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# The Future Of Mining | Sustainability

November 2020



# Foreword

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Welcome to the second report in our series looking at the Future of Mining in Africa, in collaboration with Africa Legal, the leading online thought-leadership platform for professional services in Africa. This edition turns the spotlight on the topic of sustainability, which is an important discussion in the mining sector.

Sustainability has a broad reach. This report focuses on the three main areas identified by our independent research: environmental sustainability, community sustainability and the sustainability of the industry itself.

The impact of climate change in Africa is becoming increasingly clear, and in recent years many countries have experienced extreme droughts, devastating cyclones and torrential flooding. The extractives sector is a big consumer of energy and mining practices are not considered environmentally friendly, which has impacted the reputation of the industry. Most mining companies are now partnering or investing in renewables and energy transition, and as technological developments continue to improve, we expect this to be a transformational evolution for the industry over the next few years.

Corporate Social Responsibility (CSR) is high on the mining agenda. Some of the work being done within local communities in Africa is inspiring and, more importantly, positively impacting lives.

From community re-engagement programmes to the construction of water supply and treatment plants, this report presents the case for why CSR is so important now, more than ever.

There are many other considerations that are equally as imperative to the sustainability of the sector. Firstly, attracting the future talent pool for an industry seen less-favourably by many millennials, according to Deloitte's 2019 Millennials Survey, presents a huge brand and hiring challenge for mining companies. Secondly, the scarcity of minerals for emergent industries such as electric cars pose a threat to Africa's mining credentials. Companies will need to adapt practices and seek greater investment in order to meet the global demand for resources and develop the diverse talent necessary to meet these challenges. Finally, technological innovation is key to ensuring the industry remains efficient and profitable. This is an area we will be tackling in our third and final report which will be published in 2021.

We hope you enjoy reading this second edition as much as we have enjoyed putting it together. The content is rich, thought-provoking and relevant, so we hope it will help in your considerations of how best to prepare your business for sustainable future growth. If there is only one thing you take away from this report, remember this quote by Partner Laurie Hammond "Sustainability is just a matter of good business".

# About us

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Hogan Lovells is a pre-eminent full-service global law firm with 50 offices worldwide. We have a deep understanding of and passion for Africa and have been active on the continent for over 40 years, working with international and local clients in the public, DFI and private sectors.

We have a dedicated Africa team that stretches across our offices from Johannesburg to London, Beijing to New York. Within Africa, we work with a select group of leading local law firms to ensure that we deliver the best possible results and provide a service of the highest quality.

Our mining lawyers operate out of the key international mining hubs and the strength of our team comes from our international network and ability to draw upon skills from all corners of the globe. We leverage our global expertise for the benefit of our clients and deploy integrated international deal teams wherever you need us.

**Sustainability is fundamental to our business and delivering on our commitments to be sustainable is a key strategic priority for Hogan Lovells.**

We support the global sustainability agenda and work with our stakeholders and society with the objective of using the law to build a better world. This is a complex global issue and we continue to learn and seek to improve our contribution; part of that journey sometimes requires striking a balance between complex and interrelated sustainability agendas, such as climate change, poverty and inclusiveness and our continued commitment to serving the best interests of clients and other stakeholders.

Key examples of what we are doing to reduce our own impact on the environment and our commitment to sustainability includes:

- Supporting the UN Sustainable Development Goals (SDGs);
- Each office has an Environmental Committee with funds to support local initiatives
- Completed a three year global Citizenship partnership with leading social enterprise Barefoot College, supporting them to scale their impact around the world
- Our HL BaSE programme includes substantial investment in social and environmental enterprises and SMEs working to promote the sustainability and ESG agenda.





# In partnership with Africa Legal

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Africa Legal provides increased access to news, market insight, jobs and online courses via one integrated online platform for the African legal community around the world. Building on our established relationship, we are delighted to support Hogan Lovells in their desire to create visibility over core issues affecting the future of the mining sector and wish to thank our community for their willing participation.



# Mining for sustainability

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When you talk about sustainability, people often assume you are talking about the environment—using fewer resources, reducing carbon emissions or minimising your impact on nature.

But as this report shows, sustainability means much more, often shaped by the industry and where you are located. Sustainability in mining is not only about tackling the negative impact mines can have on the environment—though that is a critical part of it—it is also about social responsibility and working with local communities.

Most global mining companies have put in place sustainability targets or programmes that touch on a wide range of areas, from economic and governance, to human rights and waste management. Leading international mining houses have environmental targets that cover biodiversity, climate change and water usage.

For other mining companies, particularly in Africa, there is a focus on local development, such as building schools and clinics, or making sure people have access to clean water. Ivanhoe Mines, for example, is embarking on a water well project in the Democratic Republic of Congo to provide drinking water to a quarter of a million people over the next five years, underscoring the type of sustainability efforts mining companies are pursuing as they intensify their environmental, social and governance commitments.

At the Kamarenge Orphanage in Kipushi in the south-east of the Democratic Republic of Congo (DRC), Aline Lukube—a young girl from the local community—bends down to fill a yellow jug with drinking water from one of the four taps at the communal fountain installed by Ivanhoe Mines. The solar-powered water well project at the orphanage is one of seven wells the company has drilled in the Kipushi region, providing access to clean potable water for more than 50,000 local residents—a fifth of what Ivanhoe hopes to reach through further well drilling over the next five years. Without access to those wells, Kipushi residents are forced to walk miles to the nearest river to collect water, with that burden usually falling on women and young girls who sometimes have to start their journeys long before sunrise, putting their safety and wellbeing at risk.

Ivanhoe's Kipushi project is one of a number of local community programmes it is running in the DRC and South Africa as part of its sustainability efforts, something that is mirrored by many mining companies across Africa as they intensify their environmental, social and governance commitments.









## Where to focus? Sustainability targets

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Our survey showed that two-thirds of mining companies are pursuing community impact programmes—such as jobs, transport and clean water—as part of their sustainability policies. That was tied with waste management, followed by employee wellbeing at 57% (including aspects such as medical health and health and safety in the workplace) and then local education and skills training at 55%.

Transition to renewables has so far been slow to pick up.

