shall be deported from the Member State after serving the sentence under this section, and the Member State shall notify the other Member States.

3. The person in reference under Article 40.2.2, shall be banned from securing any Lease in any other Member State within the Community for a period of not less than ten (10) years.

4. All the equipment used for the illegal mining activity and any mineral won from the activity shall be confiscated to the State.

#### **40.3. Offences and Penalties relating to Small-scale Mining**

1. A person who conducts small-scale mining of any mineral without a Lease in a Member State shall be guilty upon conviction to a fine or to a term of imprisonment for a period of not less than three (3) years, or to both.

2. Where the person who commits an offence under Article 40.3.1 hereabove is a foreigner, the person shall be deported from the Member State after serving the sentence under this section, and the Member State shall notify the other Member States.

3. The person in reference under Article 40.3.2, shall be banned from securing any Licence in any other Member State within the Community for a period of not less than five (5) years.

4. All the equipment used for the illegal small-scale mining activity and any mineral won from the activity shall be confiscated to the State.

#### **40.4 Offences and Penalties relating to Artisanal Mining**

1. A person who conducts artisanal mining of any mineral without a Licence in a Member State shall be guilty upon conviction to a fine or to a term of imprisonment for a period of not less than one (1) year.

2. Where a foreigner is convicted for engaging in Artisanal Mining without a Licence, the person shall be liable to both a fine and deportation from the Member State.

3. All the equipment used for the illegal artisanal mining activity and any mineral won from the activity shall be confiscated to the State.

#### **40.5 Penalties relating to Repeated Offenses**

Where a person repeatedly commits offenses in relation to Articles 40.1, 40.2, 40.3, and 40.4 in a Member State, the person shall on conviction be liable to a penalty in multiples of the penalty for each of the initial offense committed, as prescribed by Member States.

## **Article 41. General Offences**

1. A person who commits any of the general offences listed hereunder, shall be liable on conviction to a fine and in the case of continuing offenders after first conviction, liable to a fine for each day the offence is continued, as prescribed by the Member State. The general offenses shall include, among others:

- i. Knowingly makes a statement which is false or misleading in any material particular, in making application for mineral right or renewal of mineral right,
- ii. Knowingly includes information which is false or misleading in a material particular, in a report, return or affidavit submitted in pursuance of the provisions of the Laws of the Member State,
- iii. Removes or disposes of a mineral contrary to the provisions of the Laws of the Member State.
- iv. Removes a building, fixed machinery or other movable property contrary to the provisions of the Laws of the Member State.
- v. Places or deposits, or causes to be placed or deposited, a mineral in a place with the intention to mislead another person as to the mineral occurring possibilities of the place.
- vi. Mingles or causes to be mingled with samples or ore, substances which will enhance the value or in a way change the nature of the ore with the intention to cheat, deceive or defraud.
- vii. Engages in the business of milling, leaching, sampling, concentrating, reducing, assaying, transporting or dealing in ores, metals or minerals, keeps or uses false or fraudulent scales or weights for weighing the ores, metals or minerals, or uses a false or fraudulent assay scales or weights or enriched fluxes used for ascertaining the assay value of minerals, knowing them to be false or fraudulent.
- viii. Fails, neglects or refuses to comply with a direction lawfully given under the laws of the Member State.
- ix. Fails, neglects or refuses to allow or provide reasonable facilities and assistance to an officer exercising a power under the Laws of a Member State.
- x. Obstructs, is violent towards, or delays an authorized officer in the performance of the officer's duties under the Laws of the Member State.
- xi. Contravenes a provision of a Mining and Minerals Act or Regulations made by a Member State.

## **Article 42. Offences by Bodies-of-persons**

1. Where an offence is committed by a body-of-persons under the Mining Act of a Member State or any Regulations made under the said Mining Act:

- i. In the case of a body-corporate, other than a partnership, each director or a principal officer of that entity shall also be considered to have committed the offence.
- ii. In the case of a partnership each partner or principal officer of that entity shall be considered to have committed that offence.

2. A person shall not be considered to have committed the offence by virtue of Article 42.1 hereabove, if the person proves that the offence was committed without the person's knowledge or connivance and that the person exercised due care and diligence to prevent the commission of the offence having regard to all the circumstances.

## **Article 43. General Penalty**

1. A person found guilty of an offence under the Mining Laws of a Member State for which a penalty has not been expressly provided for, on first conviction, shall be liable to a penalty of a fine.

2. On a second or subsequent conviction for an offence under the Mining Laws of a Member State, the court may impose a stiffer penalty which shall not exceed twice the penalty referred to in Article 43.1 hereabove.

#### **Article 44. Penalty for failing to pay a Fine**

Except otherwise provided in the Laws of a Member State, where a fine is imposed on a person under the Laws or Regulations and there is a failure to pay the fine, that person shall be sentenced to a prison term of not less than five (5) years, in addition to the payment of the fine.

#### **Article 45. Dispute Resolution**

1. Where a dispute arises between a holder of a mineral right and the Member State, in respect of a matter expressly stated under the Laws of that Member State, the matter shall be referred for resolution and all efforts shall be made through mutual discussion and if agreed between the parties, by reference to alternative dispute resolution procedures, to reach an amicable settlement.

2. Where a dispute arises between a holder who is a citizen and the Member State, in respect of a matter expressly stated under the Laws of that Member State, such a matter shall be referred for resolution, which if not amicably resolved as provided in Article 45.1 hereabove within thirty (30) days of the dispute arising or a longer period agreed between the parties to the dispute, the dispute may be submitted by a party to the dispute, to arbitration for settlement in accordance with the Member State's Arbitration Act or any other enactment in force for resolution of disputes.

