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To cite this article: Daniel Béland, Bonnie Campbell, Mylène Coderre & Privilege Haang'andu (2021): Policy change and paradigm shifts in Sub-Saharan Africa: implementing the Africa Mining Vision, Canadian Journal of African Studies / Revue canadienne des études africaines, DOI: [10.1080/00083968.2021.1886955](https://doi.org/10.1080/00083968.2021.1886955)

To link to this article: <https://doi.org/10.1080/00083968.2021.1886955>



Published online: 19 Mar 2021.



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Policy change and paradigm shifts in Sub-Saharan Africa: implementing the Africa Mining Vision

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ABSTRACT

This article applies the concept of policy paradigm and the work of Peter Hall to the analysis of policy change in Sub-Saharan Africa by analysing the implementation process of the Africa Mining Vision (AMV), adopted by the Heads of State of the African Union in 2009. To this end, it draws on the experiences of several West African countries. It suggests that we need to pay close attention to three factors that are too often neglected in the literature on paradigm shifts and policy change: (1) relationships between transnational and national actors, (2) asymmetrical power relations and (3) policy implementation.

RÉSUMÉ

Cet article applique le concept de paradigme de politiques et les travaux de Peter Hall à l'analyse du changement politiques en Afrique subsaharienne en examinant le processus de mise en œuvre de la Vision minière pour l'Afrique (AMV), adoptée par les chefs d'État de l'Union africaine en 2009. À cette fin, il s'appuie sur les expériences de plusieurs pays d'Afrique de l'Ouest. Il suggère que nous devons accorder une attention particulière à trois facteurs qui sont trop souvent négligés dans la littérature sur les changements de paradigmes et les changements de politiques : (1) les relations entre les acteurs transnationaux et nationaux, (2) les relations de pouvoir asymétriques et (3) la mise en œuvre des politiques.

KEYWORDS

Policy change; policy implementation; policy paradigms; mining policy; Africa Mining Vision

MOTS-CLÉS

Changement des politiques; mise en œuvre des politiques; paradigmes politiques; politique minière; Vision minière pour l'Afrique

Introduction

Just over ten years ago, in 2009, the Heads of State of the African Union (AU) adopted the Africa Mining Vision (AMV). This important document announced what is presented as a change in paradigm concerning the role of the mining sector in the development of mineral-rich African countries. To shed light on the extent to which such a policy shift has indeed taken place, we turn to the literature on policy change and, in particular, to Peter Hall's seminal article "Policy Paradigms, Social Learning, and the State." Since the publication of this article in 1993, much has been written about the relationship between policy paradigms and policy change around the world. Yet the literature on

the role of policy paradigms in Sub-Saharan Africa¹ as they relate to the interaction between transnational and domestic actors remains limited. In this article, we ask the following questions: Can the policy paradigm concept be helpful in empirically exploring issues of policy stability and change in the Sub-Saharan African context and, notably, changes initiated by the introduction of the AMV? More precisely, what can we learn from policy processes concerning specific experiences of policy change in Africa, such as that of the AMV, that might provide insights in explaining the conditions under which changes in policy paradigms take place, and eventually identifying obstacles to such changes?

The main argument of this article is that the policy paradigm concept and the work of Hall (1993) that popularised it are helpful for the analysis of policy change in Sub-Saharan Africa but that scholars using this concept in the African context should pay close attention to three factors frequently neglected in the literature on policy paradigms. First, scholars should direct attention to the *relationships between transnational and national actors*, because transnational actors play a central role in the politics of policy paradigms in Sub-Saharan Africa. We find the insights drawn from international political economy, an interdisciplinary field comprising approaches to the actions of various (notably transnational and domestic) actors, useful. Second, we argue, following Hall's (1993) emphasis on the relationship between "puzzling" and "powering" policy paradigms, that analyses of potential paradigm shifts across different policy areas, in Sub-Saharan Africa as well as in other regions of the world, should be attentive to *asymmetrical power relations* and their impacts on policy change at both transnational and national levels. We therefore draw on the work of Susan Strange and those who have developed the notion of structural relations of power, which, in the case of the mining sector, often take the form of struggles between national and transnational actors as well as between private corporate interests and both state and civil society actors. Finally, our analysis points to the need to look closely at *policy implementation* in the study of policy paradigms in Africa. While authors such as Hall (1993) who study Western countries with extensive state capacity might assume that change in policy ideas and legislation would lead to concrete changes, this assumption is not necessarily valid elsewhere. A central aspect of the discussion about policy paradigms in Africa is to determine whether they have concrete policy impact.