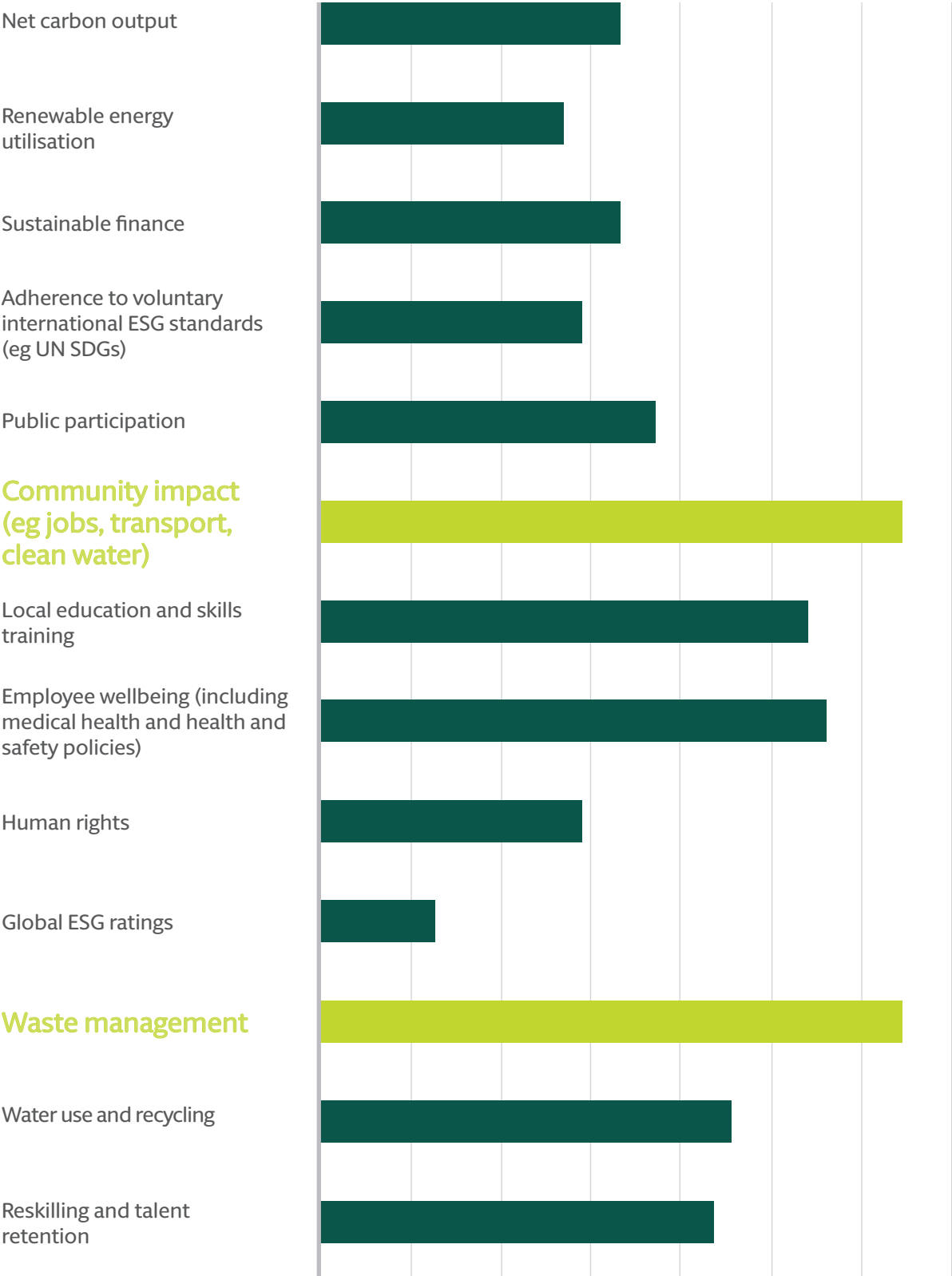
**Only 28% of respondents said their company had targets around renewable energy utilisation—the second lowest of all responses**

**(only global ESG ratings scored lower, at 13%).**

What these results suggest is that there is no one-size-fits-all approach to sustainability targets. One reason the impact on local communities might be more important in Africa than renewable energy is that the continent remains underdeveloped and mining companies are often tasked to improve the communities where they operate in exchange for mining permits. Another potential reason is that mining is an energy-intensive industry, and companies need a reliable power supply that isn't always guaranteed with certain types of renewables.

But people do recognise the importance of greener energy to achieving greater sustainability in the African mining industry. When respondents were asked to rank their top three areas that need more focus to improve sustainability, increased renewable energy utilisation came out on top, followed by net carbon reduction and then a greater adherence to voluntary ESG standards, such as the United Nation's Sustainable Development Goals.

Which sustainability targets does your organisation currently pursue via communicated policies and quotas?