3. Where a dispute arises between a holder who is not a citizen of the Member State and the Member State, in respect of a matter expressly stated under the Laws of that Member State, such dispute shall be referred for resolution under Articles 45.1 and 45.2 hereabove and if not amicably resolved as provided under these Articles within thirty (30) days of the dispute arising or a longer period agreed between the parties to the dispute, the dispute may, by a party to the dispute giving notice to all other parties, be submitted to arbitration:

- i. In accordance with an international machinery for the resolution of investment disputes, as agreed to by the parties.
- ii. If the parties do not reach an agreement under Article 45.3i herein within thirty (30) days, or a longer period agreed between the parties, the matter shall be submitted to an alternative arbitration, in accordance with;
  - a. Firstly, the framework of a bilateral or multilateral agreement on investment protection to which the Member State and the country of which the holder is a national, are parties.
  - b. Secondly, if no agreement contemplated by Article 45.3ii.a exists, the rules of procedure for arbitration of the United Nations Commission on International Trade Law, (UNCITRAL Rules) shall apply.

4. Member States shall ensure that each Agreement granting a mineral right shall contain provisions on the method of resolution of disputes that may arise under the agreement.

5. Where a holder has notified the Minister responsible for Mines or the Regulatory Body in writing that the holder wishes to refer and refers a dispute for resolution, the tenure of the licence area and the mineral right held, as any of the cases may be, shall continue without diminution for the period ending thirty days after the determination of the dispute.

#### **Article 46. Cross-Border Issues relating to the Mineral Sector**

1. Where a mineral deposit straddles two or more countries, the Member States may jointly and severally develop methodology for the joint extraction of such deposits to ensure economies of scale benefits rather than exploit or develop such trans-border mineral deposits separately.



2. Further to Article 46.1 hereabove, Member States shall with the coming into force of this Model Act, determine such trans-border deposits and where they are not under commercial production, commence discussions to develop a framework towards the joint extraction of such deposits.

#### **Article 47. Regional Security, Conflict Prevention and Management relating to the Minerals Sector**

1. Member States shall identify and document minerals of value within their jurisdiction and to ensure that the exploitation of these minerals are undertaken by individuals or companies with no links to terrorism.

2. Pursuant to Article 47.1 hereabove, Member States shall put in place systems and measures to trace the source and disposals of all minerals of value and trail the revenues derived from the sale of high value minerals.

3. Member States shall jointly ensure the fair and adequate distribution of mineral wealth within their respective States and the Community at large.

4. Member States shall ensure participatory decision making to foster agreement rather than exacerbate existing differences. All groups must be involved, with gender and ethnic groups proportionally represented.

5. Member States shall enact appropriate Regulations that will make it illegal for a mineral right holder and a government official to exploit communities, abuse human rights and instigate violence within or outside the mining communities.

6. Member States shall enact appropriate Regulations to develop microeconomic activities, laws and policies, that support economic diversification rather than focusing only on the macro-mineral industry.

7. Further to Article 47.6 hereabove, the legislations shall ensure the provision of micro-credit to entrepreneurs and small businesses and reducing bureaucratic barriers to establishing a business and entering the formal economy.

8. Member States shall enact legislations that will strengthen national governance in the mining and mineral sector in particular, and also, strengthen governance in the international mineral trade.

### **Section 6 – General and Final Provisions**

#### **Article 48. Enacting of related Regulations**

1. Member States may, by Legislative Instruments, align or make new Regulations for the purpose of giving effect to this Model Act.

2. Without limiting the generality of Article 48.1 hereabove, Regulations made under this Article may provide for:

- i. A matter which, in accordance with this Act, is or may be provided for by Regulations or which is to be, or may be prescribed.
- ii. The making of an application for a mineral right or extension of the term of an application, or an application for any other purpose under this Act.
- iii. The establishment and operation of a Mining Cadastre.
- iv. The rights and the priority between registered dealings in the register of mineral rights.

- v. The functions of a Mines Inspectorate in the Member State.
  - vi. The examination of a Mine or mineral by the Mines Inspectorate or a person authorized by the Minister responsible for Mines.
  - vii. The retention of an ore or specimen of a mineral by a person in-charge of a Mine or connected with a Mine for the identification of that ore, or a sample of the ore, and for sampling of the ore by an authorized officer of the Minister, the Regulatory Body or the Mines Inspectorate.
  - viii. Directions to be given to a person in-charge of a Mine or connected with a Mine by an authorized officer of the Minister, the Regulatory body or the Mines Inspectorate for the conservation and development of Mines and minerals.
  - ix. The making of Returns of Minerals won and for the valuation of the minerals.
  - x. The returns to be rendered in relation to accounts, books and plans required to be kept by holders of mineral rights.
  - xi. The submission by a person in-charge of a Mine or connected with a Mine of returns and for the maintenance by the person of the records.
  - xii. The nature and adequacy of a map or plan required for the purposes of the Mining Act of a Member State.
  - xiii. The restriction of mineral operations in or near a river, dam, lake, forest or stream.
  - xiv. The grazing of cattle or other animals on an area subject to a mineral right.
  - xv. The gathering of firewood and the cutting down and use of timber for the purposes of carrying out prospecting and mining operations.
  - xvi. The renewal, transfer, assignment, mortgaging, suspension, cancellation and surrender of mineral rights.
  - xvii. The protection of pits, shafts and other dangerous places.
  - xviii. The reporting and inquiry into accidents.
  - xix. Fees payable under the Mining Act of a Member State.
  - xx. Forms of applications and licences to be made or issued under the Mining Act of a Member State.
  - xxi. Construction of roads, bridges and dams and any other civil undertaking required for the intended mineral operations.
3. The Minister responsible for Mines or any competent Authority in a Member State may make Regulations fixing all or any fees payable under its Mining Act, at concessionary rates for mineral rights held by citizens where:
- i. The mineral right is of an area not greater than two (2) Cadastre Block Units.
  - ii. The total area which is the subject of the mineral right, in which the citizen holds a legal or beneficial interest does not exceed twenty (20) Cadastre Block Units.
4. Without limiting the generality of Article 48.1, Regulations made under this Article may provide for matters concerning environmental protection, health and safety including:
- i. Ensuring the safety of the public and the safety and welfare of persons employed in Mines, and the carrying-out of mineral operations in a safe, proper and effective manner.
  - ii. Preventing employment of incompetent persons to be in charge of machinery.
  - iii. Preventing injury to persons or property in a mining area from chemicals reagents.
  - iv. Regulating the use of explosives in mineral operations.
  - v. The powers and procedures of the Mines Inspectorate with respect to matters of health and safety in mining areas particularly as regards small-scale mining operations.

