



AFRICAN INSTITUTE FOR ECONOMIC DEVELOPMENT AND PLANNING
UNIVERSITY OF JOHANNESBURG
(IDEP/U)

MINERAL POLICY AND CONTRACT NEGOTIATIONS

CALL FOR APPLICATIONS & NOMINATIONS

Announcement in Brief

Course Type: Short Term Course

Date: 24 August – 04 September, 2015

Duration: 2 Weeks

Language: Bilingual (English & French)

Location: Johannesburg, South Africa

Programme Area: Mineral Policy

Fee: \$2,500 (Excluding air travel and subsistence costs)

Scholarships: Yes (IDEP offers a limited number of partial and full scholarships)

Application Deadline: 10 July, 2015

INTRODUCTION

Africa's vast mineral wealth has, for long, been the object of intense international and domestic interest. For various reasons, much of that interest has not been beneficial for Africa's long-term development and the promotion of the welfare of the generality of its peoples. Internationally, documented and speculative knowledge about Africa's mineral wealth contributed to the onset of imperial ambitions to dominate its affairs; in most cases, those ambitions culminated in the imposition of foreign colonial rule amidst a scramble among the leading European powers of the 19th century to control the known strategic resources of the continent. The exploitation of Africa's mineral wealth by international interests has remained a constant element in the affairs of the region, impacting not only the processes of economic development but also the dynamics of politics, governance, environmental sustainability, social cohesion, and culture. Historically, the main international mining interests active in Africa came from Europe and North America. Today, in the context of on-going re-alignments in the world economy, a new scramble for Africa's mineral wealth involving old and new forces is unfolding at a time when, at different levels, the capacity of most of the states in the region is not at its optimal.

Domestically, the history of some of the earliest African political formations was closely linked to the presence and control of strategic minerals. Indeed, minerals have been closely intertwined with the process of the composition, consolidation, decomposition and re-composition of political communities in Africa. In more recent times, mineral production has emerged to constitute a key driver of economic activity and political life in many countries. It constitutes a significant – in some cases dominant – element in the international trade profiles of most countries, accounting for the bulk of formal exports and serving as the main source of foreign exchange earnings. However, formally declared exportation competes with informal and illicit transactions of various kinds to paint an unwholesome picture of a trade in Africa's mineral riches that is mostly characterized by multiple leakages, including significant revenues lost to the treasury, and a litany of missed opportunities for transformative development. As can be expected, the governance of the mining sector and the management of the direct and indirect benefits deriving from mineral production and exports have emerged as terrains of domestic political and policy contestation in which various national and international actors are enmeshed. Many of the contestations have festered into full-blown violent conflicts.

Considering the close interconnection between minerals, power and development, it is not surprising that a complex political economy has mushroomed around it. The ownership, control, and deployment of Africa's mineral wealth are at the core of a broader struggle on the continent for sustained and sustainable development. It is a struggle that implicates an array of players: states and mining companies; mining companies in competition and collaboration with one another; the home and host countries of mining conglomerates; governments and the citizens over whom they preside; the public and private sectors; foreign and domestic investors; formal corporate entities, governments, and informal/artisanal miners; investors and the communities in which they operate; local and international civil society organisations and advocacy groups; inter-governmental and multilateral institutions; and mining investors and the labour which they employ. The exploitation of the continent's mineral wealth has also raised concerns with regard to the exercise of sovereignty by African states; governmental capacity and internal coherence; public policy processes; reciprocal accountability among and by the key players in the mining sector; the quest by African countries for national self-reliance; the absorption and use by governments of incomes from mineral exports; the rights of peoples and communities to development; the protection of the natural environment; the duties and responsibilities of mining companies; the transfer of mining technology to African countries; the management and regulation of the mining sector; and, above all, the implications of mining activities for overall national and regional development.

Amidst the plethora of issues that have been thrown up by contemporary mining activities in Africa, perhaps the most enduring and pertinent centres on how African countries can derive the maximum possible developmental benefit from their resources. It is an issue around which considerable scholarly analyses has been undertaken and a broad range of policy proposals made, including the Extractive Industry Transparency Initiative to which several African governments have subscribed. However, many of the policy initiatives that have been promoted do not sufficiently address the central question of how a systematic and an incremental creation of domestic developmental linkages, direct and indirect, can be achieved in the producing countries in order to ensure that greater value is generated and retained locally from the mining sector both on its own terms and in relation to other economic sectors and activities. This is as much a matter of policy as it is of politics; it also speaks to the negotiating frames and methods employed by African governments in their quest to attract and retain foreign mining investors that have or are able to access the technology required for extracting minerals.

