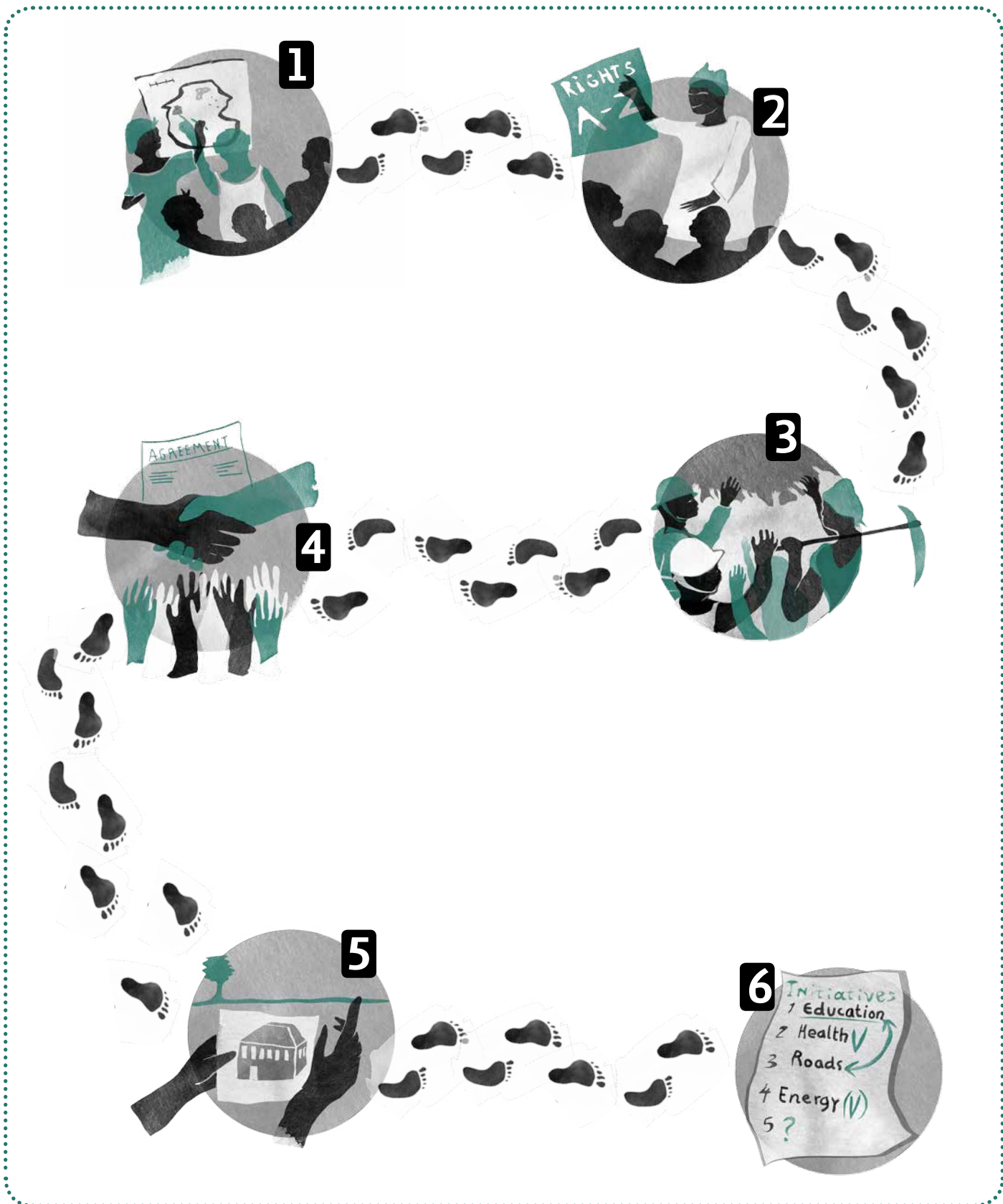


# 6 MAJOR STEPS TO REACH A COMMUNITY DEVELOPMENT AGREEMENT IN SIERRA LEONE





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## ACKNOWLEDGEMENT

*This Six Step Guide is a product of a community workshop held in Bo, Sierra Leone from May 24 to May 26, 2016. The guide was created by Oxfam IBIS in Sierra Leone based on inputs from workshop participants and should be seen as a first input to begin the implementation of the CDA template.*