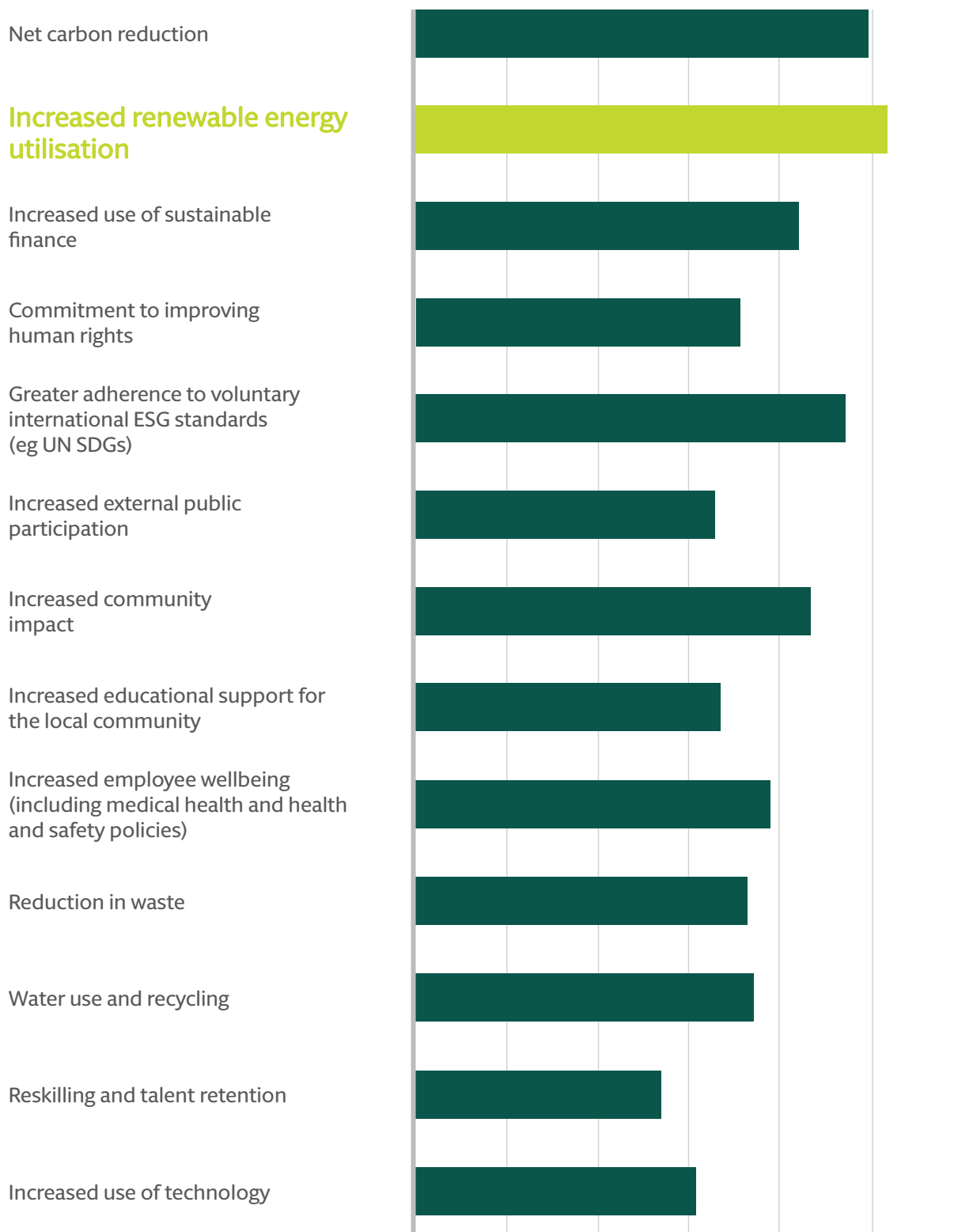
Respondents were asked to tick all the relevant and scores have been aggregated.







Which of the following, in your view, are most in need of focus and resourcing to drive greater sustainability within the mining sector?



Respondents were asked to rank their top three most important and scores have been aggregated.





## Industry insights

# Q&A with Jasmine Abrahams

Group Manager for sustainability, Ivanhoe Mines

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What are the key sustainability issues that the African mining industry faces from a human rights perspective?



“The main issue in remote communities, and in areas where it is very dry, is access to water and water quality. Our projects in the DRC are often very water-focused, so it’s about drilling boreholes with solar-powered pumps so that every community has somewhere they can extract clean, potable drinking water. We have previously done projects where we have installed a big municipal water tank for communities to access potable drinking water and then we have installed a lot of sanitation facilities around that, because clean drinking water and proper sanitation are obviously connected. Another key issue is access to land and the way that land is managed. So ensuring communities are properly compensated for the loss of land for mining activities, such as livelihood restoration programmes if they have lost crops, or providing resettlement programmes if they need to relocate housing.”





### What is the African mining industry getting right with sustainability and what more can be done?

“We have a lot of social programmes around water. We also have a very big focus on education; and have built schools, so a lot of our projects are geared towards assuring children have access to education. But even though many companies are doing a lot, their efforts are not integrated. So, for example, we might build a school for a community and then another mining company also builds a school, but the community doesn’t really need two schools; it could have used one school but they might have needed a clinic as well. So one could have built the school, and the other the clinic. So if mines were more collaborative you could co-ordinate better and leverage off bigger projects, or at least not duplicate efforts. But the way you have to submit your plans to the government you don’t really have time to consult other mines. That means we probably need a regional forum where social teams can meet, even if it is just quarterly or twice a year, to discuss what you are working on and share knowledge. Collaboration is definitely key and that’s been missing, so what you’re seeing out there is not as impactful as it could be.”

### Why do mining companies need to take the human rights side of sustainability more seriously?

“First and foremost you need a social license to operate and if you’re building and operating a mine in the midst of communities, it’s your duty to ensure that you leave those communities better off than when you got there and that you improve the standard of living of local citizens. You definitely have a social and moral obligation to the communities around your mining operation and to your employees. The nature of mining companies is also changing; it’s not all shareholder-driven anymore where you just seek to maximise profits, you’ve got to be a good corporate citizen. Even the attitude of shareholders is changing, they want to see that the companies they are investing in have good policies for ESG and they are delivering on their promises.”



## Looking for direction: Driving sustainability

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Government policies and regulation have had the biggest impact on improving sustainability in mining, according to the survey respondents, and that will continue to be the case in the future.

Corporate culture also remains an important driver—the second most important factor to date, and the third going forward. Yet while engineering was ranked as potentially having the second biggest impact on driving greater sustainability in the future, technology more broadly ranked near the bottom.