In the next section, we discuss Hall's work and the policy paradigm concept, while engaging with more recent scholarship on policy paradigms. Thereafter, a methodology section and a systematic literature review on policy change and policy paradigms in Sub-Saharan Africa follows. These sections provide the context for our case study on the impact of the AMV as a policy paradigm with far-reaching implications for the place and role of the mining sector in economic and social development. The case study allows us to explore the application of the policy paradigm concept in the African context and, more importantly, to stress the three factors we identify above. These are illustrated in the next two sections by a discussion of the shaping of the policy decision-making and policy implementation agendas in the mining sector with examples from West African countries. Finally, drawing on lessons from both our theoretical discussion and our case study, we conclude with certain insights that the study of policy paradigms can give to understanding the challenges faced by African mineral-rich countries in ensuring the implementation of the policies to which they subscribe.

The policy paradigm concept

Hall (1993, 279) defines a policy paradigm as “a framework of ideas and standards that specifies not only the goals of policy and kinds of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing.” The policy paradigm concept is inspired by the work of Thomas Kuhn (1962) on scientific revolutions. Kuhn draws a line between normal science, where the dominant paradigm remains largely unchallenged, and revolutionary science, where alternative paradigms move to the fore to challenge the accepted scientific wisdom and potentially lead to a paradigm shift. Hall (1993) analyses Keynesianism and monetarism as examples of policy paradigms. According to him, paradigm shifts are synonymous with transformative policy changes. These shifts are relatively rare because they involve a reconfiguration of dominant policy actors’ goals. Such a reconfiguration leads to what Hall calls “third order change.” First order change refers to altering the levels and settings of existing policy instruments, while second-order change refers to replacing these instruments without reshuffling the main policy goals of collective and individual actors. Third-order change is transformative in nature, while first- and second-order changes are incremental (Hall 1993).

Hall’s (1993) article rightly stresses the tension between “puzzling” and “powering,” which refer to learning processes and political struggles, respectively. For him, the study of policy paradigms should encompass both dimensions because focusing exclusively on what he calls “social learning” could hide the power dimension of paradigm shifts – which feature political struggles among a wide array of actors – in contrast to the more technocratic, lower-profile learning processes leading to first- and second-order changes. Analyses of policy paradigms and policy change should, consequently, be attentive to asymmetrical power relations among social and political actors (on these issues see Carstensen 2015; Lemieux 1995). Therefore, careful consideration should be given to structural forms of power through which these actors can reshape the rules of the game and have a durable impact on the policy process (Chavagneux 1998; Strange 1996). This focus on structural power helps us move away from a purely technocratic understanding of policy paradigms. Although the work of Hall (1993) focuses primarily on the role of domestic actors in the politics of policy change, recent scholarship on the role of ideas in public policy stresses international organisations and other transnational actors’ ideational and policy influence, as mediated by domestic actors and institutions (e.g. Lavers and Hickey 2015; Orenstein 2008; Skogstad 2011). Emphasis on the role of transnational actors is especially crucial in the Global South where international organisations such as the International Monetary Fund (IMF) and the World Bank have long played a central role in the diffusion, and sometimes the imposition, of policy ideas and instruments.

Overall, an assessment of the literature on policy paradigms (e.g. Daigneault 2014; Hogan and Howlett 2015) reminds us that policy paradigms are sets of ideas. This means that the study of paradigms must document the changing assumptions of policy and political actors, instead of simply assuming a paradigm shift has taken place because the policies themselves have changed. As Daigneault (2014, 7) concludes, far too many scholars “neglect the actual . . . ideas of policy actors in favour of those revealed by the adopted policies.” We agree with Daigneault (2014) and suggest that paying close attention to actors’ ideas is necessary to analyse policy paradigms, which are ideational in nature. With this background in mind, we can now survey the literature on policy

paradigms in Sub-Saharan Africa to assess both their scope and their potential contribution to our understanding of policy change.

Methodology

Our research comprised two main components: a systematic literature review and a case study analysis. First, guided by three questions to contextualise our case study, we surveyed literature on Sub-Saharan Africa that conceptualises policy paradigms and paradigm shifts more generally. The survey covered the period between 2000 and 2017. Our three questions were: (1) Since 2000, how have students of public policy in Africa contributed to analyses of policy paradigms and paradigm shifts and, more generally, of policy change and institutional change? (2) How are the concepts of policy paradigms and paradigm shifts used in African public policy scholarship? and (3) How is institutional change conceptualised in public policy scholarship in Sub-Saharan Africa? Multiple scholarly databases, including prominent sources such as Academic Search Complete, Scopus, Web of Science, Google Scholar and Worldwide Political Science Abstracts, were deployed to generate the literature. Search words were recombined to minimise the exclusion of relevant scholarly work for the target period. An initial 3775 articles and book chapters were generated before the final screening. After the screening process, we learned that most authors used the term “paradigm shift” in a very descriptive way. Some synonyms we identified were “radical change,” “movement from existing to new,” “replacement,” and “rejection of one for another.” In the end, we selected and analysed thirty articles dealing explicitly with the role of ideas, policy paradigms, and paradigm shifts in policy change. Only a handful of these articles used Hall’s concepts of policy paradigm and paradigm shift systematically, and our analysis below focuses on them (Busia and Akong 2017; Dibben et al. 2017; Lascoumes 2006; Schreiber 2014; Swidler 2009; Purdon 2019).

