



SIERRA LEONE GOVERNMENT
MINISTRY OF MINES AND MINERAL RESOURCES

THE SIERRA LEONE MINERALS POLICY

NOVEMBER 2018

TABLE OF CONTENT

Foreword	1-5
Definitions.....	8
Acronyms	10
1 INTRODUCTION	13
1.1 History and Evolution of the Sierra Leone Minerals Sector	13
1.2 Rationale for the Minerals Policy	15
1.3 Scope of the Minerals Policy	15
1.4 Minerals and Sustainable Development in Sierra Leone	16
1.4.1 Minerals, Structural transformation and industrialization	16
1.4.2 Linking Sierra Leone’s Minerals Development Goals and the African Mining Vision	17
1.5 Global, Regional and Sub-regional Opportunities for Minerals Development	18
1.5.1 Sierra Leone.....	18
1.5.2 Mano River Union (MRU).....	18
1.5.3 Regional	18
1.5.4 Global.....	18
2 POLICY GOAL AND OBJECTIVES.....	19
2.1 Goal	19
2.2 Objectives.....	19
3 POLICY STATEMENTS AND IMPLEMENTATION STRATEGIES	20
3.1 Minerals Sector Governance.....	20
3.1.1 Legislative Framework	20
3.1.2 Institutional Arrangements.....	22
3.1.3 Community Consultations and Participation	23
3.1.4 Transparency and Accountability	24
3.1.5 Anti-Corruption	25
3.1.6 Disclosure of Beneficial Ownership	26

3.1.7	Human Rights Issues	26
3.1.8	Mineral Rights Acquisition	27
3.2	Fiscal Regime and Revenue Management.....	29
3.2.1	Fiscal Regime.....	29
3.2.2	Revenue management	30
3.3	Geological and Minerals Information Systems	32
3.4	Research and Technology	33
3.5	Sub-Regional Issues.....	35
3.6	Artisanal Mining	36
3.7	Linkages, Diversification and Value Addition.....	36
3.7.1	Linkages	36
3.7.2	Investment opportunities, foreign investment, state participation	38
3.8	Capacity building and Education.....	39
3.9	Environmental Issues	40
3.9.1	Environmental Protection.....	40
3.9.2	Climate change	41
3.9.3	Mine rehabilitation and closure	42
3.10	Health and safety	42
3.11	Community Development and Social issues	43
3.11.1	Community Development	43
3.11.2	Social Protection.....	45
3.11.3	Child labour	45
3.11.4	Gender issues.....	46
3.11.5	Community-based conflict mitigation and dispute resolution.....	47
3.11.6	Mine security and the use of state security to protect mining assets	47
3.12	Access and use of land	48

3.13	Resettlement	49
4	STRATEGY TO GUIDE IMPLEMENTATION OF THE MINERALS POLICY.....	51
4.1	Responsible institutions	51
4.2	Legal framework	51
4.3	International and regional linkages	51
5	MONITORING AND REVIEW	52

FOREWORD

This Minerals Policy has been prepared as part of series of legal, regulatory and institutional reforms introduced by the Government to ensure that Sierra Leone maximizes gains from its mineral resource endowments. These reforms include: the establishment of the National Minerals Agency (NMA) and the Environment Protection Agency (EPA), the enactment of the Mines and Minerals Act 2009, the Public Financial Management Act 2016, the Extractive Industries Revenue Act 2018 and improvements in transparency and accountability mechanisms for the minerals sector. In furtherance of these reforms, the Core Minerals Policy of 2003 is now being replaced by this Sierra Leone Minerals Policy of 2018. This policy is a more comprehensive document that considers international, continental and regional initiatives relevant to mineral sector governance and management, captures recent developments in the mining sector in Sierra Leone and situates the mineral sector at the heart of achieving Sierra Leone's long-term vision for sustainable growth and transformational development.

Three distinct events make the enunciation of a comprehensive Minerals Policy a matter of urgency. First, Government's overarching policy commitment to position the country's minerals sector as a primary driving force of economic growth, job creation, technology transfer, manufacturing and industrialization. Second, the major changes taking place at the global level with respect to minerals governance should be reflected in the Sierra Leone Minerals Policy. And third, Sierra Leone's commitment to the African Mining Vision (AMV) adopted by all African Heads of States in 2009. The country's long-term development and transformation goals announced in the NEW DIRECTION manifesto are consistent with the AMV.

Given that minerals are non-renewable resources, the goal for Sierra Leone in extracting minerals is to convert the bulk of revenues generated from the minerals sector into economic and social benefits that are income-producing and contribute to the improvement of the quality of life of citizens. Revenues from the mineral sector will be invested in creating a conducive environment for private sector growth and local economic development including investment in infrastructure, industrial assets, human capital development, and in improving health and educational facilities. This Minerals Policy therefore creates the framework within which revenues generated from the extraction of minerals are allocated to economic growth and social development investments rather than unproductive consumption.

Government recognises the significant role the private sector plays in the development of the mineral sector of Sierra Leone. Government will therefore strive to maintain a balance between private and public interests not only in the short-term but the medium and long-term, and in ways that are consistent with our vision of growth and in the context of the Sustainable Development Goals.

As the minerals sector directly and indirectly influences almost all other sectors in Sierra Leone, it is important for all stakeholders – government, investors, mine workers, mine communities, civil society – to know and understand Government’s policy and its economic, environmental, and social implications for Sierra Leone. It is my hope, therefore, that through this Minerals Policy, all stakeholders will gain a better understanding of Government’s policy goal and objectives.

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Hon. Morie Komba Manyeh (Ph.D)
Minister
Ministry of Mines and Mineral Resources

ACKNOWLEDGEMENT

This policy was prepared through collective efforts of many mineral sector experts including state and non-state actors and our development partners.

I would therefore like to express my profound gratitude to the political leadership of the Ministry of Mines and Mineral Resources for providing political guidance and necessary support required to successfully prepare this policy.

On behalf of the Ministry, I would like to thank the Consultants, Herbert P. M'cleod and Daniel T. M. Gbondo for leading the research, stakeholder consultations and writing this Minerals Policy. The Sierra Leone Mineral Sector Benchmarking Assessment Report which was produced using the Natural Resource Charter (NRC) proved to be a very useful document for the writing of this policy. We would like to thank members of the Mineral Sector Expert Panel, Researchers and the NRC Project Coordination team for making available their expert knowledge to us during consultative meetings held with them collectively and individually.

This policy lays the solid foundation for the domestication of the African Mining Vision for improved governance and management of mineral resources in Sierra Leone. We would like to thank the African Minerals Development Centre (AMDC) team in Addis Ababa, Ethiopia for helping us shape this document to align with the African Mining Vision (AMV).

Finally, we must acknowledge that this work would probably not have been completed at this time without the financial and technical support provided by the World Bank through the Extractive Industries Technical Assistance Project (EITAP 1). We express our gratitude to Madam Daniele La Porta, Senior Mining Manager at the World Bank and Task Team Leader for the Extractive Industries Technical Assistance Project (EITAP) here in Sierra Leone for her support. Also, we acknowledge the contributions of Mary Louise Vitali, EITAP consultant for making available to us her legal and professional knowledge at every stage of the writing process. Thank you.

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Brima Munda Sowa
Permanent Secretary
Ministry of Mines and Mineral Resources

DEFINITIONS

<i>Artisanal Mining</i>	This is a mining operation that does not exceed a depth of ten meters and conducted using rudimentary hand-held tools. The use of motorized machines excepting water pumps, is not permitted in artisanal mining operations.
<i>Beneficial owner</i>	Refers to the natural person(s) who ultimately own(s) or controls a company and/or the natural person on whose behalf a transaction is conducted. It also includes those persons who exercise ultimate effective control over a legal person or legal arrangement.
<i>Community development agreement (CDA)</i>	Means a community development agreement approved under Section 141 of the Mines and Minerals Act, 2009 designed to promote the development of communities directly impacted by mining operations and enhance the general welfare and quality of life of the inhabitants.
<i>Corporate Social Responsibility (CSR)</i>	Self-imposed burden of responsibility for certain social support actions by a company towards the community in which it operates. Sometimes this can take the form of national obligations as well.
<i>Development Minerals</i>	These are low value minerals such as granite and sand.
<i>Downstream</i>	Downstream refers to the stage(s) in the mineral value chain after the ore is extracted from the soil. The downstream stage further includes the actual sale of that product to other businesses, governments or private individuals. Examples of downstream activities include smelting, refining, polishing, cutting.
<i>Environmental Social and Health Impact Assessment (ESIA)</i>	refers to the prior scientific foreseeable analysis of potential effects of an activity that would affect the environment and social conditions and which addresses certain issues and that proposed measures to adjust impacts to acceptable levels or to new technological solutions. (See Environmental Protection Agency Act, 2008).
<i>Environmental Management Plan (EMP)</i>	Means an Environmental Management Plan produced as a result of an environmental impact assessment which shall describe how the applicant will implement all recommendations, commitments and obligations designed to avoid, minimize, ameliorate, or compensate for adverse environmental impacts identified in the relevant Environmental Impact Assessment.
<i>Small-Scale Mining</i>	Means the intentional mining of minerals in mechanized operations not exceeding twenty meters in depth or involving the sinking of shafts, driving of adits, or other various underground opening.

