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Foreword

The idea of the African Mining Legislation Atlas (AMLA) Project was brewing in the World Bank’s Legal Vice Presidency (LEGVP) for some time, but well before its incorporation within the framework of the 2013 Global Forum on Law, Justice and Development.¹ The catalyzing event was an appeal from the Vice President for the African Region, Mr. Makhtar Diop, to the Senior Vice President and WBG General Counsel, Anne Marie Leroy, to contribute to the transformation of Africa’s crucial mineral sector.

The LEGVP took inventory of the World Bank Group’s (WBG) existing knowledge products in the mining sector through consultations with relevant units and determined that the World Bank can build on natural synergies to develop AMLA which was deemed to be beneficial to its African clients and development partners. The Project is led by Ms. Nneoma Veronica Nwogu, Senior Counsel with LEGAM, under the supervision of the WBG’s Deputy General Counsel for Knowledge and Research, Ms. Anna Y. Chytla. It is implemented by LEGVP in collaboration with the African Legal Support Facility (ALSF) and the University of Cape Town (UCT). The Pilot Phase was primarily funded by the African Legal Support Facility and also received financial support from Vale and the OPEC Fund for International Development.

A Memorandum of Understanding (MoU) for the implementation of the Project was signed on October 20, 2014 by UCT, ALSF and World Bank. Other stakeholders, notably the African Union Commission (AUC), are expected to join the partnership through signing onto the AMLA MoU.

¹ http://www.globalforumljd.org/
**Project Overview**

The objective of the African Mining Legislation Atlas (AMLA) Project is to support African countries in maximizing mineral resource benefits through:

i) promoting transparency, accessibility and comparison of Africa’s mining laws;
ii) facilitating the preparation, revision and implementation of mining laws;
iii) providing a living database that will catalyze research and policy debates on legal and regulatory issues; and
iv) promoting the development of local expertise on African mining laws.

AMLA is a legislation gathering, organization, dissemination and capacity building project with three main activities:

a) creation of the AMLA platform, a free online one-stop resource for Africa's mining legal framework (mining codes, regulations and related legislation) with interactive features to provide comparative data;
b) production of the guiding template, an annotated document that outlines a menu of legislative solutions to assist countries in the preparation or revision of their mining laws; and
c) capacity building through training of African law students, legal professionals and lawmakers a) in the use of the platform and the guiding template and b) on overall issues in mining law.

The World Bank initiated the Project within the framework of the Global Forum on Law, Justice and Development and will be responsible for its implementation in partnership with the University of Cape Town (UCT). The Project implementation period is December 2013 to December 2016. Each of the three years corresponds to a different phase of the Project.

In December 2016, the World Bank will cease its leading role and endow its African partners with full ownership and leadership on products, systems and processes developed during the implementation period.

**Pilot Phase Overview**

In the Pilot Phase, (December 2013 – December 2014), the World Bank prioritized the following outputs under the first (a) and second (b) activities:

<table>
<thead>
<tr>
<th>Outputs</th>
<th>Actions</th>
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<tbody>
<tr>
<td>1. Launching of the pilot version of the AMLA platform.</td>
<td>i. collection of all primary laws and contextual data;</td>
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<td>ii. preparation of a mining law common taxonomy;</td>
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<td>iii. processing and analysis of select topics in pilot law and</td>
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<td>contextual data;</td>
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<td>iv. design and development of the pilot version of the AMLA platform;</td>
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<td>and</td>
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<td>v. presentation of the pilot version at the 2014 Law, Justice</td>
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<td>and Development Week.</td>
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<td>2. Development of the Project Legal Research Team (LRT) from African</td>
<td>i. design and implementation of LRT candidates’ selection process;</td>
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<td>law faculties.</td>
<td>ii. training of select advanced law students from African universities</td>
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<td>on mining law and content management of the AMLA platform at UCT in</td>
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<td></td>
<td>South Africa and selection of the initial LRT from among the</td>
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<td>trainees;</td>
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3. Establishment of partnerships for Project pilot, implementation and sustainability.

iii. development of the AMLA research guidelines in English, French and Portuguese;
iv. development of a content management system manual in English, French and Portuguese.

4. Establishment of systems and processes for adaptive management.

i. establishment of a working group with ALSF, UCT, AUC and nine African law faculties, representing east, west, north, south and central Africa;
ii. signing of a formal memorandum of understanding with ALSF and UCT; and
iii. signing of a formal letter of commitment by eight African law faculties.

At the conclusion of the Pilot Phase, all expected outputs were achieved. The roll out of the Pilot Phase required no substantive adjustment to the original Project design, which dictated which activities and results were to be delivered and at what pace.