#### **Article 49. General Provisions**

1. The undertakings ensuing from the provisions of this Community Act shall not be interpreted as being a contradiction to the spirit and letter of the Conventions or Accords linking a Member State with a Third Party State as long as these Conventions and Accords are not in contradiction with the spirit and letter of this Community Act.

2. In interpreting or implementing this Community Act, recourse may be made to the various International Guidelines, Principles and Conventions for regulating Business Enterprises.
3. Member States undertake to promote intra- and inter-State cooperation in the implementation of this Community Act.
4. To this end:
  - i. The President of the ECOWAS Commission shall facilitate interstate cooperation between National Mineral Commissions or Agencies and other stakeholders in the Mineral Industry.
  - ii. Member States and ECOWAS Commission shall adopt all necessary legitimate measures to comply with this Community Act.
  - iii. Where the Member States adopt this Community Act, the texts shall contain a reference to this Act, or shall have such reference attached when officially published.
  - iv. Member States shall, by an adopted mechanism, notify the President of ECOWAS Commission annually on measures or arrangements they adopt to comply with the provisions of this Community Act.

#### **Article 50. Implementation Authority**

Member States shall identify an appropriate State Institution to implement the ECOWAS Model Mining and Mineral Development Act and report on its performance to the government of the Member State and to the ECOWAS Commission.

#### **Article 51. Amendments to this Model Act**

1. Member States or ECOWAS Commission may initiate amendments to this Model Act. Any such amendment shall follow the standard ECOWAS processes for adoption by the decision-making organs.
2. Pursuant to Article 51.1, Member States shall in writing, notify the President of ECOWAS Commission, proposing any amendments to this Model Act.
3. Notwithstanding the provision in Articles 51.1 and 51.2, this Model Act may be reviewed every ten (10) years.

#### **Article 52. Monitoring & Evaluation of Implementation**

1. Member States and the Institutions of ECOWAS Commission undertake to immediately commence the implementation of this ECOWAS Model Mining & Minerals Development Act and its Implementation Strategy, upon Entry-into-Force.
2. Member States, the Community Parliament, ECOWAS Commission, and the Council of Ministers, each in its capacity and through its relevant organs or agencies shall be in charge of the implementation, monitoring and evaluation of this ECOWAS Model Mining & Minerals Development Act and its Implementation Strategy.
3. The Member States and the ECOWAS Commission shall, upon Entry-into-Force, adopt all the necessary measures to comply with this Model Act in accordance with its Implementation Strategy.

### **Article 53. Transitional Provisions**

1. A licence, lease or permit granted or issued under an enactment and subsisting immediately before the coming into-Force of this Community Act shall continue under the laws applicable immediately before the commencement of this Act, except that the Minister responsible for Mines may by a Legislative Instrument make specified leases, licences, permits, and agreements subject to this Act or subject to specific provisions of this Act as shall be stated.
2. An instrument issued by the Minister under Article 53.1 hereabove shall not have the effect of imposing or increasing annual holding costs in respect of mining rights held, or otherwise impose an additional financial burden on the holder of the mineral right for a period of five (5) years from the date of the coming into-Force of this Community Act.
3. A dispute that arises between the Minister and a holder of a licence, lease or permit pursuant to an Instrument issued by the Minister under Article 53.2 shall be referred for resolution under Article 45 herein.

### **Article 54. Publication and Entry-into-Force**

1. This Community Act and its Implementation Strategy shall be published by the ECOWAS Commission in the Official Journal of the Economic Community of West African States within thirty (30) days of its signature.
2. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.
3. This Community Act and its Implementation Strategy shall **Enter-into-Force** upon publication in the Official Journal of the Community.

ECONOMIC COMMUNITY OF  
WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES  
ETATS DE L'AFRIQUE DE L'OUEST

COMUNIDADE ECONÓMICA DOS ESTADOS DA ÁFRICA OCIDENTAL



## **ECOWAS MODEL MINING & MINERALS DEVELOPMENT ACT (EMMDA)**



### **SECTION 7 – DRAFT IMPLEMENTATION STRATEGY**

**ECOWAS COMMISSION  
ABUJA, NIGERIA**

**MAY 2019**

## Table of Contents

<u>1.0 Implementation Strategy</u> .....	80
<u>Member State Ownership of Minerals</u> .....	80
<u>Vestment of Minerals</u> .....	80
<u>Custodianship of Information</u> .....	80
<u>Compulsory acquisition of land</u> .....	80
<u>Land available for application for mineral right</u> .....	81
<u>Land reserved from Mining</u> .....	81
<u>Exportation &amp; Sale of Minerals</u> .....	81
<u>Creation of an Independent Council on Mineral Resources</u> .....	82
<u>Power of Ministry or Agency to grant mineral rights</u> .....	82
<u>Member States' Right of Pre-emption</u> .....	82
<u>Regional Cadastre System</u> .....	83
<u>National Cadastral System</u> .....	83
<u>Right to Conduct Mineral Operations</u> .....	83
<u>Reconnaissance License</u> .....	83
<u>Prospecting or Exploration Licence</u> .....	83
<u>Mining Lease</u> .....	83
<u>Mineral Rights for Small Scale and Artisanal Mining</u> .....	83
<u>Small-scale Mining</u> .....	83
<u>Artisanal Mining</u> .....	83
<u>Mineral Rights for Specific Minerals (industrial Minerals)</u> .....	83
<u>Radioactive Minerals</u> .....	84
<u>Royalties</u> .....	84
<u>Annual Mineral Right Fee</u> .....	84
<u>Ground Rent</u> .....	84
<u>Taxes</u> .....	84
<u>Equity Participation</u> .....	84
<u>Participation in Mineral Activities</u> .....	84
<u>Exemptions</u> .....	84
<u>Deductions &amp; Allowances</u> .....	84
<u>Transferability of Capital</u> .....	84
<u>Stability &amp; Development Agreements</u> .....	84
<u>Localization</u> .....	84
<u>Local Content Development</u> .....	84
<u>National Agency for Local Content Development</u> .....	85
<u>Local Community Development Agreement</u> .....	85
<u>Local Government Administration Development Plan</u> .....	85
<u>Roles and Responsibility of Stakeholders</u> .....	<b>Error! Bookmark not defined.</b>

