Environmental Governance Programme
Integrating Environment and Human Rights into the Governance of the Mining Sector

Workshop Report
2018 EGP Annual Global Workshop: Results, Lessons Learned and Going Forward
October 17-19, 2018 - Geneva, Switzerland
The 2018 Annual Global Workshop of the Environmental Governance Programme was held on October 17-19, 2018 at the John Knox International Centre in Geneva, Switzerland.

The objective of the workshop was to:
- Share updates, and reflect on results, good practices and lessons learned from both the Environmental Governance Programme (EGP) and partner initiatives, including validation of findings from the EGP evaluation.
- Further shape the design of the next phase, including validation of scope, priority themes, main entry points, and partners.

The Environmental Governance Programme (EGP) for Sustainable Natural Resource Management is a joint initiative of the Swedish Environmental Protection Agency (Swedish EPA) and the United Nations Development Programme (UNDP). The EGP supports countries to integrate environment and human rights into the governance of the mining sector.

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More than 50 participants from 12 countries and the EGP Advisory Board shared their perspectives and experiences in the environmental governance of the mining sector, focusing on the nexus between human rights, biodiversity, gender, climate change, and conflict prevention. The workshop brought together the four EGP programme countries, namely: Colombia, Mongolia, Mozambique and Kenya, to share updates, and reflect on results, good practices and lessons learned from both the EGP and partner initiatives, including validation of findings from the EGP external evaluation.

They identified gaps and opportunities to improve the governance of the mining sector in different country and institutional contexts; and explored concrete opportunities to further shape the design of the next phase of the EGP (2019-2024), including validation of scope, priority themes, main entry points, and partners.

The workshop’s facilitator was Gillian Martin Mehers, Founding Director of Bright Green Learning.

Visit the workshop website for presentations, photo gallery and detailed agenda.
Key Messages from the Workshop

During the three-day dialogue the following key findings emerged:

Lessons learned from the current phase:

1. The EGP has achieved concrete results and the conditions for implementing the next phase are already there.

2. It is important to sustain and consolidate the results that have already been achieved. For example, the institutional networks and infrastructures, including cross-sectoral working groups, that have been created through the Project will need continued support to institutionalize, to as they are at risk of disappearing without consolidating follow-up.

3. The current programme showed a lot of flexibility in responding to stakeholders’ needs, which should be maintained in future programming.

Focus for the next phase:

4. The most important principle for the participants when designing a new phase is country-driven consultations that are guided by local priorities and where local actors participate. This should be done as early as possible in the planning phase with the aim to ensure a bottom-up participation and harmonization with other related initiatives in the countries.

5. The biggest gap is around operationalization of existing policies and laws. Therefore the phase should focus on the implementation of these existing laws and policies before designing new ones.

6. Countries have similar challenges but there is little dialogue between them. What is there in terms of dialogue is ad hoc or opportunistic. The next phase should focus on having a more methodical and structured process of peer-to-peer learning between the countries and the Swedish EPA.

7. Artisanal and small-scale mining (ASM), legal and illegal, including criminal mining, is a common concern and issues of growing relevance for the programme countries and there is a need for support on these issues.

8. The next phase should be informed by the findings in the four assessments conducted in the four focus countries (Strategic Environmental and Social Assessment – SESA, and the Rule of Law in Public Administration - ROLPA ). Some of these are coordination gaps between various authorities. Regulations often exist but the implementation requires the strengthening of intra-ministerial and sectoral coordination. The actions from authorities need to be coordinated and the collaboration between them need to be institutionalized.

9. The three broad thematic areas outlined in the Swedish EPA’s concept note for next phase (biodiversity and ecosystem services, climate change and sustainable consumption and production) are helpful in shaping thinking and the structure of the new programme:

10. Forests may be a useful entry point, but the issues are far broader and relate to landscapes and biodiversity rather than limited to forests.

11. The same applies to water, which could be a useful entry point, but the broader issues are more related to water footprint, links to climate change or conflict issues.

12. Climate change needs to be spelled out more explicitly in the next phase in terms of what of the two-way impact means in mining activities (i.e. mining impact on climate change vs. climate change impact on mining).

13. Environmental Impact Assessment (EIA) appeared to be a valuable entry point in mainstreaming and institutionalizing implementation across countries and thematic areas.

14. New programme should aim for coherence in terms of functioning governance systems, strengthening the implementation of existing policies and creating/supporting effective institutions.

