2 The Mining Boom

> Julien ménage une rencontre privée avec le ministre des Mines. Après avoir regardé la vidéocassette, le ministre est sans voix.
>
> – Écoutez, monsieur le ministre! Il ne faudrait pas que cette affaire s'ébruite. Elle pourrait entraver la récente politique de notre pays relative aux capitaux étrangers. Le moment est très mal choisi pour commencer à semer le doute dans l'esprit des investisseurs, et plus tôt vous étoufferez cette affaire, mieux cela sera.
>
> Le ministre des Mines s'occupe rapidement de l'affaire. Il révoque la petite clause du contrat et la compagnie recouvre les droits exclusifs de prospection sur la concession. De plus, comme la compagnie a subi un préjudice, il décide de prolonger l'échéance de son permis d'exploration d'une autre année.[1]

In *Alidou, l'Orpailleur* the geologist and children's book author Paul-Claude Delisle describes the everyday socio-cultural encounters between the Canadian geologist Vincent and his assistant Alidou. In numerous anecdotes and accounts of Vincent's daily life as an expatriate employee of a Toronto-based multinational mining company, he gives colourful insights into the Burkinabè mining sector, and the various negotiations between government officials, mining company employees, and local populations. One of the main challenges Vincent and his team are facing stem from local and national intermediaries whom they rely on for their operations. The video cassette presented to the Minister of Mines contains material about national employees of the same company seeking to betray their international management by applying for an exploitation title on the same territory the Canadian company is currently undergoing exploration works. Apparently, the Ministry of Mines had granted by mistake two exploration concessions for the same territory. The Canadian mining manager Julien thus explains to the minister that the international reputation of Burkina Faso as a secure destination for investment risks to be challenged by scandals of concessionary mismanagement. The minister reacts immediately and without seeking advice from other political bodies or stakeholders. He changes the contract of the exploration concession and extends the exploration title of the company for another year.

1 "Julien arranges a private meeting with the Minister of Mines. After watching the videotape, the Minister is speechless.

Listen, Minister! This affair should not be made public. It could hinder our country's recent policy on foreign capital. This is a very bad time to start raising doubts in the minds of investors, and the sooner you put a lid on this, the better.

The Minister of Mines is moving quickly on the matter. He revokes the small clause in the contract and the company recovers the exclusive prospecting rights to the concession. In addition, since the company has suffered prejudice, he decides to extend the term of its exploration permit for another year." (Own translation. P.-C. Delisle, *Alidou, l'orpailleur* [Alidou, the gold digger], Montréal: Hurtubise HMH, 2002, pp. 155–156).

https://doi.org/10.1515/9783110690163-002

I came across Delisle's book by coincidence after the geologist's name was mentioned by some of my interlocutors as one of the persons responsible for exploration projects of a multinational mining company I was looking into during my fieldwork in western Burkina Faso.[2] To my surprise, *Alidou, l'Orpailleur* was published as early as 2002, and thus some years before 2008, when the "mining boom" started to leave a remarkable imprint on Burkina Faso's political economy. Yet many of Paul-Claude Delisle's accounts could in a very similar way also take place 15 years later, the period I conducted my fieldwork between October 2016 and November 2018. Such is the case for the ambivalent relationships between expatriate and local employees of multinational mining companies, or of artisanal and industrial miners on exploration concessions. However, other features of mining governance seem since then to have fundamentally changed. This is particularly striking for the national management of the mining sector, and the granting process of mining rights to multinational companies. Until the popular uprising against Blaise Compaoré in 2014, the industrial mining sector had the reputation of being concentrated in the hands of some politicians and businesspersons close to the presidential family.[3] The engendered process of political reform went hand in hand with an amendment of the national mining code, even though it was no easy task for the transitional government to reconcile two apparently opposite directions of reform: to, on the one hand, making the mining sector more profitable to the national economy, and, on the other hand, the local populations living in the vicinity of large-scale projects. Yet there was no intention to distract investors, and the recent "opening up" of Burkina Faso's national economy to global mining investments was not to be obstructed.

Departing from the "resource-state-nexus", which assumes that "resources" and "states" are both products and tools of socio-natural ordering,[4] the goal of this chapter is to provide a better understanding of the historical and political context of the "mining boom" that Burkina Faso has been facing in the past decade. Through an actor-centred lens, it focuses on policies and reactions of government, corporate and civil society bodies regarding the accelerated respatialization of investment and capital under the global condition. While the management of the Burkinabè mining sector points to a "rescaling" of the national to both

2 Paul-Claude Delisle has effectively been involved in the Houndé gold project since the start of exploration works of the Canadian exploration company Avion Gold in 2010. (See Y. R. Somé, "Exploitation minière au Burkina: Avion Gold compte prendre son envol en 2015" [Mining in Burkina Faso: Avion Gold plans to take off in 2015], *leFaso.net*, 13 December 2011).

3 See Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, p. 11.

4 Bridge, *Resource Geographies II*, p. 119.

supranational and subnational scales,[5] "the global" and "the local" continue to shape and co-produce "the national".[6] Instead of asserting simplistic notions of the central state's retreat or return to mining governance in times of neo-liberalism or extractivism, I rather discuss the "ways [. . .] different scales are produced and given significance at any particular time and/or place".[7] The chapter therefore looks at and into the different places and spaces of negotiation of Burkina Faso's gold mining sector to identify dominant "modes of governance" in particular historical settings. An analysis of the origin and design of regulatory frameworks, and the resulting institutional arrangements, as the relations of power and authorities that shape such frameworks requires to put an analytical emphasis on those actors who are (made) responsible for reforms or their stagnation.[8]

The present chapter provides an overview on different strategies of company, state and community actors of how to deal with new inflows of capital and investments that do not always leave a sustainable footprint on the country. After an overview about the contemporary nature of the industrial gold mining boom in relation to Burkina Faso's economic history and current activities of multinational corporations in the country, the state's attempt to hold multinational corporations more responsible and accountable will be analyzed in more detail. The reform of the national mining code, which is closely related to the political transition in 2014 and the overthrow of the Compaoré regime, will be discussed through references to concepts and discourses of neo-extractivism and resource decentralization. A respatialization of agency over mining revenues will be analyzed, and specifically how the decentralization of resource governance became one of the main goals of reform. The introduction of a Mining Fund for Local Development (FMDL) to which multinational corporations are required to contribute one per cent of their monthly national turnover has been both actively supported and contested by transnational actors and (corporate) governance bodies. The last part of the chapter illustrates the reasons for these policies while pointing to spatial ordering practices of international investors.

5 See Brenner, *Between Fixity and Motion*; Hudson, *Producing Places*; Jessop, *The Future of the Capitalist State*.

6 Mansfield, *Beyond Rescaling*, p. 462.

7 Ibid., p. 468.

8 See B. Campbell, "Introduction", in: B. Campbell (ed.), *Modes of Governance and Revenue Flows of African Mining*, Hampshire: Palgrave Macmillan, 2013, pp. 1–15, at 4–5.