<u>Member State Roles &amp; Responsibilities to enact Legislations or adopt policies</u> .....	<b>Error! Bookmark not defined.</b>
<u>Role of Mineral Right Holders</u> .....	86
<u>Role of Civil Organizations and Non-State Actors</u> .....	87
<u>Role of Host Mineral Community</u> .....	87
<u>Role of ECOWAS Commission</u> .....	87
<u>Gender Mainstreaming</u> .....	88
<u>Safety, Health and Environment</u> .....	88
<u>Environmental Protection Obligations</u> .....	88
<u>Water Use Rights</u> .....	88
<u>Climate Change</u> .....	89
<u>Geo-hazards and Risks</u> .....	89
<u>Role of Member States</u> .....	89
<u>Role of the host mineral Community</u> .....	90
<u>Resettlement Plan</u> .....	90
<u>Compensation for disturbance of owners surface rights</u> .....	90
<u>Sustainable Development, Mine Community Infrastructure &amp; Services</u> .....	90
<u>Role of Member States and Mineral Right Holders</u> .....	90
<u>Role of Member States</u> .....	91
<u>Role of ECOWAS Commission adopt policies and legislations</u> .....	92
<u>Human Rights Obligations</u> .....	94
<u>Access to Information</u> .....	94
<u>Communication and Duty to Maintain Records</u> .....	94
<u>Transparency &amp; Good Governance</u> .....	95
<u>Investigations &amp; Auditing</u> .....	95
<u>Cross-Border Issues relating to Mineral Sector</u> .....	96
<u>Regional Security, Conflict Prevention and Management</u> .....	96
<u>relating to the Minerals Sector</u> .....	96
<u>Regulations</u> .....	97
<u>General Provisions</u> .....	97
<u>Implementation Authority</u> .....	97
<u>Monitoring &amp; Evaluation of Implementation, Amendments</u> .....	98
<u>2.0 COMMUNICATION STRATEGY</u> .....	98
<u>2.1 Defining the strategy</u> .....	98
<u>2.2 Conceptual Framework</u> .....	100
<u>2.3 Major Stakeholders</u> .....	100
<u>2.4 Media Engagement</u> .....	100
<u>3.0 CONCLUSION</u> .....	101

## 1.0 Implementation Strategy

1.1 In this Implementation Strategy, the various key provisions are grouped into Clusters. These have also been scheduled into Short-term (1-3 years), Mid-term (4-6 years) and Long-term (7-10 years) depending on the critical nature of their implementation to the realization of the objectives of the ECOWAS Model Minerals & Mining Development Act (EMMDA).

1.2 The mode of implementation of this Strategy by various institutions are to be determined by each Member State. The Strategy is outlined hereunder:

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
<b>1. Ownership &amp; Vesting of Mineral Resources</b>	<b>Member State Ownership of Minerals</b>	Pass legislation on State ownership of mineral resources where non-existent		
	<b>Vesting of Minerals</b>	Legislation passed to ensure that mineral resource is vested in the State to be held and managed in trust for the people of the respective Member State		
	<b>Custodianship of Information</b>	Member States shall create or designate a National Agency, which shall have the mandate as the Central Custodian of all geological and geotechnical data and information.		
<b>2. Land for mineral activities</b>	<b>State acquisition of land</b>	Identify prospective areas through geological mapping for mineral activities.		
		Where a prospective land is identified, Member State may acquire the land or authorize its use under an applicable enactment for the entire life cycle of the mining activity.		
		Consent of the landowners or lawful occupiers required (which consent shall not be unreasonably withheld) before commencement of any mineral activity		



Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
	<b>Land available for application for mineral right</b>	In principle all lands subject to mineral right. Member States to identify areas that can be subject to a mineral right.		
	<b>Land reserved from Mining</b>	Member States to identify ‘no go zones’ for mining activities if such lands have particular risks to the preservation of peace and security including areas, which have irreversible consequences for social and cultural sensitivity		
<b>3. Trading in Minerals</b>	<b>Exportation &amp; Sale of Minerals</b>	Member States shall not permit any person to export minerals in their raw state without a licence granted by the Government of the Member State.		
		Develop legislation on Trading on minerals where non-existent		
		Member States shall put in place the necessary facilities to ensure value addition to minerals produced in-country as a first option.		
		Where value addition in-country is not feasible, Member States shall investigate the possibility of processing the mineral in the Community as a second option.		
		Where value addition in the Community is not feasible, Member States shall investigate the possibility of processing the mineral in an African		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		country as an alternative option.		
		Member State to ensure that diamonds are subjected to the Kimberley Process Certification Scheme in addition to any other Certification Scheme that may be adopted by ECOWAS.		
<b>4. Management of Mineral Resources</b>	<b>Creation of an Advisory Council on Mineral Resources</b>	Member States may create an independent Council or Committee on Mineral Resources that shall be apolitical with membership of identified recognized professional bodies that shall provide overarching policy direction on all matters relating to minerals sector.		
	<b>Power of Ministry or Agency to grant mineral rights</b>	Member States shall designate a Ministry or an Agency which shall have sufficient autonomy to be responsible for the negotiation, grant, revocation, suspension or renewal of mineral rights.		
	<b>Member States' Right of Pre-emption</b>	Member States enact legislation that shall have right of pre-emption over all minerals won or obtained in any land, including territorial waters, exclusive economic zone or the continental shelf and any products derived from the processing or refining or		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		treatment of these minerals.		
	<b>Regional Cadastre System</b>		Create Regional Cadastre System to interface National Cadastre Systems	
	<b>National Cadastral System</b>	Create National Cadastre Systems to manage mineral rights transparently		
	<b>Right to Conduct Mineral Operations</b>	Member States to enact legislations on processes for conducting mineral operations		
	<b>Reconnaissance License</b>	Develop Framework for Reconnaissance,		
	<b>Prospecting or Exploration Licence</b>	Prospecting, Research or Exploration Licences in accordance with the Community Act		
	<b>Mining Lease</b>		Develop Framework for Mining Leases in accordance with the Community Act.	
	<b>Mineral Rights for Small Scale and Artisanal Mining</b>	Develop Framework for Small Scale and Artisanal Mining in accordance with the Community Act.		
	<b>Small-scale Mining</b>			
	<b>Artisanal Mining</b>			
	<b>Mineral Rights for Industrial Minerals</b>	Develop Framework for Industrial and other Minerals in accordance with the Community Act.		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
	<b>Mineral Rights for Radioactive Minerals</b>		Develop Framework for Radioactive Minerals in accordance with the Community Act.	
<b>5. Fiscal Imposts</b>				
	<b>Royalties</b>	Develop Regulations for Royalties, Annual Mineral Right Fees, Ground Rent, Taxes, and Depreciation.		
	<b>Annual Mineral Right Fee</b>			
	<b>Ground Rent</b>			
	<b>Taxes</b>			
	<b>Equity Participation</b>	Develop Framework for Equity participation and in mineral activities in general		
	<b>Participation in Mineral Activities</b>			
	<b>Exemptions</b>		Develop legislation for exemptions, deductions and allowances	
	<b>Deductions &amp; Allowances</b>			
<b>6. Incentives</b>	<b>Transferability of Capital</b>		Develop appropriate legislation on transfer of capital	
	<b>Stability &amp; Development Agreements</b>		Develop appropriate stability and development agreements for the minerals and mining sector	
<b>7. Localization &amp; Local Content</b>		Localization shall include all policies, enactments, and activities that aim to increase local procurement of goods and services, training, technology transfer and development of local entrepreneurship, designed towards eventual substitution of expatriates and the high participation of citizens of Member States or the Community in the Sector, with optimal Community-indigene participation as may be required.		
	<b>Localization</b>	Put in place effective		
	<b>Local Content Development</b>	Regulatory requirements		
	<b>Institutional Model for Implementation, Monitoring &amp; Evaluation</b>	Member States shall establish or designate, an Institution as its National Agency for Local Content Development.		

<b>Cluster</b>	<b>Key Provisions</b>	<b>Short-term (1-3yrs)</b>	<b>Mid-term (4-6yrs)</b>	<b>Long-term (7-10yrs)</b>
	<b>National Agency for Local Content Development</b>	Create or strengthen Agency for local content development including its nature and functions		
<b>8. Corporate Social Investments</b>	<b>Local Community Development Agreement.</b>	Develop model local content development Agreement for mineral title holders depending on type of mineral right		
	<b>Local Government Administration Development Plan</b>	Ensure local mining community development plan is aligned to the Local Government development plan.		
<b>9. Mineral Development Fund</b>		Create a Mineral Development Fund.		
<b>10. Research &amp; Strategic Development</b>		Develop Research and Strategic Development Plans		
<b>11. Quality Standards in Minerals Development</b>	<b>Quality Management</b>	Quality Management which shall encourage stakeholder institutions and operating entities in the sector to implement a Quality Management System based on the most current International Organization for Standardization.		
	<b>Environmental Management</b>	Environmental Management that shall encourage stakeholder institutions and operating entities in the sector to implement an Environmental Management System.		
	<b>Social Responsibility</b>	Social Responsibility that shall encourage stakeholder institutions and operating entities to implement an acceptable Social Responsibility standards.		
	<b>Energy Management</b>	Energy Management which shall encourage stakeholder institutions and operating institutions to implement energy efficient and diversified energy production		
	<b>Risk Management</b>	Risk Management which shall encourage stakeholder institutions and operating institutions to implement risk management systems		
	<b>Food Safety Management</b>	Food Safety Management which shall encourage stakeholder institutions and operating institutions to implement food safety management within the mining community		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)		
	<b>Information Security</b>	Information Security that shall encourage stakeholder institutions and operating institutions to implement information management security systems.				
	<b>Organizational Health &amp; Safety</b>	Organizational Health and Safety that shall encourage stakeholder institutions and operating institutions to implement organizational health and safety systems.				
<b>12. Roles and Responsibility of key Stakeholders</b>	<b>Member State Roles &amp; Responsibilities to enact Legislations or adopt policies</b>	Develop a National Policy for supporting local content development and participation.				
		Ensure that mineral right holders shall submit local procurement plans taking cognizance of ECOWAS Trade Liberalization Scheme and Common External Tariff.				
		Reduce concessions on import tariffs and duties				
		Allocate revenues from mineral activities to support local supplier development				
		Formulate regulations for supporting local content development				
		Promote linkages and investments along the entire mineral sector value chains.				
		Undertake wider measures to create a supportive enabling environment for local content development				
		<b>Role of Mineral Right Holders</b>		Identify and broaden access to opportunities available to medium-scale and small-scale enterprises in the Community		
				Provide technical support to suppliers of goods and services in the Community.		
				Provide financial support to medium scale and small scale enterprises in the Community as part of their Corporate Social Responsibility		
		Provide full disclosure of all procurement and supplier contracts to Authorized Agencies in the Member State.				