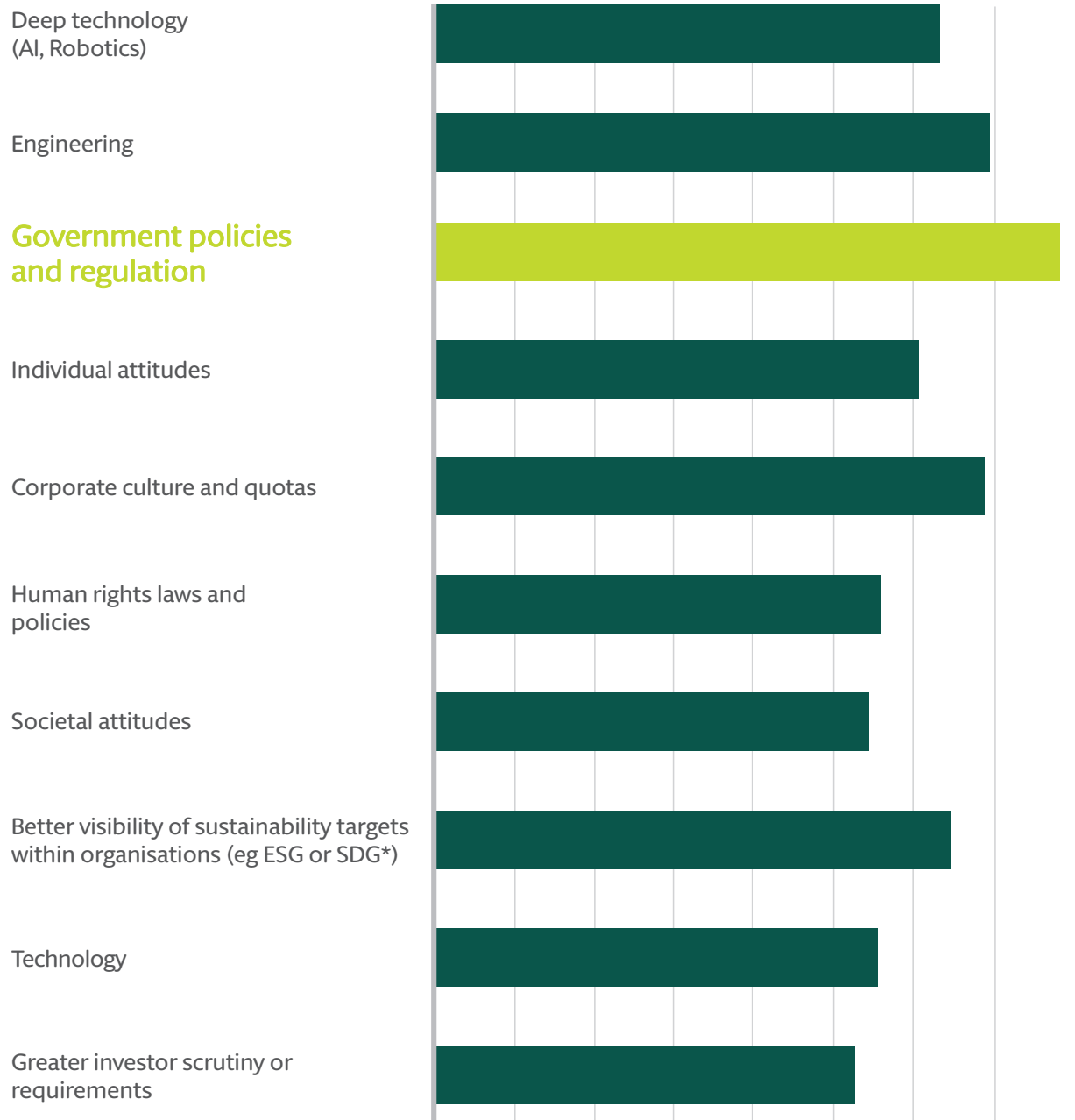
While technology might not be important to sustainability targets such as local community projects, it can help drive

efficiencies, such as allowing remote operating or providing data analytics on mining activities, enabling better use of resources.

The survey also found that respondents do not believe that greater investor scrutiny or requirements will be a key driver for improving sustainability in the future. But mining companies ignore the importance of investor scrutiny at their peril. As finance becomes increasingly contingent on ESG principles, mining companies could see funding dry up if they are not pursuing sustainability targets that meet investor expectations.



## What, in your view, is the most important influencer(s) to improve sustainability in mining going forward?



Respondents were asked to rank their top five most important and scores have been aggregated.



## Industry insights

# Q&A with Matthew BeVier

Managing Director, Cluff Minerals

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### What does sustainability mean to your company?

“We have simplified our sustainability message to ‘Make it Better’. Not in the sense of creating something, but in the sense of how to make everything we touch better. How do we make sure the environment is better off than when we started? How can we make sure the supply chain and local content vendors are better off by working with us? How can we make the surrounding villages are better for us having been there? How can we make every employee—and their extended families—better by having worked with us? This is how Mr. Cluff’s companies have operated since the 70s. We face the same implementation challenges everyone else does in working with government partners who might have interests that don’t align with our view of sustainability. The biggest challenge is the negative perception of extractive companies and the belief that all companies just extract and leave a place polluted or worse off. Trying to convince people that is not the way we operate is an uphill battle. However, our reputation helps in this regard.”

### How important will technology be for improving sustainability?

“New technology can help and we can leverage renewables and more efficient exploration methods for sure. But technology can only help if you have a good strategy and if you have defined what sustainability means to your project.”

