



NELGA GOOD PRACTICES: Mining, Land Governance, and Investments in Africa

The Network of Excellence on Land Governance in Africa (NELGA) is a partnership of leading African universities and research institutions with proven leadership in education, training and research on land governance. Currently NELGA has more than **70 partner institutions** in over 40 countries and is organized in 6 regional and 1 technical nodes supported by a Secretariat.



1. Introduction

The global transition towards more clean energy in Africa through the embracing of technologies such as solar panels and electric vehicles will require extraction of minerals. With this increased demand for minerals comes a huge demand for sustainability in the mineral value chain in Africa.

Mining contributes to the development of many African countries as a major Gross Domestic Product (GDP) contributor, accounting for a significant portion of exports. It also contributes to enhancing livelihoods through the provision of infrastructure, education services and improved health care.

However, mining still poses significant implications for **land rights, environmental protection, and community wellbeing**. Mining projects often require large tracts of land where people live. In most instances, local communities are displaced and resettled to other areas. Due to insufficient clarity regarding land rights, conflicts over land and the absence of documentation of land rights in many regions of Africa, it becomes a challenge to determine rightful user and ownership rights. **Effective policies and best practices are crucial** to reconcile the advantages of mining with the rights and needs of landowners and local communities.

In this context, the African Union has continued its commitment to **sustainable and responsible mining in Africa**. This includes the adoption of the **Addis Ababa Declaration on the Development and Management of**

Africa's Mineral Resources by AU Ministers in October 2008, followed by the endorsement of the **African Mining Vision** by Heads of State at the February 2009 AU Summit. The **Lusaka Declaration** of the ICGLR Special Summit and the Action Plan for implementing the African Mining Vision further highlight the importance of carrying out mining activities in a sustainable manner across the continent.

2. Context

Mining governance in Africa faces major challenges that hinder sustainable and inclusive development. Large-scale land acquisitions for mining often lead to **displacement and resettlement of communities**, fueling land conflicts—especially in contexts where land rights are unclear and corruption is widespread. In many cases, governments, eager to attract investment, allocate land without properly consulting affected populations, resulting in the **marginalisation and forced displacement** of local, rural, and indigenous communities.

Corruption remains a persistent issue in the sector, with political elites sometimes tied to mining interests and enacting policies that serve private rather than public good. The lack of transparency in decision-making further prevents citizens from holding leaders accountable.

Environmental concerns are also growing. Weak land governance and irresponsible mining have contributed to **deforestation, pollution, and biodiversity loss**. Africa holds about 30% of the world's oil, gas, and mineral reserves, including 20–90% of 11 critical minerals needed for the global energy transition. Over 40 million Africans rely on artisanal mining—an often informal and poorly regulated sector—yet mining contributes only around 4% to GDP in many countries. Without strong regulatory frameworks and enforcement, these valuable resources risk causing more harm than good.

To address these challenges, **coordinated efforts** are needed to **effectively implement** the various international frameworks adopted by African states.

3. Beneficiaries/Stakeholders

Effective governance of mining and land should involve all stakeholders, ensuring their roles are recognised and their vulnerabilities addressed. Prioritising community rights and inclusive decision-making processes is essential for sustainable development and social equity.

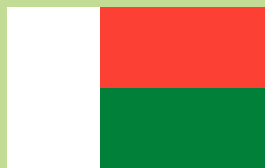
Main Stakeholders and their key roles.

BENEFICIARIES/STAKEHOLDERS	THEIR ROLES AND VULNERABILITIES
Government	Ideal role: The government should develop, together with its stakeholders, an overall vision for managing the country's national resources that transforms its resource wealth into inclusive, sustainable development. Vulnerabilities in practice: Governments may come under pressure from private interests, resulting in policy capture that undermines the public good and weakens governance.
Mining Authorities	Ideal role: Oversee mining operations, ensure compliance with environmental and social regulations, and manage licensing processes. Vulnerabilities in practice: Limited capacity to enforce regulations, which can lead to ineffective governance and exploitation of resources.
Mining Companies	Ideal role: Mining companies should support resource management and development while operating ethically, engaging communities, and meeting environmental and social standards. Vulnerabilities in practice: Weak community engagement and regulatory non-compliance can trigger conflicts, legal issues, and loss of licences.
Environmental Authorities	Ideal role: Monitor the environmental impacts of mining operations and enforce environmental protection laws. Vulnerabilities in practice: Often lack adequate resources and authority, resulting in insufficient enforcement of environmental regulations.
Social and human rights authorities (unhrc, rri, amnesty international, human rights watch, etc.)	Ideal role: Protect community rights and ensure that mining operations do not violate human rights. Vulnerabilities in practice: May face challenges in addressing human rights abuses due to lack of legal frameworks or enforcement mechanisms.
Local Communities	Directly affected by mining operations, they participate in decision-making processes regarding land use and resource management. Vulnerabilities in practice: Risk of displacement, loss of livelihoods, and inadequate consultation during mining operations. Their rights can be overlooked, especially regarding land ownership and use.