Following this systematic literature review, we turn to our case study: the AMV as a paradigm shift. We selected mining as a policy area because it is of vital economic and political importance for many African countries and because transnational actors play a central role in this sector. Instead of focusing on one specific country, we discuss transnational policy ideas, while also referring to the experiences of several West African countries to assess the nature and scope of policy changes implemented on the ground. Based on qualitative process tracing, our case study features the analysis of both existing scholarship and publicly available policy and legislative documents. Our goal is not to offer an in-depth analysis but to illustrate our three-fold argument and, more generally, the potential benefit of studying policy paradigms on the African continent, and the potential challenges that such studies raise.

Hall’s contribution to the literature on Sub-Saharan Africa

Pierre Lascoumes (2006) presents one of the closest conceptualisations of Hall’s paradigm shift. In an article on penitentiary policies that includes an analysis of the South African case, Lascoumes (2006) explores not only policy paradigms but all three orders of change Hall (1993) defined. As Lascoumes (2006, 415) demonstrates, “in South Africa, the desire to break with the old principles of Apartheid is translated [by] a paradigm shift,” which constitutes third-order change. According to him, the main added value of Hall’s

approach "... is to highlight the inseparability of the three orders of change. There must be a simultaneous transformation of the three components of public policies (paradigm, political program, operational mode) to bring about fundamental changes" (Lascoumes 2006, 417).

Lascoumes (2006) also focuses on a significant issue for the analysis of the three orders of change in Sub-Saharan Africa: policy implementation. For example, concerning a possible paradigm shift, he writes that "if it is not included in a public policy program and operationalized by a set of concrete and implemented measures, there is only a change on the surface of things and the new paradigm dissolves into a smokescreen" (Lascoumes 2006, 417). Lascoumes highlights both the relevance of Hall's (1993) approach for the analysis of policy change in Sub-Saharan Africa and the need to pay close attention to the implementation of these policies to understand whether change is real or simply a "smokescreen."

Another important analyst in policy paradigm research is Mark Purdon (2019). Purdon systematically uses Hall's (1993) concept of policy paradigms but redefines it for his own application to climate change scholarship. Purdon defines policy paradigms as "a set of ideas informing the *means* of achieving certain political objectives" (Purdon 2019, 17). Interrogating what he calls "development policy paradigms," Purdon (2019) studies the interactions among transnational actors and domestic policymakers in climate change. Drawing on historical economic ideational evolution across many cases in Sub-Saharan Africa, Purdon (2019) seeks to provide field-based empirical research to explain why climate finance instruments championed by transnational actors have been effective in some cases and ineffective in others.

A further relevant analyst, although he does not reference Hall (1993), is Eberhard F. Bruenig (2006). In his article on paradigm shifts in the Congo Basin countries, Bruenig (2006, 133) defines a paradigm as "a parallel model of beliefs, truths or worldviews." Applying this definition to forestry studies, he argues that a paradigm shift in forestry implies a change in standard thought models and established truth. However, while beliefs, truths and worldviews are crucial determinants of policy objectives, Hall's third-order change also encompasses policy instruments.

Chomba et al. (2017) propose a similar model. These authors apply the concept of paradigm shifts to water policy in southern Africa. Relating the paradigm concept to societal priorities and values, the authors argue that the process of allocating water resources is often influenced by societal priorities and values that do not necessarily result in maintaining ecosystem health and integrity and that the efficacy of water allocation depends on the extent to which implementation considers the socio-political dynamics associated with collective action involving multiple water users. Indeed, policy objectives that undergird the concept of Hall's third-order change are often determined by a set of values and priorities. Pauline Dibben et al. (2017), Ann Swidler (2009), and L. A. Schreiber (2014) reference Hall's work in policy change but not in relation to paradigm shifts. While Schreiber (2014) borrows Hall's "role of power relations in institutional change", the other two authors discuss Hall's work in relation to systemic convergence, as discussed in Hall and Soskice's (2001) *Varieties of Capitalism*.

Finally, a particularly illuminating example of scholarship dealing with both policy paradigms and Sub-Saharan Africa is the work of Kojo Busia and Charles Akong (2017) on the AMV. Drawing explicitly on the work of Hall (1993), they explain why they think the

AMV is a paradigm shift in mining policy on the African continent. Interestingly, their article also points to the importance of power relations and structures of power (2017, 160), but their treatment of political dimensions is not fully integrated into their analysis. While the authors raise the importance of policy implementation and provide potential implementation scenarios, they do not discuss the ongoing transformations at the national level. Policy implementation underlies two important factors insufficiently developed in the Busia and Akong article: power asymmetries and the role of transnational actors. How do these two dimensions influence the process of AMV implementation by the African states?