<i>Large-Scale Mining</i>	means the intentional mining of minerals in mechanized operations exceeding twenty meters in depth or involving the sinking of shafts, drilling of adits or other various underground opening exceeding twenty meters.
<i>Local Development Plan</i>	Means a development planning document that guides the development of a locality being the administrative area of a Local Council.
<i>Mineral rights</i>	means a right to explore for or to mine minerals by holding a valid reconnaissance license, exploration license, artisanal mining license, small-scale mining license, large-scale mining license as the context requires.
<i>Side-stream</i>	side-stream or horizontal linkages activities are directly and indirectly connected to mining, and may include transportation, processing, warehousing and storage, and infrastructure development. In some mineral sectors, some of these activities are also referred to as “mid-stream”.
<i>Upstream linkages/ backwards linkages</i>	the upstream stage of the mineral development process involves searching for and extracting raw minerals. Examples of upstream include locating mineral resources, bringing those minerals to the surface or removing them from land or water, and may include providing the minerals to a process facility or manufacturer or trader.

ACRONYMS

ACC	Anti-Corruption Commission
AfP	Agenda for Prosperity
AM	Artisanal Mining
AMV	African Mining Vision
BGS	British Geological Survey
CDA	Community Development Agreement
CDAP	Community Development Action Plan
CDF	Community Development Fund
CoM	Chamber of Mines
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
DACDF	Diamonds Area Community Development Fund
DELCO	Sierra Leone Development Company
DP	Director of Policy
ECOWAS	Economic Community of West African States
EIRA	Extractive Industries Revenue Act 2016
EIRU	Extractive Industries Revenue Unit
EITI	Extractive Industries Transparency Initiative
EMP	Environmental Management Plan
EPA	Environment Protection Agency
ESHIA	Environmental Social and Health Impact Assessment
GDIS	Geological Data Information Systems
HQ	Headquarters
HRC-SL	Human Rights Commission of Sierra Leone
HRMO	Human Resource Management Office
IDP	International Development Partner

IFC	International Finance Corporation
LC	Local Council
LDP	Local Development Plans
MAB	Minerals Advisory Board
MAFFS	Ministry of Agriculture, Forestry and Food Security
MDA	Minerals Development Agreement
MIA	Ministry of Internal Affairs
MLHE	Ministry of Lands, Housing and Environment
MLSS	Ministry of Labor and Social Security
MMMR	Ministry of Mines and Mineral Resources
MoD	Ministry of Defence
MoF	Ministry of Finance
MoJ	Ministry of Justice
MOU	Memorandum of Understanding
MRU	Mano River Union
MSG	Multi-stakeholder group
MSWGCA	Ministry of Social Welfare, Gender and Children's Affairs
MTI	Ministry of Trade and Industry
NaCSA	National Commission for Social Action
NDMC	National Diamond Mining Company
NGO	Non-Governmental Organization
NMA	National Minerals Agency
NRA	National Revenue Authority
OCM	Office of Chief Minister
ONS	Office of National Security
PFM	Public Finance Management

PPP	Public-Private Partnership
RAIC	Right to Access Information Commission
RSLAF	Republic of Sierra Leone Armed Forces
SDGs	Sustainable Development Goals
SIEROMCO	Sierra Leone Ore and Metals Company
SLCS	Sierra Leone Civil Service
SLEITI	Sierra Leone Extractive Industries Transparency Initiative
SLP	Sierra Leone Police
SLST	Sierra Leone Selection Trust
STEM	Science, Technology, Engineering, Mathematics
STIs	Sexually Transmitted Infections
SDG	Sustainable Development Goals
TDF	Transformation Development Fund
UN	United Nations
UNGP	United Nations Guiding Principles
OVP	Office of the Vice President
WAXI	West Africa Exploration Initiative

1 INTRODUCTION

1.1 History and evolution of the Sierra Leone minerals sector

The discovery and mining of diamonds in Kono district in the 1930s is recognized as marking the commencement of formalized mineral exploitation in Sierra Leone. This is notwithstanding the fact that artisanal gold mining commenced much earlier. Since then, iron ore, bauxite, rutile, coltan, ilmenite, zircon, platinum, chromite, tantalite and columbite have been discovered and mined.

Large-scale mining operations commenced after the enactment of the Minerals Act of 1927. Several mining companies were formed over the years to carry out exploration and exploitation of different minerals – beginning with the Sierra Leone Selection Trust (SLST) which was formed in 1935, and later renamed the National Diamond Mining Company (NDMC) after the Government of Sierra Leone acquired 51% shares in the company and SLST retained 49%. The Sierra Leone Development Company (DELCO) started production of iron ore in the Marampa mines but ceased operations in 1975, while the Sierra Ore and Metals Company (SIEROMCO) engaged in bauxite mining in the Moyamba district. The Sherbro Minerals Company commenced rutile mining in 1967 but closed operations in 1971. A merger of Bethlehem Steel/Nord Resources which registered as Sierra Rutile Limited took over rutile mining in 1972 and continued until the Australian based mineral sand resource company, Iluka took over Sierra Rutile in December 2016.

There are currently five large scale mines extracting diamonds, rutile, iron ore and bauxite. The full range and volumes of mineral deposits in the country are unknown.

The discovery of alluvial diamond deposits in the early 1930s created a paradigm shift in mining in Sierra Leone with the emergence of artisanal and small-scale mining (ASM). In a bid to regulate this new subsector and to control the chaos that ensued following the rush of young men into the major diamond producing areas of Kono and Tongo Fields in the early 1950s, Government introduced the “Alluvial Diamond Mining Scheme”. Through this scheme, government restricted foreign entry into and residence in diamond producing areas. Even Sierra Leoneans not native of the diamond producing districts were required to obtain residency permits issued by the Ministry of the Interior.

Despite these restrictions, the rudimentary nature of artisanal and small-scale diamond mining coupled with its relative profitability attracted many young people, Sierra Leoneans

and other West Africans, to diamond producing areas; the latter group mainly acting as brokers and dealers.

As well as being a profitable economic activity, artisanal mining became a major source of livelihood for many rural people and notwithstanding documented evidence of depletion in the known alluvial diamond and gold deposits, artisanal mining and related AM activities continue to provide livelihood support to an estimated 300,000 Sierra Leoneans.

Mineral development in Sierra Leone has fluctuated in tandem with the ups-and-downs of world commodity prices. The global recession following the mining boom of the 1970s disrupted the operations of many large-scale investments, forcing some to shut down operations. Not long after, civil wars and instability, largely funded with revenues from the minerals sector, notably diamond, engulfed countries of the Mano River Basin - Sierra Leone, Liberia, Guinea and Cote d'Ivoire.

In the post-conflict period of the 2000s, the minerals sector regained its prominence in Sierra Leone, driving economic growth, accounting for most of the country's foreign exchange earnings and increasing revenues for government. Together, large-scale, small-scale and artisanal mining made significant contributions to the economy of Sierra Leone, surpassing 20% GDP at the height of the commodities boom in 2012/3.

The high growth rates were primarily driven by large-scale investments in the minerals sector. Similarly, the subsequent decline of the economy to negative growth rates (i.e. -21%) since 2015 mirrors the slump in global mineral prices. These events have confirmed the critical role of Sierra Leone's minerals sector to the economy of Sierra Leone.

In 2008, seeking to break away from poor minerals management practices of the past, Government embarked on a series of institutional and policy reforms to improve minerals sector governance. Key examples of the reforms are the establishment of the National Minerals Agency (NMA) that maintains the cadastre, and carries out inspectorate and geological survey functions under the supervision of the Ministry of Mines and Mineral Resources; the enactment of a new mining law – the Mines and Minerals Act 2009, the revision of royalty rates, and the enactment of the Environment Protection Agency Act 2008 that created the Environment Protection Agency.

In order to maintain the momentum of these reforms and to produce sustained results, continued improvements in governance mechanisms and strengthening institutions

engaged in the minerals sector are necessary. Moreover, the sector's development must be consistently aligned with economic developments and transformation initiatives throughout Africa, and globally.

At the sub-regional level, protocols have been adopted that pave the way for increased collaboration among sector stakeholders in the Mano River Union (MRU) countries. Plans to harmonize mineral fiscal policies of member states of the MRU are being developed.

Internationally, the African Mining Vision, the Extractive Industries Transparency Initiative (EITI) 2016 standards and the Natural Resource Charter Second Edition, offer guidance for the optimization of benefits that Sierra Leone can gain from the extraction and utilisation of its mineral resources.

1.2 Rationale for the Minerals Policy

The key rationale for this new Policy is that the Core Minerals Policy of 2003 is obsolete and does not capture most of the recent global and regional trends in the minerals sector. This Minerals Policy more comprehensively captures the role expected of the sector as a driver of economic growth and sustainable transformational development and takes the following into account:

- citizens' expectations;
- imperatives of sub-regional collaboration;
- inclusive, transparent, and streamlined governance measures to ensure social protection;
- shared use of infrastructure with appropriate linkages within and outside of Sierra Leone to help bring Sierra Leone's policy framework in line with the principles of the African Mining Vision (AMV) adopted by African Heads of State in 2009; and
- Principles of the 2016 EITI Standards.

1.3 Scope of the Minerals Policy

The policy covers the management of all mineral rights in the country and includes activities throughout the minerals value chain from the collection of geo-science data and geological survey work up to and including the processing and exporting of minerals. Furthermore, the

scope includes the contribution of the sector to the overall transformation and development goals of Sierra Leone.

This policy does not cover the oil and gas sector and ground water resources. It gives limited coverage to artisanal mining for which a separate Artisanal Mining Policy (AMP) will be developed. Serious consideration is being given to improving understanding of the benefits that can accrue from the regulation of the development minerals sector involving sand, clay, granite etc.