Industrial Gold Mining in Burkina Faso: A Short History

In his 2015 election programme, the President of Burkina Faso, Roch Marc Christian Kaboré, made a significant political statement concerning the emerging and booming mining sector of the country. "In addition to having limited effects in time, the current upturn experienced by the mining boom is not all good news. The objective here is to transform the mining sector into a powerful engine of growth and social promotion of the population while respecting the environment (own translation)."[9] Kaboré's relatively critical words are surprising in that the "mining boom" in Burkina Faso was only addressed for a long time by its political leaders as an excellent economic opportunity and an engine for development. However, apart from the mineral abundance of its subsoil as part of what mining executives have labelled "the fourth largest gold producing region" in the world, Burkina Faso was hardly dealt as an "investment haven" until the early 2000s. From 2008 onwards, the country then experienced what experts of the mining sector described as an "explosion". Between 2008 and 2009, gold production in Burkina Faso more than doubled from 5,000 to 11,000 kg. Gold outranked cotton as the traditional export product of Burkina Faso in 2009, when the country became the fourth largest gold-producing nation on the African continent after South Africa, Ghana, and Mali.[10] With the international gold price reaching new heights in 2011 (USD 1,900 per ounce), the mushrooming of industrial mining infrastructure led to a gold production increasing tenfold within a decade, from 5 tons in 2008 to over 50 tons in 2018 (see Figure 2.1).[11] On a macroeconomic level, the extractive industries' share of Burkina Faso's gross domestic product (GDP) has steadily increased. From around 4.5 per cent in 2009, it rose to above 11.4 per cent in 2018.[12]

In 2019, however, private investors and government officials alike increasingly expressed fears about the potential decline of Burkina Faso as a destination

9 "En plus d'avoir des effets limités dans le temps, l'embellie actuelle du boom minier n'a pas que des avantages. L'objectif ici est de faire du secteur minier un puissant moteur de la croissance et de promotion sociale des populations et respectueux de l'environnement." (R. M. C. Kaboré, "Ensemble, le progrès est possible: Roch Marc Christian Kaboré 2015" [Together, Progress is possible: Roch Marc Christian Kaboré 2015], https://mpp-burkina.org/en-exclusivite-le-programme-du-candidat-roch-marc-christian-kabore/ [accessed 27 April 2019]).

10 Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, pp. 13–14.

11 Sources: Chambre des Mines du Burkina, "Evolution de la production minière" [Evolution of mining production], http://chambredesmines.bf/nvsite/statistiques/evolution-de-la-production-miniere/ (accessed 28 April 2019); I. Nabole, "Burkina: 52,662 tonnes d'or produites en 2018" [Burkina Faso: 52.662 tonnes of gold produced in 2018], *Burkina24*, 26 March 2019.

12 Ibid.

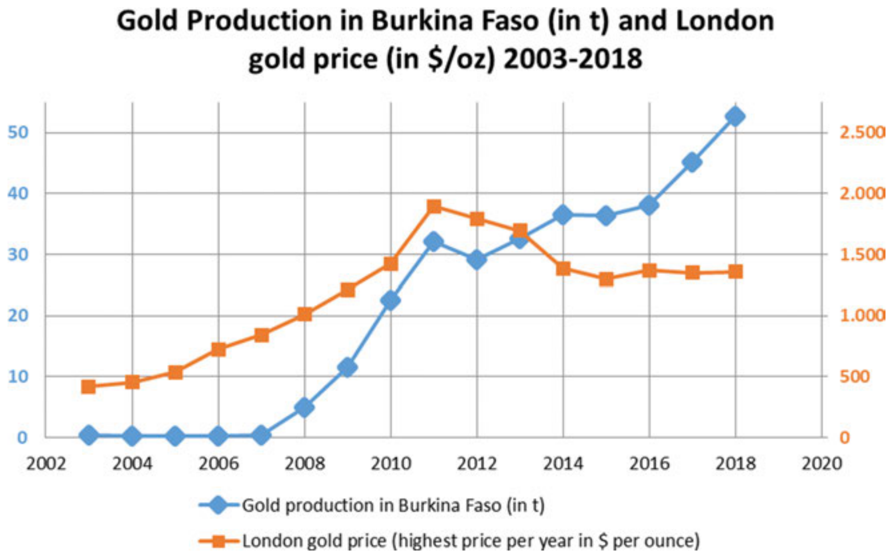

Figure 2.1: Gold production in Burkina Faso and the London gold price.

for global capital mainly due to the aggravated national security situation. The numerous industrial mining corporations holding mining titles and having active operations in the country since the early 2000s were increasingly worried about the security of both their mining assets and their (expatriate) employees, and government officials stated a "deterioration in investor confidence".[13] The landlocked country is situated in the ecologically fragile Sahel zone, which has been increasingly shaped by insecurity due to the presence of terrorist networks in the region. In October 2016, Kaboré was appointed as the first democratically elected president of the country after 27 years of autocratic ruler ship of Blaise Compaoré. During his first mandate, the security situation in Burkina Faso got even worse, with numerous violent attacks on national police and army forces in the north of the country, or against "Western" presence in the capital Ouagadougou. In January 2019, a Canadian miner working for an exploration company was kidnapped and killed near the border to Mali. Two months later the "Islamic

13 See Agence d'Information du Burkina, "Burkina: La situation sécuritaire préoccupe le secteur minier" [Burkina Faso: Security situation is a concern for the mining sector], *Agence d'Information du Burkina*, 22 March 2019; M. Nana, "REGION DE L'EST« Les terroristes exploitaient l'or », selon Oumarou Idani, ministre des Mines et des carrières" [EASTERN REGION 'Terrorists exploited gold', according to Oumarou Idani, Minister of Mines and Quarries], *Le Pays*, 6 May 2019.

State in the Greater Sahara" (ISGS), claimed responsibility for the killing.[14] At the "Burkina Day" of the Prospectors and Developers Association's (PDAC) annual meeting in Toronto in March 2019, Oumarou Idani, then Minister of Mines and Quarries had therefore to assure an international investment audience that "there's no socio-political crisis in Burkina Faso".[15]

Practices of concession-making include a multiplicity of actors, and groups of actors, with different aims and interests and a complexity of scalar relations in which these actors are involved.[16] How does the president Kaboré and his government, for instance, assure their role of securing Toronto-based investments on the one hand, and take concerns of local populations experiencing the drawbacks of international investment and privatization in their direct neighbourhoods seriously? Empirically, looking at the implementation and enactments of specific modes of mining governance in Burkina Faso uncovers these multiple and complex scalar practices and relations. Yet it also allows us to describe the predominance of different modes of governance in particular periods. Current policies of regulating the industrial mining boom, as will be discussed throughout this chapter, must therefore be analyzed in light of many unsuccessful attempts since the colonial period to make the mineral abundance of Burkina Faso's subsoil investible. The subsequent privatization and liberalization of the sector was followed by increasing attempts of Burkina Faso's central state to reassert authority in concession-making. The navigation between government, private and community interests constantly (re)configured and (re)shaped economic, political and social relations in resource production and management. Analysing the various modes of governance of the sector allows us to understand current governmental attempts to overcome what a government official has called "a dilemma in the management of the mining sector": to transform the mining sector into a national a "motor of growth", which attracts global capital, but simultaneously promotes principles of "social development" and "sustainability" on a local level.

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14 C. Jamasmie, "ISIS Claims Kidnapping and Killing Canadian Geologist in Burkina Faso", *Mining.com*, 3 April 2019.

15 E. Kaboré, "Mines/Insécurité: Le ministre des mines rassure les investisseurs canadiens" [Mining/Safety: Minister of Mines reassures Canadian investors], *L'Economiste du Faso*, 18 March 2019.