15. If the Problem-Driven Iterative Adaptation (PDIA) approach is to become central to the framing of the new programme, it should then start from locally-identified problems.
Next Steps

The following next steps were identified during the workshop:

1. The EGP will continue to provide support to the four focus countries Mongolia, Kenya, Mozambique, and Colombia during the last six months of phase one, which runs through June 2019.

2. The EGP team will start the formal consultation process with country offices and other development partners and stakeholders for the design of the next phase in November 2018.

3. The five-year next phase project proposal will be submitted to Sida in March 2019.

4. It is hoped that the programme will continue seamlessly onto its next phase already in July 2019.

5. The next phase will be more iterative and adaptive, with many opportunities for the countries to decide on local needs and various consultations with the countries before the proposal submission to the Swedish International Development Agency.
### Session 1 - Opening Remarks

**What has been the high point of your participation in the EGP so far?**

**Colombia**
- The EGP Bogota Workshop brought together a diverse group of participants and allowed for a multi-sectoral and multicultural learning experience covering different countries and Colombian territories and municipalities.
- The EGP Panama Workshop on Participatory Environmental Monitoring Committees provided an invaluable exchange of experiences.

**Kenya**
- The EGP has been very helpful in creating multi-stakeholder platforms.
- The EGP Kwale, Naiwasha, and Bilene Workshops have helped in the operationalization of policies and legal frameworks and understanding the linkages between environment and human rights.

**Mongolia**
- Through capacity building, the EGP has helped all stakeholders in environmental protection to better understand their responsibilities.
- The participatory monitoring learning and the EGP mining sector assessments were very helpful to the Government.

**Mozambique**
- The EGP has enabled a positive interaction with communities and mining companies in the PEMC context.
- The exchange of experience on integrating environmental issues in extractive governance with other countries, especially Kenya, has been very useful for the Government of Mozambique.

### Session 2 - Updates, Reflections and Success Stories from Countries

Countries were asked to deliberate on their experiences from the EGP focusing on eight questions:

1. What practices in the country and sector have you been able to influence or change due to your participation in the EGP?
2. What helped enable this influence or change?
3. What priorities did you set for your interventions and influence?
4. What opportunities did you identify that you could build on?
5. What challenges did you encounter in this work?
6. What did you do to overcome the challenges and/or constraints you encountered?
7. What is left to be done if it were taken forward into the next phase?
8. What tips would you have for other countries to successfully conduct this type of work?

### Main Findings

The questions covered success stories and challenges, with a focus on what practices within countries that have been affected or changed due to the EGP, and they also included what is left to be done. Then everyone had the opportunity to listen to the experiences from all the countries and share their reflections in a plenary discussion.

**Key Takeaways:**

- Artisanal and small-scale mining is a common concern of all the EGP programme countries. The countries need strategies for handling these mining operations, which often falls outside of the legal system. Also, criminal mining was listed as a problem. The diversity, not only between large, medium, small scale, junior, artisanal and illegal but also within these different categories of mining needs to be carefully considered.

- Regulations often exist but the implementation needs strengthening.

- The coordination between authorities helps implementation. The assessments (Strategic Environmental and Social Assessment - SESA, and the Rule of Law in Public Administration - ROLPA) have helped in identifying needs for coordination. Some coordination mechanisms between authorities have been established but they need to be institutionalized.

- It is important to adequately implement the existing mechanisms for participation, considering the different backgrounds of the stakeholders. Consultation with nomadic communities requires, for instance, different approaches than settled communities. Participation mechanisms may still be fragile and need to be formalized.

- Consultations in conflict situations between stakeholders need to be handled but differ in nature between countries. Formal places for handling conflicts between stakeholders need to be established. A common language needs to be found in each conflict. Trust needs to be built strategically.

### Session 3 - Global Guide - Information Hunt Contest

This session started with a brief Introduction to the EGP flagship publication on *Extracting Good Practices: A Guide for Governments and Partners to Integrate Environment and Human Rights into the Governance of the Mining Sector*, which was delivered by Margaret Wachenfeld, Director of Thermis Research and lead author of the publication.

The key messages from the presentation are as follows:

- The guide explains concepts, provides examples and identifies tools and approaches that can be used to improve the governance of the mining sector. The guide also briefly explains international environmental and human rights standards.
Main Findings

**Session 4 - External Evaluation of EGP**
Professional Management presented their key findings from the external evaluation of the EGP and answered questions from the project partners.