In addition to this first Chapter, the remainder of the policy document is organized as follows: Chapter 1.4 examines the minerals and sustainable development nexus in Sierra Leone. Chapter 2 outlines the Minerals Policy goal and objectives; Chapter 3 presents the topic areas covered by the policy, each containing a brief analysis of the current status followed by policy statement and policy implementation strategies; Chapter 4 summarizes key elements for implementation of this Minerals Policy; and Chapter 5 addresses policy monitoring and review. A Policy Action Matrix operationalizing next steps required to implement this Minerals Policy is provided in Annex 1, followed by reference texts: the UN Guiding Principles on Business and Human Rights (Annex 2) and the IFC Performance Standards on Environmental and Social Sustainability (Annex 3). The action matrix will be for implementation planning and therefore will not be available to the public. Web links to access the documents in Annex 2 – 3 will be provided.

1.4 Minerals and Sustainable Development in Sierra Leone

1.4.1 Minerals, structural transformation and industrialization

Sierra Leone's economic history and minerals development confirms the difficulties in ensuring that minerals development produces broader economic development and growth for the country. The growth trajectory of advanced economies followed a path of primary production through manufacturing and full industrialization. In all cases, including the new emerging high-growth economies, minerals were amongst the initial drivers of economic transformation fostering manufacturing and dynamic growth.

Sierra Leone is a mineral-dependent economy and therefore needs to make better leverage of what should be the comparative minerals sector advantage for transformation and

diversification, to promote manufacturing, industrialization, and long-term sustainable economic growth and development.

In Sierra Leone, minerals investments have dominated the formal economy, consistently accounting for more than 60% of exports and foreign exchange earnings since independence in 1961. However, the impact on formal sector employment, technology transfer or other potential spill-over effects of mining to the rest of the economy has been minimal. For example, manufacturing still accounts for less than 5 % of GDP. The 2012/2013 spike in Sierra Leone's GDP growth rate of 21% was directly related to massive investments in two large-scale iron ore mines over a two-year period.

The multiplier effects were minimal; primary gains were largely captured through payments to Government in the form of royalties and taxes while broader impacts were primarily confined to mining areas, where exploitation was taking place. In fact, the minerals sector has had limited influence on the transformation or diversification of the economy. Instead, the recent fall in global mineral prices has exposed the vulnerability of Sierra Leone's mineral-dependent economic growth and resulted in a severe economic recession.

Against this backdrop, the renewed emphasis for the minerals sector to play a more active role in the transformation and diversification of Sierra Leone's economy, is clearly outlined in the national long-term development vision, supporting plans and programs, and the application of the AMV principles, combined with inter-country and regional collaboration in the minerals sector.

1.4.2 Linking Sierra Leone's minerals development goals and the African Mining Vision

Sierra Leone is committed to the AMV as a regional development framework for the development and use of the continent's mineral resources to drive transformation, industrialization and broad-based growth. The key elements of the vision are consistent with Sierra Leone's goal to attain middle income status by 2035. These include better governance of the minerals sector, equitable distribution of sector gains, and promoting broad-based growth and industrialization. The comparatively small size of Sierra Leone's domestic market with a population of 7 million combined with its low manufacturing and industrial base, make a compelling case for the country's participation in a robust regional approach to its minerals development agenda through which Sierra Leone can leverage gains from

scale and diversity. As such, the principles, actions and strategies of the AMV converge with Sierra Leone Government's objectives for the development of the country's minerals.

1.5 Global, regional and sub-regional opportunities for minerals development

1.5.1 Sierra Leone

The domestic economy should be the first and direct beneficiary of large, small and artisanal minerals development. With an estimated 300,000 people dependent on artisanal mining (AM) for their livelihoods, a dedicated AM Policy for this sub-sector is required. For the rest of the economy, deliberate planning and targeted education, fiscal, revenue management, environmental, social programs and others will fully integrate the mineral sector with other sectors of the economy.

1.5.2 Mano River Union (MRU)

The similarities in resource endowment and levels of institutional and economic development among member states combine to create opportunities for significant gains from cross-border and sub-regional collaborations. The benefits for minerals development in Sierra Leone to strengthen MRU cooperation are two-fold: (1) to leverage large-scale mineral investments in order to share infrastructure, use of roads and ports, electricity, and; (2) to harmonize mining taxation, environmental, labour and customs policies that establish the MRU as a viable mining destination.

The opening of the border regions for minerals development will mitigate smuggling, improve livelihoods, facilitate trade, enhance social service delivery and improve the monitoring of human rights.

1.5.3 Regional

Government is committed to promoting economic, infrastructure, environmental and other value chain linkages within the African region as may be feasible throughout the continent and to leverage economies of scale. The vision of industrialization at the continental level that is outlined in the AMV supports the development objectives of Sierra Leone that include responsible minerals development, environmental and social protection and sustained growth in domestic manufacturing.

1.5.4 Global

Foreign investments already present in the Sierra Leone minerals sector offer opportunities for technology transfer, stimulation of the economy through large investments, and better

integration of these investments into the local economy to promote and facilitate economic transformation.

Government is committed to encouraging these investments, ensuring that they are transparently managed and that revenues generated are judiciously spent and properly monitored.

2 POLICY GOAL AND OBJECTIVES

2.1 Goal

The goal of this Minerals Policy is to set out a clear framework through which the Government will manage the minerals sector to become a key driver of economic transformation, growth and development for Sierra Leone, and in ways that safeguard the environment, contribute to social development, improve livelihoods and is based on active stakeholder participation, transparency, accountability and respect for human rights.

2.2 Objectives

In order to achieve this goal, the policy objectives of Government for the minerals sector are to:

- i. Enhance inter-governmental agency and multi-stakeholder coordination and collaboration to ensure transparent, accountable, inclusive and effective governance of the minerals sector;
- ii. Establish a viable geo-science database and data management system that will contribute to strengthened technical and commercial capacity of Sierra Leoneans;
- iii. Create a fair and predictable fiscal regime that increases market competitiveness, attracts legitimate investment, and enhances sustained economic transformation, development and economic growth;
- iv. Promote improved revenue management with more equitable distribution of benefits and prudent investment of mineral revenues;
- v. Promote economic linkages between the minerals sector and other sectors of the economy that will catalyze economic diversification, growth, supports rural community development, and is supported by capacity building in appropriate human resources;

- vi. Promote sustainable minerals development in a manner that protects human rights, and meets international health and safety standards;
- vii. Ensure the application of high-level environmental standards that are appropriate for all categories of mineral rights; and
- viii. Enhance regional cooperation and collaboration for the management and governance of the minerals sector.

3 POLICY STATEMENTS AND IMPLEMENTATION STRATEGIES

The following are the specific policy statements in the thirteen core policy areas that constitute this Minerals Policy. This section outlines the policy statements for each area, as well as policy implementation strategies.

3.1 Minerals Sector Governance

The governance framework for Sierra Leone's minerals sector is set out in various policies, laws and regulations that are formulated and implemented by different Government ministries, departments and agencies.

3.1.1 Legislative Framework

Current status

The instruments that together circumscribe the governance of the minerals sector include:

- i. Constitution of Sierra Leone 1991
- ii. Mines and Minerals Act No. 12 of 2009 (MMA 2009) which is Sierra Leone's principal mining law
- iii. National Minerals Agency Act No. 3 of 2012
- iv. Environment Protection Act No. 11 of 2008, (Amended 2010)
- v. Finance Acts
- vi. Sierra Leone National Carrier Agreement Ratification Act 2012
- vii. Local Content Agency Act No. 3 of 2016
- viii. Public Financial Management Act No 13 of 2016
- ix. Extractive Industries Revenue Act 2018
- x. Mines and Minerals Regulations 2009
- xi. Environmental and Social Regulations for the Minerals Sector 2012
- xii. Environment Protection (Mines and Minerals) Regulations 2012
- xiii. Mines and Minerals Operational Regulations 2012

- xiv. Income Tax Act 2000 (And amendments)
- xv. Diamond Cutting and Polishing Act, 2007
- xvi. Customs Tariff Act, 1978 (And Amendments)
- xvii. Goods and Services Tax Act, 2009
- xviii. The National Protected Area Authority and Conservation Trust Fund Act, 2012

In addition to national policies, laws and regulations, Sierra Leone subscribes to international and regional initiatives such as the UN Guiding Principles for Business and Human Rights, IFC Performance Standards Extractive Industries Transparency Initiative (EITI), the Kimberley Process Certification Scheme, Natural Resource Charter, African Mining Vision and Economic Community of West African States (ECOWAS) Mining Directives.

Despite significant improvements in the legislative regime guiding minerals sector development, considerable governance overlaps, loopholes in legislative documents, inconsistencies and conflicting provisions in some cases, remain. Together, these challenges result in implementation and enforcement difficulties. Further, there is often limited public understanding of legislation.

Policy statement and implementation strategy

Government will harmonize all legislative regimes applicable to the minerals sector to reflect best mineral development and resource governance practices. To this end, a comprehensive review of policies, legal, regulatory and other instruments will be undertaken to create a clear and predictable environment for the sustainable exploration and extraction of minerals aimed at the optimization of benefits for all stakeholders. In order to enhance modern minerals sector, continued improvement of minerals legal and regulatory regimes will be supported to reflect best minerals development practices.

The further development of this regulatory framework will be undertaken by the MMR to address specific technical, financial, health and safety, environmental and social issues in coordination with relevant Government agencies. Technical standards for mineral operations shall be prepared by the appropriate technical bodies. A summary of primary legal and regulatory principles and requirements shall be codified in a guidebook prepared by the MMR for all interested parties. Formulation, review and application of all laws and

regulations will be conducted by officials in a manner that is transparent, objective and non-discriminatory.