**Launch of the Pilot Version of the AMLA Platform**

**Primary Laws and Contextual Data**

In February 2014, the WB started to locate all primary mining laws of all African countries, in order to inventory the continent’s mining Legislative Framework. The location exercise was completed in November 2014, when the last copy of the 53 existing mining codes was secured.

From February to March 2014 - the WB also completed the collection of the relevant contextual data that is used by the AMLA Platform to determine for each of the 54 African countries, the primary non-fuel minerals produced; its EITI status; and its level of dependency on its non-fuel mineral exports, determined based on the value of such exports as a percentage of the total merchandise.

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2 The Legal Framework is comprised of the African continent’s mining codes and regulations as well as primary and secondary related legislation referenced in the mining codes and regulations.

3 At the time of this document São Tomé and Príncipe does not have an existing mining law, and does not have known plans to develop one.

4 This data was gathered from of official and reliable, which included: the latest country’s USGS Minerals Yearbook, the ICMM report “The Role of Mining in National Economies”, the Extractive Industries Transparency Initiative (EITI) website, the Regional Economic Community websites, and the resourcecontracts.org website.
The research on primary mining laws was conducted primarily through: i) consultation of digital and non-digital resources available at the WB Law Library, ii) use WBG country offices to access local mining ministries or competent agencies, iii) direct solicitation of experts based in target country, and iv) purchase of publications issued by companies operating in the sector.

Although the objective was ultimately accomplished, the wide array of resources that was utilized reinforced the need for creating a one-stop resource for African mining legislation. The process also revealed the existence of multiple amendments to the primarily laws which highlighted the need for a system of periodic checks for updates on the original legislation.

In Phases 2 and 3, the research will expand to mining regulations and related legislation referenced in the mining primary laws and regulations as well as laws that specifically reference the primary mining law or regulation or provide for application to the country’s minerals sector.

**Production of the Common Taxonomy**

In March 2014, the WB produced the first version of the common taxonomy, which represents a list of approximately 100 topics (and subtopics) that will be available for comparison across countries on the AMLA platform. The list identified topics that usually feature in mining codes and/or topics of particular interest for sector stakeholders.

In Phases 2 and 3, all primary mining laws and regulations will be analyzed to respond to the common taxonomy on the AMLA platform.

**Processing and Analysis of Pilot Laws**

In the Pilot Phase, the WB processed the primary documents collected for four countries, namely: Democratic Republic of Congo, Guinea, Nigeria and Sierra Leone. These documents were also analyzed to address some topics of the common taxonomy. The resulting work was uploaded and tested on the platform prior to public disclosure.

The piloting exercise proved useful both for the processing and analysis aspects of the work. For processing, it showed that the actual time required to produce an online searchable version of the primary law was longer than what was originally estimated, mostly because of the lengthy “cleaning” caused by the conversion from PDF into Word format entails. Regarding the analysis exercise, the process validated the system that was established to assemble and supply comparative data for the platform (Excel spreadsheet) and the appropriateness of the topics reflected in the common taxonomy.

The experience gained from this initial process generated useful insights that were incorporated into the drafting of the AMLA training materials for the Pilot Phase, addressing how to populate the platform as well as anticipating and addressing design and development issues related to the AMLA platform.

Phases 2 and 3 will include the processing of all primary laws and regulations and the amendments to the primary laws as well as updating the training materials to incorporate lessons learned in the Pilot Phase.
Design and Development of the AMLA Platform

The development of the pilot version of the AMLA platform advanced in parallel with the progress on the processing and analysis of the pilot laws. The platform was designed by Farwell Consultants Limited, a Kenyan firm, in accordance with the specifications outlined in the terms of reference. A few ideas underpinning its design and key features were clearly identified from the outset: the AMLA platform had to be free, user-friendly and well-organized.

The pilot was designed to provide:

- immediate visually-conveyed contextual information on the mining sector of African countries through interactive mapping technology;
- ii) an online visually-clean and searchable version of each law;
- iii) a downloadable PDF version of each law;
- iv) a comparison feature that allows selection of multiple countries and a topic such that the main screen shows the specific provision on that topic for those countries side by side.

To populate the AMLA platform, a private back-end interface was created to provide contributors, approvers and the publisher with a common virtual working space, the content management system (CMS), to store data, evaluate the data, and eventually share it on the public interface of the AMLA platform.

In Phase 2, the AMLA Platform will be translated into French and Portuguese.