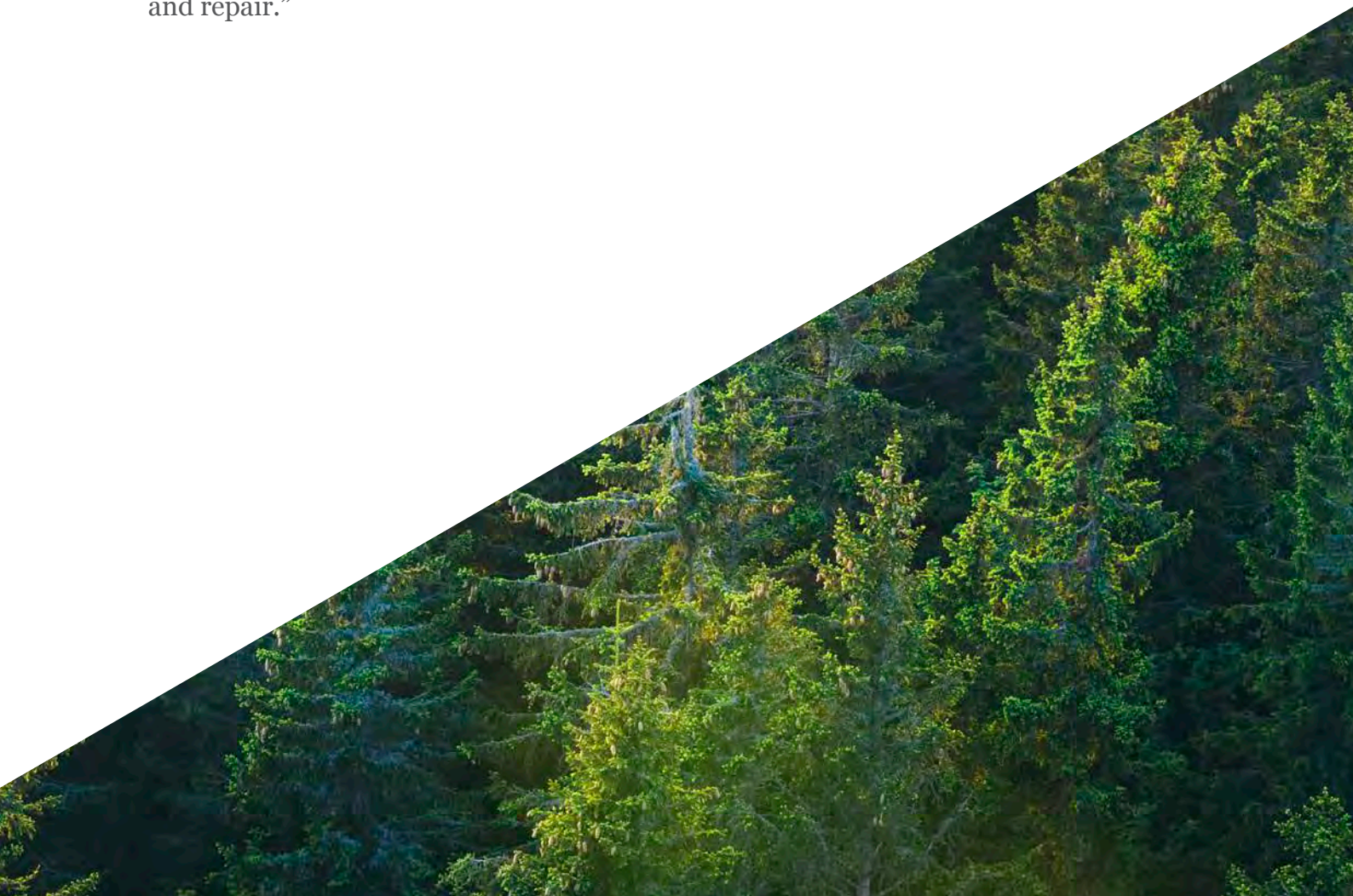


## What can African mining companies learn from best sustainability practices in other jurisdictions?

“We can hold ourselves to higher than the minimal environmental standards in many of the countries in Africa. If you look at the EU, Canada or the US, the environmental obligations are much stricter. We have seen companies simply not care in Africa because they can get away with it if the local government does not have the knowledge, capability-, or resources to hold the companies accountable. Those of us with shareholders in the UK, Canada or the U.S. should hold ourselves to higher standards—and in fairness many of us do.”

## What will drive greater sustainability in the African mining industry?

“Investors and shareholders hold the most influence and can be the greatest drivers for this. If shareholders hold the executive teams and boards accountable then we will see more change. Of course no one wants to hear that more government intervention is a good thing, but governments and companies should work in partnership. In many cases, it is adversarial, but well-run mines and rigs are a huge benefit to everyone involved. And this should all be based on data. Boards need to be requesting information and data on sustainability efforts, which include environmental damage and repair.”





## Matthew Johnson

Partner and Global Head  
of Mining  
Hogan Lovells, Perth, Australia

## Why community impact is vital

“In Africa, community impact and employee wellbeing are always critical considerations for any mining operation. Managing those issues in a considerate manner which is mindful of local cultural and community nuances, is vital to encourage support from key stakeholders for projects and the mining industry as a whole in any jurisdiction. Having adequate policies and procedures, and importantly, being seen to believe in

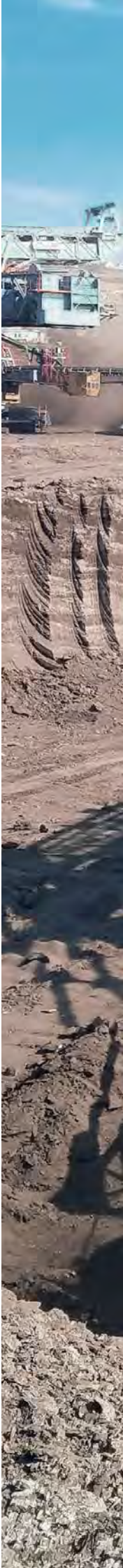
and demonstrate those values at a community and employee level, merits a greater focus in Africa than perhaps is the case in other key mining jurisdictions.”

## Africa's sustainability opportunity

“I don't think it's necessarily the case that mining in Africa is any less sustainable than in other jurisdictions. Our experience with new project developments and mine expansions in various parts of Africa is that in many areas they are at least as, and in some cases, more forward-thinking when compared to operations in, say, Australia or Canada. Mining companies in Africa are utilising and have a desire to achieve good and innovative sustainable mining practices including, for example, renewable energy use and plans for energy transition, health and safety, diversity and technology. There's a great opportunity for those mining companies, and their financial stakeholders, to continue to really drive that focus towards global best practice.”

## Drivers for sustainability

“Corporate culture and individual attitudes within organisations are key, though you do need to have that push by the government to help ignite and reinforce importance in those areas. One without the other, and the motivation for sustainability is clearly more difficult to achieve, so there does need to be alignment in that way. Good and proven track records of community engagement and good mining practices will in most areas, be critical factors for mining companies in attracting the necessary government support. An appropriate drive towards best practice ESG is also a key threshold for investment, and significant new capital will generally only go to projects and companies that demonstrate an appropriate ESG focus. So, drivers for sustainability are really a combination of a number of different components.”









# Overcoming the hurdles

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Respondents said the top three hurdles that have hindered faster progress on sustainability to date are a lack of access to renewables, a lack of clear policies and guidelines, and financial demands from stakeholders.

That does suggest mining companies are somewhat shifting the blame to factors outside their control. Respondents said financial demands from stakeholders—perhaps unwilling to see profits squeezed by sustainability efforts—is likely to be the biggest hurdle in future, followed by access to renewables and then community disengagement.