Informed by the above literature review (and in no way claiming to be based on a systematic and comprehensive study), our article seeks to draw attention to a blind spot in the way discussions about transformations in the paradigms of public policies have been framed to date, by underlining the need to accord a much more central place to the power relations that characterise these processes. We situate our contribution in an international political economy perspective, and we engage with the notion of structural power, defined in Susan Strange's work as "the power to shape and determine the structures of the global political economy within which other states, their political institutions, their economic enterprises, and (not least) their scientists and other professional people have to operate . . ." (1994, 24–25).

In using the notion of structural power proposed by Strange, we recognise that this concept has been the subject of a considerable debate (Tooze 2000; Campbell and Hatcher 2019). However, although we recognise its importance for the study of public policy in general, we suggest that the notion of structural power is particularly relevant when applied to the extractive sector and when understood as "as a type of causation derived from the structures of relationships among actors" (Cohen 2016, 114). In an effort to systemise the multiple levels and forms in which power relations intervene in the transformations of the paradigms of public policies in the mining sector, the notion of structural relations of power – which refers to the ability to create essential rules, norms and modes of operation for various dimensions of a particular system – whether national or international (Strange 1996, 25–30, 91), takes on particular importance. This occurs for two reasons: first, because it draws attention to the importance of different actors in shaping the regulatory frameworks that govern the activities of the operators involved; and, second, because it sheds light on the interaction and articulation of specific transnational actors and certain national actors involved. Such dynamics are as important in the conceptualisation phases as they are in the implementation phases of policy change. Regulatory frameworks in the mining sector can, therefore, be understood as the expression of structural power relations and, at the same time, as key instruments contributing to the reproduction of such relations that link powerful external transnational actors (corporate, financial, diplomatic) to influential domestic ones, or that condition those between powerful internal actors and constituencies such as local communities affected by mining activities.

The Africa Mining Vision as a paradigm shift

The 2009 adoption of the AMV by the Heads of State of the AU reflected a widespread recognition of the need to fundamentally reorient past strategies to develop Africa's mining wealth. During the 1980s and early 1990s, and in the context of the introduction of structural adjustment programmes in Africa, multilateral financial institutions – including,

notably, the World Bank – identified the mining sector as a key driver of growth. To this end, these institutions recommended the implementation of far-reaching reforms of the regulatory and legal frameworks of mineral-rich African countries (World Bank 1992). These reforms privileged industrial mining by providing generous incentives to attract foreign investment, giving primacy to this sector over artisanal mining. They proposed a rigorously mono-sectoral approach, which meant that foreign companies were – and, to a large extent, remain – integrated into international supply and market chains, rather than having mining operations integrated into local economies.

Moreover, regulatory frameworks sought to encourage short-term profitability (tax revenues and foreign exchange receipts) rather than promoting development strategies and developing linkages among economic sectors and activities (World Bank 1992, 27). Most important, the reforms called for a new delineation between public and private spheres of authority. The private sector was to become “owner and operator,” whereas the government was relegated to the role of facilitator and promoter (“regulator and promoter”) (World Bank 1992, 53). For the next twenty years, under the auspices of multilateral financial institutions, a cumulative process of reforms took place, leading to what have been identified as several generations of increasingly liberalised mining regimes (Campbell 2004). The strong retrenchment of the state from the mining sector has been accompanied by an ongoing process of reduced state sovereignty, autonomy and authority, as well as a reduced capacity to influence the evolution of its own structures and to oversee the implementation of its policies (Campbell 2009, 2010, 2013). Finally, the result has been the emergence and prolongation of domestic structural power relations linking African decision makers to powerful foreign actors, whether corporate, financial or diplomatic. It is such constellations of influence and the structural relations of power that, unchecked by internal counterforces, have at times made possible the signing, in non-transparent conditions, of excessively generous fiscal agreements.

The widespread contestation of this mining model became increasingly manifest over time and at various levels; opposition was most notable in communities affected by mining, as well as in governments and regional organisations. Since the first decade of the 2000s, numerous African states have reopened contracts that tied them to mining companies, and an extensive process of revision of mining codes has taken place in many countries (Maury 2008; Katz-Lavigne 2017). At the continental level, many political leaders became increasingly disillusioned as a result of the extractive sector’s disappointingly small contribution to local development, as well as the ongoing heavy environmental and social impacts and the absence of measures to ensure the more transparent and equitable negotiation of regimes and contracts.

This context led to the adoption of the AMV by the AU, calling for “Transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development” (AU (African Union) 2009, 3). To use the language of Hall (1993), the AMV called for new goals and instruments, based on different norms and implying a renewal of relations among actors concerned. According to the United Nations Commission for Africa (UNECA), the renewal of approaches implied reinforcing institutional capacities, adopting developmental strategies, and introducing conditions that allowed for their implementation (UNECA and AU 2011). These strategies include building local linkages, local processing and transformation of minerals; local employment; diversifying minerals extracted; building industrial corridors; improving

small-scale and artisanal mining; improving environmental protection; and building infrastructure from a developmental and regional perspective. As opposed to the former mono-sectoral approach, building backward and forward linkages and value-added processing of minerals at the local level would require a resolutely multi-sectoral approach involving redefined institutional arrangements, public policies and strategic planning.