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
	<b>Role of Civil Society Organizations and other Non-State Actors</b>	Monitor and evaluate Mineral Rights Holders' implementation of commitments to supporting local content development and expenditure		
		Use collaborative advocacy including capacity building for host-mineral communities on local content development and related supporting mechanisms		
		Engage in enhanced collaborative techniques for greater information sharing and awareness creation within government, mineral right holders, education and training institutions, civil society, and regional intergovernmental organizations		
		Facilitate stakeholder dialogue to exchange knowledge and collaborate on approaches to supporting local content development		
		Not do or cause to be done any activity by the community that would hinder smooth mining activities		
	<b>Role of Host Mineral Community</b>	Actively take advantage of capacity building programmes to enhance the opportunities of their participation in mineral operations		
		Respect the terms and conditions of all Mineral Rights issued by the State		
	<b>Role of ECOWAS Commission</b>	Facilitate the development of a common framework for defining local content development and provide monitoring framework for the implementation of the ECOWAS Mining and Minerals Development Act.		
		Support alignment of provisions and processes related to requirements for mineral-related licence holders to develop local procurement plans		
		Facilitate the adoption of common requirements and processes related to those local procurement plans across the region		
		Standardize and align the content, submission frequency, responsible oversight and monitoring entities, penalties and enforcement actions to be		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		agreed upon with Member States within the Community		
		Develop a harmonized list of products across the region that may be exempted from customs duties and taxes		
		Develop a regional list of suppliers of Community-origin		
		Establish platforms for promoting linkages and investments along the mineral sector supply chains		
		Assist with information sharing and facilitate partnering on upstream activities in the mineral sector		
		Continue to facilitate regional trade, focusing on implementation of rules		
<b>13. Gender</b>	<b>Gender Mainstreaming</b>	Member States to ensure gender issues are mainstreamed into all activities in the mineral value chain.		
<b>14. Safety, Health and Environment</b>	<b>Safety, Health and Environment</b>	Ensure health, safety and environment policies and regulations are in place and are enforced.		
	<b>Environmental Protection Obligations</b>	Ensure all environmental policies and regulations are in place to include closure and post closure issues		
	<b>Water Use Rights</b>	Enact Regulations to control use of surface and underground water resources.		



<b>Cluster</b>	<b>Key Provisions</b>	<b>Short-term (1-3yrs)</b>	<b>Mid-term (4-6yrs)</b>	<b>Long-term (7-10yrs)</b>
	<b>Climate Change</b>	Ensure Climate Change issues and policies are mainstreamed into entire value chain in Member States.		
	<b>Resettlement Plan</b>		Develop Template for resettlement of communities in event of mining.	
<b>15. Geological Disasters</b>	<b>Geo-hazards and Risks</b>			
	<b>Role of Member States</b>	Create National Disaster Agencies in accordance with the ECOWAS Protocol Natural Disasters		
		Member States shall adopt best practice disaster management mechanisms and promote the implementation of their National Disaster Plans and the ECOWAS Supplementary Act A/SA.8/01/07 relating to ECOWAS Policy on Disaster Reduction		
		Create frameworks for geo-hazard Disaster Risk Reduction which shall focus on disaster mitigation and preparedness		
		Carry out regional desk studies to establish the geological context and develop preliminary 'Ground Models and Risk Management Strategies'. Make use of high- and ultra-high resolution geophysics to accurately define stratigraphy and geological structures		
		Carry out new geotechnical investigation techniques to quantify the physical characteristics of the geological strata		
		Conduct advanced geological and geotechnical laboratory testing on soils and cores		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
			Carry out analysis of geological/geotechnical processes that will influence areas or structures	
		Make use of Geographic Information Systems as a geo-hazard assessment and screening tool		
			Conduct advanced numerical modelling of soil and structural interaction	
	<b>Role of the host mineral Community</b>	The host mineral Community shall develop an integrated system of services to geo-disaster preparedness, prevention and mitigation as provided for in the Act.		
	<b>Resettlement Plan</b>		Develop an Emergency Plan for resettlement of communities in event of mining disasters.	
<b>16. Surface Rights</b>	<b>Compensation for disturbance of owners surface rights</b>	Develop comprehensive compensation schemes for surface rights owners affected by mineral rights		
	<b>Sustainable Development, Mine Community Infrastructure &amp; Services</b>		Develop sustainable development and mine community infrastructure and services plan for mining communities	
	<b>Role of Member States and Mineral Right Holders</b>	Facilitate and nurture human resources development and skills formation in tandem with the development of resources technological clusters through the facilitation of research and development.		
		Facilitate that building of knowledge networks and niches involving academia, industry, government and other		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		players shall be in integral part of this human resource development		
			Provide supporting infrastructure including roads, rail, ports, energy, water and telecommunication	
		Encourage the establishment of strong instruments of collaboration among industry professionals to identify and address the issues that confront the minerals and mining industry		
			Promote local beneficiation and value addition of minerals within the Community to provide manufacturing feedstock	
		Promote the development of mineral resources including industrial minerals for the local production of consumer and industrial goods		
			Establish in Member States, an industrial base through backward and forward linkages of the minerals and mining sector	
		Encourage and support small and medium-scale enterprises sector with greater multiplier effects and potential to create employment that can provide services to the minerals and mining industry		
	<b>Role of Member States</b>	Enact appropriate legislations to Improve the quality of the mining business environment, increase private sector confidence and participation, and promote investment		
			Establish necessary environment to increase production of local suppliers of mining industry needs within the Community and enhancing local beneficiation and value addition of goods;	
			Facilitate lateral migration of mining technologies to other industries within	