3.1.2 Institutional arrangements

Current status

The Ministry of Mines and Minerals Resources (MMMR), on behalf of Government, has overall responsibility for managing the sector and focuses on policy and legislative matters and performing oversight functions of the National Minerals Agency (NMA) which is the regulatory arm of the MMMR. The mandates of the MMMR and NMA ARE contained in the MMA of 2009, the NMA Act 2012, the Mines and Minerals Regulations 2009, the Environmental and Social Regulations of the Minerals Sector 2012 and other legislative instruments. In addition, several state and non-state institutions with varying levels of responsibility are involved with minerals sector development activities.

Some institutions engaged in minerals development have duplicative or overlapping functions, insufficiently clear mandates, or methods of operation that require clarification and modernization. In addition, technical and financial capacity to carry out institutional mandates vary, implying a need for functional reviews, budget certainty, human capacity development and provision of adequate hardware, software and logistics capacity.

Policy statement and implementation strategy

Government will clarify and harmonize institutional roles and responsibilities to improve minerals sector governance. Government will set up coordination structures to support collaboration among stakeholders, ensure regular communication, and strengthen technical capacity to meet the sector's development needs. Secured funding sources for mineral sector governance and management will be identified.

The MMMR will take primary responsibility for the implementation of the new Minerals Policy 2018 and will lead inter-governmental and multi-stakeholder coordination structures with defined Memorandum of Understanding and work plans. The respective mandates of central and local government administrations with respect to minerals development specifying the human resource and logistics requirements will be agreed upon and published for implementation.

3.1.3 Community consultations and participation

Current status

Involvement and participation of residents of communities affected by mineral developments and civil society is largely limited to discussions about surface rent payments and ESHIA consultation processes. Often, community members are not adequately informed about minerals sector development activities, mineral rights' status or more specifically, invited to participate in practical developments on compensation packages related to land access and use, resettlement activities, environmental and social impact assessment preparatory processes, or benefit-sharing mechanisms. For large-scale investments, the Community Development Agreement (CDA) mechanism has not been fully operationalized.

Policy statement and implementation strategy

Government policy is to ensure that a constructive and mutually beneficial relationship is created and maintained between investors and communities affected by mining operations. Government therefore commits to inclusive governance that creates space for community residents and stakeholder consultations, involvement and participation in minerals sector governance.

Government will work with civil society and community leaders to identify mechanisms through which they will have greater participation in sector developments. These include regular consultation processes, land use and access policies, revenue allocation to the development of mining communities, environmental safeguards, resettlement and social protection mechanisms. On these matters, guidelines and requirements for consultations among Government, mineral rights holders, local and traditional leaders, and communities affected by mining operations will be developed. Media and NGO training to assist in outreach and information exchange will be supported.

With respect to large-scale investments, where community development projects are implemented within the CDA framework, all community development projects will be aligned with local development plans for beneficiary communities. The operationalization of the Community Development Agreement will ensure transparency and predictability in the allocation of revenues to affected host communities.

3.1.4 Transparency and accountability

Current status

In recent years, mechanisms for transparency and accountability in the minerals sector have been steadily improving, but there is further room for improvement. Even though Sierra Leone has been compliant with the Extractive Industries Transparency Initiative since 2014 and has established the Extractive Industry Revenue Unit (EIRU) at the National Revenue Authority, deficiencies remain. Financial reporting is not always comprehensive or timely; licensing processes are cumbersome and allow for broad discretions that are sometimes discriminatorily applied, terms of mineral development agreements (MDAs) are sometimes complicated; and Environmental Social Health Impact Assessment requirements and reports are sometimes ambiguous or disruptive to meaningful investment. Weak parliamentary oversight of the sector and capacity limitations in the judiciary would also benefit from further improvements.

Policy statement and implementation strategy

Government is committed to full transparency in minerals sector operations. To this end, Government will continue to support and to build the capacity of the Extractive Industry Revenue Unit (EIRU) at NRA, the NMA and other agencies relevant to mineral sector governance and management to clarify mineral rights licensing processes and reporting obligations, and pursue actions that will maintain Sierra Leone's compliance with its EITI obligations. Government will ensure that all investors in Sierra Leone's minerals sector fully comply with EITI requirements and engage meaningfully in all SLEITI reporting and validation processes.

Mineral rights holders will be required to submit regular updates on any change to ownership status, commit to comprehensive and timely project-level financial reporting, including on production and export volumes through quarterly reporting to NMA which will be published, and will be required to be subject to clear audit requirements of international standard. The scope of reporting obligations for institutions and bodies that are recipients of mining revenues will be expanded beyond project-level reports of payments and receipts, to include accounting of how mineral revenues are allocated and utilized by all recipients including MDAs, local government officials, traditional rulers, community stakeholders and civil society groups. Government's intention is to make such reporting by both companies and recipient institutions or bodied timely, comprehensive and fully in line with the global EITI Standard, but as far and as soon as possible, effected through mainstream government

agency processes, rather than through a standalone system of SLEITI reporting. Government will also assign clear institutional responsibility for follow-up when issues arise during EITI reconciliation and ensure this happens in a consistent and timely manner. Capacities of the judiciary and Parliamentary oversight committees relevant to minerals sector governance will be strengthened. Anti-corruption and related legislation prohibiting relevant public officials as legal or beneficial owners of mining investments will be enforced.

3.1.5 Anti-Corruption

Current Status

Despite improvements in recent years, corrupt practices occurring in the public and private sector continue to inhibit good governance of Sierra Leone's minerals sector. Institutional overlaps, capacity limitations, insufficiently monitored private sector activities, and unbridled discretionary powers have all been identified to be at the root of corruption issues. Together, these difficulties have resulted in diminished revenues for Government, disregard for mine safety and workers' health generally, lack of predictability throughout the sector and negatively impacted Government's development efforts.

Policy statement and implementation strategy

Government maintains zero tolerance to corruption. In addition to applying existing anti-corruption provisions to mineral investments, Government will ensure that mineral development agreements define corrupt practices and close any gaps that may be exploited for personal gain, for example, in licensing processes by public sector officials, investors, their agents, or private citizens. This applies to Sierra Leoneans and non-Sierra Leone nationals.

Government will reduce discretionary powers of public officials at all stages in the allocation of mineral rights and throughout the minerals value chain by establishing a clearly defined and time-based licensing processes that include transparent criteria for the award of mineral rights and robust systems of controls for reporting and enforcement.

Further, Government will ensure that agencies responsible for monitoring and supervision of sector activities execute their duties within the bounds of the law and without undue influence.

Government will support capacity strengthening initiatives and greater coordination between and among anti-corruption and mineral sector oversight institutions.

3.1.6 Disclosure of beneficial ownership

Current Status

The Anti-Corruption Commission Act 2008 provides for public officials to disclose beneficial interests in businesses, but the current financial and legal frameworks do not oblige mineral right holders to disclose beneficial owners of investments. This gap in ownership information has reduced Government's capacity to adequately monitor and protect the public interest, provides loopholes for considerable tax evasion by beneficial owners, and in some cases, cloaks conflicts of interest.

Policy statement and implementation strategy

Sierra Leone is committed to meeting its EITI requirements. Specifically, Sierra Leone is committed to ensuring that all legal and regulatory requirements for mandatory mining company beneficial ownership disclosure are in place by January 2020. To this end, Government will work with relevant stakeholders to prepare guidelines and amendments to the legal and regulatory framework that will include requirements and enforcement measures for disclosure of the ultimate beneficial owners of companies operating or wishing to operate in the mining sector in Sierra Leone, and of changes of beneficial ownership, making such disclosure a criterion for the award of mining licence, inspection and renewal processes. Included in this will be clear criteria for Government's consent required for any change or transfer of mineral rights ownership.

Beneficial ownership of mining sector companies will be publicly disclosed through new legislation and or regulations on mandatory disclosure of beneficial ownership. Government will incorporate in a revised Minerals Act a mandatory provision for all mineral rights agreements and licenses to be made public in order to enshrine in law a transparency measure that Sierra Leone is internationally credited for and already for the most part pursuing.

3.1.7 Human rights issues

Current status

Respect for and protection of human rights continues to pose challenges for governance of the minerals sector. Guidance on the treatment of mine workers, reliable mechanisms to resolve grievances of affected communities, and overall safeguards to protect people

engaged at all stages in the minerals value chain leave room for improvement. Mine operators, workers and mine communities have limited knowledge of their rights, responsibilities and obligations. Specifically, improved dispute resolution mechanisms are required to address grievances and social protests related to mineral developments which have sometimes produced undesired outcomes.

Policy statement and implementation strategy

With respect to minerals activities, MMMR in collaboration with all stakeholders commits to the protection of the fundamental rights and freedoms of people as set out in the Constitution of Sierra Leone and the implementation of international commitments and obligations related to human rights protection. Specifically, Government will ensure the application of the UN Guiding Principles for Business and Human Rights (UNGPR) (www.ohchr.org/publications/GuidingPrinciples) and the African Charter on Human and Peoples' Rights.

Government will develop a national action plan to operationalize the three pillars of the UNGPR – the state's responsibility to protect, the companies' obligation to respect and the opportunity for remediation where rights are violated. Government will ensure assessment of operating companies and prospective companies with respect to Human Rights protection is undertaken as part of, or in parallel to ESHIA assessments. The UNGPR and other relevant human rights statutes will form part of law enforcement training with specific regard to handling mine security, labour strikes, and related civil unrest.

Government will promote and facilitate conflict mitigation and peaceful dispute resolution through localized/customized mechanisms relevant to mine-affected communities that consider cultural and traditional practices. At the same time, Government will safeguard interests of all mine workers and persons operating in minerals affected areas and communities.

