

POLICY BRIEF

# How can African states benefit from the EU Critical Raw Material Act and the UK Critical Minerals Strategy?

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**A**frican metal and mineral producers want to capitalize on the growing global demand and anticipated price increase for strategic raw materials (SRM). In anticipation of supply challenges, industrialized countries have enacted strategies, such as the EU Critical Raw Materials Act 2023 (CRMA) and the UK Critical Mineral Strategy 23/2022 (CMS), to address supply vulnerabilities crucial for their economies. Both strategic frameworks could present developmental opportunities for African countries, assuming the gains outweigh the social and environmental costs of extraction. However, the current capital allocations by the EU and UK are not enough to guarantee supply security from African producers in a globally competitive market. Additionally, specific details on implementation and benefits for resource-rich developing countries are lacking.

This policy brief examines the regional and geopolitical contexts of the EU CRMA and UK CMS, assessing their potential implications for African industrialization. The focus is on the EU CRMA as the more comprehensive and better-funded intervention, with some analysis of the UK CMS for comparison. It then argues that both regions need to diversify cross-border supply chains beyond their present emphasis on 'domestic'<sup>1</sup> processes. Non-market interventions enshrined in these strategies lack adequate mechanisms or incentives to attract private capital for African exploration, extraction and value chain activities. Prioritizing African aspirations for value addition and beneficiation will necessitate a significant shift in political, diplomatic, and commercial relations between the EU, UK, and African stakeholders.

<sup>1</sup> For the purposes of this article, the term 'domestic' used in reference to the EU means within the union.

## Key takeaways

- ▶ **The CRMA and CMS may bring some benefits to African countries as primary material exporters but are unlikely to significantly alter market dynamics.** Promised financial benefits from the EU Global Gateway face skepticism and allocated funds will focus on export infrastructure. Non-market benefits from strategic partnerships could have some impact, but the value added of preferential trade access or fast-tracking bureaucracy can be achieved through existing mechanisms or partnerships not linked to the CRMA.
- ▶ **The EU and UK must clarify how they will support economic activity beyond extraction, including processing, manufacturing and industrialization.** This requires clear mechanisms for both benefit transfers at an operational level, and support for beneficiation and value addition. The CRMA's constraints on offshore processing contradict promises of value addition, and real capital investment or commitment to relocating processing capacity to Africa is noticeably lacking. A political decision to prioritize beneficiation and processing in Africa would be a bold but necessary statement of commitment to Africa and an acknowledgment of its aspirations.
- ▶ **African leaders should leverage increasing options to push for broader ambitions.** These include pushing for benefit distribution and externalities of resource extraction; advocating for greater investment in resource-linked infrastructure; and gaining valuable assistance for exploration, cadastre management, technical support, and skills development. African leaders have increasing options for an international partnership beyond traditional actors, notably with Saudi Arabia's growing role in critical minerals. The EU and UK must recognize these dynamics while acknowledging that African countries prefer diversified foreign relations over-reliance on a single power. Supporting beneficiation and broader developmental ambitions will be vital for sustainable partnerships.
- ▶ **EU and UK leaders should expect continued political, civil society and media pressure** against the exporting of negative extraction externalities while controlling downstream and other value chain activities. They must demonstrate genuine, long-term commitment to supporting the African mining sector in line with local expectations for value addition and industrialization.
- ▶ **Collaborative guiding principles for investors and development finance institutions (DFIs) are needed to incentivize backward and forward linkages, enhancing industrial capacities in less developed, resource-rich economies.** African leaders should actively advocate for appropriate ESG levels, beneficiation, developmental linkages, and frameworks for greater economic opportunities. They should also participate in multilateral partnerships while being prepared to reduce export controls and restrictions on their critical minerals.