OBJECTIVES

The overarching objective of the course is to contribute to the development of a critical mass of highly skilled middle and senior policy officials and decision makers who will be suitably or better equipped to design and manage mining policy for the development of their countries, sub-regions and the continent. A robust mining policy must necessarily be built on a clear developmental vision; such a vision must also inform the contractual negotiations that are held, so that in this way, vision, policy and negotiations are properly interfaced to achieve desired outcomes. In addition to policy issues, therefore, the course will also provide training on mining contract negotiations, doing so primarily on the basis of the African mining vision as the framing standard which African leaders have adopted under the auspices of the AU to ensure that African countries get the best benefits from their mineral resources for the purpose of advancing their national development agendas and the welfare of their citizens.

The course will respond to the expressed needs of African governments for a corpus of skilled mid-level and senior personnel, who are adequately equipped to design, implement and evaluate policies for the operation and governance of mining activities and the promotion of national development through mining contracts agreed with private, mainly foreign companies.

EXPECTED RESULTS

- i. An improved understanding by participants of the mining sector and its potentialities for driving national and regional economic transformation;
- ii. An enhancement of the negotiating capacity and techniques of trainees;
- iii. A reinforcement of the capacity for the formulation, management, monitoring and evaluation of mining policies;
- iv. A better understanding of the comparative experiences of other regions of the world and the lessons which they offer to the countries of Africa; and
- v. A broader capacity to assess draft mining contracts from a developmental point of view.

CONTENT

Among the themes that will be covered in the course and which are expected to contribute to the achievement of its objectives are: *A political economy of the global mining industry; Africa in the global mining system/mineral industry; Actors and factors in African mining;*

Global comparative experiences in mining and development; Mining policies in a developing country context; the African Mining Vision; Policy implications of the African Mining Vision; Financing mining investments; Institutions of mining development; Mining and environmental sustainability; Overview of the law of contracts; Core issues and principles for mining contract negotiations; Models of mining contracts; and Monitoring and evaluating mining contracts.

PEDAGOGICAL APPROACH

The pedagogical approach will combine lectures, roundtables, and simulation exercises. It will emphasise practical applications through the use of case studies and group discussions, including presentations and experience-sharing by trainees. Group work will also be employed to encourage peer learning and impart knowledge and skills. Participants admitted into the training programme should be prepared to present short technical reports on some of the specific themes covered in the course.

Each participant will be awarded one of three (3) types of IDEP certificates based on his/her performance: (i) Certificate of Competence; (ii) Certificate of Participation; or (iii) Certificate of Attendance.

MODE OF DELIVERY

- **Language:** The course will be delivered in English and French (simultaneous interpretation services will be available)
- **Duration:** Two (2) weeks with a total of sixty (60) hours
- **Number of participants:** A total of twenty five (25) participants are admitted into each IDEP short course.
- **Resource persons:** The course will be delivered by a group of resource persons invited by IDEP to lead the programme. The resource persons are top-level professionals and experts with first-hand knowledge of Africa's minerals sector and a deep comparative knowledge of international mining policies and contracts will deliver course modules for the benefit of the participants in the course.

METHOD OF APPLICATION AND NOMINATIONS

Applications and nominations are on the basis of a form which all interested participants are expected to complete. The forms are available on the IDEP website and can be submitted online or downloaded for transmission by fax or as e-mail attachment. Candidates are advised to complete all the relevant sections of the forms; incomplete applications will not be processed.

TARGET PARTICIPANTS

- Middle and senior level policy officials and managers directly connected with or responsible for planning, designing, managing, monitoring and evaluating mining policy and development in their countries;
- Officials involved in the negotiation of mining contracts on behalf of their governments.

COURSE TUITION & SCHOLARSHIPS

The cost of this course is USD 2,500, this fee excludes air travel and subsistence costs. IDEP offers a limited number of partial and full scholarships to those admitted to participate in its short training courses.

IMPORTANT DATES

- Deadline for Applications and Nominations: 10 July, 2015
- Course Period: 24 August – 4 September, 2015

CONTACT INFORMATION

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N.B.: IDEP strongly encourages and supports the participation of suitably qualified female officials in its capacity development and training programme.