16 See Côte and Korf, *Making Concessions*.

(Post-)Colonial Attempts to Make Gold Investible

In contrast to its neighbours Ghana or Mali, Burkina Faso is usually not considered a traditional mining country.[17] Its large-scale gold mining sector only developed during the last three decades. However, it was long estimated that Burkina Faso had important gold deposits.[18] Gaoua and Poura in the southwestern und southern parts of the contemporary national territory were known as representing two locations where extractive activities can be traced back to pre-colonial times.[19] Moussa Bantenga points to the interregional dimensions of gold trade routes crossing today's Burkinabè territory on their way through the Sahara or to the Gulf of Guinea. Due to their particular significance as important places of gold production within a given territory (Upper Volta), he describes Poura and Gaoua as "gold enclaves".[20] Yet his notion of enclaves seems to differ significantly from James Ferguson's understanding of contemporary "extractive enclaves" as enclosed spaces which are fundamentally shaped by the externalization and extra-territorialization of resource regulation.[21] Their embeddedness in local and trans-local trading networks rather points to their integration in and interaction with local and regional economies.

From the end of the nineteenth century, today's territory of Burkina Faso came gradually under French colonial control as part of the colonies of Soudan, Haut-Sénégal and Niger. It was only in 1919, that the French established a separate colony under the name *Haute-Volta* (Upper Volta). The subsoil resources of the colony, and particularly gold, gained the attention of French administrators, geologists, traders, and manufacturers from 1925 onwards. They recognized the

17 See, for example, G. Hilson, "Harvesting Mineral Riches: 1000 Years of Gold Mining in Ghana", *Resources Policy* 28 (2002) 1–2, pp. 13–26.

18 E. Harsch, *Burkina Faso*: *A History of Power, Protest and Revolution*, London: Zed Books Ltd, 2017, p. 146.

19 M. Bantenga, "L'Or des Regions de Poura et de Gaoua: Les Vicissitudes de l'Exploitation Coloniale, 1925–1960" [The gold of the regions of Poura and Gaoua: The vicissitudes of colonial exploitation, 1925–1960], *The International Journal of African Historical Studies* 28 (1995) 3, pp. 563–576; J.-B. Kiéthéga, *L'or de la Volta Noire*: *Archéologie et histoire de l'exploitation traditionnelle* [The gold of the Black Volta: Archaeology and history of traditional exploitation], Paris: Karthala, 1983; K. Werthmann, "Gold Mining and Jula Influence in Precolonial Southern Burkina Faso", *The Journal of African History* 48 (2007) 3, pp. 395–414.

20 "En fait, Poura et Gaoua ne sont ni le Pérou ni la Gold Coast, elles constituent néanmoins des enclaves aurifères en Haute-Volta." (Bantenga, *L'Or des Regions de Poura et de Gaoua*, p. 566).

21 See Côte and Korf, *Making Concessions*; Ferguson, *Global Shadows*; Ferguson, *Seeing Like an Oil Company*.

geological and mineral potential of the territory and underwent first exploration works around Poura and Gaoua. This corresponds to the general emergent colonial interest in subsoil resources of French West Africa (*Afrique Occidentale Française*, AOF) and emergent exploration activities in Guinea, the Ivory Coast, and Dahomey.[22] It was mainly during the metropolitan economic crisis in the 1930s and 1940s, that colonial authorities transformed the AOF into "une zone reservée pour l'or" (a zone reserved for gold [production]).[23] This period also corresponds more generally to an increased integration of colonial territories into Western capitalistic economies and trends towards establishing a more "coherent" system of colonial exploitation.[24]

In 1929, the first colonial corporation, namely the *Compagnie Minière de Haut-Volta* (CMHV) was established in Gaoua (a subsidiary of the *Compagnie Equatoriale des Mines* – CEM). Yet minor gold extraction activities of only one kilogramme per month took place during five months of production.[25] The mining sector saw few if any investments and activities in the early twentieth-century Haute-Volta. Bantenga explains this situation as the colonial administration's reluctance to invest in larger infrastructures, such as roads and railways necessary for an effective mining exploitation in the landlocked area.[26] Besides the mentioned efforts in commercializing gold production, the colonial administrators mainly saw the failed commercialization of cotton as an important indicator for Haute-Volta's general failure as "une entité économiquement 'viable'" (a "viable" economic entity).[27] Despite the implementation of a regime of forced labour between 1924 and 1930, commercial raw cotton production dropped from a height of 6,000 tons in 1926 to 2,000 tons in 1927. The commercial production remained relatively marginal for the national economy during the early years of independence, but constantly grew and obtained a production record in 1990/91 with 189,543 tons of produced

22 Bantenga, *L'Or des Regions de Poura et de Gaoua*, pp. 567–568.

23 Ibid., p. 574.

24 C. Coquery-Vidrovitch, "L'économie coloniale des anciennes zones francaises, belges et portugaises (1914–1935)" [The colonial economy of the former French, Belgian and Portuguese areas (1914–1935)], in: A. A. Boahen (ed.), *Histoire générale de l'Afrique*, Paris: UNESCO, 1987, pp. 381–412, at 383.

25 Kiéthéga, *L'or de la Volta Noire*, p. 193.

26 Bantenga, *L'Or des Regions de Poura et de Gaoua*.

27 A. Schwartz, " Des temps anciens à la dévaluation du franc C.F.A., les tribulations de la culture du coton au Burkina Faso" [From ancient times to the devaluation of the Franc C.F.A., The tribulations of cotton cultivation in Burkina Faso], *Annales De Géographie* 106 (1997) 595, pp. 288–312, at 292.

raw cotton mainly dedicated for export.[28] Until 2008, when the industrial mining boom first left a significant imprint on the national economy, cotton represented the nation's first export product and was considered "the primary source of wealth".[29] In 2009, total exports in gold outnumbered for the first time those of cotton and livestock and continued to do so in the following years.

Ernest Harsch states in his monograph on Burkina Faso's political history that metropolitan France "always regarded Upper Volta as marginal. It had few exploitable resources other than its labour. So to cut administrative costs and make Voltaic workers even more available to neighboring French-ruled territories, Paris decided to suppress the colony entirely in 1932."[30] Between 1932 and 1947, the territory of the "suspended" colony of Haute-Volta mainly served as a labour pool for the extractive plantation economies in southern Ivory Coast to which large parts of today's Burkina Faso became affiliated. With apparently little political and economic interest from the colonizers and few if any administrative structures or territorial presence in place, Upper Volta became what Acemoglu et al. describe as an "extractive state" set up by the colonists.[31] The main purpose of the extractive state was to transfer as much of the resources of the colony to the colonizer. The territory of Burkina Faso only became productive to the colonizers via its (migrating seasonal) workforce for cacao and coffee plantations of Ivory Coast.[32] The most important resource extracted from Burkina Faso during the colonial period therefore was neither cotton nor gold, but manpower.[33]

However, in 1938, a couple of years after the first but relatively unsuccessful gold extraction endeavours in Gaoua, the first large-scale gold production site was constructed in Poura. The operator *Travaux de l'Ouest Africain* (TOA) began extracting gold ore from 1939.[34] The mine produced 250 kilogrammes of gold until 1944.[35] Yet, already, the first decade of production was shaped by

28 Ibid., pp. 289–292.

29 L. Chouli, "Social Movements and the Quest for Alternatives in Burkina Faso", in: N. S. Sylla (ed.), *Liberalism and Its Discontents*: *Social Movements in West Africa*, Dakar: Rosa Luxemburg Foundation, 2014, pp. 262–303, at 271.