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## Acronyms

|              |  |
|--------------|--|
| <b>AU</b>    | African Union                                    |
| <b>AMV</b>   | African Mining Vision                            |
| <b>CEO</b>   | Chief Executive Officer                          |
| <b>CMS</b>   | UK Critical Minerals Strategy 2022/2023          |
| <b>CRMA</b>  | EU Critical Raw Material Act 2023                |
| <b>DFI</b>   | Development Finance Institutions                 |
| <b>EIB</b>   | European Investment Bank                         |
| <b>ESG</b>   | Environmental, Social, and Governance (criteria) |
| <b>EU</b>    | European Union                                   |
| <b>GMS</b>   | African Union Green Mineral Strategy             |
| <b>IRA</b>   | Inflation Reduction Act                          |
| <b>ITSCI</b> | International Tin Supply Chain Initiative        |
| <b>MSP</b>   | Minerals Security Partnership                    |
| <b>NZIA</b>  | EU Net-Zero Industry Act                         |
| <b>SRMs</b>  | Strategic Raw Minerals                           |



## The CRMA and the CMS

### The origins of the CRMA

The EU's focus on critical and strategic minerals aligns with its green industrialization policy, which is largely driven by domestic energy and economic priorities. Even though geopolitical concerns may influence the CRMA, its primary objectives do not explicitly address international relations. Its emphasis on reducing market entry barriers rather than offering comprehensive subsidies, could benefit some businesses but is insufficient against the market-moving power of the US Inflation Reduction Act (IRA) or the direct control of China's state-led model. Despite its financial and ideological constraints, the CRMA demonstrates real ambition and offers credible business support measures. In December 2023, the EU Parliament adopted the CRMA, anticipating an exponential increase in demand for rare earths. Announced by Commission President Ursula von der Leyen in 2022, it was proposed in March 2023, and builds on previous plans (European Commission, 2023). The point of departure intersects with transformative energy policies and introduces the concept of Strategic Raw Materials (SRMs), which the EU considers having strategic technological uses for green energy and have vulnerable supply chains.

Adopted in December 2023, the EU's CRMA addresses the anticipated exponential rise in rare earth demand, associated supply chain vulnerabilities and geopolitical risks arising from COVID-19, Chinese dominance, the Russia-Ukraine conflict and the US IRA. It aligns with the EU's green industrialization policy – driven by domestic energy and economic goals – and builds on prior initiatives like the 2008 Raw Materials Initiative and the fifth iteration of the critical materials list. Where the current CRMA departs from previous plans is in its focus on SRMs for existing and future green energy initiatives. Presented on the same day, the CRMA and the EU Net-Zero Industry Act (NZIA)<sup>2</sup> form key pillars in the EU's 'Green Deal Industrial Plan for the Net-Zero Age' (European Commission, 2023). In relation to Africa, the CRMA also aligns with the Africa-EU Strategy Action Plan and the African EU Partnership on Raw Materials, aiming to advance preferential inter-regional trade access.

### Under the hood of the CRMA

The CRMA aims to achieve significant EU self-sufficiency by 2030, setting targets for domestic demand for mining and extraction (10%), processing and refining (40%), and recycled sources (15%) (Schroeder et al., 2023). These targets contribute

#### Box 1: An external push to act

The CRMA is a response to supply chain vulnerabilities and geopolitical risks stemming from COVID-19, China's processing dominance, the Russia-Ukraine conflict, and the US IRA's market impact. The EU's dependence on China to supply all of its heavy rare earth elements, 97% of magnesium and various other metals and minerals (Council of the European Union, 2023), coupled with rising trade tensions and export restrictions (Lui & Patton, 2023), has heightened concerns. While the Russia-Ukraine conflict has not directly disrupted European supply chains, it has affected price volatility. The volume of Russian exports of gold, copper, cobalt and other precious metals and mining goods dropped by over a third due to the invasion, impacting global renewable markets. Finally, the impact of the US IRA on the market prompted the EU's dominant industrial economies, especially Germany, to voice concerns that production and jobs would go to the US due to its substantial subsidies. Volkswagen, for example, is considering shifting investments for a car battery plant to the US where it would receive \$10.54 billion in subsidies. Sulzer AG, a Swiss company pioneering chemical recycling technologies, is also moving its investments to the US (Schroeder et al., 2023).