3.1.8 Mineral Rights Acquisition

Current Status

There are five types of mineral rights available through first in line processes in Sierra Leone, namely: (i) Reconnaissance (ii) Exploration (iii) Artisanal (iv) Small-scale and (v) Large -

scale. The mining law provides clear processes for the acquisition of mineral rights. Government may also enter into mineral development agreements (MDAs).

MDA provisions are intended to provide security of concession and certainty of contract terms that clearly describe duration of mine life, fiscal obligations including any incentives, environmental and social protection obligations and host community development commitments. All MDAs must obtain Parliamentary approval.

Illicit mining of mineral sands and alluvial precious minerals is rampant but mainly at the artisanal mining level. Government continues to pursue offenders who are then subject to criminal charges.

Policy statement and implementation strategy

Illegal mining will not be tolerated. Operators must have a legally acquired mineral right that correctly covers the type of mineral activity being conducted.

Mineral rights will continue to be awarded on a first in line basis to eligible and qualified applicants. MMMR will work with stakeholders to ensure that clear and detailed criteria are updated to reflect modern mining investment practices. In addition, Government will put in place criteria and measures for the award of mineral rights through a transparent bidding process in cases where sufficient geo-data is available on the mineral deposits to be tendered.

Government is committed to ensuring that transparent and fair processes are in place for the award of mineral rights and will continue to strengthen cadastre processes. In accordance with existing law, Government will implement the provisions for the acquisition of mineral rights in a manner that will eliminate opportunity for discretion at any level of the mineral rights award process.

Mineral Development Agreements may be used to facilitate large-scale mineral investments but will follow the Model Mining Development Agreement (MMDA) prepared by Government to reduce discretion and the number of biddable items to a minimum. Small scale operations will not normally use an MDA.

Artisanal mining mineral rights are reserved for citizens of Sierra Leone and awarded on a first in line basis to eligible and qualified applicants.

3.2 Fiscal Regime and Revenue Management

3.2.1 Fiscal regime

Current Status

The Ministry of Finance has primary responsibility for the formulation of fiscal policies especially those relating to royalty payments and taxation in the mining sector. The fiscal regime applicable to all mineral rights is contained in the MMA of 2009, the Investment Act 2004, the Income Tax Act 2000 as amended, the Public Financial Management Act, 2016, the Finance Act 2016, and the Extractive Industries Revenue Act, 2018.

Currently, financial payments relevant to the minerals sector include royalties, income tax, withholding tax, mineral rights fees, surface rent, community development contributions, customs and excise duties and fees for public services applicable to all companies.

For large scale minerals rights holders, MDAs (Mineral Development Agreements) amalgamate respective financial and other obligations of all parties, including obligations to communities as well as wider policy objectives of Government. All MDAs must be approved by Parliament.

The use of MDAs has enhanced predictability and certainty of fiscal terms, improved transparency and limited the discretionary authority of public officials in applying fiscal and other legal provisions. The Extractive Industries Revenue Act 2018 seeks to close the loopholes that were exploited to facilitate transfer pricing, avoid the payment of capital gains and or tax windfall profits. In the past, negotiation of Mineral Development Agreements suffered from limited Government knowledge in resource quality and availability as well as capacity, resulting in contract terms unfavourable to Government and mining communities.

Policy statement and implementation strategy

The Extractive Industries Revenue Act 2018 is instructive for the formulation of fiscal obligations in all mineral development agreements. Award of mineral rights for all categories of mining operators will be done in accordance with sector laws to ensure financially qualified applicants are awarded. Government will build upon the provisions of the EIRA 2018 to maintain a transparent, stable, predictable and robust fiscal regime that assures fair return on investment in the sector on the one hand, and on the other, a fair

stream of revenue and other benefits to Government and mining communities in ways that are consistent with Sierra Leone's overall development objectives.

The following will be considered by Government in implementing the minerals fiscal regime:

- i. The provisions of the EIRA 2018 apply to all mineral development agreements.
- ii. Where expedient to do so, fiscal incentives such as temporary tax relief or waived export duties for investors may be considered in the interest of long-term development goals and in exchange for developing infrastructure and value chain linkages, employment creation, knowledge and technology transfer, as well as greater use of local services and supplies. For transparency purposes and to maintain consistency, details of the criteria for such mineral production incentive will be expressly stated in mineral development agreements. The Model MDA will include a template section for detailing the cost-benefit calculation applied in granting any such waivers which will be disclosed in signed MDAs or through other means of publication.
- iii. Fees and penalties relevant to mineral activities in Sierra Leone will be detailed in regulations of the relevant Government agencies and published on the MMMR website. In accordance with the law, criminal provisions may be applied where a mineral rights holder or mine-related entity fails to comply with these regulations.
A resource rent tax will be applied in accordance with provisions of the EIRA 2018.
- iv. Performance bonds/financial securities for environmental and social protection requirements will be paid by mineral rights holders in accordance with the law.
- v. Government will formulate and make public its policy on hedging or the use of derivatives for the disposal of mineral exports.
- vi. Mine operators will use arms-length pricing for sale of exports.

3.2.2 Revenue management

Current status

Until recently, Government did not maintain a coordinated system to manage receipt and allocation of revenues generated from mineral activities. Revenues from taxes, royalties and fees were directly paid to the Consolidated Fund account and combined with other revenue

inflows. There was no specifically targeted development activity or goal to convert revenues generated from extracting ores in the ground and using the proceeds to develop assets above ground such as education and infrastructure, which when properly designed, will yield different streams of income and enhance sustainable development over time.

The establishment of the Transformation Development Fund (TDF) provided for in the PFM Act 2016 is designed to address many of the past shortcomings in the management of revenues from the mineral sector. The three components of the Fund are:

- i. Transformational Development Fund Account,
- ii. Transformation Development Stabilization Fund and
- iii. Inter-Generational Fund.

Inter-departmental units have been established at the Ministry of Finance to monitor and follow-up on all payments expected from mining companies.

Policy statement and implementation strategy

Government is committed to the full implementation of the mining revenue management mechanism provided for in the Public Financial Management Act 2016. Specifically, revenues from the sector will be channelled to the TDF and managed in accordance with provisions of the PFM Act of 2016 and PFM regulations.

Government will prepare criteria and set up public oversight mechanisms to monitor the utilization of mining revenues that accrue to Government. Furthermore, institutional structures and relationships to ensure strict fiscal discipline for the collection, reporting and management of revenues will be strengthened and monitored.

Government shall adhere to a single Treasury Account through which sector revenues payable to the State will be accounted.

In partnership with Ministry of Finance, MMMR shall develop a systematic mineral investment audit program that ensures payments owed are correct, revenues are sufficiently collected, Government oversight is in place and revenues are utilized for short and medium-term development but also long-term growth. Transparent processes for levying and maintaining performance bonds shall be clearly articulated including the mode for safeguarding same as part of the Treasury Account.

Government will establish a clear revenue allocation program to ensure community engagement and receipt of medium and long-term benefits of revenues generated from mining in Sierra Leone. Investigations into mineral smuggling will be conducted in order to identify loopholes exploited for mineral smuggling, improve mechanisms for revenue capture of minerals being smuggled and remove incentives that encourage mineral smuggling.

3.3 Geological and Minerals Information Systems

Current status

There is no comprehensive geological map of the country at a scale sufficiently detailed to provide information that could lead to investment decisions. The current geology and mineral potential map is set at a scale of only 1:250,000. Approximately, only 20% of detailed maps of 1:50,000 topographical maps are available from the country's archives. Most of the detailed maps available are from exploratory work done by exploration companies and are not always easily accessible.

Sierra Leone has improved its geo-data collection activities, but more and detailed data are required. Enough geo-scientific information and detailed geological mapping up to 1:25,000 are essential for strategic resource development. So far, a systematic plan for the mining of Sierra Leone's minerals has not been developed. It is likely that, especially for certain large-scale mineral investments, use of an international tender process would have generated optimal gains from the award of mineral rights. The absence of such data has prevented the granting of licenses by tender process, leaving Government to rely on the "first in line" approach that does not always produce a fair deal for Government and mining communities.

Policy statement and implementation strategy

- i. **Geo-science Data:** Geo-science data and the supporting knowledge infrastructure will be strengthened and made available to deliver information to investors and stakeholders as part of Government's strategy to create an enabling environment for investment. MMMR will be responsible for continued strengthening of the Geological Survey and for ensuring that core samples are taken and preserved using best practice. Government will partner with key donor agencies to ensure experienced and expert technical support is in place to establish reliable and transparent data

collection processes and analysis. Top priority will be accorded to a more detailed geological mapping of the entire country including an airborne geo-physical survey.

- ii. **Data storage and use:** A world-class geo-data system is being developed and the online repository maintained by the Geo-Data Information Management System will continue to be improved. Mining companies' exploratory activities can help to build this data. MMR will monitor and work with investors to ensure collection and safeguarding of geo-science data. Data management guidelines will be prepared. Where data is generated from the private sector, clear procedures on private data use and archiving will be prepared including on confidentiality and use of geo-science data. Government is committed to increased Geological Survey and IT support in order to establish and maintain valuable geo-science data. Except for any restrictions that may be legally imposed, geo-data will be open to the public.

- iii. **Resource Mapping:** Mapping of minerals and other natural resources as well as "social mapping" to indicate Chiefdoms, residential habitats, agricultural and other land-uses shall be coordinated to ensure up to date information on natural resources, including mining and development in Sierra Leone.

