

Civil society urges the Afghan President not to issue legislative decree on mining while the Parliament is in recess

News | iwa | 13/02/2014



Weak draft of mining law, if passed through a decree, will undermine transparency, accountability, and the rights of local communities

Saturday, February 01, 2014 – Kabul: Members of civil society Natural Resources Monitoring Network urged the Afghan President not to issue a legislative decree on mining based on the current weak draft of the mining law. The Parliament had started intensive discussion on the draft mining law before it went on recess. The current draft of the mining law prepared by the Ministry of Mines and Petroleum has significant gaps in areas such as bidding process, publication of contracts, and publication of beneficial ownership, consultation with communities, security, and conflict resolution mechanisms.

The law needs improvement to ensure a clear and transparent bidding process, with criminal sanctions against government officials who favor one company over another. The bidding process must also include strong parliamentary oversight to ensure accountability.

The law must also ensure that mining contracts and all related documents are published and made available to the public in a timely manner. Disclosure of proposals of losing companies after a contract is signed is also recommended. In addition, publishing of beneficial ownership of mining companies must be made mandatory by the law.

Rights of local communities can only be ensured if they are involved right from the beginning of the mining process. Therefore, the law must also put a requirement that an appropriate level of consultation with local communities are carried out. In addition, assessments of the environmental and social impact of a mining project must be carried out before a license is granted.

The law must also ensure stronger mechanisms to resolve conflicts with local communities and address grievances at the community level. The law must also put a ban on armed groups being involved in mining or the minerals trade, to help prevent Afghanistan ever falling into a situation like that in eastern Congo, where small armed groups have fought for decades fuelled by natural resources.

Afghanistan has won significant praise in the last two years for joining the application process of the Extractive Industries Transparency Initiative, and for the decision to publish mining and oil contracts. Civil society representatives strongly felt that passing the law by decree without any changes would represent a major step back from the progress that has been made, and would not justify this use of Presidential power. The civil society urged the government to return the law to parliament for amendments to fill the gap identified above. Or at least take them into account in the current draft before passing the legislative decree.

About Natural Resources Monitoring Network

The Natural Resources Monitoring Network (NRMN) aims to facilitate effective coordination, advocacy, and monitoring efforts of civil society organizations and individuals in the extractives sector. The goal is to ensure peaceful and sustainable utilization of natural resources of Afghanistan. The NRMN was found on 19 December 2012. The network includes 38 important gender-oriented Afghan civil society activists and organizations.

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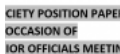
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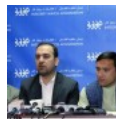
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