



PRÉSENTATION DE PROFESSEURE BONNIE CAMPBELL

Lors du lancement de deux ouvrages

Mining in Africa. Regulation and Development

Campbell, Bonnie. (dir.), (2009), Copublication Londres : Pluto,
Ottawa : CRDI, et Uppsala : Nordiska Afrikainstitutet. 284p.

Treasures of the Earth. Need, Greed and a Sustainable Future

Ali, Saleem H. (2009), Yale University Press. 304p.

Date : Mercredi, 27 janvier 2010, à 13 heures

Lieu : Lobby du Redpath Museum, Université McGill

I would like to express my sincere thanks to the Hans & Tamar Oppenheimer Chair in **Public International Law** of the **Faculty of Law**, and in particular my good friend and colleague Professor François Crépeau for hosting this event.

Nous sommes des plus reconnaissants de votre accueil et espérons vivement que cet événement marquera le début d'un nouveau chapitre de collaboration entre nos deux Chaires et avec le Professeur Saleem Ali.

Now to our book.

The African continent has **enormous** mineral wealth.

This wealth has, however, produced rather disappointing results in terms of contributing to **the sustainable development** and the **respect of the environment** of the countries concerned - and too often – disappointing results with regard to the **respect of human rights of the people and communities** affected by mining activities.

Why is this the case? There have been many attempts to explain these trends.

At present, efforts are being put forward to rethink and improve past results, notably through the revision of mining regimes in many countries of Africa. These initiatives are going on in different arenas, the countries concerned and the UN Economic Commission for Africa. In this context, and in an attempt to contribute to a better understanding of the issues at the centre of continuing debates, this volume had three main objectives:

- to illustrate and analyse certain patterns of the social, economic and environmental implications of current activities in the extractive sector in Africa
- to underline the need to introduce more appropriate legal, fiscal and regulatory frameworks for mining and to do this **from a developmental perspective**
- to raise the importance of reinforcing the institutional, political and financial capacities of the countries concerned, to ensure that they are in a position to design, to monitor, to enforce and if necessary, to introduce remedial measures- and above all, that they have the necessary policy space to do so

In order to analyse current trends against a credible set of benchmarks, the book used as a framework the three main areas of recommendations of the World Bank Group's Extractive Industries Review (EIR) which was made public in December 2003. These concerned:

- pro-poor public and corporate governance, including proactive planning and management to maximise poverty alleviation through sustainable development
- much more effective social and environmental policies
- respect for human rights

The approach which the volume adopts is very much an interdisciplinary one and it brings to political economy and political sociology, the perspectives and insights gained from our contributor on Ghana who are a geologist, in fact Head of that department at the University of Ghana, and environmental studies from our specialist of Mali.

The volume draws on country specific case studies: Ghana, Guinea, Mali, Madagascar and the Democratic Republic of the Congo – to illustrate the importance of taking into account the specificities of different countries which are characterised by very diverse policy traditions, trends and objectives, reflecting an enormous variance with regard to history and context as well as the enormous differences among minerals, among forms of mining activities whether industrial or small scale, etc. The book suggests several findings including the following:

1. It suggests that there is need to clarify the content of the “development model” promoted through the reform of regulatory frameworks over the last 20 or more years –(what are these reforms designed to do?) particularly, in the present context of a desire to move beyond past shortcomings through the current revision of mining regimes in Africa.
2. It points to the important redefinition, through the process of reform, of the role and functions of the state and the new delineation between public and private spheres of authority which have accompanied this redefinition – which results from the tendency to transfer of what were formerly public responsibilities to private actors (for roads, schools, clinics, security forces etc). It suggests that this

transfer often leads to the blurring of **the lines of responsibilities** and of **accountability** of the different actors and consequently, may well entail important implications for the **legitimacy of activities of mining companies** and of **states** concerned.

3. In this context, the studies suggest that more attention needs to be paid to the **institutional and political conditions** necessary for the introduction of effective social, economic and environmental policies and a capacity to enforce them. To many, the answer to these problems is clear and quite simple: there is need for **Better Governance**.
4. Our volume cautions however that “factoring governance is not enough”- for the attempt to treat the social and political aspects of such processes as if they could be ‘managed’ through the introduction of improved technical and procedural solutions, runs the risk of blurring here again, the important distinction between the **technical and political** domains, and depoliticising social and political processes.
5. Indeed, much of the current debate in this area concerning the extractive sector has been approached in terms of issues of ‘Weak governance’. However, such issues have tended to be framed not in terms of **weakened political and institutional control by local public actors**, but rather as problems of essentially dysfunctional administrative processes (of which ‘corruption’ is perhaps the most emblematic) which could be remedied by the introduction of the correct set of good administrative procedures.

As the case study on Guinea which takes a long historical perspective suggests, there is good reason to question whether, in the absence of an important redress of current asymmetrical structural relations, of a renewal of political processes and the emergence of policies that seek to integrate the mining sector in a more equitable way and in such a manner that it becomes a catalyst for structural transformation - recent and further investment in the rich mining sector and administrative reforms, may well fall very short of fulfilling the expectations that have been created and solving the current severe problems facing the country.

If we are interested in forms of governance of the mineral-rich countries of Africa that contribute to **social and economic development** and to **alleviating poverty**, it would appear essential to understand the origins and nature of the political and economic structural heritage that has contributed to the prolonging of asymmetrical relations characterising the sector.

6. As the case study on the Democratic Republic of the Congo (which focuses on human rights impacts of mining) illustrates, and as massively documented in reports produced by international organisations, the links between archaic modes of resource extraction in the mining sector, highly asymmetrical patterns of resource distribution, and the violation of human rights ---- these links continue most often to be ignored.

A renewal of approaches is clearly needed.

7. As the EIR recommendations made clear: to limit reforms to simply implementing better norms and standards is clearly not sufficient as a means to ensure that the extractive sector serves as a lever for development in the mineral-rich countries of Africa.

The case studies of the book lead us to conclude that it is essential to adopt an **encompassing approach** to understanding past patterns of reform and their impact on mining activities in Africa. Such an approach needs to **be historical, country-specific and two-pronged**. On the one hand, there is a need to consider the design of the '**development model**', the role it has assigned to public and private actors, and notably, the place it assigns to supportive development strategies to meet development objectives. On the other, and in a very much interconnected manner, it is essential to examine the compatibility of the **particular governance agenda** put forward in favour of the introduction of such a development model and to legitimise the pattern of resource distribution which accompanies it.

Two of the contributors to the volume will speak to these issues a little latter.

1. In closing I would like to express our **appreciation to the IDRC** which supported the research and publication of the volume.
2. Une version française est presque terminée et sera publiée en juillet aux Presses de l'Université du Québec.
3. J'aimerais en conclusion remercier la magnifique équipe de personnes avec laquelle j'ai le plaisir de travailler à la Chaire et qui rend possible la production de ce type d'ouvrage et de tel évènement : Suzie Boulanger, Myriam Laforce, Gabriel Goyette-Côté, Etienne Roy Grégoire, Sarah Elola et Geneviève King.