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
			Member States and in the Community.	
		Increase social, human, knowledge and institutional capital in the mineral and mining sector applicable in other sectors of the national and Community economy		
		Promote the development of sustainable livelihoods in mining communities;		
		Ensure compliance of industry players with the highest standards of corporate governance, and environmental, social and material stewardship;		
			Harness the potential of marginal mineral resource deposits that may not necessarily attract major international companies and grant them to entrepreneurs of the Community.	
			Establish the requisite enabling markets and common platforms for critical services in the mining industry such as raising capital, mineral commodity exchanges, modern legal and regulatory support, mineral marketing support and development	
		Develop and promote Public Private Partnerships in the minerals and mining industry		
	<b>Role of ECOWAS Commission to adopt policies and legislations</b>	Promote regional integration of and harmonization of the minerals and mining sector in the Community		
			Ensure continued innovation and human resources development in the minerals industry to	

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
			sustain a local content use mining to diversity the national and Community and diversified economy	
			Work towards the creation of an African Spatial Development Programme that will consist of a network of key Development Corridors across West Africa to assist in the development of the Community's mineral resources and associated industries	
		Ensure regional cooperation and integration in reducing transaction costs, establishing intra-regional synergies, enhancing competitiveness and realizing economies of scale that would catalyze minerals cluster development		
			Ensure that goods, services, capital and other factors for the minerals and mining sector freely flow within the Community	
		Expedite intra-regional harmonization of laws, regulations and fiscal regimes, among other critical factors relating to the minerals and mining sector		

<b>Cluster</b>	<b>Key Provisions</b>	<b>Short-term (1-3yrs)</b>	<b>Mid-term (4-6yrs)</b>	<b>Long-term (7-10yrs)</b>
			Ensure that Member States maximize the resource sector linkages by building integrated mineral resource industrial clusters across the entire value chains	
		Ensure that Member States enact appropriate legislations to promote the pooling of resources, both bilateral and multilateral among Member States, for technical data acquisition and management, in mineral exploration and production		
		ECOWAS Commission shall within twelve months upon Entry-into-Force of this Community Act, promote the establishment of a West African Market System for minerals aligned to International Terms of Trade for intra-regional trade		
<b>17. Human Rights</b>	<b>Human Rights Obligations</b>	Member States should pass legislation to ensure that mining companies comply with human right provisions in accordance with International Human Rights agreements and humanitarian laws.		
<b>18. Information</b>	<b>Access to Information</b>		Access to records, information and documents of the mineral right holder shall be in accordance with laws which must exist or are passed in Member States	
	<b>Communication and Duty to Maintain Records</b>	A holder of a mineral right in a Member State is under duty to maintain records as may be prescribed and communicate effectively		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		with relevant regulatory bodies		
<b>19. Good Governance</b>	<b>Transparency &amp; Good Governance</b>	Member States shall sign unto the Extractive Industries Transparency Initiative		
		Member States shall adopt minerals and mining policies consistent with the ECOWAS Guiding Principles on the Harmonization of Mining Policies		
		Member States shall ensure that all operators in the entire mineral value chain fulfill all their fiscal obligations as provided for in law		
		Member States shall put in place effective monitoring mechanisms to ensure no leakage of mineral revenues either locally or to international bodies		
		Policies should be clear that no information relating to environmental degradation, impact of mining on human health, environment or workers safety shall be considered confidential		
	<b>Investigations &amp; Auditing</b>	Member States shall no less than once in a calendar year, carry out comprehensive auditing of the operations of all		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		companies in the entire value chain.		
<b>20. Transboundary Mineral Development</b>	<b>Cross-Border Issues relating to Mineral Sector</b>	Member State shall jointly and severally develop methodology for exploiting mineral deposits which straddles across borders to ensure benefits from economies of scale		
<b>21. Regional Security in the Mineral Sector</b>	<b>Regional Security, Conflict Prevention and Management relating to the Minerals Sector</b>	Member States shall identify and document minerals of value within their jurisdiction and to ensure that the exploitation of these minerals are undertaken by individuals or companies with no links to terrorism.		
			Member States shall pass appropriate regulations that will make it illegal for a mineral right holder and a government official to exploit communities, abuse human rights and instigate violence within or outside the mining communities	
		Member States shall pass appropriate regulations to develop microeconomic laws, policies and regulations that support economic diversification rather than focusing only on the mineral industry		
		Members shall pass local laws that will strengthen national governance in mining and mineral sector and shall also strengthen governance in the international mineral trade		



<b>Cluster</b>	<b>Key Provisions</b>	<b>Short-term (1-3yrs)</b>	<b>Mid-term (4-6yrs)</b>	<b>Long-term (7-10yrs)</b>
<b>22. Regulations</b>	<b>Regulations</b>	Member States shall pass appropriate legislations to give effect to this Model Act.		
<b>23. General Provisions</b>	<b>General Provisions</b>	Member States undertake to promote intra- and inter-State cooperation in the implementation of this Community Act.		
		The President of the ECOWAS Commission shall facilitate interstate cooperation between National Minerals Commissions or Agencies and other stakeholders in the Mineral Industry		
		Members States and ECOWAS Commission shall adopt all necessary legitimate measures to comply with this Community Act.		
		Where the Member States adopt this Community Act, the texts shall contain a reference to this Act, or shall have such reference attached when officially published.		
		Member States shall, by an adopted mechanism, notify The President of ECOWAS Commission annually on measures or arrangements they adopt to comply with the provisions of this Community Act		
	<b>Implementation Authority</b>	Member States shall identify an appropriate State Institution that will implement the ECOWAS Model Mining and		

Cluster	Key Provisions	Short-term (1-3yrs)	Mid-term (4-6yrs)	Long-term (7-10yrs)
		Mineral Development Act and report on its performance to the government of the Member State and to the ECOWAS Commission.		
	<b>Monitoring &amp; Evaluation of Implementation, Amendments</b>	Member States and the Institutions of ECOWAS undertake to immediately commence the implementation of this ECOWAS Model Mining and Mineral Development Act upon its Entry into Force.		
		Member States, ECOWAS Parliament, ECOWAS Commission, and the Council of Ministers, each in its capacity and through its relevant organs or agencies shall be in charge of the implementation, monitoring and evaluation of this ECOWAS Model Mining and Mineral Development Act		

## 2.0 Communication Strategy

The ECOWAS Model Mining & Minerals Development Act sets out in broad and in some cases definite terms how the mineral resources in West Africa could be developed to ensure maximum benefits to citizens of West Africa. In addition to the realization of the objectives of the Act, it is important that a communication strategy is developed to give direction to planning, an understanding of the situation, an ability to carry out the work, and clear identification of the goal to ensure that the target groups are adequately informed and are aware of the Act. The ability to communicate is essential to the success of any undertaking and an important factor in the achievement of its objectives. The world is at a communication age of knowledge, and the key to accessing and harnessing that knowledge lies in the ability to communicate in whatever form to the intended targets.