The AMV is, therefore, not simply about reinforcing capacity or bolstering weak governance or weak institutions, as if the problem were essentially technical or managerial, or making existing institutions more efficient. It requires a change in paradigm (Pedro 2016), redefining who informs the objectives of the continent's mineral resource development, redefining what those objectives are, and redefining strategic national and regional policies to reach them. In essence, the AMV is a call for the mining sector to be a catalyst for transformative and structural change in the long term so as to bring more equitable, intergenerational, social and economic development that is respectful of the environment (Ridde, Campbell, and Martel 2015; Sneyd 2012). As is the case for most major policy documents, there have been debates about the AMV concerning the strategies proposed to meet its objectives (Afeku and Debrah 2020; Akong 2020; Hilson 2019). However, the objectives of the AMV were agreed upon after a robust continent-wide process of consultation involving all Ministers Responsible for Mineral Resources Development (AU 2008). Just over ten years after its adoption, an increasing number of mineral-rich African countries refer to the AMV to justify the reform of their mining codes. The AMV represents the culmination of efforts at different levels over a long period of time to bring about the reform of African mining legislation. It was a pan-African initiative that led to the adoption of a strategic, nonpartisan political document by all Heads of States of the AU. It was both a call for reform and an instrument that has helped legitimise change.

In the next two sections, we draw on experiences from West African mineral-rich countries to illustrate how the influences and often asymmetrical power relations among actors (transnational and national) condition the possibilities of transforming regulatory frameworks and mining activities so as to bring them more in line with the AMV. While there is at times some overlap, we distinguish between influences exercised in the conceptualisation of policy decision-making agendas in mining regulatory reforms and the shaping of the policy implementation agendas. Although there are interesting examples of the reform of mining legislation, and the implementation process of the AMV at the national level, with the Country Mining Visions of countries in East and Southern Africa, the focus on West African states can be explained because it is the area of research of the authors.

The shaping of policy decision-making agendas

In the wake of the adoption of the AMV, West African countries have engaged in an ongoing process of revising their mining regulatory frameworks. Senegal (2016), Mali (2012, 2019), Burkina Faso (2015) and Guinea (2011, amended in 2013) are among the many countries that have recently adopted new mining codes. Although the policy objectives guiding the revision of mining codes were formally aligned with the normative framework promoted by the AMV (Coderre et al. 2019), the political space for decision-making is at times eroded by external influences. Industry surveys (e.g. Fraser Institute, Investment Attractiveness Index and the EY Top 10 Business Risks Facing Mining and

Metals), for example, contribute to defining what is a good or risky investment climate. These external pressures can alter the scope of reforms and encourage the perpetuation of policy instruments heavily favourable to international investors.

Influences over mining regulatory reforms

In West Africa, the processes leading to the adoption of new mining codes were, to varying degrees, based on multi-stakeholder dialogues and consultations to identify the pitfalls and avenues for the sector. However, these processes have not always brought the anticipated outcomes due, among other reasons, to unequal participation of corporate and civil society interest groups. For example, in Ghana, after a long consultation process, the first draft of the Act of Parliament of the 2006 revised mining code was modified behind closed-door consultations and with limited participation. The content of the Minerals and Mining Act that was adopted had been significantly modified compared to the expected version, changing the fortunes of excluded community groups and civil society organisations (Akabzaa 2009, 39).

In many countries, the national chambers of mines, whose mission is to represent the interests of industrial operators and investors, have been prominent players in these reform processes. During the revision of the 2003 mining code in Senegal, for example, the Chamber of Mines was a member of the revision commission, produced advisory documents and met with several decision makers from the fiscal and mines public administrations (Chambre des Mines du Sénégal 2017). Civil society groups (Publish What You Pay, representatives of artisanal miners' associations) claimed that their advisory role was restricted and that they were involved only in the later stages of the revision process (Diallo 2014; IISD (International Institute for Sustainable Development) 2016).

In other countries, external influences were also exercised even after the adoption of new legislation. An interesting case is the reform of the Guinean mining code in 2011 which, after being enacted by the Guinean Parliament that year, was amended in 2013. While the justifications for the modifications have inevitably been the cause of debate, two facts remain. First, only a few months had passed after the 2011 code's formal enactment before strong pressures to amend it, notably from certain key mining companies and financial institutions, became apparent. Second, and illustrative of the obstacles to bringing in changes that would redefine former privileges and reduce asymmetries inherited from generous incentives to investors, the 2013 code reduced mining profit taxes to 30% from 35% and reduced the tax on bauxite to 0.15% of the international market price for aluminium, from 0.55%. Other changes included an increase in the number of mining licences a single company could hold, a boost to the land area covered by exploration permits, and a lower minimum investment required for certain types of concession (Samb 2013). Thus, the power to influence, advise or express interests and preoccupations regarding mining regulatory reforms is clearly not equally distributed among affected constituents, whether civil or private groups, and can lead to significant inconsistencies in policy instruments adopted.