30 Harsch, *Burkina Faso*, p. 17.

31 D. Acemoglu, S. Johnson, and J. A. Robinson, "The Colonial Origins of Comparative Development: An Empirical Investigation", *The American Economic Review* 91 (2001) 5, pp. 1369–1401, at 1370.

32 W. Rodney, "L'économie coloniale" [The colonial economy], in: A. A. Boahen (ed.), *Histoire générale de l'Afrique*, Paris: UNESCO, 1987, pp. 361–380, at 372.

33 Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, p. 11.

34 Kiéthéga, *L'or de la Volta Noire*, p. 194.

35 François Ouédraogo. 2003, "Le secteur minier du Burkina Faso," Research Notes, Becoren, Consultants en Mines, Eau et Environnement. (The mining sector in Burkina Faso), cited in several interruptions in production. According to Bantenga, this was mainly due to a seasonal lack of local workforce. Local people preferred to continue to exercise their agricultural activities during the rainy season instead of engaging with the harsh working conditions in the open pit mine.[36] Far from representing an ideal-type site of extraction, the deputy president of the TOA resumes the desperate situation of the Poura site in 1944 as following: "We're hoping to receive in the near future European staff and technical material which allows us to restart a reduced production with the aim of saving the material and infrastructures from total destruction due to inactivity."[37]

Poura continued to be the country's first and sole large-scale extraction site after Upper Volta gained independence in 1960. Under the administration of the Poura Mine Union (*Syndicat des mines de Poura*, SMP) 5,610 kilograms were produced between 1950 and 1966.[38] Yet the multiple interruptions in production continued to take place and led to a first interim mine closure by the government of the First Republic by the end of 1965.[39] After a re-opening in 1984, the now operating *Société de Recherches Minières du Burkina* (SOREMIB) had again to cease activities in 1989 after the collapse of a shaft. Even the involvement of the Canadian company Sahelian Goldfield as a shareholder of the Poura project and the financial support of the European Union through its SYSMIN project in the 1990s could not prevent the definite mine closure in 1999. Due to lack of financing and the relatively low gold price on the world market (USD 313.15 in 1998), more than 300 mineworkers had to be laid off.[40] In the national imaginary, Poura continued to occupy an important position as a non- or not yet sufficiently developed opportunity for large-scale extraction. For others, it represented the first negative case study in terms of governmental abundance and negative long

B. Campbell, G. Belem, and V. Nabe Coulibaly, "Poverty Reduction in Africa: On Whose Development Agenda: Lessons from Cotton and Gold Production in Mali and Burkina Faso", *UQAM, Les cahiers de la Chaire C.-A. Poissant – Collection recherche* 1 (2007), p. 35.

36 Bantenga, *L'Or des Regions de Poura et de Gaoua*, p. 570.

37 "Nous espérons recevoir prochainement de France le personnel européen et le matériel permettant de reprendre une exploitation réduite, dans le but de sauver le matériel et les installations d'une destruction totale par inaction." (Cited in ibid., p. 570 [own translation]).

38 Campbell, Belem, and Nabe Coulibaly, *Poverty Reduction in Africa*.

39 Kiéthéga, *L'or de la Volta Noire*, p. 194.

40 Besides Poura, another semi-industrial mine project in Essakane in the north of the country had to close in 2000 and subsequently laid off 300 mine workers. (Campbell, Belem, and Nabe Coulibaly, *Poverty Reduction in Africa*, p. 35; Reuters, "Burkina Faso to Close Key Poura Gold Mine", https://www.iol.co.za/business-report/international/burkina-faso-to-close-key-poura-gold-mine-802270 [accessed 10 September 2019]; K. Werthmann, *Bitteres Gold*: *Bergbau, Land und Geld in Westafrika* [Bitter gold: Mining, land and money in West Africa], Köln: Köppe, 2009, p. 53).

term impacts for neighbouring populations and the environment. Asked about his political motivation for engaging in more sustainable management of the mining sector, one of the country's leading NGO activists asserted in 2018 that he does not want "a second Poura".

State Intervention versus State Retreat in the 1980s and 1990s

After independence in 1960, the government of Burkina Faso established a range of national institutions to promote geological and mining research. Up to the early 1990s, it employed what a government official later called a "proactive policy" to develop its national mining potential with the technical and financial support of international donors. In the 1960s and 1970s, it was mainly the German agency Geosciences and Natural Resources (*Bundesanstalt für Geowissenschaften und Rohstoffe*, BGR), the Canadian International Development Agency (CIDA), and the United Nations Development Programme (UNDP) which supported national institutions in their attempts to explore deposits and launch inventory programmes. This resulted in 1978 in the creation of the *Bureau Voltaïque de la Géologie et des Mines* (BUVOGMI), known today as the Bureau of Mines and Geology of Burkina Faso (*Bureau des Mines et de la Géologie du Burkina Faso*, BUMIGEB), which is the central state's geological and mineral research agency. Despite some discoveries of major deposits of gold and zinc during this period, there were only few sector-specific legal policy documents framing and regulating the mining sector until the 1990s.[41] The period was characterized by relatively strong central state intervention in the mining sector, but it was also shaped by mismanagement and a lack of technical innovation. The few existing companies such as the SOREMIB in Poura or the *Compagnie d'Exploitation des Mines d'Or du Burkina* (CEMOB) in Essakane were joint ventures with foreign-owned private firms and, according to government officials, usually comprised a state interest of at least 51 per cent in large-scale projects.[42] Some

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41 Government officials reported on two major mining laws until the 1990s: The *Loi règlementant le régime des substances minérales en Haute-Volta* (1965) and the *Loi règlementant le régime des substances minérales extraites du sol et sous-sol en Haute-Volta* (1976). Until 1995 and the creation of the Ministry of Mines, Energy and Quarries, mining policies were notably managed through the Ministry of Commerce and Industrialization.

42 While there exist different numbers on the interest rate, the figures given above are the current value of ten per cent state share. (See A. Tshibubudze and K. A. Hein, "Gold Mineralisation in the Essakane Goldfield in Burkina Faso, West African Craton", *Ore Geology Reviews* 78 [2016], pp. 652–659, at 652).

regulations in place only addressed artisanal mining, which emerged as the predominant form of mining in Burkina Faso from the 1980s.[43] Although artisanal and small-scale mining activities (ASM) existed throughout the nineteenth and twentieth century, they saw a sharp growth during this period due to a drought in the West African Sahel and savanna zones. Katja Werthmann describes the spatial manifestation of this phenomenon as the emergence of an "artisanal mining frontier" that spread from the northern and north-eastern provinces along the Birimian green stone belt to the central provinces of Burkina Faso.[44] In the 1990s, the shifting frontier finally reached the southern und mainly south-western parts of the country.[45] For many farmers and pastoralists who lost their livestock and fields, small-scale gold mining offered an alternative or a supplementary income strategy, sometimes literally "a last resort".[46]