<sup>2</sup> EU Net-Zero Industry Act (NZIA) which aims to achieve strategic net-zero technologies manufacturing capacity of at least 40 per cent of the EU's deployment needs by 2030.



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to its main domestic objectives: strengthening the strategic minerals value chain domestically, ensuring the free movement of critical raw materials and related products within the EU, and improving circularity and sustainability while also simplifying permit procedures and promoting research and development.

Furthermore, outwardly-facing objectives that require international partnerships and engagement reflect the EU's ambitions of diversifying its sources of SRM imports to reduce dependency on single non-EU countries and mitigate supply chain risks. It will identify strategic projects based on environmental and social indicators; supporting them and national partners through EU trade and investment channels; and, attracting private financing by showing long-term commitment to certain countries.

The EU's higher target for regional processing implicitly acknowledges the challenges of domestic mining, necessitating imports. The tension between EU-level ambitions and member states' domestic regulations often makes the move from exploration to extraction difficult, with significant variations in the relationship between private companies, both national and multinational, and states across the regional bloc (Eising, 2009; Farkas, 2016). For example, while Sweden, Finland, and Portugal offer potential mining locations, they face high legislative barriers, long approval processes and unfavorable community pressure (Wouters, 2023).

The EU's lack of top-tier mining companies outside of coal and aluminum and investment funds for high-risk industries further complicates matters. Companies with experience in critical minerals are exposed to price volatility and require government subsidies to protect diversity. For example, in response to the dominance of Indonesia's low-cost nickel suppliers, Christel Bories, CEO of French miner Eramet, warned that *"The uncompetitive mines elsewhere will close. I'm not sure there will be so many governments deciding to subsidize big production with a lot of money just to compete with Indonesia production"* (Dempsey & White, 2024). This has sparked debate on 'responsible pricing' with companies calling for higher set prices for materials produced in adherence to responsible sourcing requirements.

As yet, it is unclear if the CRMA will incentivize new processing capacity. If so, it will likely be within the EU, with limited resources committed to value addition externally. Companies are anxious to see if support will be in place to mitigate price volatility and expansion, but this would likely come from national budgets. In 2024, AMG will open Germany's first large-scale lithium refinery – an example of decisions being made to bring production closer to clients. Initially sourcing from Brazil, there are ambitions to source domestically and get politicians' approval for expansion funding.

### Where the UK CMS differs

Entitled 'Resilience for the Future', the UK government launched its CMS in 2022, with a refresh announced in March 2023 (UK Government for Business and Trade, 2023). Although the UK positions itself as a source of international finance and as a home to some of the world's major mining companies, this does not guarantee the security of supply. Some UK companies face challenges entering new commodity groups; for example, the government blocked Rio Tinto's development of the Jadar project in Serbia in response to local protests, leading to them moving sourcing to Argentina.

Still, where the UK may have a comparative advantage over the EU with top-tier mining companies, there is increasing competition from Canadian, Australian and South African companies in exploration and mid-tier operations which characterize SRMs. Furthermore, the UK's extractive capacity is not matched by its processing capacity, as most countries sell to China for processing. Like the EU, this disparity between extractive and processing capacity has implications on the nature of corporate diplomacy when engaging with producing states in Africa and Latin America.

Both the EU and UK are predicating their efforts on supply-side interventions, making it easier to do business and providing incentives, while relying on market forces. Their approaches are less interventionist than the subsidies offered by the US or the China state-led model that they are attempting to counter. Domestic pressures against increasing extraction, however, are drivers for new, transnational partnerships, including with Africa.



In summary, national governments still prioritize domestic processing capacity despite standing EU commitments to support value addition in partner countries. While this seems logical as a means to counter China's processing concentration, it may be shortsighted. The energy transition that both the EU and the UK are seeking requires a significant increase in overall supply, not just an attempt to safeguard processing capacity. As such, Africa presents significant opportunities for sourcing, however, upscaling the industry must consider local, political priorities and industrialization ambitions.