*The workshop was facilitated by Jordon Kuschminder and project managed by Nuru Deen and Morten Blomqvist from Oxfam IBIS.*

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There is a growing recognition that Community Development Agreements (CDA) - if effectively implemented - can promote long-term development benefits for communities affected by mining operations as well as improve relations between extractive companies and communities. Section 139 (1) of Sierra Leone's Mines and Minerals Act, 2009 provides that small scale or large scale mining licence holders are required to have and implement a CDA with primary host communities if their approved mining operations will or does exceed certain stipulated limits set out in the Act.

In Sierra Leone, CDA's provide a new opportunity and framework for local development to occur in mining areas. Paradoxically, many communities home to Sierra Leone's vast mineral deposits continue to experience high levels of poverty and low levels of development.

In this context, a CDA Working Group led by NMA was convened by the Strategic and Policy Unit to develop a draft model Community Development Agreement which would provide necessary details to fill out the CDA framework established by the Mines and Minerals Act of 2009. The Group was comprised of key stakeholders from government, the mining sector, international development partners and civil society organisations. The draft model anticipates high levels of community participation as shown by the governance structures it establishes and hence requires similar levels of community knowledge and awareness about the process if it is to work successfully.

This six step guide for reaching Community Development Agreements in Sierra Leone outlines some of the critical steps for mining affected communities to consider as they work through Sierra Leone's Model CDA process with mining companies and public authorities. It is a simplified guide meant to inform, rather than to provide detailed advice.

The guide is a simple tool or check-list of the different stages of developing and implementing a CDA process in accordance with Sierra Leone's CDA template, and can be used by different members of a specific local Community Development Committee to gain a quick overview of the CDA process. It is important to underscore that this guide does not include all details of the Model Community Development Agreement Template and that each CDA process will be different depending on the characteristic of the host community and type of mining project.

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*The first step of developing the Community Development Agreement is difficult because communities are not familiar with the content or process of CDAs and have not decided who should represent and participate in the engagement process around the CDA. The process often begins for communities with a CDA sensitisation workshop where the National Minerals Agency can provide guidance to ensure compliance to the legal and policy framework. The CDA Template in Sierra Leone outlines the following requirements:*



- Identify communities and families that potentially will be affected by the mining operations – both within the mining concession and/or within a 30 kilometres boundary of the mining licence area.
- In the pre-negotiation stage, representatives of communities and companies should define how they are planning to engage with each other and who will be representing them in the preliminary stages of the CDA process, e.g. the first stakeholder meetings and mapping process.
- An action plan for the first round of community consultation should be established collaboratively with clear timeframes around awareness building, Community Development Committee (CDC) selection processes and how different stakeholders from within the community will be engaged and heard in the initial stage of the CDA process.
- It is important to emphasise that this stage is only building the groundwork for the CDA process, and no formal agreements beyond what is appropriate to initiate and prepare the community for the CDA process can be made at this stage. The aim is simply to identify communities and map relevant stakeholders to participate in the next steps.





*The second step in the CDA process is where the affected mining communities are developing and selecting their organisational structure for participating in the CDA Structure. Moreover, the communities and different stakeholders are determining their needs for additional knowledge and training, and coming to an alignment on what is important and how they want to approach both the proposed Mining Project and the CDA process.*

- The Model CDA Template ensures that the communities can receive relevant training and knowledge before beginning the actual negotiations of a Community Development Agreement. Communities need to consider what needs that they have for training and additional knowledge regarding both the CDA process and the mining project in order to make informed decisions.
- The CDA template requires that a Community Development Committee is established. It is a representative group consisting of approximately 23 members. The CDC represents a broad number of stakeholders in the community. The Community Development Committee should have both a secretariat and establish a Technical Group (see organisational diagram).
- The Model CDA process in communities should be based on a free, prior and informed approach that can lead to a broader-based community understanding and consent with both the government and mining company.