Inconsistencies among policy instruments

Policy instruments resulting from the regulatory reforms often reflect important capacity and power asymmetries. As captured by the notion of structural relations of power, because of the influence of powerful actors in perpetuating the norms that inform

existing structures and practices, what are put forward as innovative changes have often not succeeded in redefining important privileges identified as counterproductive to implementing the AMV. An example is the attempt to formalise the artisanal gold mining sector. While mining codes adopted in Mali, Guinea, Senegal and Burkina Faso designated areas for artisanal miners (Mali 2012, art. 44–45; Mali 2019, art. 45–46, Guinea 2011, amended in 2013, art. 52; Sénégal 2016 art. 54–55; Burkina Faso 2015 art. 72), they did not question the primacy of industrial mining over artisanal activities. Indeed, in none of these cases have provisions granted an exclusive right of exploitation for artisanal miners, which means that these areas are still open to industrial permits.

Other manifestations of policy inconsistencies arise from the objective, central to the AMV, to better integrate the mining sector into national economies. Recent changes brought into national regulatory frameworks in West Africa include measures to promote backward and forward linkages between mining activities and other economic sectors (e.g. priority to national companies and royalty incentives for processed minerals). However, certain countries have failed to develop complementary policies to promote lasting linkage development for lack of an overall comprehensive vision that integrates measures regarding infrastructure, training, manufacturing and trade, notably import tariffs as these relate to fostering or impeding linkages (Morris, Kaplinsky, and Kaplan 2012). For instance, according to the 2016 Senegalese Mining Code, exploration, investment and start-up phases of mining operations are all exempted from import duties (2016, Title XII, chapter 2–3). Similar fiscal exemptions and incentives on imports are also present in mining codes of Burkina Faso (2015, Title V, chapter 1–3), Guinea (2011, amended in 2013, Title V, chapter 7–9) and Mali (2012, chapter 3–4, 2019, art. 125–135). The extended scope of import tariff privileges is illustrative of the persistence of aspects of the mono-sectoral extraverted mining model in the most recent generation of mining codes in West Africa.

What these few examples demonstrate is that the reform of mining codes, at least in the countries examined here, is a “hybrid” process (Coderre et al. 2019, 477), or a “change within the regime” (Gagné-Ouellet 2013, 95), i.e. that certain innovative changes in line with the AMV are introduced but their scope is limited by the perpetuation of the perspectives, norms and policy instruments inherited from the former liberalised mining regimes. While Busia and Akong (2017) suggest that the AMV represents an ideational policy change, we argue that within the national decision-making sphere, status quo and transformative policy ideas are intertwined and such entanglement significantly impacts the policy implementation agenda.

The shaping of policy implementation agendas

Negotiating the coexistence of multiple legal regimes

In Sub-Saharan Africa, the regulation of the mining sector generally relies on a combination of several instruments, including macro-policy frameworks (notably mining codes) and bilateral contracts negotiated with individual extractive companies. The latter often illustrate the issue of asymmetrical negotiating capacities between African states and transnational companies, which result in granting disproportionate advantages to the private sector at the expense of national interests. Thus, the AMV recognised the capacity of African states to negotiate bilateral mining contracts as a “critical intervention”

(AU 2009, 20), and organisations such as the African Development Bank provide technical and legal assistance in this area. Besides the negotiation capacities of African states, another important issue is the manner in which these bilateral contracts may undermine the development and implementation of broader mining legislation (Dietsche 2019).

During the revision of mining codes in West Africa, as elsewhere on the continent, one of the foremost concerns of extractive companies is to protect the provisions set out in their mining conventions from any legislative change. As expressed by a company operating in Burkina Faso about the 2015 Mining Code:

While the Code has not yet been formalized into law, it reduces regulatory uncertainty, creates an innovative community development fund, and, importantly, respects clauses in existing Mining Conventions. As a result, IAMGOLD does not expect a material impact on its Essakane Mine, as it has fiscal stability clauses in its existing Mining Convention. (IamGold 2015)