## Defining 'criticality'

Minerals are often critical for a range of stakeholders but for different reasons. For example, Western approaches define criticality based on national economic needs and the green transition, focusing on their development. Though legitimate, this user-centric approach (as opposed to producer-focused) to defining criticality to some extent excludes what is of critical importance to emerging market producers. Furthermore, the criticality of minerals for communities must be better acknowledged.

These inconsistencies in definitions of criticality across countries pose challenges. Firstly, there is insufficient analysis of the comparative impact of specific minerals on national economic development. This has resulted in the assumption that those that are mined at scale present higher opportunities for vertical and horizontal linkages to create expanded development opportunities. Bulk minerals, like copper, appear to offer wider economic linkages compared to smaller-scale mining of other metals, which may bring significant contributions to local economies. Secondly, developing new supply chains from exploitation to processing and manufacturing requires long-term policy and legislative consistency to motivate cash flows in this long-gestation industry.<sup>3</sup> Thus, European policymakers will need to demonstrate patience and long-term commitment to CRMA.

## How Africa is defining criticality

African countries are also adopting critical mineral strategies and product selections, but their defining criteria differ from Western nations' focus. Geopolitical and green transition goals are less prominent, and contradictory domestic economic ambitions and global forces hold much more sway. Many African states are determining criticality both by global demand opportunities and contributions to regional industrialization. However, a gap exists in linking criticality to technological advancements happening elsewhere. For example, new battery technology being developed could replace the 'criticality' of lithium in favor of manganese. Also, the emergence of synthetic minerals may further disrupt the market – a possibility that is yet to be considered.

International partners will need to acknowledge and respect that many products that are of current national importance for African countries stand at odds with Western interests. South Africa, for instance, views coal, a fossil fuel, as strategically important for energy production, conflicting with Western climate goals. This misalignment has already stalled progress in EU and UK partnerships with South Africa. Similarly, in September 2023, Zambia's declaration of critical minerals included gold and gemstones like emeralds and diamonds (Lusaka Times, 2023). Its inclusion of diamonds potentially sets Zambia, and other African producers, at odds with its EU and UK partners, who face the pressure of G7 sanctions against Russian diamond production.

At the regional level, the African Union (AU) is finalizing its own Green Mineral Strategy (GMS) with the African Development Bank, the African Legal Support Facility, the United Nations Economic Commission for Africa, and the AU's African Mineral Development Centre – the organization mandated with the delivery of the African Mining Vision (AMV) – contributing towards this continental plan. The strategy is expected to go through a technocratic committee in May 2024 and then be ratified by the AU later in the year. Rooted in the AMV, the strategy strongly emphasizes beneficiation, industrialization, and regional cooperation for value

<sup>3</sup> The industry average for gestation is 10 years.



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chain development. In being rooted in the AMV, the GMS could face a similar trajectory: a strong, pan-Africanist political rhetoric supporting continental cooperation, followed by limited cooperation on implementation resulting in stalled progress.

### Partnership models

The EU's strategy for securing critical raw materials hinges on partnerships: it collaborates with both producer and consumer nations who are similarly seeking to diversify away from Chinese dominance. The EU and member states France and Germany participate in the Minerals Security Partnership (MSP), a multilateral initiative dominated by G7 countries. In 2023, India was the first developing country to become a member. Despite having no African members, some have attended as observers. The MSP also claims to be driving forward seven African projects, but the details remain unclear. Some criticize the lack of African representation, whereas others of the continent view the partnership as neo-imperialist and of little benefit.

To better include the perspectives of producer countries, EU Commission President von der Leyen proposed a critical raw materials club for open dialogue (European Commission, 2023). Few such forums exist; the Commonwealth is one of the few connecting many African countries with major mining nations like Australia, Canada, and South Africa while also including EU members, Malta and Cyprus. Notably, the EU encourages multilateral partnerships for cooperating with other industrial nations, whilst in Africa, it has favored a series of bilateral partnerships.