**Key Findings**
- The EGP has been highly relevant to the needs and priorities as defined by stakeholders and beneficiaries.
- EGP has strengthened the environmental, gender, human rights and rule of law dimensions of public administration work in large-scale mining sectors.
- There is an added value of the partnership configurations in addressing the global environmental challenges and in meeting the needs of the sub programme countries and organizations.
- EGP is an efficient way to develop multi-stakeholder platforms.
- Resources (funds, human resources, time, expertise etc) have been allocated strategically to achieve results.

**Key Recommendations**
- The Swedish EPA should continue working with international development cooperation through a global programme.
- Considering the good results of the first phase of the programme it should be expanded in the next phase.
- The private sector should be included in the partnership.
- Colombia, Kenya, Mongolia and Mozambique should be given continued support in the next phase.

**Session 3 - Global Guide - Information Hunt Contest (Cont.)**
- The guide is organized into steps covering all phases of mining operations, namely: Regulations, Institutions and Rule of Law (Step 1); Planning (Step 2); Exploration (Step 3); Feasibility and Licensing (Step 4); Development and Construction (Step 5); Production (Step 6); Closure (Step 7); Post-Closure (Step 8). The publication has also three Annexes, covering: Principle 10; Ecosystem Services; and International Standards and Good Practices.
- The guide focuses on the environmental governance of the mining sector using the nexus between environmental protection and human rights and Principle 10 of the Rio Declaration.
- The publication focuses on issues that are extremely relevant to the 2030 Agenda, covering most of the 17 Sustainable Development Goals (SDGs).

**Session 6 - A Brief Look at Participatory Environmental Monitoring Committees (PEMCs)**
This session featured a presentation of the preliminary findings from a joint EGP-CIRDI study on participatory environmental monitoring committees in four resource-rich Latin American countries, namely: Argentina; Bolivia; Panama; and Peru.

Following the presentation, a panel discussed concrete experiences in establishing and monitoring PEMCs. The panel speakers included: Tove Lundeberg, Senior Advisor at the Swedish EPA; Josimar Biosse, Technician at Mozambique’s National Agency for Environmental Quality Control; and Flaviano Bianchini, Founder and Director of Source International.

The session concluded with group work focusing on the specific challenges that Colombia, Mongolia, and Mozambique are facing in developing PEMCs.

**Major Issue Areas for Mining and the SDGs**

- The full guide is available on the UNDP website in English; the Executive Summary is also available in Spanish, Portuguese, and Mongolian, which are national languages of the EGP programme countries.

Following the presentation, the participants worked in groups around the ‘Global Guide Quiz’, an information-hunt contest to assess their familiarity with the publication and highlight its key messages and recommendations.

The quiz is available online here.
Main Findings

Session 6 - A Brief Look at Participatory Environmental Monitoring Committees (Cont.)

Four main findings have so far emerged from the research:

- The creation of PEMCs occur in difficult contexts, with ongoing or imminent conflicts.
- Even at various stages of maturity, PMECs have demonstrated tangible impact for the communities.
- Monitoring is technically complex.
- It is important to agree on priorities and how the communities will participate in a committee.

Some of the key challenges include:

- Sustainable financing for the PEMCs.
- Issues with formalization, and institutional linkages to local governments.
- Autonomy and legitimacy.
- Difficulties disseminating monitoring results and engaging the media.

Session 7 - Horizon Scan: Key Challenges and Opportunities Ahead

This interactive session gathered learnings and feedback from the EGP programme countries related to the multiples challenges and opportunities to improve the environmental governance of the mining sector. The discussion focused on six questions; some of the key messages that emerged are presented below:

**What are our main challenges on the horizon to improve environmental governance (and human rights)?**

- Effective law enforcement and compliance; lack of capacity and resources to enforce and monitor existing regulations.
- Decisions affecting the local community being made at national level, disregarding local culture and traditions.
- Lack of political will, power imbalances and corruption.
- Not enough incentives to plan and manage landscapes across the different sectors.
- Disconnect between global, national and local level planning, with the risk of having global and national agendas that do not trickle down to the local level.
- Lack of dialogue at local level on the benefits of mining for communities.
- Improving human rights awareness among decision-makers.
- Lack of accountability for environmental and social harm.
- Corporate interests overshadowing environmental and human rights governance.
- Isolation between environmental and mining agencies.

**What key factors may limit/hinder progress at the individual and organizational levels in the future?**

- Lack of data or ability to disseminate information in relevant networks.
- Lack of clearly identified roles and tasks.