3.4 Research and Technology

Current status

Research and technology linkages to minerals development in Sierra Leone have been tenuous as very limited research on the mineral endowments of Sierra Leone have been conducted. There is no strong evidence that local universities and think tanks have conducted research in minerals endowments of Sierra Leone. Also, limited technology transfer from mining operations to the rest of the economy has occurred.

Policy statement and implementation strategy

Government is committed to identifying technical assistance and funding partnerships with development partners to ensure that a national laboratory is available to sector operators, universities and local think tanks that can assist in research and where possible, investors can work with counterparts to introduce new and efficient technologies. Mineral rights will

include specific targets for operators to provide skills development, include provisions for technology transfer, and support for local research in relevant institutions.

At the national level, a multi-stakeholder group should identify areas where increased research will benefit minerals development including cross-border data collection. Regional and sub-regional platforms will be set up for knowledge generation and sharing. Mine operators should be encouraged to set up spending targets for STEM and for innovative technology. Government will promote research and the sharing of technology among institutions within and beyond the sub-region.

Government will facilitate the establishment of a dedicated Mineral Information Database to store geo-science data for all minerals, and enhanced equipment and capacity for the National Geological Laboratory where in-country, state-of-the-art testing facilities are being established.

- i. Geological Surveys, Research and Development.** This Policy supports the systematic collection and analysis of geological data relevant to mining in Sierra Leone. The MMMR/Geological Survey shall enhance its research and development capacity in partnership with local academic and technical institutes and where useful, with other provinces within the country. Sierra Leone is a member of the West Africa Exploration Initiative (WAXI) which targets the expansion of research and training in minerals by key institutions in the sub-region. Government will actively pursue programs with WAXI.
- ii. Sustainability techniques.** Government shall establish a system for the research and monitoring of sustainable mining techniques that includes water and other resources, waste management and recycling, in order to formulate practical regulations for minerals developments. Capacity building to better understand clean mine technology and methodologies shall be encouraged to improve mining efficiency and reduce negative environmental impacts. This will cover all phases of exploration, exploitation, storage and transport of minerals and mine materials, soil and water use, waste storage and removal.
- iii. Partnerships.** Where possible, international public and private partnerships will be sought to promote information exchange, capacity building and technology transfer. Government shall explore opportunities to not only partner with international

players but to establish businesses in the form of Sierra Leonean subsidiaries with manufacturers, suppliers, equipment producers and other mine-related businesses through which research and product development may be commercialized. Similar partnerships with universities and think tanks will be pursued.

3.5 Sub-Regional Issues

Current status

Sierra Leone possesses similar known mineral deposits as its neighbours – Guinea and Liberia, all member countries of the Mano River Union. Sierra Leone has vast rutile deposits which other MRU nations do not have – at least to date. Unfortunately, despite MRU and additional protocols such as the ECOWAS Mineral Development Policy of 2011 that encompasses the wider regional group of 15 West African states, and the dominant role of mining in the export earnings amongst African mining countries, African minerals policies are not harmonized, development strategies are not coordinated, and fiscal regimes for the minerals sectors vary. MRU leverage of a more coordinated inter-country minerals policy could limit the opportunities of porous borders that presently enable minerals smuggling, to expand the exploitation of economies of scale in related mining. Other regional opportunities missed include the sharing of minerals sector expertise common to countries and sharing information on market and other conditions; even shared “due diligence” data on investors may be strengthened.

Policy statement and implementation strategy

Government will vigorously pursue initiatives in the MRU, ECOWAS, WAXI and other sub-regional programs to translate the goals of this policy and the AMV into action programs, beginning with the harmonization of regional minerals policies, specifically in the areas of environmental protection, mining taxes and royalties, and community relations.

At the national level, large-scale mineral investors will be encouraged to explore opportunities to leverage investments for sub-regional operations that include sharing infrastructure across borders such as electricity and transport – linking roads, rail and ports.

As host of the MRU headquarters, Sierra Leone will take the lead in promoting harmonization of mineral sector policies and programs as well as in advancing multi-country actions in furtherance of the AMV. Government will introduce measures, as part of its

national development plans, aimed at medium and long-term collaboration with neighbouring countries to develop and implement industrialization strategies that are linked with minerals development.

3.6 Artisanal Mining

Current status

Currently, diamond, gold and coltan are the minerals primarily mined by artisanal miners. Though there is documented evidence of depleting known alluvial diamond deposits, artisanal gold mining remains viable. Artisanal mining and its supply chain continue to provide livelihood support to an estimated 300,000 people. Complete financial or overall impacts of artisanal mining on the Sierra Leone economy are not fully tracked or understood. The environmental degradation of artisanal mining and its accompanying health and safety hazards in rural communities are also not adequately monitored or remedied.

Policy statement and implementation strategy

Artisanal mining is legally reserved for Sierra Leone citizens. Government recognizes artisanal mining as economic activity that provides livelihoods to the rural poor. Government will design and implement support programs to assist artisanal miners' capacity to optimize benefits from mining, conduct responsible mining and to contribute to local economic development.

A new artisanal mining policy will be developed to address governance, mining, environmental, health and safety, financial, and livelihood aspects relevant to the sector.

3.7 Linkages, Diversification and Value Addition

3.7.1 Linkages

Current status

Currently as in the past, there are very few linkages between the minerals sector and the rest of the economy. Minerals operations are largely confined to the vicinity of the mineral locations with little or no links with other sectors apart from providing limited local inputs. In many cases, technical and logistical inputs in the form of machinery, specialist services and skilled workers, drilling and even finance are imported. Infrastructure developed for the

mine poses a special case. There is virtually no attempt to integrate the sector's infrastructure with that of the rest of the economy, despite the obvious positive spill-over effects in promoting diversification and small and medium enterprise growth and development. The level of coordination with other public infrastructure development is insufficient to exploit the potential for linkages.

The Sierra Leone Local Content Agency aims primarily at increasing local value to the minerals value chain. Mineral companies are to submit a local content plan to the Local Content Agency; the plan should contain targets for local labour and suppliers to be met. However, promoting value chain, as well as forward and side-stream linkages as part of minerals development requires careful planning if to leverage minerals development as a key driver for transformational development. Such leverage can promote a competitive minerals sector where costs of production are kept at a minimum, and spill over effects of minerals infrastructure and technology benefit other parts of Sierra Leone's economy. In the context of the wider market of the sub-region, such linkages open up opportunities for greater diversification, sharing of infrastructure, as well as improved economic and social security.

Policy statement and implementation strategy

Government will encourage the development of a competitive minerals sector where costs of production are kept at a minimum, and where spill over effects of mining infrastructure and technology are facilitated to benefit the rest of the economy.

Through inter-governmental coordination and stakeholder consultation, Government will develop programs and actions to strengthen opportunities of linkages between minerals development and the rest of the economy at each stage of the value chain including pre-production, mining and mine closure activities. Such linkages will serve as drivers of growth, industrialization and transformation. The design of infrastructure for mining operations will prioritize their integration with national infrastructure plans, and simultaneously create opportunities for sharing within and across national borders. Backward and forward linkages for each mineral value chain will be actively encouraged both for internal and regional markets.

Shared Infrastructure: Government will collaborate with mining companies and relevant local officials to identify opportunities and requirements for sharing mine

infrastructure that may include electricity generation and transmission, buildings and warehouses, water facilities, rail and other transport. Clear cost provisions will be developed to ensure project costs and operations are covered but that services may be offered at reasonable market rates.

Side-stream and Downstream Linkages: Given the low level of inter-sectoral linkages in the economy, downstream linkages and value addition will be encouraged as a medium-term goal at national and regional levels. Identification of business potential for storage and transport businesses will be explored. Opportunities for micro-credit or other finance tools to promote mineral processing, jewellery making, refining etc. will be pursued.

3.7.2 Investment opportunities, foreign investment, state participation

Current Status

Except for artisanal mining, there are currently no restrictions for foreign entry and investments in Sierra Leone's minerals sector.

In the past, large-scale mineral investors have been able to directly negotiate with Government the different terms and conditions for their operations through mineral development agreements. This approach has created an uneven playing field and rendered the monitoring of obligations and the collection of revenues difficult. Also, inadequate due diligence checks resulted in situations where, following the award of a mineral right, an investor subsequently demanded financial and performance concessions claiming its inability to mobilize the funds required for mine development under the existing fiscal regime and applicable laws.

There is presently no state participation in the sector either in the form of state shares or a state mining company.

Policy statement and implementation strategy

Government will develop, maintain, and implement a fair and stable regulatory regime designed to attract legitimate and qualified domestic and foreign mineral investments. There shall be no prohibition against the establishment of bank accounts, legal transfer of

monies, or free travel throughout the country. There will be no compulsory state acquisition of equity in any company or expropriation of assets unless otherwise legally prescribed.

3.8 Capacity building and Education

Current status

More than half the population of Sierra Leone is aged 18 – 35. This group constitutes most of mine workers – especially at artisanal and small-scale mines. In addition, this constituency typically forms the bulk of any group organized to express dissatisfaction about any aspect of mineral operations at the community level. Despite the size and overwhelming presence of this constituency in Sierra Leone, no structured mechanism is in place to facilitate outreach and certain participation in the minerals sector. Furthermore, educational, apprentice, and vocational opportunities for this segment of citizens is not adequately structured or in place to leverage local talent. There is no structured system of skills development for the sector linked to tertiary institutions. Consequently, this limits the number of Sierra Leoneans available for high-skilled mining and managerial jobs.

Policy statement and implementation strategy

Government seeks to encourage mineral investments and jobs creation in the minerals sector by enhancing training and education capacities needed by the sector. Particular attention will target the country's youth.