These bilateral partnerships aim to establish a framework for cooperation and a potential pipeline of projects related to resource extraction and mining infrastructure. Furthermore, they could significantly address some of the soft barriers facing the industry and support investment in infrastructure, geological surveys, skills transfer, educational partnerships, and support in cadastre systems. Additionally, officials noted that their primary aim is to open the door to EU member states with interested companies, credit agencies,

and public/private banks. The EU has said it will support exploration, skills development, and infrastructure investment within resource-rich countries for in-country processing. But, behind such commitments, who will eventually benefit remains opaque. For example, in October 2023, the UK announced a ZAR 20 million (~ USD 1.1 million, ~ EUR 1 million) facility to assist research on bankable mining projects, but it has been reported that the main grant recipient was the international consulting firm, BCG (Creamer, 2023).

As such, bilateral partnerships could be important for establishing broader relationships within the mining sector and extend beyond securing specific minerals. This will necessitate patient diplomacy and triangulating efforts with other partners. The EU has already established agreements on raw materials and green energy from Namibia in 2022 and with DRC and Zambia in 2023. Ongoing discussions are taking place with Uganda, Tanzania, and Rwanda, all of whom signed an agreement with the European Investment Bank (EIB) in December 2023. The UK also has bilateral partnerships on critical minerals with South Africa and Zambia. The Lobito Corridor is the most prominent flagship project, with an MoU for its further development signed between the US, DRC, Zambia, Angola, the African Development Bank, and the Africa Finance Corporation. The EU has also signed specific MoUs with DRC and Zambia for a 'Partnership on sustainable raw materials value chains' (Joseph, 2023). Crucially, the number of partnerships between the EU, UK and African countries is increasing, but what they can realistically achieve and who they will benefit from remains to be seen.

Criticisms of the EU partnership model center on two main concerns: their effectiveness in addressing pre-existing industry challenges and, more importantly, their highly extractive nature, prioritizing raw material export out of Africa over in-country processing.

Operationally, the 'ownership' and execution responsibility for these partnerships are also unclear. In some instances, in-country Ambassadors' efforts have driven progress, with lackluster support from national capitals. These efforts often rely on securing external



financial support and private sector involvement in an industry facing mounting pressure for responsible development in Africa.

In addition, a significant challenge for both mining and processing is securing sufficient energy for this electricity-intensive industry. Developing regional supply chains and economies of scale also requires diplomatic and political investment, fostering cooperation and benefit-sharing among regional partners. Clustering production through special economic zones and industrial parks, alongside local agreements like the DRC-Zambia MoU, could be a solution for African states to build extraction and processing capacity (Joseph, 2023).

## Financial flows

The EU's strategy for securing critical minerals internationally is through a mix of direct investment, primarily in infrastructure for market access, and 'crowding in' private investment. Despite officials within the EU recognizing African countries' demands for value addition and diversification, it remains unclear how they intend to address them using the existing frameworks and mechanisms. The primary funding vehicle for the EU to develop critical mineral supply chains will be the EU Global Gateway. With a projected investment of up to EUR 300 billion (USD 326 billion) globally to boost value addition and exploration, including EUR 150 billion (USD 163 billion) for Africa, there is deep uncertainty as to where the money will come from or what other projects might be sacrificed in its stead (Kwakkenbos, 2023). To date, no African mining projects have received funding. That aside, the CRMA is more likely to support infrastructure related to the industry rather than exploration or extraction itself. For African countries, infrastructure investment is crucial to industrialization, but barriers to entry for European companies in mineral processing persist, including corruption, nationalization risks, resource nationalism, energy deficiencies, security concerns, and skills shortages.

With the UK's departure from the EU, the bloc lost its major mining financial center. The

London Stock Exchange and Toronto and Australia's exchanges are leading hubs for raising mining capital ahead of others in Asia and Latin America. European exchanges are, thus, unlikely to significantly enter this space to finance African mining. Western governments are also hesitant to directly invest in critical mineral mining companies, with the US government's stake in TechMet remaining the sole exception and serving as an investment vehicle not as an operator (Dempsey, 2023). The UK has previously allocated funds for direct investment, but received criticism for its 'winner pick' approach, preferring to invest at advanced stages when capital is easier to access instead of at the high-risk early phase where it is needed.<sup>4</sup>

The EU also wanted to educate downstream manufacturing companies about identifying supply risks. They hope this will encourage the automated industry and wind turbine producers to pursue long-term investment in Africa by signaling market opportunities and reducing perceived risks. Additionally, the EU is developing corporate sustainable due diligence legislation to foster greater transparency across supply chains.