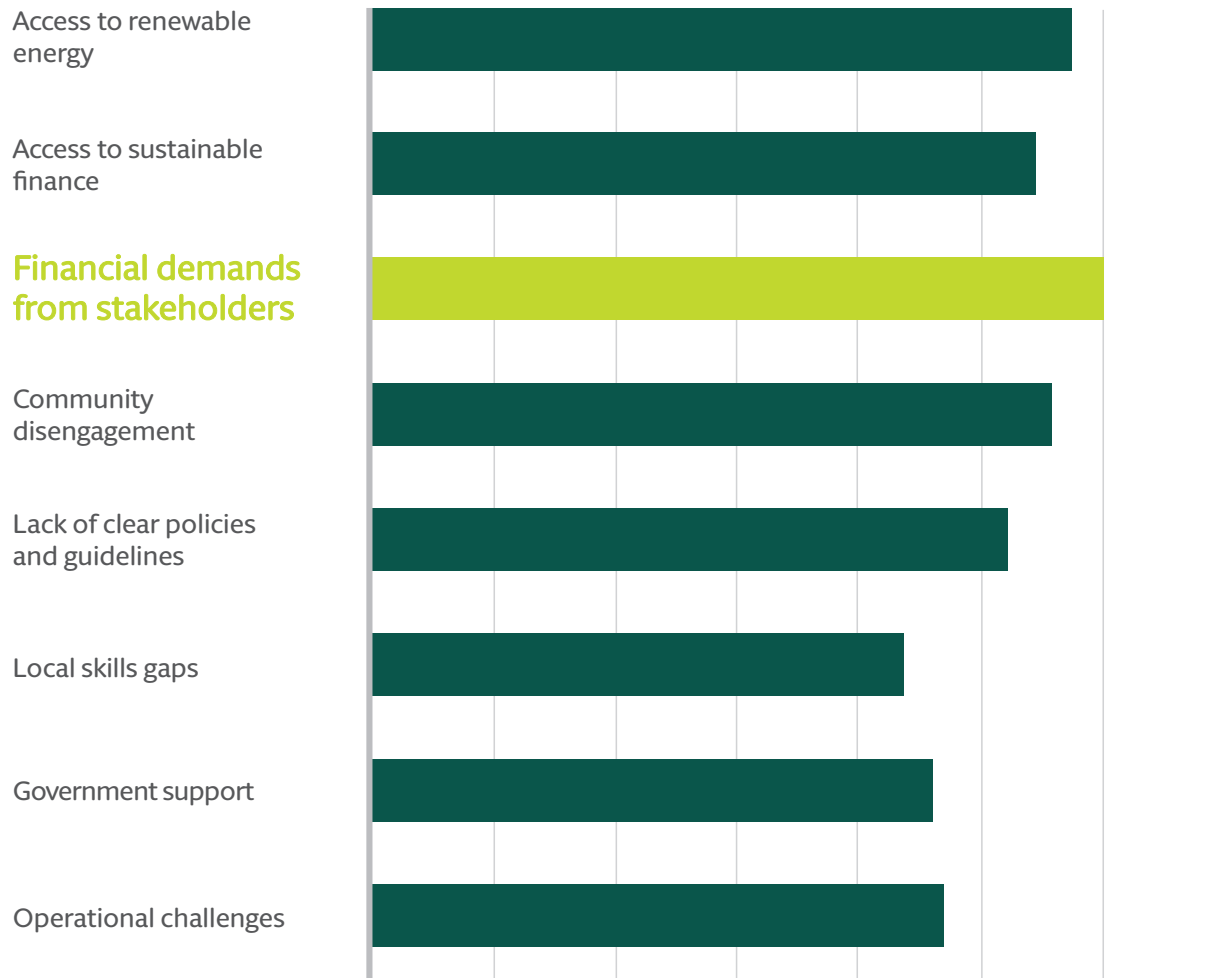
As one respondent commented:

**“Community and labour hostilities are hands-down the biggest risks to sustainability.”**

The lesson here for mining companies operating in Africa is the need to maintain focus on community relations and helping to improve the lives and opportunities for local people, whether that is through skills training and education or their general health and wellbeing.



In your view, what will be the biggest hurdles the mining sector will face in the future in improving sustainability?



Respondents were asked to rank their top three most important and scores have been aggregated.





## Industry insights

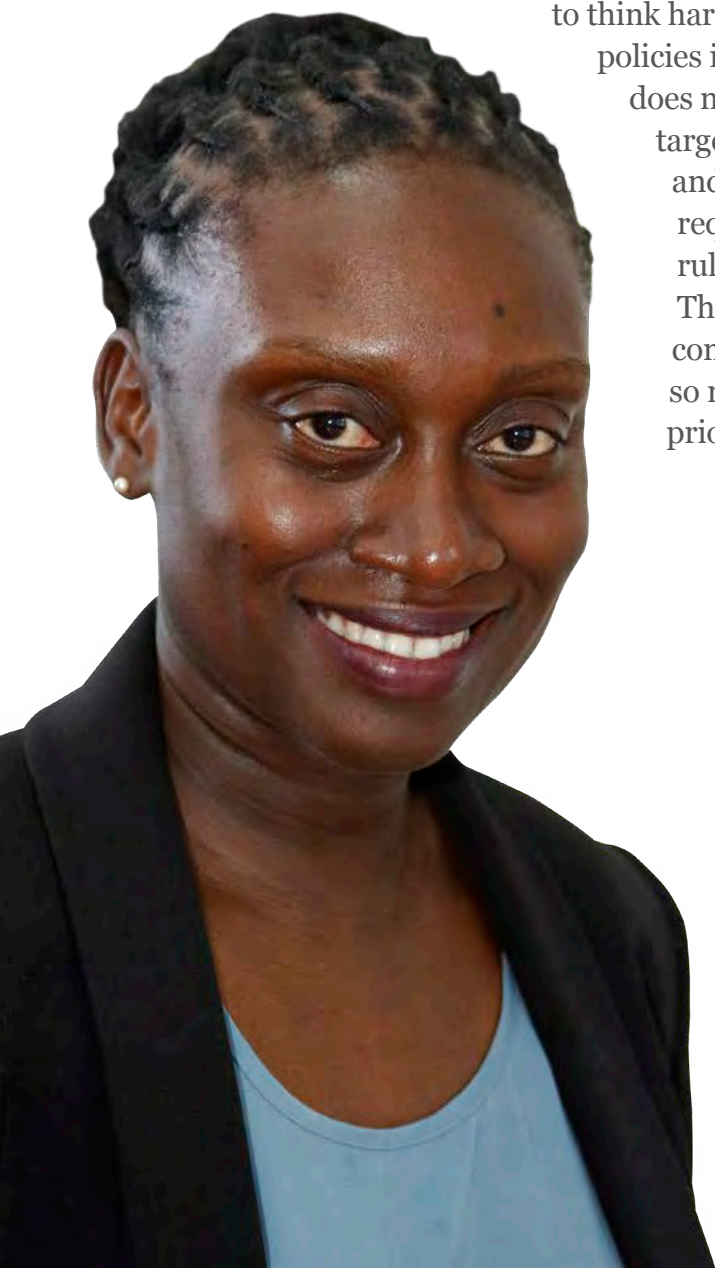
# Q&A with Jacqueline Musiitwa

Director, Kalene Hill Resources

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### How do you see mining companies approaching sustainability in Africa?