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5 http://www.farwell-consultants.com/
Launch of the Project and Pilot Version of the AMLA Platform

On October 20, 2014, at the Law, Justice and Development Week, the Project was presented to the public for the first time. The event was opened by the introductory remarks of the Senior Vice President and General Counsel of the WBG.

The pilot version of the AMLA Platform was showcased during a TED-style talk given by the Project Team Lead on the transformative development potential to be leveraged from good governance of Africa’s natural resources and how the Project could facilitate that transformation.

This presentation was followed by a panel discussion featuring distinguished speakers, consisting of senior officials of the WBG, ALSF, AUC and UCT.

The launch attracted a full-house of participants made up of international organizations, academia, civil society, law firms and the mining industry.

To conclude the day, the initial collaborating partners, i.e. WB, ALSF and UCT, formalized their commitment by signing a memorandum of understanding.

Development of the Project Legal Research Team

Selection of Trainees

Starting in April 2014, the WB began soliciting the interest of prestigious African universities in being involved in the Project. The goal was to identify potential candidates for the Project’s legal research team (LRT) from their pool of advanced law students. Nine universities responded positively and each one presented a list of candidates.

The WB preselected the 24 candidates that best satisfied the given eligibility criteria, which comprised of enrollment in good standing in a law program of an African university, commendable research skills, familiarity with/interest in extractives law, and fluency in English, and either French, Portuguese or Arabic.

The initial 24 candidates underwent a second selection process based on their performance throughout the training period. At the end of the training, 14 candidates were chosen to become LRT members subject to an expression of support by their affiliated university.

The Project is designed to allow each member of the initial LRT signed to work for 15 hours per week as a work-study. For the services provided, each member will receive compensation equal to the results achieved within the given work-study hours, which were agreed with the LRT.

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6 The Universities are from the following countries: South Africa, Nigeria, Mozambique, Cameroon, Tanzania, Ivory Coast, Morocco, Guinea, and Senegal
In terms of composition of the initial LRT, with members from South Africa, Nigeria, Mozambique, Cameroon, Tanzania, Ivory Coast, Morocco, Guinea, and Zambia the Project met a satisfactory level of sub-regional representation. The Project will continue to ensure diversity, gender equity and language representation.

In Phase 2, the Project will improve diversity in each of the three aspects mentioned above (gender, language and sub-regional representation) by expanding the LRT with another round of selection of candidates for the second AMLA training. For this training, the WBG will be sourcing candidates, particularly women, from targeted universities in Burkina Faso, Democratic Republic of Congo, Ghana, Ivory Coast, Morocco and Tanzania.

**Training Curriculum and Documentation**

The training curriculum was organized into two parts. In the first part, attendees participated in a two-day colloquium hosted by the Mineral Law in Africa (MLiA) initiative based at UCT. The second part comprised of an AMLA week-long series of lectures and practical sessions.

The lectures addressed the AMLA project and the population plans and procedures for the AMLA platform as well as various legal topics pertaining to mineral law in Africa, which included: rights in respect to minerals and mining operations; dispute resolution; the legal system and jurisdiction; environmental frameworks and corporate social responsibility; fiscal regimes and the structure of resource funds; and mining concessions agreements. The practical sessions exclusively dealt with the AMLA platform, focusing on (i) the process for populating the platform, through research, processing and analysis of legal documents in accordance with identified guidelines and (2) familiarization with and use of the AMLA content management system.

In total, the training curriculum amounted to 40 hours of lessons, of which 60% consisted of lectures and 40% of practical exercises. Multiple sessions were carved out of the week schedule to give trainees the chance to provide in-time training feedback. Overall, all participants indicated that the training enhanced their knowledge for each topic covered, additional training was both necessary and welcomed and future
training should create more time for instruction and practical exercises. In Phase 2, the AMLA training time allotted for practical sessions will be increased to 50%.

In Phase 2, the Project research guidelines and content management system manual were developed based on the research conducted for the pilot version of the AMLA platform. The documents were tested during the training and online surveys were conducted to receive feedback for updating the documents. Questionnaires developed for periodic research feedback in Phase 2 will also provide materials for updating the documents. Both documents will be updated prior to the training of current and prospective LRT members to be held in South Africa in August 2015.

**Training Delivery Highlights**

- The training was held from November 26 to December 5, 2014, at the Faculty of Law of the University of Cape Town, South Africa.
- It was a partner-led effort that gathered a total of 42 participants comprising of trainees and trainers. The team of trainers was composed of experts coming from academia, law firms, civil society organizations and the mining industry across the world and the trainees were advanced law students from African universities affiliated with the Project.
- Simultaneous interpretation services were provided in French and Portuguese for both lectures and practical sessions. The training materials for the AMLA content management system were also translated from English into French and Portuguese.
- At the end of the training, the trainees received an official certificate of training completion from the University of Cape Town.

