

Ouagadougou, 3 November 2011

TERMS OF REFERENCE FOR THE PREPARATION OF A TRAINING PROGRAMME ON POSSIBLE IMPACTS AND RECOURSE REGARDING BORDERING PROTECTED AREAS MINING COMPANIES

1. Context

A study undertaken by PAPACO in 2011 allowed stock taking of the development of the mining sector in West Africa and its impact on conservation (can be downloaded at: <http://www.papaco.org/etude/mines.pdf>).

Extractive industries, whether it be minerals extraction, their processing or their transportation, are causing environmental damages which is a function firstly of the extent and scale of the exploited substance, and secondly of the pre-existing natural environment: clearings, loss of farming lands, dusts, chemical pollutions, noises. In addition, they sometimes bring about populations migrations, either populations unsettled from the mining site and settled at another site or populations that come and group together near the mining site to try and benefit from direct or indirect economic returns. This human pressure also generates impacts on fauna, and mostly on flora (deforestation for agriculture and firewood).

Since the 90's, we are witnessing an important development of the mining sector in West Africa following the impetus of attractive national mining policies and of high foreign investment in the private sector. This development, intended and supervised by international institutions, enabled the opening of important number of mining and oil industries and the result is a significant increase in GDP and export receipts.

The mining and oil codes established between 1990 and 2003 focused, on one hand, on taxes (mining royalties, oil production sharing contract, etc.) and, on the other hand, on mining claims management (rules for granting, not overlapping claims for a same group of substances). The environmental area has more or less been neglected, letting mining companies conform to "good practices". The mining sector is under the supervision of the Ministry of Mines.

Since the 2000s, environmental codes are gradually developed, notably by awareness raising on the necessity to undertake environmental impact assessments (EIA) for important industrial projects to be issued "environmental licences" before being granted industrial exploitation authorizations.

In almost all West African countries, this resulted in the setting up of inter-ministerial commissions to consider mining titles applications and give directions for impact studies: Therefore, the Ministry of Mines is no longer the only stakeholder and the titles are jointly granted with the ministries of environment, agriculture, budget, etc.

Unfortunately, EIA are not systematic for quarries which can generate environmental noise pollution comparable to that of mines. If the guidelines of environmental impact studies are generally defined in the law, there is no constraint specific to the mining sector or to the proximity with protected

areas. In addition, in the absence of mining environmental specialists, either in the ministry in charge of environment or in that in charge of mines, EIA are more administrative formalities for those who apply for mining titles rather than real studies, except for some large companies that respect environmental ethics.

The general observation made from the current study is that, as a whole, mining titles respect protected areas when these are clearly identified and mining pressures, if any, are mainly located at the periphery of these protected areas for which there is seldom a “buffer zone”. At the same time, all West African countries try to limit and supervise mining artisans (gold washing) but these activities are still illegally undertaken in forbidden areas, notably in protected areas.

The situation is more worrying for the oil industry: the blocks attributed to oil research do not take into account protected areas. If today oil is essentially produced off-shore (that generates serious pollutions, notably in the Niger Gulf), future productions may be on-shore (Mali, Niger) that will generate pollutions on terrestrial ecosystems.

2. Training objectives

The main objective of this training is to provide decision-makers in charge of granting and controlling mining licenses with negotiation tools in order to inhibit the impacts of bordering protected areas mining companies on the biodiversity of the PA and/or its surroundings.

This training should be able to fit all contexts (legislative, regulatory, technical) related to West and Central Africa specific mining environment.

3. Target audience and pre-requisites

The training is particularly intended for executives of national institutions (ministries and PA management national agencies) in charge of granting mining licenses and controlling mining activities around PAs (decision-makers). Participants should have a good knowledge of the status of the concerned PAs (IUCN category) and their related management rules.

4. Expected outputs

- a) At the end of the training, participants should :
- know the legislative and regulatory bases of extractive industries obligations regarding environment protection;
 - know and understand mining impacts on biodiversity;
 - know the methodological approach for identifying conflicts and the typology of environmental conflicts which may result from extractive industries;
 - know the keys to solve these conflicts;
 - know the steps and modalities for setting up a partnership and a consultation framework for managing biodiversity
 - prepare the guidelines of specifications related to extractive exploitation within or around their site (if this is of course conceivable).

b) Training content

The training will deal with the following topics:

Context:

- analysis of mining industries' regulatory obligations towards the conservation of biodiversity (advantages, limits and shortcomings of legislative texts, links with local realities, stakeholders rights and obligations, etc.);
- presentation of the best practices derived from international agreements (such as ICMM);
- analysis of the existing environmental impacts and assessment of the risks for biodiversity.

Negotiation tools:

- developing an evaluation grid for legal requirements and/or good practices;
- evaluating potential conflicts and a methodology for their resolution;
- structured presentation of tangible evidence and a relevant report on extractive industry impacts;
- involving the civil society in the negotiation process.

Possible discussion points with miners:

- support to the PA management (control of poaching, illegal pasturing, gold washing) and equipment;
- payment of the ecosystem services provided by the PA;
- joint planning of reforestation/restoration phases of extraction sites in the PA;
- improving bordering populations' wellbeing in tune with the conservation of biodiversity.

5) How the training will take place

The training will be a 20 to 30-hour course and will include practical works. Hard and soft copies of the training material will be distributed to participants. The training will take place on 30 June 2012 at the latest. PAPACO will organize all the logistical aspects of the training (recruiting participants, choosing the training venue, etc.).

Trainers' technical and financial proposals should be sent in French to Beatrice Chataigner (beatrice.chataigner@iucn.org) **before 31 December 2011.**