*The Community Development Committee (CDC) and the Technical Group should consult different stakeholders within the affected communities. This consultation process should include women, men, youth, elders, faith groups and vulnerable groups (i.e. the disabled) to understand the differentiated impacts and needs. It should take into account the different impacts a mining project will have on different communities and on those more dependent on traditional livelihoods.*

*The Community Development Committee (CDC) should consider the following when validating and prioritizing the different impacts and requirements:*



- Communities need to prioritize their demands in a way that reflects the impacts on, and interest of different stakeholders. Particularly taking into consideration the needs of women, children and vulnerable groups in the community.
- Communities and families that face involuntary resettlement should be top priority for the consultation and needs assessment. The development of a Resettlement Plan that is based upon community level consultation and meeting international best-practice is crucial to give vulnerable families the best chance for a successful resettlement, additional benefits and to help avoid inter-community conflicts.
- The community needs to consider how it wants to benefit. In doing so, communities should consider both benefits that require direct financial resources (such as infrastructure, education and roads) but also non-financial benefits such as community development projects, the creation of local jobs, and sourcing of local products. Communities also need to consider benefits that are both short- and long-term in duration.

# CONSTRUCTING AND NEGOTIATING THE COMMUNITY DEVELOPMENT AGREEMENT (CDA)



*The two previous steps should help the Community Development Committee in understanding the priorities of the communities to increase local benefits.*

*While the Model CDA process in Sierra Leone has been established to facilitate a clear regulative and administrative process, the specific community development projects are open and expected to be negotiated. This is clear in both the wording of the Mines and Minerals Act and the Model CDA template itself.*

- It is highly recommended that the community have access to relevant technical and legal assistance that it may require to fairly and equally participate in the CDA process.
- The CDA template allows different kinds projects such as education scholarships, technical training, infrastructure construction (related to education, health, roads, water and power), agricultural projects, protection of natural resources and support cultural heritage and sports. In the prioritization, the Community Development Committee should pay special attention to the needs of women, youth and other marginalized groups to ensure that benefits to the community are as widespread and shared as possible.
- The CDA template does not allow the transferring of privileges to any specific individual(s) of a primary host community. It specifically states no vehicle, the provision of monetary amounts, services, goods or facilities to individuals can occur. Benefits must be for and target the broader community.



*Signing the Community Development Agreement is a big step but it is only the beginning. It is the implementation of the agreed actions and processes that counts, and will determine if the CDA is successful or not. An open implementation process with a monitoring scheme of agreed actions is crucial.*




- The Community Development Agreement shall include a work plan and a framework containing indicators, activities and timeline. It is important that the Community Development Committee monitor progress and quality of the implementation of the work plan on a regular basis.
- The CDA template sets high standards for management of funds. It requires transparency, external audits of funds, contract should be made with open bidding and a bank account should be opened. The Community Development Committee should ensure that the capacity is available to comply with high standard.
- The CDA requires establishing a Conflict Resolution Committee that should mediate disputes regarding the CDA between the mineral right holder and the primary host community, or within the primary host community.



*The mining activities will change over time, e.g. size of operation, location of main mining activities and impact will differ from exploration to closure. Likewise, the risks, opportunities and needs for communities that are near mining operations will also change over time.*



- The CDA Template requires that the Community Development Agreement is reviewed every 5 years but there might be need to make changes or modifications sooner than that. The Community Development Committee needs to include new challenges, risk or opportunities that should be included in the agreement in a review.
- The Ministry of Mines and Mineral Resources and the Local Council shall facilitate the process of the review and the process should begin at least six months before the expiration of a current five year period.



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**INTERNATIONAL GUIDING PRINCIPLES AND REFERENCES:**

- United Nations Guiding Principles on Human Rights and Business
- Oxfam: Free Prior and Informed Consent in Africa
- International Council for Mining and Metals: Understanding company-community relations toolkit
- World Bank: Community Development Agreements Source Book