During the Sankara era (1983–1987), the mining sector was for the first time explicitly developed in order to generate revenues for the national economy. In doing so, the revolutionist regime under Thomas Sankara introduced two important legislations.[47] As a first and fundamental step, Sankara positioned the state as the sole owner of land and subsoil resources (via the *réforme agraire et foncière* in 1984; see also Chapter 5). Secondly, he introduced a monopoly of the state in the production process and namely the selling and trading of gold. In 1986, the parastatal firm Burkinabe Precious Metals Counter (*Comptoir Burkinabe des Métaux Précieux*, CBMP) was created in order to assume the state's monopoly in collecting, processing, and marketing precious metals produced by artisanal, semi-industrial, and industrial mining.[48] The Sankara government not only encouraged the re-opening of the Poura mine in 1984, it also intended

43 Campbell, Belem, and Nabe Coulibaly, *Poverty Reduction in Africa*, pp. 35–36.

44 Werthmann, *Gold Mining in Burkina Faso Since the 1980s*, p. 119.

45 See E. Jaques et al., "Artisanal and Small-Scale Gold Mines in Burkina Faso: Today and Tomorrow", in: G. Hilson (ed.), *Small-Scale Mining, Rural Subsistence and Poverty in West Africa*, Rugby: Practical Action, 2007, pp. 115–134.

46 See L. Arnaldi Di Balme and C. Lanzano, "Entrepreneurs de la frontière: Le rôle des comptoirs privés dans les sites d'extraction artisanale de l'or au Burkina Faso" [Border entrepreneurs: The role of private comptoirs in artisanal gold mining sites in Burkina Faso], *Politique africaine* 131 (2013) 3, pp. 27–49; T. Grätz, "Jugendliche Goldgräber in West Afrika: Arbeitsethik, Lebensstile und Identifikationsprozesse" [Youth gold diggers in West Africa: Work ethics, lifestyles and identification processes], in: K.-S. Rehberg (ed.), *Soziale Ungleichheit, Kulturelle Unterschiede*: *Verhandlungen Des 32. Kongresses Der Deutschen Gesellschaft Für Soziologie in München 2004*, 2nd edn, Frankfurt am Main: Campus, 2006, pp. 1649–1666.

47 S. Luning, "Liberalisation of the Gold Mining Sector in Burkina Faso", *Review of African Political Economy* 35 (2008) 117, pp. 387–401, at 387–388.

48 K. Werthmann, "The Drawbacks of Privatization: Artisanal Gold Mining in Burkina Faso 1986–2016", *Resources Policy* 52 (2017), pp. 418–426, at 419.

to revive the Tambao manganese mining project in the Sahel region, in the far north-eastern part of the country. Sankara's regime aimed to challene the inaccessibility of the site and the lack of infrastructure to make its extraction feasible. "In order to contribute to the disenclaving of the country and to fully profit from mineral deposits in the north of the country, the revolutionary regime began to construct a railway [from Ouagadougou] to the manganese deposit of Tambao [. . .]."[49]

The project required the construction of a 380 kilometres-long railway at an estimated cost of XOF 33 billion (~ USD 55.5 million). According to Guy Martin, the endeavour "has been branded as unrealistic and unviable by potential Western aid donors who have refused to come up with the necessary funds".[50] The Burkinabè government thus decided to launch a vast mobilization campaign to recruit volunteers for the construction of the railway then referred to as the "Battle of the Railway" (*Bataille du rail*). The project initially aimed to complete the first 100 kilometres of rails by the end of 1985 and, in fact, this and the opening of the Kaya railway station was accomplished in December 1985. However, far from reaching the Tambao manganese deposit, later construction efforts failed to succeed. Today, the Sahel railway line (*chemin de fer de Sahel*) represents a 110 kilometres and rarely used extension of the railway which connects Abidjan with Ouagadougou.[51] Yet the dream of connecting the resource-rich far north economically to the country's capital is by no means a thing of the past. In March 1998, the Candian Company InterStar Mining Group Inc. suspended operations at the Tambao manganese deposit, and the property was placed under care and maintenance. The main reason for not exploiting one of the richest manganese ore resources in the world was once again a lack of infrastructure. "[. . .] the cost of moving the manganese ore about 250 km to the nearest railhead and then onto ocean ports became prohibitive with the continued decline in the price of manganese ore."[52] A decade later, the South African based company Pan African Minerals began operations at the Tambao mine and exported about 2,000 tons

49 "En effet, dans sa volonté de contribuer au désenclavement du pays et de tirer pleinement profit des minerais au Nord du pays, le régime révolutionnaire a antrepris la constriction d'une voie ferrée jusqu'au gisement de Tambao [. . .]." (D. Ouédraogo, "Rôle du chemin de fer dans l'économie du Burkina Faso: Révélations de la Crise Ivoirienne" [Role of railways in the economy of Burkina Faso: Revelations of the Ivorian crisis], in: J.-L. Chaléard, C. Chanson-Jabeur, and C. Béranger [eds.], *Le chemin de fer en Afrique*, Paris: Karthala, 2006, pp. 255–269, at 258 [own translation]).

50 G. Martin, "Ideology and Praxis in Thomas Sankara's Populist Revolution of 4 August 1983 in Burkina Faso", *A Journal of Opinion* 15 (1987), pp. 77–90, at 83.

51 Ouédraogo, *Rôle du chemin de fer dans l'économie du Burkina Faso*, p. 258.

52 P. M. Mobbs, "The Mineral Industry of Burkina Faso" (1998), p. 6.2.

of manganese before its mining license was temporally suspended in 2015 by the transitional government. The latter allowed the company to resume its activities after it reaffirmed its commitment to hire workers, and even more importantly, to build a railway.[53] However, the investigations into the dubious methods through which the mining license was awarded and acquired by the company of the Australian-Romanian billionaire Frank Timis in 2014 led to successive shutdowns of activities. In May 2018, after several years of legal disputes, the International Chamber of Commerce legally entitled the Burkinabè government to award the concession to another owner.[54] Four months later, in September 2018, Burkina Faso signed a deal with public Chinese firms for the construction and extension of a railway to evacuate ore from Tambao within the next few years.[55]

During the revolutionist era, large-scale mining projects – whether they were successful or not – served at least in governmental imaginaries as a means of "désenclaver" (disenclaving) Burkina Faso as a national economy.[56] The country's natural resource endowment had therefore to be made accessible to the nation-state and to the wider society. At the same time, Sankara strategically aimed at emancipating the national economy from a dependence on global capital and foreign capitalist endeavours. An attempt that Guy Martin resumes as follows: "Through this initiative, the revolutionary regime meant to dramatically emphasize the fact that it will not be dictated to, even by such powerful international financial institutions as the International Monetary Fund (IMF) and the World Bank, and that it is intent upon keeping firm control over its national strategy."[57] Besides self-sustaining agriculture, it is notably the emergent national

53 Y. Soto-Viruet, "The Mineral Industries of Burkina Faso and Côte d'Ivoire", *USGS 2015 Minerals Yearbook* (2018), p. 5.2.

54 N. Coulibaly, "Manganèse: à Tambao, le Burkina veut tourner la page Frank Timis" [Manganese: Burkina Faso wants to turn the page Frank Timis in Tambao], *Jeune Afrique*, 4 February 2019.