The aim is to improve vocational, technical and university training to benefit citizens' professional capacity to work in and manage the minerals sector. In this regard, professional development shall be addressed with the introduction of technical and university-level skills building to enhance vocational, engineering, commercial, legal and other expertise required for the country's mineral and mine-related operations.

Government will support development of academic and vocational curricula and apprentice programs that are practical and will match minerals sector needs. Mid-level mining professional training as well as on-going capacity building programs for Government and industry employees in mining and mine-related fields will be encouraged through Government and partnerships with international donors, universities, and various AMV capacity building programs.

In order to incorporate the views of the youths in developments relating to the sector, there will be a representative for youths in all multi-stakeholder forums established for managing the sector.

A multi-stakeholder group will formulate a plan to reinforce the inter-relationship among education and training programs, current and future demand for commercial, technical, legal, financial and other skills in mining and mine-related activities. Sub-regional facilities for training would link local institutions and training programs targeting opportunities to capture links in the minerals value chain.

The Local Content Act additionally stipulates targets for employment of nationals to skilled positions and the MMA 2009 lists the obligations of mineral rights holders to promote local employment and to boost local content of the final product. Government will strengthen monitoring of these obligations for meaningful training and employment.

3.9 Environmental Issues

3.9.1 Environmental Protection

Current status

Institutional and governance reforms have resulted in significant improvements in environmental protection and effectiveness of mechanisms for the mitigation of the impacts of mining operations on the physical and social environment. However, enduring challenges remain.

Capacities of Government and local communities to identify emerging issues and to monitor and enforce environmental compliance throughout the lifecycle of mine development is inadequate and coordination of efforts to protect land, water, air and other environmentally sensitive areas is lacking. Roles and responsibilities of institutions relevant to environmental management and social protection are sometimes conflicting.

Policy statement and implementation strategy

Government commits to comprehensive environmental protection based on international best practices that consider local mining impacts as well as broader national and regional

impacts. The approach will consider lifecycle impacts of pre-production, production and mine-closure as well as related mine infrastructure.

Government will ensure that environmental safeguards to mitigate and remedy the impacts of mining operations on the mine environment and affected mine communities are established and that mechanisms to monitor compliance with environmental obligations are strengthened.

Procurement of and training on soil and water testing equipment as well as building community capacity to constructively engage with mineral right holders on environmental protection, mitigation, mine closure, and development efforts will be strengthened.

For large-scale investments, ESHIAs will be prepared according to IFC Performance Standards (See link to the Standards <https://www.ifc.org/performancestandards>). Similar but appropriately practical, ESHIAs will be required for small-scale investments. All mineral rights holders required to prepare ESHIAs will do so in consultation with communities directly or indirectly affected by mine operations. Mineral rights holders will be responsible for implementing and updating Environmental Management Plans (EMPs) and shall be held to the highest standards of environmental compliance.

In addition to the conventional ESHIA reports, mineral rights holders will be required to produce easy to read and understandable ESHIA summary reports for public review.

3.9.2 Climate change

Current Status

For some, climate change opens opportunities for minerals development as is the case with drying rivers which expand exploration areas for artisanal and small-scale miners. But overall, impacts of climate change increases mine vulnerabilities that ultimately threaten mining operations. Current mining operations in Sierra Leone do not appear to have considered potential climate change impacts in mine design or the design of mine infrastructure and related development. If not controlled, climate change has the potential to disrupt and even halt mining operations, resulting in revenue loss to Government, companies, and communities that will negatively impact livelihoods.

Policy statement and implementation strategy

Government will work with mine operators to develop clear and comprehensive climate change mitigation, response and adaptation plans for the minerals sector, ensuring that mines, infrastructure and mine-related developments are well in place during pre-production and production operations and consider the post-production environment.

The capacity of Government to mainstream climate change mitigation and adaptation programs into minerals sector governance will be strengthened as Government seeks to build its overall capacity to address climate change impacts throughout the country.

3.9.3 Mine rehabilitation and closure

Current Status

Whereas progressive land rehabilitation is required of mineral rights holders during pre-production, production and mine closure, mineral right holders fundamentally do not comply with this requirement.

In fact, legacy effects of lack of mine rehabilitation and closure practices have resulted in large swathes of churned up and abandoned mined-out lands, loss of flora and fauna scattered throughout communities across Sierra Leone. In addition to disturbing the physical environment and undermining the potential for future agricultural development and expansion, these abandoned mined out lands, toxic waters, and polluted air have posed serious health and safety risks to affected communities. Abandoned, unused structures and materials also pose safety threats to local communities.

Policy statement and implementation strategy

Regulations requiring progressive land rehabilitation during all mineral development phases including mine closure will be enforced. Approved mine rehabilitation and closure plans will be required as part of the mineral rights award process for all small-scale and large-scale minerals developments. Mineral rights holders required to produce ESHIA must provide a financial bond as surety for complete mine closure and rehabilitation according to approved plans. The new artisanal mining policy provides details related to progressive rehabilitation and closure of artisanal mines.

3.10 Health and safety

Current Status

Despite substantial mitigation efforts, minerals operations continue to pose significant health and safety hazards to mine workers and mining communities. Modern equipment and supplies are not in place and mine safety practices are not adequately known at most mine operations in the country. Inspections are not sufficiently regular and inspectorate capacity not adequate.

Policy statement and implementation strategy

Government commits to building adequate technical and inspection capacity; working with mineral rights holders to ensure that regular inspections are guided by instructions, known to all operators and mine workers.

Mineral rights holders will have primary responsibility for the occupational health and safety of all persons involved in exploration and exploitation within their mineral rights area and will be required to take all reasonable actions to prevent persons, livestock, and flora from exposure to mine-related health and safety hazards.

Mineral rights holders will be required to conduct mining operations in accordance with best industry practice that is safe and does not pose health and safety risks to people, flora or fauna in and around the mineral rights area.

The use of modern technology to improve mine safety and avoidance of the use of explosives or hazardous materials is strongly encouraged. Where the nature of mineral production requires the use of explosives or hazardous materials, the mineral rights holder shall notify and receive approval from the appropriate Government institution and will conduct such use in strict compliance with all environmental, social protection, health and safety policies, laws and regulations of Sierra Leone. Where the relevant Sierra Leone policies, laws and regulations do not adequately cover the use of an explosive or hazardous substance, international standards and best practice principles will apply.

3.11 Community Development and Social issues

3.11.1 Community Development

Current status

Despite Sierra Leone's legal requirement that mining companies provide direct financial support to host communities through the Community Development Agreement (CDA) and

Community Development Fund (CDF) framework in the MMA 2009, the implementation mechanism, in the form of Regulations, has not been finalized. As a result, application of the law has been inconsistent and varied. Furthermore, while the law is clear on the CDA, there is some confusion in practice about the relationship between the role of Corporate Social Responsibility (CSR) in minerals operations and the CDA – in some interpretations they are treated as being the same thing.

To further complicate matters, there has been a disconnect between development projects undertaken by companies either within the CDA or CDAP frameworks or in line with CSR principles on the one hand, and development projects undertaken by local councils within the Local Development Plan framework, on the other. These overlaps have created duplication of development efforts in some cases, and even allowed for corrupt practices in others. Information exchange and outreach varies from community to community and may be improved.

Policy statement and implementation strategy

The introduction of the CDF is designed to avoid the frequent misunderstanding arising from interpretations of Corporate Social Responsibility (CSR) as the obligations of a mineral rights holder to the local community. There will be enforced a Community Development Fund which is the direct allocation of a percentage of the revenues from mining operations to the local communities pursuant to the MMA 2009. Government will lead a collaborative effort with all relevant stakeholders to apply the implementation framework and enforce CDA provisions in the MMA 2009 in accordance with the CDA Regulations. Specifically, collaborative efforts to align mine community development projects within the LDP, CDA and CDAP frameworks by the relevant institutions will be vigorously pursued. Government will track all mining contributions, including those committed through CSR mechanisms, to poverty reduction initiatives as described in the SDGs.

MMMR will work with communities through a multi-stakeholder consultation process to build understanding and information exchange relevant to those mine communities. Mining companies will be encouraged to align CSR contributions to community development with local development plans of the beneficiary locality. All material, social and local development payments and expenditures made by companies will be reported and published in line with EITI requirements.

3.11.2 Social Protection

Current Status

Currently, Government's strategy for social protection does not adequately consider the unique vulnerabilities to which mineral-rich communities are exposed. In fact, local councils with mineral-rich communities receive smaller budgets from central Government in comparison to local councils without mining operations. As such, social support services and delivery systems in mineral-rich areas are overwhelmed and cannot cope with the demands of growing populations and increased health and safety risks.

Internal migration of workers as well as increased foreign participation has occurred in minerals development activities throughout Sierra Leone. These have had social, cultural and religious impacts on mining communities. More understanding of these issues to address how these impacts will affect the country is required.

Policy statement and implementation strategy

Government's national social protection strategy will identify social protection interventions for communities affected by mining that address risks and vulnerabilities such as sanitation, spread of sexually transmitted infections (STIs), prostitution, high levels of teenage pregnancies, drug abuse, school drop-outs and high crime rates.

Central Government budget allocations to local councils will consider social protection needs that are unique to mining communities including strengthened outreach and communications.

Support and social service delivery systems including chiefdom-level interventions in mining communities will be strengthened.

Local development plans and development activities within the CDA and CDAP frameworks will complement central Government's social protection interventions.

3.11.3 Child labour

Current status

Despite legislation prohibiting the use of child labour in mining, the practice is not uncommon, particularly in artisanal mining. In many respects, children are used to engage in artisanal mining to supplement the incomes of poor rural families and in some cases, to

pay for the child's education. This circumstance is particularly true for the alluvial mining of gold, diamonds and coltan.