Traditional leaders (customary authorities)	Ideal role: Traditional leaders should protect community rights, promote sustainable resource management, and help bridge customary and formal governance systems. Vulnerabilities in practice: Their role is often weakened by state legal dominance, investor pressure, and internal disputes, limiting their ability to represent community interests effectively.
Indigenous peoples	Ideal role: Hold ancestral lands and resources, often with unique cultural and social ties to the land. Vulnerabilities in practice: Susceptible to exploitation and marginalization. Their rights to free, prior, and informed consent (FPIC) may not be respected, leading to conflicts and loss of cultural heritage.
Gender machineries (UN Women, ministries or departments focused on gender equality etc.)	Ideal role: Advocate for gender equality and women's rights in mining and land governance. Vulnerabilities in practice: Women often face additional barriers in participating in decision-making processes and may bear the brunt of negative impacts from mining, such as increased labor burdens and health risks.
Civil Society Organizations (CSOS)	Ideal role: Advocate for transparency, accountability, and community rights. They monitor mining activities and support local communities in asserting their rights. Vulnerabilities in practice: May face restrictions on their activities and can be targeted for opposing mining projects, risking harassment or violence.
International Organizations (AUC, UN, ETC.)	Ideal role: They should facilitate the sharing of best practices, support capacity building, monitor governance standards, coordinate with development partners, and align actions with national priorities. Vulnerabilities in practice: Challenges include poor coordination, difficulty adapting to local contexts, and risks of not addressing country-specific needs, which can limit their impact on sustainable governance.
Institutions (banks, investment funds, etc.)	Ideal role: Adopt strong Environmental, Social, and Governance frameworks, carry out thorough impact assessments, promote responsible investments, engage local communities, and ensure accountability for project impacts. Vulnerabilities in practice: Focusing on short-term gains, lacking local understanding, and weak monitoring can undermine sustainability goals.



African Examples of Better Land and Mining Governance



Madagascar is advancing land governance by decentralising land certification, creating a Land Observatory for data and policy support, and piloting an SMS system to track land certificates and resolve issues. These efforts improve property access, reduce land insecurity, and create a stable environment for responsible mining investment.



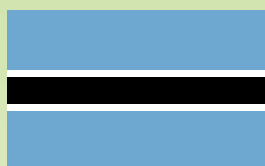
In Ghana, the establishment of a transparent and accountable land registration system that effectively regulates land use and resource extraction operations has led to improved management of mineral rights and environmental protection, reconciling economic growth and sustainability.



Senegal is improving governance in its mining and land sectors through reforms that focus on financial transparency and regulation. The country aims to leave the Financial Action Task Force's grey list to increase investor confidence and fight money laundering. Updates to the Mining Code seek fair revenue sharing and community protection. Senegal's participation in the Extractive Industries Transparency Initiative (EITI) ensures regular reporting on mining and petroleum revenues to promote accountability.



Gabon pursues industrialisation and sustainable resource management by banning raw wood exports to encourage local processing and requiring FSC certification for forestry companies. Since 2022, stricter rules on manganese and gold mining aim to curb illegal exploitation and ensure fair profit distribution.



In Botswana, around 40% of land is communally managed, with strong community support and low corruption fostering stable governance. Policies like the 1998 Minerals Policy and 1999 Mines and Minerals Act promote sustainability, community involvement, and clear licensing. Environmental assessments and Community Development Agreements help ensure local benefits, while anti-corruption measures enhance transparency and attract investment.