### 2.1 Defining the strategy

The African Mining Vision has identified nine clusters which are challenges facing the mining sector in Africa and by extension in West Africa. When challenges associated with these clusters are addressed, it is believed that the mining sector could contribute effectively to Africa's development Agenda. These clusters with their identified goals are:

**Mining revenues and mineral rents management**

**Goal:** To create a mining sector that generates adequate income and rents to eradicate poverty and finance African growth and development.

**Geological and mining information systems**

**Goal:** To develop a comprehensive knowledge of Africa's mineral endowment.

**Building human and institutional capacities**

**Goal:** To create a mining sector that is knowledge driven and is the engine of an internationally competitive African industrial economy.

**Artisanal & Small-scale mining**

**Goal:** To create a mining sector that harnesses the potential of artisanal and small scale mining to advance integrated and sustainable rural socioeconomic development.

**Mineral Resource Governance**

**Goal:** To create a sustainable and well governed mining sector that is inclusive and appreciated by all stakeholders including surrounding communities.

**Research and Development**

**Goal:** To create a knowledge driven mining sector that is a key component of a diversified, vibrant and globally competitive industrializing African economy.

**Environment and Social Issues**

**Goal:** To create a mining sector that is environmentally friendly, socially responsible and appreciated by all stakeholders and surrounding communities.

**Linkages and Diversification**

**Goal:** To create a mining sector that catalyzes and contributes to broad-based growth and development through upstream, downstream, sidestream and infrastructure linkages.

**Mobilizing Mining and Infrastructure Investment**

**Goal:** To increase the level of investment flows into mining and infrastructure projects to support broad socio-economic development

The Community Act was therefore drafted bearing these clusters in mind to ensure that the ECOWAS region derives the maximum from its mineral resources. In order to achieve this, it is important that the Community Act is communicated to all stakeholders in the Member States in a manner that all stakeholders would understand it. Through Stakeholder consultations, Government will address key issues in the sector in a holistic manner. Major stakeholders in the industry have demonstrated a clear eagerness to cooperate and support any government initiative to address issues relevant to the industry.

## 2.2 Conceptual Framework

The objective is to inform and solicit cooperation from stakeholders for smooth implementation of the ECOWAS Model Mining & Minerals Development Act and develop activities outlined in this Implementation Strategy to address problems facing the mining industry and national development. In order to achieve the objective of the Act, this conceptual Implementation Strategy Framework has been developed for implementation.

## 2.3 Major Stakeholders

- ECOWAS Institutions
- The Executive Arm of Government of Member States
- Parliament of Member States
- Ministries, Departments and Agencies (MDAs)
- Traditional Authorities
- Communities
- Farmer Based organizations
- Civil Society Organizations and other Non-State Actors
- Private Sector
- Multilateral Organizations (World Bank, African Union, European Commission, IMF, AfDB, etc.)
- Media Organizations
- Youth
- Local Government Authorities or Institutions (LGA)

## 2.4 Media Engagement

Media events in Member States will be scheduled at key milestone in the implementation programmes as outlined below:

Type of Communication	Method	Stakeholder	Responsibility
<b>Direct Communication</b>	Engage Governments and Parliaments and sensitize on the Community Act.	Government of Member States	Executive Arm of Government and Parliament
	Develop Communication messages and publish pamphlets on the Model Act	Traditional Authorities, Communities, Farmer Based organizations, Civil Society Organizations, Multilateral Organizations, Media Organizations, Youth, Local Government, Ministries, Departments and Agencies (MDAs)	Ministries and Departments responsible for Mining Sector in Member States, Heads of LGAs, Private Geological/Mining Consultants

Type of Communication	Method	Stakeholder	Responsibility
<b>Channels of Communication</b>			
<b>Direct Communication:-</b>	News Conference, Group Discussions, Press Briefing and Press Conference, Website, Publications, Road-shows, Seminars, workshops and conferences	Electronic and Print Media, Representatives of beneficiary communities Opinion leaders and chiefs	Ministries and Departments responsible for Mining Sector in Member States, Heads of LGAs, Private Geological/Mining Consultants
<b>Indirect Communication:-</b>	Press Releases/Alert, Use of Radio, Use of Television, Video Documentary, Use of Print and other Online Media.	Traditional Leaders Farmer Based organizations LGAs Regional Coordinating Council NGOs	Ministries and Departments responsible for Mining Sector in Member States, Heads of LGAs, Private Geological/Mining Consultants
<b>Monitoring &amp; Evaluation</b>			
<b>Method</b>		<b>Responsibility</b>	
Newspaper cuttings, Website Hits, Unsolicited feedback from communities, local assemblies and CSOs, Periodic Survey among communities, mineral production levels, Mineral Revenues		Ministries and Departments responsible for Mining Sector in Member States, Heads of LGAs, Private Geological/Mining Consultants	

### 3.0 Conclusion

This Implementation Strategy has been structured with the broader regional perspective. Member States are to develop their working templates, which at the minimum, outlines the expected output and means of verification for each specific strategy outlined in this Implementation Matrix. ECOWAS Commission shall also develop a monitoring template as a guide, and for periodic measurements of implementation progress.