55 Africa Intelligence, "BURKINA FASO: Tambao Manganese Railway Steams Ahead Under Ouaga-Beijing Truce", *Africa Intelligence*, 25 September 2018.

56 "Pays enclavé" is the French translation for "landlocked country". "Désenclaver" (opening up) more generally points to a goal of development policies in the country. It therefore draws on ideas of disenclaving in the sense of Ferguson but goes further. In doing so, the concept points to both processes of necessary connection between peripheral regions with the capital and also an opening up of the national economy to the global market via necessary investments, infrastructure and so forth. (Ferguson, *Seeing Like an Oil Company*; Ferguson, *Global Shadows*; Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, p. 15).

57 Martin, *Ideology and Praxis in Thomas Sankara's Populist Revolution*, p. 83.

mining strategy that appears emblematic for Sankara's promoted principles of economic self-sufficiency (*auto-développement*).

In 1987, Thomas Sankara experienced a coup d'état during which he was assassinated and which brought Blaise Compaoré into power. Compaoré, who would rule the country for 27 years until 2014, had a more market-liberal understanding of economic development.[58] Nevertheless, many observers of the Burkinabè mining sector have emphasized that the subsequent liberalization and privatization of the national mining sector in the mid-1990s could mainly be attributed to the policies and programmes of the multilateral financial institutions, namely the International Monetary Fund (IMF) and the World Bank: "New objectives under these programmes were the reestablishment of macroeconomic balances, control of debt and a shift to a free-market based economy. This shift brought with it the withdrawal of the State from productive activities, and the promotion of private sector initiatives as the main engine driving socioeconomic change."[59]

Through the adoption of these policies from 1991 onwards, private "enterprise" and "investment" became the country's new "engine" of "socio-economic development". Many mineral rich countries opted for these policies in order to attract foreign investors and their capital. Bonnie K. Campbell illustrates, that the political reforms introduced to this end during the late 1980s and early 1990s effectively contributed to investment inflows into these countries. However, as she and other authors have emphasized, the development of an extractive industry based on private and predominantly foreign capital usually did not lead to the overall goal of poverty eradication.[60] Similar developments in other African countries rather fuelled debates about the "resource curse" or the "paradox of plenty" which emphasize negative correlations between resource endowment and poverty alleviation.

The government declared "Decade for Mining Development in Burkina Faso 1995–2005" (*Décennie minière 1995–2005*) and the first mining policy of Burkina Faso – introduced in 1993 and revised in 1997 – corresponds to the overall policy goals of the World Bank Group (WGB) and was promoted by the latter.[61] It

58 Luning, *Liberalisation of the Gold Mining Sector in Burkina Faso*, p. 390.

59 Campbell, Belem, and Nabe Coulibaly, *Poverty Reduction in Africa*, p. 36.

60 Campbell, *Introduction*, p. 1; Jacobs, *An Overview of Revenue Flows from the Mining Sector*.

61 Loi 14/93/ADP portant code des investissements miniers. The first law on mining investments was issued in 1993, and some authors consider this legislation as Burkina Faso's "first mining code". In either case the different decrees represent juridical and political foundations for a coherent mining policy and Burkina Faso' s first proper mining code introduced in 1997. Loi n°023/97/II/AN du 22 octobre 1997 portant code minier. (See, for example, P. Englebert, resulted in a sector-specific regulatory framework comprising of a specific fiscal and customs regime. In 1992, the World Bank had published its “Strategy for African Mining”. The “main finding” of the report was that the “recovery of the mining sector in Africa will require a shift in government objectives towards a primary objective of maximizing tax revenues rather than pursuing other economic or political objectives such as control of resources or enhancement of employment”.[62] Providing tax exemptions and rates below the globally competitive level was, by contrast, identified as the current main challenge for African nations.[63] While during the 1990s, large-scale mining occupied a minor position within the national economy in comparison to the neighbouring country Ghana, this general “shift in authority from government to industry actors” can also be observed in Burkina Faso.[64] The state continued to occupy a monopolistic position in the mineral sector (e.g., through its custodianship role in the awarding process of mining concessions), but its tasks became redefined. In line with most other African governments, its economic policies then focused on private sector development and export trade.[65]

Nevertheless, in 1998 with another decline of the international gold price, the mining sector of Burkina Faso continued to figure as “not-yet-competitive” for international investors. Besides the above-mentioned shutdown of large-scale and semi-mechanized projects in Poura and Essakane, this, according to a government official, led to a 74 per cent reduction in the number of exploration concessions from 224 in 1998 to 56 in 2002.[66] (Former) Ministry of Mines employees reported how international investors literally left the country in the beginning of the new millennium, and a study carried out by an international consultancy firm suggested that the national mining legislation should be made even more investor-friendly. Therefore, another reforming process was set up in 2001/2002 and resulted in a new mining legislation of 2003.[67] The latter provided a relatively low corporate tax rate (17.5 per cent) for the mining industry,

Burkina Faso: *Unsteady Statehood in West Africa*, Boulder, CO: Westview Press, 1996, p. 98; Werthmann, *The Drawbacks of Privatization*, p. 419).

62 World Bank, “Strategy for African Mining”, World Bank Technical Paper 181 (1992), p. x.

63 See Jacobs, *An Overview of Revenue Flows from the Mining Sector*, p. 18.

64 Ibid., p. 22.

65 Luning, *Liberalisation of the Gold Mining Sector in Burkina Faso*, p. 387; Shrestha, Smith, and Evans, *Africa’s Global Economic Integration and National Development*.

66 See Mobbs, *The Mineral Industry of Burkina Faso*, p. 6.1.

67 Loi 031–2003/AN du 08 mai 2003 portant code minier au Burkina Faso; See Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, “État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso” [Assessment of the implementation of Burkina Faso’s new mining code] (2018), p. 5.

which was less than that of other sectors and significantly less than that of most other African countries.[68] It was further intended to standardize contract terms, and thus comprised new stabilization clauses and multiple tax exemptions for mining companies.[69] The government's policy efforts in maintaining and reinforcing an attractive climate for investors finally succeeded, and led to the latter's return. As a national policy-maker stated in September 2017, "despite constraints of enclavement [*enclavement*] and lacking infrastructure" in the country.[70] Looking back at the country's recent mining history in 2018, a government official resumes the political conditions of reform as following:

> Effectively, we received instructions on, I would say, how to regain attractiveness. What does that mean? That means to reduce fiscal pressure! We did this, the investors came [back], and the mines are there. Now it was up to the state to see with the investors to what extent we can now establish a system for a better sharing of mining rents.[71]

Yet, as in many other African countries, a more "just" sharing of the mining rent on multiple levels was not an (immediate) objective of reform. The implemented policy model can rather be described as one "that by its very nature would stay enclaved [*enclavé*]", since it featured mono-sectorality and an absence of linkage economies. In doing so, Bonnie Campbell emphasized in September 2018 in a panel of Burkina Faso's national mining fare, it triggered a retreat of the state in mining governance and an increase of authority by corporate actors. This finally led to a redefinition and transfer of responsibilities between governments and private actors in mining governance.

68 Drechsel, Engels, and Schäfer, '*The Mines Make Us Poor*', p. 3.

69 See Soto-Viruet, *The Mineral Industries of Burkina Faso and Côte d'Ivoire*, p. 5.1.

70 See Hubert, *La nouvelle législation minière burkinabée*; Luning, *Liberalisation of the Gold Mining Sector in Burkina Faso*; Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*, p. 5.