Rwanda has made reforms in agriculture and mining that strengthen property rights and governance. Women now own about 30% of agricultural land, helping reduce land disputes by half. The 2018 Mining Code encourages sustainable mining and local participation. The National Strategy for Transformation promotes transparency, while environmental regulations and Community Development Agreements support responsible resource management and shared benefits.

4. Lessons Learned, Success Factors, and Challenges

A. Fundamental Pillars

Historically, much of the wealth from mining in Africa has flowed to foreign entities, offering limited benefits to local communities. This disconnect highlights the urgent need for a more sustainable and responsible approach to mining. To ensure Africa's mineral resources support long-term development and well-being, this guide identifies **8 key pillars and strategies** for putting them into practice. In many cases, governance challenges in the extractive sector stem from neglecting one or more of these critical pillars.

FUNDAMENTAL PILLARS		KEY STRATEGIES
1	Legal and Policy Frameworks	Mining laws should be regularly updated to meet international standards and cover all activities. Agreements should be negotiated by diverse teams with a focus on human rights and responsible practices. Community involvement and better institutional coordination are crucial, along with strong monitoring and regular audits to ensure compliance.
2	Property Rights and Land Tenure	Customary land and resource rights of local communities must be recognised and protected through clear laws. Communities should be actively consulted on mining projects, with fair compensation for any losses. Transparency in licensing and training on rights and legal processes are also essential to empower communities and safeguard their interests.
3	Community Engagement and Consent and Resettlement Strategies	Mining companies must engage in meaningful dialogue with affected communities and provide clear, accessible project information. Formal resettlement plans should reflect community needs, supported by strong grievance mechanisms and ongoing communication. Governments are responsible for ensuring fair compensation that improves livelihoods. The rights of indigenous peoples must be respected, including securing their free, prior, and informed consent. Community-led initiatives and effective monitoring of resettlement outcomes are also vital.
4	Environmental Management	Effective management of air, water, waste, and biodiversity is vital to protect local communities and ensure sustainable mining. Operations must reduce greenhouse gas emissions and control air quality and noise to meet environmental standards. Water management should cover both surface and groundwater, with mining companies required to minimise impacts through environmental plans, regular monitoring, and enforcement. Biodiversity protection involves active participation from communities and governments, with monitoring programs and biodiversity offsets for unavoidable impacts. Waste management facilities must be designed to reduce environmental risks, supported by expert-approved plans and continuous monitoring throughout the mine's lifecycle.
5	Socio-economic Benefits and Income Distribution	Improved governance in mineral-rich countries attracts foreign investment, boosts government revenues, and creates jobs in mining and related fields. Partnerships with the mining sector and educational institutions help align training with local and national industry needs. Transparent management of revenues supports economic stability and funds essential infrastructure like roads, schools, and hospitals. To ensure fair revenue distribution, transparent systems—such as those aligned with the EITI—should be in place, along with fiscal rules to manage economic fluctuations. Open dialogue and clear licensing reduce corruption and empower citizens to hold authorities accountable. Mining companies are also encouraged to source goods and services locally, especially from historically underrepresented communities.
6	Conflict Prevention and Resolution Mechanism	Building collaboration begins with involving local communities and stakeholders in decision-making through neutral dialogue platforms where all voices are heard. Transparent sharing of mining benefits fosters respectful negotiations. Integrating natural resource management into peace processes helps prevent conflicts. Additionally, organisations like UN agencies, the EU, and civil society play vital roles as mediators to resolve disputes and build trust.
7	Communication, Access to Information and Transparency	Mining companies should be required to submit production data and reports to the government to support informed decisions. Information on contracts and payments must be made publicly accessible. Clear and easy-to-understand updates—through media, conferences, and websites—should be provided on project progress, including title applications and studies. A complaint collection and monitoring system should be established, with regular feedback given to stakeholders.
8	Land Reclamation	The government should create legal frameworks for mine closure and maintain monitoring systems. Mining companies must submit detailed closure, and rehabilitation plans with financial guarantees and consult local communities. Independent experts should validate risks and plans should be regularly updated. Both government and companies should support progressive rehabilitation and ensure post-mining land use benefits communities. Independent audits must verify closure compliance before final approval and permit transfer.



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