Policy statement and implementation strategy

The use of child labour in mining in Sierra Leone is unacceptable and illegal.

The capacity of law enforcement agencies and social welfare institutions will be strengthened to enforce child protection laws and provide support services to children who are victims of child labour. Persons in violation of child labour laws will be held criminally liable.

Where appropriate, Government will develop alternative economic support programs to ensure that child miners are able to attend school and their families have adequate income.

3.11.4 Gender issues

Current status

Policy, legal and institutional reforms have significantly improved gender equality in Sierra Leone. However, gender issues specifically related to mining and mineral development were ignored in previous mining policies and existing laws and regulations. Differences in gender roles and enduring structural impediments at local community levels where men and women have traditional roles continue to challenge and frustrate national gender equality interventions and therefore require practical intervention.

Policy statement and implementation strategy

Government will ensure that all policies relating to the sector fully incorporate strategies and actions that respect fair treatment of men and women and enhance gender equality and pay. In particular, such policies will ensure that vulnerabilities unique to women are addressed through support systems at the Ministry of Gender, Social Welfare and Children's Affairs as well as other social service delivery agencies.

Government will facilitate approaches that enhance equal opportunities for mine-related employment for men and women and especially ensure that the unique health and safety concerns of women are addressed. Healthcare and other social or administrative entitlements for mine employees that discriminate against women will not be tolerated.

Government will work with traditional leaders to identify and address customary and cultural barriers that undermine equal opportunities for men and women to fairly compete

and benefit from mineral production and trading. Gender equality efforts will be conducted, i.e., through gender mainstreaming activities by Government and mineral rights holders as well as at institutions of higher education where boys and girls will be encouraged to study for mining-related degrees. Specifically, Government will create incentives to encourage young women to study mineral development related courses at college and university levels.

3.11.5 Community-based conflict mitigation and dispute resolution

Current status

Existing dispute resolution systems, as contained in the law or in mineral development agreements, whether litigation or alternative dispute resolution mechanisms, do not always result in efficient dispute resolution options. Whether to address mine-related disputes involving Government, mineral rights holders and communities on the one hand, or between mineral rights holders and communities on the other, dispute resolution mechanisms should be strengthened.

Litigation is prohibitively expensive for ordinary citizens while the legacy effects of questionable behaviours of some mineral rights holders, mining community stakeholders and law enforcement agencies have eroded trust in alternative dispute resolution options. As a result, opportunities for peaceful settlement of disputes are often ignored and community grievances have been expressed violently, sometimes with fatal consequences.

Policy statement and implementation strategy

The use of violence as a means of mine-related dispute resolution is unacceptable. Government will work with all stakeholders to promote trusted alternative dispute resolution mechanisms as the primary option for settlement of mine related disputes. Reputable gender sensitive community grievance mechanisms will be established and supported. Capacities of local and traditional institutions, religious organizations and civil society to promote multi-stakeholder, alternative dispute resolution options will be strengthened, possibly through the establishment of local oversight councils. Clear lines of communication among government, mineral rights holders and communities will be established to identify conflicts and measures to mitigate them.

3.11.6 Mine security and the use of state security to protect mining assets

Current Status

Threats to mine security have increased in recent times. The causes of instability or conflict at mine sites include illegal mining, poor management, absence of regular consultations, unresolved land disputes, involuntary resettlement, abusive mining practices, labour disputes and ineffective grievance mechanisms. These have led to production stoppages, mine property damage, and even riots resulting in fatalities, all of which increase the costs of operations and create social instability.

Policy statement and implementation strategy

Government will work with investors and communities to identify critical mine-security issues as well as potential measures to ensure mine security. As may be required, State security institutions will provide security for mining investments in accordance with the law and respecting transparent rules of engagement. Government will ensure that State security institutions have the requisite skills, expertise and logistics to carry out their responsibilities towards mining investments and citizens.

Government will require that each investor and the security forces commit to the UNGP and to follow published rules on handling mine security, civil unrest or other conflicts that have a potential to harm investors, citizens, and properties. Government will consider and take steps towards becoming a Participant Government of the Voluntary Principles Initiative (Voluntary Principles on Security and human Rights 2000 – www.voluntaryprinciples.org).

3.12 Access and use of land

Current Status

Minerals sector development suffers from complex and sometimes unclear land access, land acquisition and ownership rights. There is general lack of understanding of the legal differences between surface land rights and mineral rights. Clear legislation vests mineral ownership in the State but in practice, the determination of ownership of land surface rights is largely based on historic customs and cultural laws that are complex to understand and often uncertain. Compensation provisions have not been developed to provide consistent and timely payment for land access and use related to minerals development activities.

Policy statement and implementation strategy

Government will create the space for legal and equitable owners of land to be involved in discussions that relate to land access and use including land user rights. Clear and comprehensive land policy will guide minerals development. Specific attention will be given to legally appropriate attribution of land rights, land access and use issues related to minerals development in Sierra Leone including rights of way, compensation for use and access, continued use of some mine lands, resource management and rehabilitation, resettlement, and mine and mine-related infrastructure closure requirements.

Harmonization with specific emphasis on Chiefdom mineral land management is deemed to be in the national interest; land agreements and community engagement shall be periodically reviewed and opportunities for improved land management shall be identified and pursued.

Government shall promote the use of the National Land Policy to guide arbitration of land disputes, revocation of land rights, fairness in compensation and other related matters to ensure country-wide consistency and transparency.

The informed consent of land owners, in law and equity, will be required and shall be recorded in the Cadastre including any land lease compensation provisions, before mineral rights are issued, and mining operations commence. To this end, negotiations for Mineral Development Agreements will be conducted in tandem with negotiations of surface rights agreement where applicable.

3.13 Resettlement

Current Status

Citizens residing in mining areas, sometimes entire communities, have been resettled in order to accommodate large-scale mining operations. Resettlement activities have produced mixed and sometimes undesired results for citizens. There is currently no comprehensive policy or law guiding mine-induced resettlement beyond requirements that companies should have an approved resettlement action plan that will guide their resettlement actions as part of their ESHIA mineral rights acquisition process. Monitoring the full implementation of these action plans is not sufficiently in place.

Policy statement and implementation strategy

Government will prepare resettlement guidelines, policy and law that will ensure same or better quality of life for people displaced by mining operations.

The scope of the new resettlement guidelines, policy and law will go beyond the minerals sector to include other sectors. Citizens shall have reasonable notice of resettlement and related compensation. Compensation for resettlement shall have the goal of restoring quality of life to the same or better level for those being resettled and may include housing, transportation, employment, school and health access, compensation for loss of income, livestock, and in any event, will be calculated and delivered in a fair and reasonable manner and in ways that are conflict sensitive.

Resettlement activities and compensation guidelines will be guided by international best practices, in particular the IFC Performance Standards on Environmental and Social Sustainability (<https://www.ifc.org/performancestandards>) and the Equator Principles (<https://equator-principles.com/>). This shall include a public grievance response process through which citizens' resettlement concerns will be addressed.

4 STRATEGY TO GUIDE IMPLEMENTATION OF THE MINERALS POLICY

The implementation of the above policy prescriptions will have implications that require careful calibration of actions and strategies to ensure success. Success will require a high level of collaboration among stakeholders. To this end, a multi-stakeholder group building on the current mineral sector benchmarking experience will be established to guide the implementation of the Policy. Below are additional considerations that would guide translation of this Minerals Policy into programmatic actions.

4.1 Responsible institutions

The Ministry of Mines and Mineral Resources (MMMR) is the Government agency that is primarily responsible for the implementation of this Minerals Policy. As part of this responsibility, the MMMR will lead inter-governmental and multi-stakeholder coordination structures that will be based on clear responsibilities outlined in harmonized Terms of Reference and Memorandum of Understanding and work plans implemented through structures established at the highest level of Government. Against the backdrop of the 2016 Management and Functional Review conducted by the Public Sector Reform Unit in the Office of the President, a restructuring of the Ministry of Mines and Mineral Resource to provide for the establishment of a Policy Directorate will be required to ensure effective and timely implementation of this policy.

4.2 Legal framework

Government will undertake the review of the Mines and Minerals Act 2009 to reflect the policy provisions contained in this new Minerals Policy. It should be noted that the fiscal regime for the minerals sector is now contained in the Extractive Industries Revenue Act, 2018.

4.3 International and regional linkages

Bilateral engagement with foreign countries, notably in Africa as well as with international development partners will be vigorously pursued by Government. The aim is to enhance international and regional collaboration for the minerals sector development and governance in the framework of the AMV. Particular attention will be given to the areas of tax evasion or avoidance, environmental protection, trade, human resource development, manufacturing and industrialization. Government will support on-going harmonization of

fiscal policies of the mineral sector among countries of the MRU and build on that to promote cross-border collaboration on shared infrastructure and knowledge and skills sharing. Opportunities for collaboration on these issues will be explored with the international community.

5 MONITORING AND REVIEW

The MMMR will conduct a multi-stakeholder review of this policy every five to seven years from the date of its adoption. Every review will depend on the extent of changes and the evolution of conditions in the minerals sector.

The multi-stakeholder group will conduct regular monitoring of implementation of this Minerals Policy.

The MMMR will develop a communications strategy that will enhance awareness and understanding of this Minerals Policy and its potential benefits, improve access to information relevant for decision-making, create space for the participation of all stakeholders in the implementation of this Minerals Policy and foster realistic expectations of mineral contributions to national and community development and growth.