71 Another visible manifestation of the new mining policy regime and shifting tasks has been the gradual privatization, subsequent liquidation in 2005 and the final shut down of the CMBP in 2006. (*Décret n° 2005–663/PRES/PM/MCPEA/MFB/ MCE du 30 décembre 2005 portant liquidation administrative du Comptoir Burkinabè des Métaux Précieux [CBMP]*, *Décret n° 2007–847/PRES/PM/MCPEA/MEF/MCE du 26 décembre 2000 portant clôture de la liquidation administrative du Comptoir Burkinabè des Métaux Précieux [CBMP]*).

Industrial Mining since 2008 and the Compaoré Regime

While the minerals sector's contribution to the GDP was less than one per cent at the end of the 1990s, the role and contribution of large-scale mining in and to the national economy dramatically changed in the course of the first decade of the new millennium. In the aftermath of the credit crunch in 2008, the world market price for gold attained a maximum of USD 1,895 per ounce (oz) in 2011. The importance of gold as stable investment item therefore increased significantly and triggered new demands for "greenfield" resource extraction around the globe. The latter implies territories where no prior (industrial) mining development or extraction took place (see Chapter 5). In the late 1990s and the first decade of the twenty-first century, many multinational junior and mid-tier companies had already acquired exploration concessions (*titres de recherche*) all over the national territory of Burkina Faso. The rising gold price finally incentivized these corporations and their shareholders to increasingly invest in the construction of large-scale mining projects in the country.[72] In the course of seven years (between 2007 and 2014), eight industrial gold mines and one zinc mine started production, owned either by Canadian, Australian, Russian, or Turkish corporations.[73] The Burkinabè mining legislation provides in its article 43 that all industrial owners exploit their concessions via Burkinabè-registered subsidiaries, which contain a 10 per cent free equity state and 90 per cent private and foreign owned participation.[74]

However, the new industrial gold rush not only triggered hope among the Burkinabè people but also the first visible forms of contestation. In 2011, a series of social conflicts over the working conditions of employees in the industrial mines and over the living conditions of the neighbouring populations of large-scale mine sites became manifest. Conflicts around the expropriation of peasant lands, the dislocation of whole villages, the increasing scarcity of water, or the banning of artisanal mining on mining concessions arose locally.[75] These contestations mainly targeted the direct effects and outcomes of industrial mining

72 See Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, p. 13.

73 Ministry of Mines and Energy, "Mines in Burkina Faso: A Growth and Development Potential" (2017).

74 Government of Burkina Faso, "Loi N° 036–2015/CNT portant Code Minier du Burkina Faso" [Law N° 036–2015/CNT on the mining code of Burkina Faso] (2015), p. 25; Soto-Viruet, *The Mineral Industries of Burkina Faso and Côte d'Ivoire*, p. 5.1.

75 Chouli, *Social Movements and the Quest for Alternatives in Burkina Faso*, pp. 272–274; 2014; P. Hilbrandt and A. Wong, "Dialogue et médiation dans le secteur aurifère au Burkina Faso" [Dialogue and mediation in Burkina Faso's gold sector] (2013).

endeavours and their management by private actors. Some civil society leaders, however, also started to increasingly criticise the national government's role in mining (mis)management. While the state had gradually transferred authority to the private sector in the 1990s and early 2000s, the central government kept a dominant management function within the sector. The emergence of new multinational actors in mining governance did not contradict increasing governmental powers bestowed upon a few of the country's political and economic leaders.

Over the years, the sector gained an (inter)national reputation of being "above all a family affair".[76] A range of political authorities and businesspersons, among them Blaise Compaoré's brother François, were able to significantly enrich themselves from mining rents. In the early 2000s, Burkina Faso's mining sector was consequently described as an "El Dorado of old ministers".[77] One example, which brings the significance of this spatial trope to the forefront, is the businessperson François Ouédraogo, former Minister of Mines in 1992/1993, who in the early 2000s worked as an important national consultant for the transnational corporate world. These persons, as stated by a range of civil society actors today, have created and reproduced the predominantly non-transparent and "mafia-like" structures which shaped the mining sector until 2015.[78] In late 2017, a national parliament member has described the state's role in the mining sector as both weak (in terms of monitoring and control) and strong in terms of its involvement in business relationships and the distribution of mining rents. He claimed that the political regime occupied an arbitrary governance role and strategically positioned itself between the sites of extraction in Burkina Faso and head offices of multinational corporations abroad. The non-regulation of the mining sector, in his eyes, mainly served as a vehicle for some politicians and businesspeople to enrich themselves, but not to the benefit of populations.

This ambivalent position becomes particularly evident when one considers the process of awarding concessionary rights. It is not clear which institutions and individuals, besides the national mining cadastre office (*Direction Générale du Cadastre Minier*, DGCM), had been involved in and responsible for concession granting in the early 2000s (see Chapter 5). Yet, according to estimates,

76 Chouli, *Social Movements and the Quest for Alternatives in Burkina Faso*, p. 274.
77 Africa Intelligence, "BURKINA FASO: L'eldorado des anciens ministres" [BURKINA FASO: The Eldorado of former ministers], *Africa Intelligence*, 16 April 2013.
78 See F. Drechsel and M. Groneweg, "'Die Minen machen uns arm': Die Auswirkungen des industriellen Goldbergbaus in Burkina Faso und die zivilgesellschaftlichen Antworten" ['The mines make us poor': The impact of industrial gold mining in Burkina Faso and civil society responses], *Standpunkte* 12 (2017), p. 2.

industrial concessions for mineral exploration and extraction in 2018 covered almost half of the national territory (see Figure 2.2).[79]

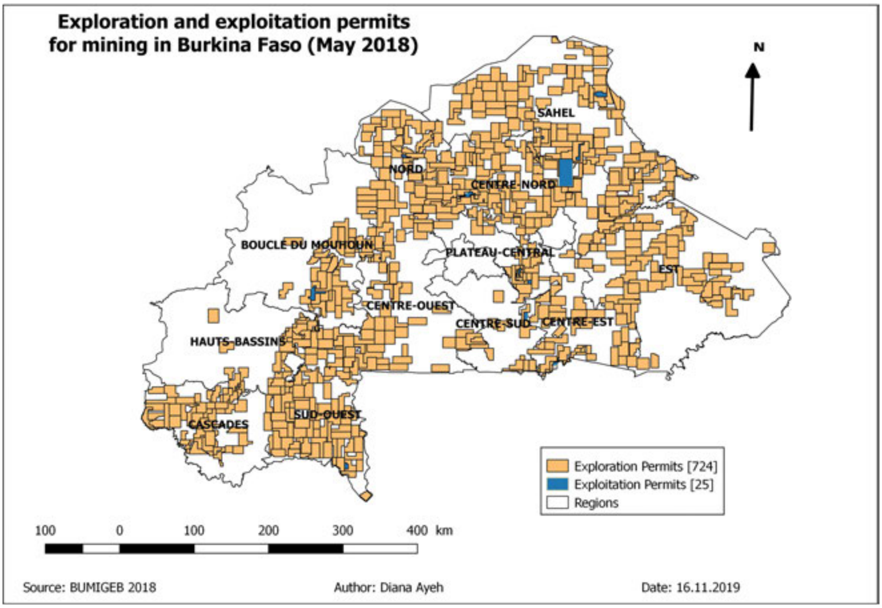

Figure 2.2: Industrial mining titles in Burkina Faso (May 2018).