- Threats to personal safety/security, especially related to grassroots environmental activists.
- Insufficient administrative support and human resources for project implementation, including procurement and communications.
- Lack of knowledge of specific circumstances regarding policy and mining activities in the countries.
- Power imbalances: mining companies and communities; communities and government; partners in countries and global partners.

**What will contribute to progress towards our goals at the national, regional and global levels and what opportunities are on the horizon?**

- Start with local problems and examples.
- Identify synergies with other similar initiatives.
- Integrated capacity building for national authorities and communities.
- Actively engage local actors, including NGOs, municipalities and communities.
- Promote activities to Members of Parliament and other government officials.
- Links with global agreements and processes, including 2030 Agenda, Convention on Biological Diversity, Paris Agreement, and NY Declaration on Forests.

**What do you think is most important to address in programming our future work?**

- Country-driven consultation in the design of the new phase.
- Guided by local priorities and bottom-up participation.
- Expansion to new countries based on their request to implement activities that the EGP is well-positioned to support.
- Harmonization with other related initiatives.
- Allocation of more resources to the programme countries for strengthened results.
- Stimulate bottom-up innovation.

**What are some of the key issues related to partnerships that we should pay attention to in the next phase?**

- Agree on clear roles and responsibilities.
- Greater harmonization between supporting agencies and international community.
- Facilitation of multi-stakeholder dialogues and/or roundtables with governments, private sector, civil society organizations and communities at local level.
- Be innovative and strategic in mobilizing key agents of change at local level.
- Expanding engagement to national parliaments and the judiciary/high courts.
- Strengthen peer-to-peer learning between the Swedish EPA and local EPAs.
- Effective communication and coordination.

**What are some of the formal and informal institutional constraints that can hinder our collective progress?**

- Lack of engagement from governments due to different agendas or lack of understanding of the EGP objectives.
Main Findings

Session 8 - Next Phase EGP: 2019 – 2024
This interactive session focused on some selected key topics within the mining sector that the next phase of the programme could focus on. These issues were:

1. Biodiversity
2. Water
3. Deforestation and land degradation
4. Climate change
5. Human rights and conflict
6. Sustainable consumption and production

The group work also analyzed the interlinkages among the above issues and the following cross-cutting issues:
• Human rights and gender equality
• Conflict-sensitive natural resource management
• Poverty eradication and climate justice

The session also allowed the participants to point out the implications of these thematic discussions to the formulation of the next stage of the EGP. The key messages that emerged from this exercise are as follows:

Biodiversity
• For artisanal and small-scale mining one key problem is the lack of land rights or user rights. There is a clear need for alternative income sources, as well as monitoring and inspection of conservation areas and national parks.
• For large-scale mining, there is a need for certified training on Environmental Impact Assessments for government officials as well as community participation in the EIA processes. Practice as to the implementation of the no-net-loss principle and instruments such as biodiversity offsets needs to be agreed upon.
• Changes in quality and quantity of biodiversity need to be measured and monitored and management needs to adapt to these changes.
• Climate change puts an additional pressure on the resilience of ecosystems and associated biodiversity.
• It is important to engage in general awareness raising of biodiversity and its importance for supporting ecosystem services.
• The infrastructure associated with mining activities have important impacts on biodiversity, and also affects animal migration, wetlands preservation, and land degradation. Land use planning and multi-stakeholder consultations are key in addressing these impacts.

Water
• Increased water stress and limited access to water resources already impact groups in vulnerable situations hardest, including women and children.
• Health impacts: lack of enough water of the right quality increase health risks.
• Infringements on cultural rights and traditional livelihood opportunities in connection to water.
• Lack of access to information.
• Lack of/exclusion from participation in processes steering mining operations in relation to water.
• Lack of opportunities/support to file complaints in official channels.
• Water consumption from mining can have direct impacts on livelihood opportunities, including fisheries, herding, and agriculture.

The following suggestions emerged on how the programme could support sustainable water use in the context of mining:
• Support/facilitate trust-building processes among communities-companies-governments.
• Support the development of functioning complaint mechanisms.
• Continue developing good environmental impact assessments and strategic environmental assessment that factor in water resources.
• Support building coherence and enforcement of existing laws and policies, effective institutions, common visions.
• Mainstreaming water resources management into other types of planning systems related to mining.

Deforestation and land degradation
• Programme countries use weak monitoring systems to monitor mining-related deforestation.
• Dealing with the closure of illegal mines is an issue.
• The programme should address the implementation of existing regulations and guidelines for closure and rehabilitation.
• Training/capacity building for closure and rehabilitation was highlighted as a need for the next phase of the programme.