## Responsible sourcing

The EU emphasizes 'responsible sourcing' to differentiate itself, in recognition of how reliant its reputation and its companies' reputations are on ensuring supply chain transparency and due diligence. The Conflict Minerals Regulation (EU Regulation 2017/821), effective since January 2021, mandates due diligence for sourcing tin, tantalum, tungsten, and gold to ensure conflict-free sourcing. Nonetheless, developing robust traceability schemes is proving complicated. In 2023, Global Witness (2023) alleged critical failings of the International Tin Association's Tin Supply Chain Initiative (ITSCI) scheme, which were subsequently denied (ITSCI, 2023). Even so, the incident serves as a reminder of the difficulties in implementing certification in conflict-affected areas, and of monitoring or reporting abuse.

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4 Confidential interview with industry figure, Cape Town, February 2023.



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The European Commission is developing legislation on sustainable corporate governance, including mandatory due diligence requirements for horizontal supply chains, and aims to promote mineral code adoption. However, progress has been hindered by differing member states' interests. For example, the Corporate Sustainability Due Diligence Directive – established to impose environmental and human rights protections on companies' global supply chains – faced challenges from key EU member states seeking sector exclusions and exemptions in response to pressure from their constituencies.

The bloc's aim to apply the highest Environmental, Social, and Governance (ESG) norms is both admirable and vital to ensuring that benefits can be shared with citizens of producing countries. These regulations can serve to minimize the negative externalities and ESG of the industry, but in their implementation, the Commission must ensure that compliance and implementation costs for companies do not render African countries uncompetitive for investment. Conversely, the UK's CMS identifies ESG criteria as a 'competitive disadvantage', raising concerns that the UK may backslide on its responsible sourcing commitments.

Since the 1990s, the EU has supported soft law and voluntary initiatives on traceability, environmental reporting, and security governance. However, their success has been mixed, facing criticism for over-reliance on state authorities, which restricts their ability to combat abuse by State actors. Furthermore, international expectations of compliance across several different initiatives have increased the cost of compliance. In some African countries, this has increased the cost of doing business, making them less competitive for international investment. In response, there has been a growing demand for 'convergence' schemes where multiple ESG criteria, including carbon emissions, human rights, and traceability, are covered by one initiative or within a single certification.

In summary, EU efforts to promote human rights and due diligence in developing countries must balance sourcing responsibility with local linkage development. In many countries, the high cost of certification excludes local companies from mining supply chains, forcing reliance on imports, despite meeting stringent quality requirements. The EU and development agencies should prioritize supporting local entities in accessing mining procurement markets.

## Conclusion

The EU CRMA and UK CMS seeks to address both the over-reliance on China for processed metals and the insufficient supply for their green energy transition ambitions, compounded by other geopolitical and supply chain risk factors. They aim for high self-sufficiency in strategic and critical raw materials, focusing on domestic objectives around extraction, processing, and recycling. Internationally, the strategies are more focused on reducing reliance on sole suppliers rather than on how they could support the creation of new supply chains for metals and minerals processing. The CRMA, constrained by financial and ideological limitations, presents a distinct approach when compared to US subsidies and China's state control. Whether companies could consider this a credible statement of intent or a strong market signal remains to be seen.

This paper questions whether African countries can truly benefit from the CRMA and CMS. It argues that their domestic focus limits the mutually beneficial partnerships needed to increase supply from Africa. These strategies need to guarantee significant overall supply increases and extend beyond just safeguarding domestic processing capacity. Africa offers rich supply opportunities, which must be accompanied with industry upscaling to align with local priorities and industrialization goals.



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