Similarly, after the introduction of the 2016 Mining Code in Senegal, the Chamber of Mines stated that the increase of mining royalties would weaken the competitiveness of the Senegalese mining sector and, consequently, welcomed the government's maintenance of fiscal stability clauses for mining companies (Chambre des Mines du Sénégal 2017). As a result of pressures such as these, the wave of new mining codes in Western Africa has not abolished stability clauses despite attempts to do so. Their duration has sometimes been limited, but these new reforms are not retroactive and consequently apply only to new mining agreements. In Mali, the 2019 Mining Code has significantly reduced the duration of fiscal stability, from thirty to ten years. Nevertheless, as underlined by the IMF: "These favorable changes in the legislation should be put into perspective, since most of the mines in operation in Mali are operating under a revised version of the 1991 Mining Code, which turns out to be more generous than the original version" (IMF (International Monetary Fund) 2015, 30). In Senegal, of the twenty-eight contracts publicly accessible on the Extractive Industries Transparency Initiative (EITI) website, none fall under the 2016 Mining Code (EITI Senegal (Extractive Industries Transparency Initiative) 2020). For the duration of these agreements (twenty-five years), companies still operate under the 2003 Mining Code and are protected from any changes to the contractual provisions. These examples illustrate the influence of transnational private actors, not only in the formulation of new regulatory frameworks, but also in ensuring that their activities can be exempted from their implementation. The capacity to ensure the persistence of stability clauses, both in mining contracts and the most recent mining legislation, demonstrates the magnitude of current resistance to regulatory changes. This resistance prevents states from autonomously determining the economic and fiscal conditions under which mining companies operate on their territory and creates what Evelyn Dietsche (2019) and Lorenzo Cotula (2010) have called a "regulatory freeze," i.e. the priority of mining contracts over broader national regulatory frameworks.

Transnational actors and the implementation of local content policies

We now turn to local content policies, a pillar of the AMV, to illustrate the multi-faceted nature of the interactions between transnational and domestic actors. While we have focused above all on power relations – that is, the "powering" as opposed to "puzzling"

(Hall 1993) – rather than seeing a tension between political struggles and learning processes, attention to the shaping of local content implementation policies reveals that these two processes are closely intertwined. First, regional and international organisations play important roles in strengthening capacities of domestic actors to develop economic linkages with the mining sector. The World Bank, for instance, has made the issue of local value and economic diversification a priority in its technical and financial interventions within mineral-rich countries. It is one of the pillars of its Extractive Global Programmatic Support (EGPS), a programme of which the African continent is the principal beneficiary (World Bank 2018). Furthermore, through the International Development Association (IDA), the World Bank has provided significant loans and grants to Sub-Saharan countries to address mining governance-related issues. In 2019, the Malian government received a forty-million-dollar loan for economic diversification and maximising mining economic impacts (World Bank 2019). In 2018, twenty million dollars was granted to Sierra Leone for the implementation of its new Minerals Policy and the incorporation of the AMV into domestic policies (World Bank 2017). This external assistance aims to resolve difficulties of a more managerial and learning nature – “puzzling” as Hall would call them. It addresses obstacles to implement local content policies, such as the misalignment of mineral policy with industrial and trade policy, weak competitiveness of domestic companies and the lack of an integrated regional approach to local content (ACET (African Center for Economic Transformation) 2017; Pedro 2014; Ovidia 2017).

However, we argue that problems of implementation concerning local content extend beyond those within domestic institutions (Morris, Kaplinsky, and Kaplan 2012) to include the complex and multi-level influences (“powering”) that result from the relations between national and external, private and public actors. As put by Eduardo Canel, Uwafiokun Idemudia and Liisa L. North (2010, 160), obstacles to policy change are “linked to national and international structures of power that favour corporations as well as national elites that align behind them.” An illustration of these structural dynamics are the unquestioned international trade regimes, and especially the numerous bilateral investment treaties (BITs) signed between mineral-rich African governments and mining companies’ home governments. A BIT is defined by the United Nations Conference on Trade and Development (UNCTAD) as “an agreement between two countries regarding promotion and protection of investments made by investors from respective countries in each other’s territory” (UNCTAD (United Nations Conference on Trade and Development) 2019). For example, Burkina Faso, Guinea, Mali and Senegal have each signed more than twenty BITs, some of them with major players in the mining sector (Canada, China, South Africa and the US). BITs have direct implications for local content, since they can restrict the policy space available to developing countries to promote local firms because this would negatively affect foreign investors’ rights (Pedro 2014; Carim 2016). In addition to BITs, bilateral tax treaties and price transfers (Readhead 2016; Tax Justice Network-Africa and Actionaid 2015) have also been identified as other international trade practices with potential implications for local content strategies.

In sum, the combination of international trade regime practices, tariff import privileges and bilateral conventions acts as a powerful deterrent, hindering the capacity of African states to implement their local content policies. Consequently, in spite of the policy commitment of transnational companies to supply chain development (AU and UNECA 2017) and the call for such policies by regional and international organisations (e.g. the World Bank, UNECA and the

AU), in practice, strategies seeking to encourage local sourcing have led to mixed results in Sub-Saharan Africa. According to the African Center for Economic Transformation (ACET 2017), while a minority of mineral-rich countries (e.g. Ghana) have succeeded in increasing local expenditures of large-scale mining companies, in others (e.g. Zambia), notwithstanding the adoption of local content policies, goods and services are still almost exclusively imported (Lombe 2018).