Climate change
• At the national level, efforts could be done to link the programme to NDC processes, such as mapping of emissions and reduction targets.
• Climate-related activities, such as workshops, could be included in the programme, as well as including climate issues in EGP diagnostics, such as the SEA and ESIA.
• At the local level: landscape-specific awareness-raising activities, focusing on adaptation, risk reduction, deforestation, integrated landscape planning, cumulative impacts.
• Within the UNFCCC, engage in advocacy, conferences, with a focus on human rights and gender. Further explore IGF as a good platform.
• For country programming: the EGP should take into consideration future demand for new minerals.
Main Findings

Session 8 - Next Phase EGP: 2019 – 2024 (Cont.)

- The programme should develop work related to rights of environmental and climate activists/defenders through stronger with the UNOHCHR and new partnerships with high courts and the judiciary at the country level.
- The EGP could explore possibilities of working with renewables and other new technologies. For instance, reducing the use fossil fuels and transitioning to low-carbon economies will reduce the negative impacts from coal mining, both in terms of direct environmental impacts but also from the subsequent burning of coal and associated emissions.

Human rights and conflict

- The EGP should continue and strengthen participatory monitoring activities.
- It should increase the work on human rights from a holistic point of view. Working on all aspects of human rights, such as water, transparency, gender.
- Working rights should be also taken into consideration.
- The programme should increase the training and the use of the human rights impact assessment tool for national authorities and communities.
- It could work with the Equator Initiative to protect and support environmental and human rights activities in the programme countries. It should also work more with activists as a means of increasing visibility of the programme actions.
- The programme should map social programmes in the communities with mining operations.
- Raise awareness on employing local people in mining operations.
- Link health studies to participatory monitoring.
- Outreach to the media to highlight the achievements of the programme so far.
- Follow-up on royalties and taxes work.

Sustainable consumption and production

- The EGP should link with existing initiatives related to SDG 12 (Responsible Consumption and Production), including UN Environment, the UN 10-Year Framework of Programmes on Sustainable Consumption and Production (10-YFP), and One Planet.
- It could link with projects related to the rights of the children in mining areas.
- The programme should work with private sector corporate social responsibility initiatives and public procurement.
- The EGP should develop platforms for multi-stakeholder consultations that include the private sector in identifying entry points for engaging with the private sector and the frontrunners in the sector, including Swedish companies and the UN Global Compact.

Session 9 - Closing and way forward

This session started with group work around the participants’ feedback on the workshop. The following key messages emerged:

- It was beneficial to see and hear the experiences from other local contexts.
- The workshop has highlighted the success of the programme.
- The way the thematic issues of biodiversity, water, human rights etc were discussed was a good way to look into the different aspects in detail and will certainly support the development of the next phase of the programme.
- Facilitation has been excellent.
- The structure and flow of the workshop worked very well.
- Participants would have liked to spend more time focusing on substantive issues, including gender.
- The PEMC session was too short, and countries would have liked to work more on this particular topic.
Annex: List of Participants

EGP Programme Countries

**Colombia**
- Blanca Llorente, Institute for Human Rights and Business (CREER), Colombia
- Diego Olarte, UNDP Colombia
- Felipe Lesmes, Advocacy Specialist for Environmental Policy, UNDP Colombia

**Kenya**
- Geoffroy Omedo, Programme Officer, UNDP Kenya

**Mongolia**
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**Mozambique**
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- Janeiro Avelino, Head of Crisis Prevention, Recovery, Environment and Poverty (CPREP) Unit, UNDP Mozambique
- Josimar Biosse, Technician, Environmental Quality Agency (AQUA), Ministry of Land, Environment and Rural Development (MITADER), Mozambique
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**Partners and Consultants**
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- Benjamin Schachtier, Associate Human Rights Officer, United Nations Office of the High Commissioner for Human Rights
- Gillian Martin Mehers, Founder and Director, Bright Green Learning, and Facilitator of the 2018 EGP Annual Global Workshop
- Gunnar Köhlin, Gothenburg University
- Jenny Iao-Jörgensen, Lund University
- Lina Lenefer, Professional Management
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- Mo Hanza, Professor of Risk Management and Societal Safet, Lund University
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- Susanna Olai, Gothenburg University
The Environmental Governance Programme (EGP) for Sustainable Natural Resource Management is a joint initiative of the Swedish Environmental Protection Agency and the United Nations Development Programme. The EGP supports countries to integrate environment and human rights into the governance of the mining sector.

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