The AMLA training provided a life-changing opportunity for African legal professionals at various points in their careers to connect with like minds across the continent as well as gain crucial exposure to the mining sector. Even the candidates who did not ultimately join the LRT, left the training pledging themselves to...

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7 Evaluation of the AMLA Legal Research Team Training Week, Dawn Roberts, December 2014 (available upon request at feedback@a-mla.org).

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*Figure 6: Group picture that captures the candidates of the Legal Research Team with the Management Team of the AMLA Project. The picture was taken at the end of the AMLA Training held in December 2014 at the University of Cape Town, South Africa.*
be ambassadors for the AMLA platform, with an understanding of how it can be used as a valuable resource at their universities, law firms, organizations and beyond. By the end of Year 2, the Project will have reached approximately 54 law students from 17 countries, speaking French, English, Arabic and Portuguese in addition to numerous local languages. Ultimately, this will pave the path towards the establishment of a knowledgeable, cross-continental network of African legal professionals endowed with the information that necessarily contributes to shaping the good management of Africa’s mineral resources for years to come.

**Establishment of Project Partnerships**

**Establishment of a Working Group**
A working group made up of representatives from ALSF, UCT, AUC and nine African law faculties, representing east, west, north, south and central Africa, was established in order to provide overall guidance, facilitate the objectives of the Project and ensure effective and efficient implementation of the Project activities. The working group held its first working session in October 2014 and it meets as frequently as required.

**Signing of a Formal Memorandum of Understanding**
On October 20th 2014, the partnership between The World Bank, ALSF and UCT was formalized through the signing of a memorandum of understanding (MoU) which details the parties’ commitment to collaborate for the achievement of the established common objectives. The MoU allows for the signing on of future collaborating partners.

*Figure 7: Hassan Cisse – Senior Director, Governance Global Practice, WBG; Paulo de Sa - Practice Manager, Energy and Extractives Global Practice, WBG; Vincet O’Nmehiele – Legal Counsel, AUC; Hanri Mostert – Professor, UCT; Stephen Karangizi – Director, ALSF; Anna Chytla – Deputy General Counsel, Knowledge, Research and International Law, Legal Vice Presidency, WBG.*
Signing of Formal Letters of Commitment by Law Faculties

By December 2014, eight African law faculties from Morocco, Nigeria, Ivory Coast, Guinea, Cameroon, South Africa, Mozambique and Tanzania, whose students are members of the LRT, signed a formal letter of commitment affirming support of their students as LRT members and reiterating their readiness to further contribute to the Project activities and facilitate the Project objectives.

In Phase 2, there will be continued efforts to establish more beneficial partnerships for the implementation and sustainability of the Project.

Establishment of Systems and Processes for Adaptive Management

Monitoring and Evaluation

The monitoring and evaluation mechanism, which was designed within a “learning by doing” framework, aims to monitor and evaluate, primarily, two aspects of the Project: i) appropriateness of Project design and implementation choices towards the achievement of the proposed objectives, and ii) knowledge and skills improvement and level of satisfaction of the training beneficiaries.

On the first aspect, the project sets out a cascading results framework to regularly monitor and evaluate implementation strategies and arrangements, allowing for mid-course corrective measures.

On the second aspect, improvement and satisfaction of the training beneficiaries were measured through an online questionnaire, which candidates filled in twice: before and after undergoing the training. The positive results of this assessment are captured in the report “Evaluation of the AMLA Legal Research Team Training”. There will be continued skills and knowledge evaluation of the LRT members throughout the Project implementation period.
Communication Portal

To facilitate networking, communication and knowledge exchange, the Project created a virtual working space within the WBG’s private social network, Collaboration for Development (C4D).

The objective of AMLA C4D portal is to facilitate transparent communication and collaboration between all the participants who make contributions to the Project.

LRT assignments are circulated and monitored through the AMLA C4D portal.

Feedback Mechanisms

Questionnaires have been developed for continuous provision of feedback on the Project implementation experiences and challenges by the LRT throughout the Project implementation period. The provision of feedback through these questionnaires are required on a periodic basis which is linked to the completion of phased assignments.

LRT members are also required to provide weekly feedback on the AMLA C4D portal, and certain challenges are identified for immediate resolution.

As part of its learning by doing approach, the AMLA platform design features a feedback page that enables the public to engage with the Project by sending comments regarding the quality and accuracy of the legislative framework available on the platform.