Conclusion

This article shed some light on how the policy paradigm concept can potentially be helpful in empirically exploring issues of policy stability and change in Sub-Saharan Africa. Our analysis of the implementation of the AMV by mineral-rich West African countries drew attention to factors that strongly condition the capacity to bring about a shift in policy paradigms. We conclude that the policy paradigm concept and the work of Hall (1993) can, indeed, be useful if we consider three additional dimensions: the relationships between transnational and national actors; asymmetrical power relations and their impacts on policy ideas and instruments at both transnational and domestic levels; and, lastly, how these factors interact to help explain policy implementation.

While the AMV represents a break with the set of ideas that had previously framed mining development in Sub-Saharan Africa, its incorporation into domestic policies, whether in policy formulation or implementation processes, has been uneven. At the policy formulation stage, asymmetric power to influence different groups of actors has shaped decision-making agendas and resulted at times in the adoption of inconsistent policy instruments, which simultaneously drive *and* hinder transformative ideational change in the mining sector. The implementation of new regulatory frameworks is, in turn, also influenced by various forms of structural power, such as exceptional legal and investment regimes, which hamper the materialisation of policy ideas beyond incremental change.

Sub-Saharan African countries are thus faced with challenges of what Hall (1993) terms “puzzling and powering,” both of which are fundamental in determining whether a paradigm shift takes place or not. While the AMV clearly spells out the ambitious goal of managing the extractive sector so as to ensure the equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development, this objective is constantly threatened by “powering” dynamics emanating from ideational contestation between African states and the objectives and imperatives of mining companies. Moreover, the financial leverage of transnational actors can reduce the bargaining power of states over policy goals and thwart the viability of lasting paradigmatic change in the extractive sector in Sub-Saharan Africa. Hence, rather than seeing a tension between political struggles and learning processes, as illustrated by the shaping of the local content implementation policies, our analysis reveals that these two processes are, in fact, closely interconnected.

If we were to adhere to a rigid interpretation of our conceptual framework, we might conclude that at present we are witnessing somewhat less than the transformative policy changes that Hall defined as of a “third order” – that is, a transformation of the three components of public policies (paradigm, political programme, and operational mode). It would seem wisest, however, and more fruitful to distance from the attempt to categorise

and to suggest rather that the policy process, at least in the sector and the region studied, is best seen as an incremental process in which changes of each of the three orders may overlap and be present at the same time. Moreover, such a process is not unidirectional and unidimensional but may involve simultaneous advances in some areas and backward slippages in others. Furthermore, before attempting a general conclusion, there is a need to take better account of the specificities of the different countries under consideration, as they are characterised by very diverse policy traditions, trends and objectives, reflecting an enormous variance with regard to history and context. Because of these variances, because the processes studied are ongoing, and because of the possibilities for realignment of the power relations observed, it is no doubt best to refrain from suggesting at this stage a predetermined outcome to the policy changes at play.

The challenges faced by mineral-rich countries in ensuring the implementation of the policies to which they subscribe raise issues of accountability, policy coherence and, in turn, issues of legitimacy. This observation points to the need for further research to analyse, in specific situations, the interactions among these different issues and, above all, their implications for the legitimacy of the policies proposed and, more generally, for democratic practices. With its growing economic and demographic importance at the global scale, Africa provides a rich terrain for compelling case studies for policy scholarship. Not only is the mining sector a pertinent example for assessing the usefulness of studying policy paradigms in Africa, it is also a topical subject in contemporary African political and economic discourse, particularly in relation to policy interactions among African states and transnational actors. The issues surrounding the implementation of the AMV have critical implications for the development perspectives of a considerable number of countries and their populations. Consequently, the way in which these issues are approached and resolved merits ongoing and close attention.

Note

1. We use the term Sub-Saharan Africa while recognising the immense diversity of policy traditions, trends and objectives among the continent's countries reflecting an enormous variance regarding history and context. While our demonstration draws only on a series of African countries, we justify the use of the term Sub-Saharan Africa on the one hand by the similarities among the mining regulatory frameworks introduced by the World Bank in the 1980s and 1990s (World Bank 1992), and on the other by the similarities in the resulting structural patterns and challenges. The latter were subsequently addressed by the AMV, which again refers to a common heritage, with obvious variations, but one that has affected Sub-Saharan Africa as a continent. Similarly, the recommendations that came out of that process recognised the need to apply measures to specific situations but formulated proposals regarding taxation reforms, linkages, etc., which were destined for mineral-rich countries of Sub-Saharan Africa more generally.

Acknowledgements

The authors thank Antonio Pedro, Declan Gemmill, Mark Purdon, and Valéry Ridde for their comments and suggestions. This work was generously supported by the Social Sciences and Humanities Research Council of Canada (grant number 435-2017-1155). Although this article does not draw specifically on their findings but is based on complementary research, we wish to acknowledge the ongoing and inspiring work of the colleagues in our research team specialised

on the mining sector in Senegal, Professor Ibrahima Ly and Dr. Lamine Diallo, and on that in Mali, Dr Alfousseyni Diawara and Dr Amadou Keita.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

This work was supported by the Social Sciences and Humanities Research Council of Canada [grant number 435-2017-1155].

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