“It depends on where the companies are from. For Anglo companies—Australia, Canada and the UK—there is a recognition that sustainability is important. There are various company targets, but they are also trying to attain various global targets and just trying to be good corporate citizens. A lot of that is pressure from investors, and investors in the West saying we want you to be better. Also within new leadership, there is a recognition that for the company to grow and be sustainable above and beyond quarterly profits, there is a need to look long term about the viability of the company. So there is a combination of issues that are really leading Western companies to think hard about sustainability. Having said that, having policies in place and following the right global metrics, does not necessarily mean they are achieving those targets. Eastern companies, particularly Chinese and Indian, will pay attention to whatever local requirements there are, so if a country has stricter rules than another, the performance will differ. There seems to be a desire from leadership in those companies to be more sustainable, but there is just so much pressure to perform that it is not the highest priority.”



### What sustainability targets do you see African mining companies prioritising?

“There are so many subsections of sustainability that companies don’t really know what to focus on. Should they focus on the environmental side? What does society look like? Or if mine life is 20-30 years, are they thinking about local supply chains so that after the life of a mine the people in that particular area are able to sustain their own lives? So there is a lot going on and it’s hard to really pinpoint what to do and how to do it. That means performance ends up being varied. From my experience on the ground in Africa, company policies are great but going into mining towns is not so great. Whether a company has dedicated itself to reforestation or to building schools, I haven’t been to a nice mine town. Maybe the need is just much greater because governments are overwhelmed with priorities and not always delivering all the services people need so other actors such as companies and non-profits then have to play a greater role in the development agenda, so it’s quite complex. They are getting better, but there is a long way to go.”

### What African country is leading the way on sustainability in mining?

“South Africa—it has learnt some very hard lessons in the past, and now the framework is there; the country is quite strong in regulating the mining industry. There are still gaps, but of the countries I’ve worked in, South Africa still comes out on top. Also, communities in South Africa are much stronger and louder than communities in other places. If something goes wrong, people will march and they will go to the headquarters of a company and they will complain and they will riot. There have been several cases of communities in South Africa that have decided not to let miners come in because they have not convinced them that they will do the right thing. So South Africa is in a much better place than other parts of the continent.”



# Prioritising growth

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So what are the benefits for mining companies to strive towards greater sustainability? By some distance, the survey respondents said it is the commercial gains that sustainability can help generate, such as improved financials and productivity. That was followed by access to more investors and increased brand equity.

What those benefits have in common is that they focus on the bottom line. Some of the greener or more altruistic outcomes

from sustainability programmes—expanding the life of a mine and its resources, or improving local employment opportunities and solving skills shortages with local talent—did not rank highly on the list of benefits.

Global climate restoration was ranked the fourth-biggest benefit, however, highlighting that some mining companies view wider sustainability issues as more of a priority than those that would have a greater impact locally.





## What are the benefits in striving towards greater sustainability?

Commercial eg improved  
financials and productivity

Access to more investors

Happier workforce

Increased brand equity

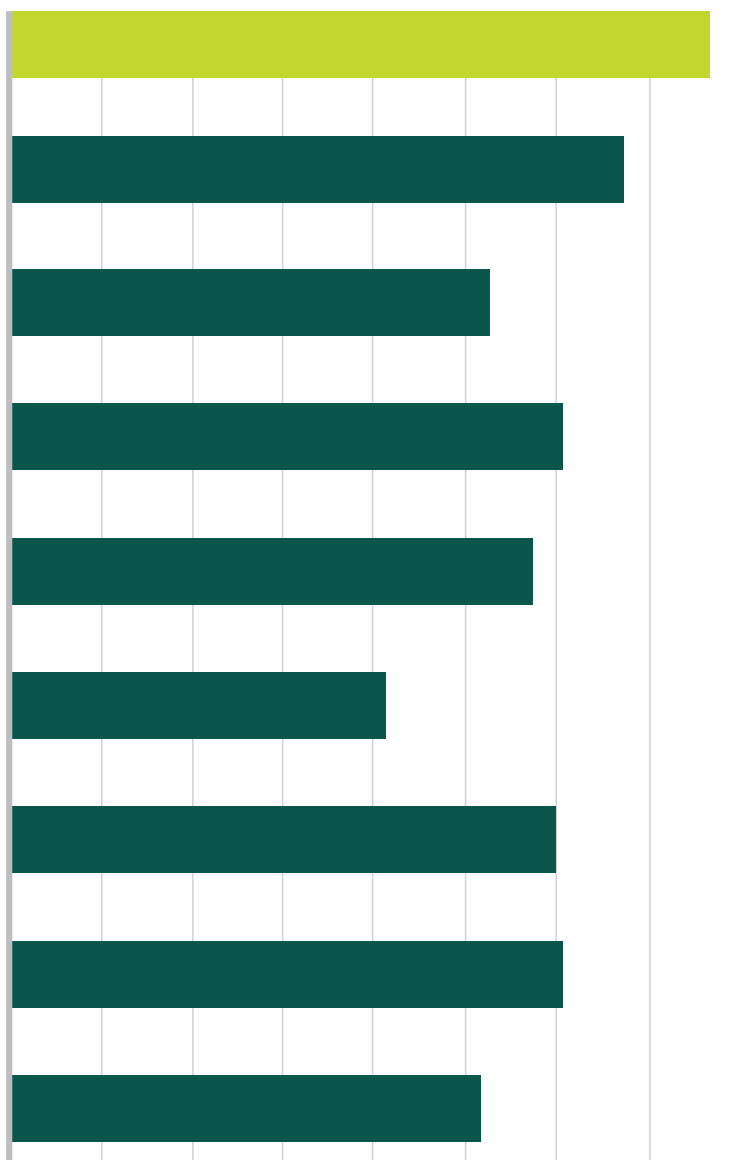
Improving local employment  
opportunities

Solving skills shortages with  
local talent

Social impact and cohesion

Global climate restoration

Expansion of mine life and resources



Respondents were asked to rank their top three most important and scores have been aggregated.









## Laurie Hammond

Partner  
Hogan Lovells,  
Johannesburg, South Africa

## Holistic approach to sustainability

“What sustainability means really depends on each company, the variations can be huge depending on what they do and where they are. It’s not possible to have a single definition where it just means being environmentally friendly or looking after your employees or ensuring you have a good water management policy. You have to have a holistic approach and look at sustainability and ESG policies as a whole and look

at them in a tailored way for each company and each different industry. For example, for companies that mine platinum group metals, they supply electric cars and batteries, and that could give a completely different sustainability outlook to somebody that produces coal, so there are a lot of variations in what may be the optimal sustainability approach for each company.”

## Challenges of renewable energy

“Energy supply is so critical to most mining operations, no matter what they do it is an absolutely critical resource. So it might be that they focus on power as a priority, but the sustainability of that power may not be as important as long as they can get the power. If you’re running a smelter that is operational twenty-four hours a day, it may not be feasible to have a solar plant that you can’t run at night. So they may rather use gas or coal because they have an assured power supply—without that they would not be able to operate. But it is likely that the sustainability of their energy supply would feature in most companies’ medium to long-term planning given how important it could be for access to capital down the line, with bank lenders actively looking at sustainability in the energy sphere.”

## Long-term focus

“Sustainability is just a matter of good business. These companies are looking to the longer term, not just immediate growth, and for the long-term prospects of their companies being sustainable is essential: managing your water resources; having sustainable energy; looking at your supply chain; and looking at your environmental policies. By doing all of that, sustainability can only make companies more efficient and more profitable in the long term.”



## Industry insights

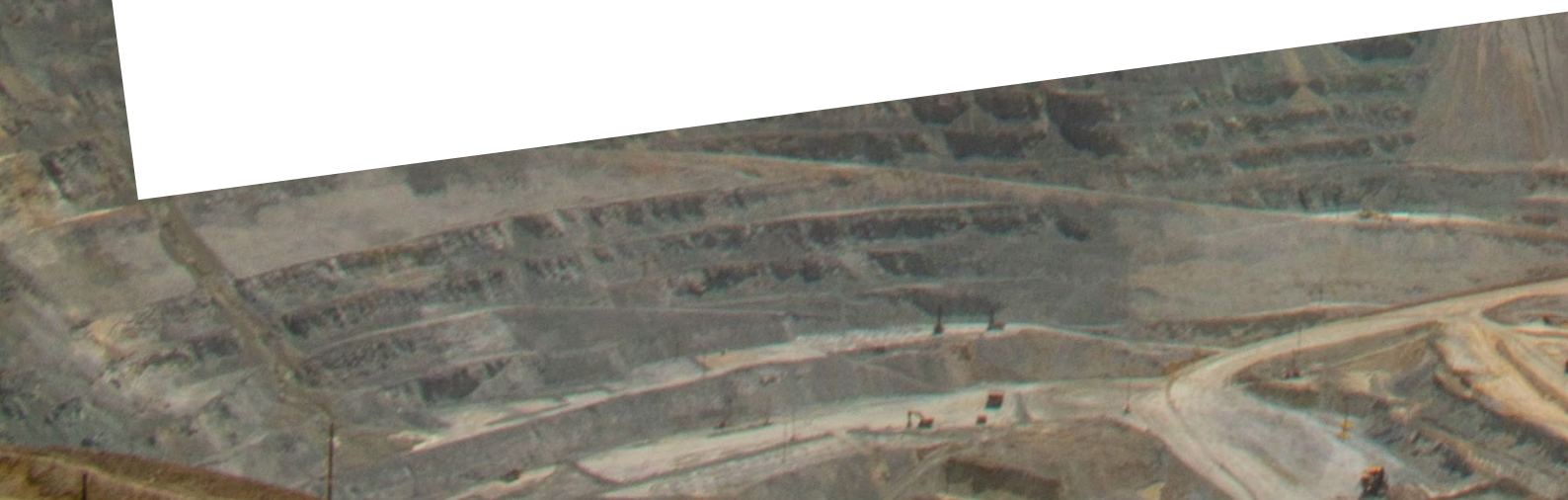
# Q&A with Emma Priestley

Chief Executive Officer, Goldstone Resources

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### What does sustainability mean to your company and what targets are you pursuing?

“GoldStone is awaiting permits to get into production, so we are still at that development stage, but the key thing here is we are in Ghana which is very mature when it comes to best practices for mining. Their permitting process is thorough and effective, which is evident from the amount of data that has to be provided for your environmental permit and social responsibility, which equates to more work than you do for your mining permit. Ghana has had 250 years of mining so they take it extremely seriously, and that’s good. All companies should follow best practices that are set out by international institutions—but companies also have to be governed by the law within the country they operate. When it comes to sustainability in mining, you have to take the environment seriously, which encompasses the social aspects. That means not just looking after the water, land and the air, but also the quality of life for the people in those communities within which you are working, all within the economics of the project. We must remember that without a viable project, dependent upon price, supply and demand, then the sustainability can collapse. GoldStone will focus on best operational practice that obviously looks after the environment, the community but also the mine—without a viable project nothing happens.”



### What will drive greater sustainability in the African mining industry?

“In-country regulation will always drive sustainability, these adhere to global standards set by institutions such as the World Bank, the IFC and other NGOs, and the stock market regulations who also put in place the assurances that companies operate with efficient and sustainable methods. But there is also the shareholders, many institutions and retail [investors] demand that their investments are sustainable. Today, many funds will not put money into fossil fuels or anything that would be considered unsustainable, so everybody has to follow sustainable practices.”

### What are the benefits for mining companies to strive towards greater sustainability?

“The main benefit for mining companies is to gain the credibility with the government and communities of the country in which you operate, this then brings the benefit back to the shareholders and new investors as they will have the comfort that we are operating with best practice. Investors are increasingly prioritising sustainability in their investment choices, mining companies have to adapt to higher standards of responsibility, becoming ‘greener’. Mining companies have to implement sustainable goals and ensure they do not cut corners. Mining companies who operate with best practice for sustainability as their objective will gain benefits from the investment world and in turn it will work well within the governments and communities of the countries in which they operate. This will create a happy environment for the company to operate in, as mining companies have to work in harmony with their neighbours. Ultimately the companies get the benefit from their share price because they will be operating in a sustainable manner.”



# Seizing the opportunity

While there is a perception that the African mining industry is less sustainable than other regions around the world (38% versus 12% who believe Africa is more sustainable), the continent does potentially have an opportunity to lead the way on sustainability relative to more established mining jurisdictions.

Greenfield sites, which are easier to get off the ground in Africa, can look to employ the latest technology and green energy to run their operations more efficiently without the need for expensive retrofitting. They can also look to best practices on the community work and sustainable development initiatives that mining companies such as Ivanhoe have already established with its clean water projects.

As one respondent noted:

“By being more efficient you reduce the amount of equipment, materials and energy you consume and the carbon associated with it. As a byproduct, you increase profits by using less. In the end the environmental damage is reduced and you slow the rate of climate change.”

How does sustainability within the mining industry across Africa compare with other emerging markets around the globe, eg South East Asia and South America?









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