In 2016, a Parliamentary Commission of Enquiry on the Management of Mining Titles and Corporate Social Responsibility (*Commission d'Enquête Parlementaire sur la gestion des titres miniers et la responsabilité sociale des entreprises*, CEP) revealed that over 700 exploration licenses had been granted between 2005 and 2016 alone.[80] Departing from 56 exploration concessions in 2002, these numbers clarify why scholars, civil society, and government stakeholders alike employed notions of "boom", "explosion", and "bombshell" or "the transformation of the

79 Source: Bureau des Mines et de la Géologie du Burkina Faso, "Base de données: Titres miniers (Mai 2018)" [Database: Mining titles (May 2018)], Ouagadougou (2018). See Drechsel, Engels, and Schäfer, *'The Mines Make Us Poor'*, p. 3; E. Harris and J. Miller, "Company Geodata: Growing African National Archives via Transfer of Corporate Geoscience Data", *IM4DCAction Research Report* (2015), pp. 15–17.

80 Assemblée Nationale, "Rapport de synthèse de la Commission d'Enquête Parlementaire sur la gestion des titres miniers et la responsabilité sociale des entreprises minières" [Synthesis report of the Parliamentary Inquiry Commission on the management of mining titles and the social responsibility of mining companies] (2016), p. 8.

whole country into a mining camp" to describe the new spatial and socio-economic imprints of large-scale mining in Burkina Faso.[81] As a consequence and due to the reformation of the mining cadastre (*Direction Générale du Cadastre Minier*, DGCM), the government suspended the awarding of exploration licences for two years (see Chapter 5). In the following years, civil society representatives and even some government officials called for the continued suspension of the concession granting on national territory during interviews.

The report of the parliamentary enquiry also mentioned a common practice during the Compaoré regime of attributing several mining titles for one territorial concession. This may consequently have led to situations as the one described in the scenario of *Alidou l'Orpailleur*, where several commercial entities claimed their rights for one concessionary territory. Yet the granting of a license alone has not automatically meant that resources will be exploited in the middle or long term. Burkina Faso's liberal mining legislation attracted numerous speculating firms and individuals that secured concessions and resold them for higher returns among business entities, friends or relatives. According to the report, the Burkinabè state suffered a profit loss of almost a billion US dollars between 2005 and 2015 due to corruption, mismanagement, and speculation in the mining sector.[82] Mismanagement also occurred in the artisanal mining sector where, after the dissolution of the CBMP in 2006, some private entrepreneurs controlled the selling and trade of gold. In 2015, a Swiss NGO report unveiled an estimated seven tons per year of artisan mined gold which had left the country unrecorded and untaxed via Togo to Switzerland.[83]

Despite its limited duration during the "mining boom", the Compaoré mining regime can be described as a typical rent-seeking economy where resource endowment only profited a small elite in the country.[84] The efforts by individuals and groups to increase their share of available profits ("rent-seeking") was at the expense of efforts to increase the total profits or wealth available for distribution ("rent creation").[85] Thus, the international capital which "hopped"

81 See Chouli, *Le boom minier au Burkina Faso*; Thune, *L'industrialisation de l'exploitation de l'or à Kalsaka*, p. 2; I. Siguire, "Jonas Hien, chargé des programmes de l'ONG ORCADE: 'Le secteur minier était très mal géré sous le régime Compaoré'" [Jonas Hien, ORCADE programme coordinator: 'The mining sector was very badly managed under the Compaoré regime'], *Le Pays*, 23 November 2016.

82 K. Werthmann, "The Lost Gold of Burkina Faso – a Parliamentary Inquiry into the Mining Sector", *Resource Worlds*, 15 December 2016; Assemblée Nationale, *Rapport de synthèse*.

83 Ibid.; Berne Declaration, "A Golden Racket: The True Source of Switzerland's 'Togolese' Gold" (2015); Werthmann, *The Drawbacks of Privatization*.

84 Auty, *Mining Enclave to Economic Catalyst*; Siguire, *Jonas Hien*.

85 Jacobs, *An Overview of Revenue Flows from the Mining Sector*, p. 23.

into Burkina Faso's economy from 2008 onwards did not immediately change the latter's socio-economic performance within the first years of the boom.[86] The annual economic growth rate stagnated between 2008 and 2011 (5.5 per cent compared to 5.4 per cent in the period between 2000 and 2007).[87] This was mainly due to relatively light taxation levels but also to a form of "crony capitalism" which developed out of unsanctioned fraud, corruption, and unpaid dividends and royalties.[88] Actual state income from mining did by no means meet the projected levels. Nor were the benefits evident for the wider society. Ernest Harsch therefore resumes that "[t]he sector itself operated as an enclave, largely isolated from the rest of the economy".[89]

Civil society activists and national politicians also referred to the "enclave trope" in order to describe a situation of socio-economic and spatial disconnection between mining corporations and local populations in the mining regions. They referred, for instance, to "worlds apart" when speaking about the concessionary spaces (where "you believed yourself in South Africa") and the neighbouring villages. They also called for the dismantling of barriers to entry infrastructures and materials for inhabitants of the same territory (for instance in terms of electricity and water supply or luxury goods). "The social", as a civil society activist stated in 2016, should "not limit itself to the mining enclave". Moreover, would lacking transparency in corporate behaviour and communication gaps (e.g., between multinational companies, governments and local populations) contribute to the establishment of "diplomatic enclaves", as stated by a Member of Parliament. Interlocutors also pointed to the populations' lack of experience during the first years of the mining boom. A journalist asserted in that regard that in the early 2000s "the mines have really stolen from us". One important aspect may also be the limited role of national civil society organizations in the management and control of the extractive sector under the Compaoré regime. Prior to Burkina Faso's attendance at the Extractive Industries Transparency Initiative (EITI) in 2008/2009 and the popular uprising in 2014 against the Compaoré regime, there were only a few organizations addressing mining at a national level. In addition to the national mine workers' union (*Syndicat National des Travailleurs des Mines et de l'Énergie*, SYNTRAME), there was also notably ORCADE (*Organisation pour le Renforcement des Capacités de Développement*), founded in 2001, and the Burkina Faso Movement for Human and Peoples'

86 See Ferguson, *Seeing Like an Oil Company*, p. 379.
87 Banque Centrale des États de l'Afrique de l'Ouest, "Étude monographique sur le secteur de l'or dans l'UMEOA" [Monographic study on the gold sector in the WAEMU] (2013), p. 6.
88 Harsch, *Burkina Faso*, p. 148.
89 Ibid., p. 147.

Rights (*Mouvement Burkinabè des Droits de l'Homme et des Peuples*, MBDHP) which has existed since the late 1980s.[90] Among other company state and community actors, they contributed significantly to the establishment of new "modes of governance" in the resource sector.

Political Transition and the Reform of the Mining Code

The popular uprising of 2014 not only toppled the government of Blaise Compaoré and its mining governance, it also questioned the conditions of the favourable tax regime for multinational corporations and even the distribution of mining benefits and risks more generally. It had fundamental consequences for dominant modes of resource governance and was a major driving force for the reformation of the national mining legislation. Some interlocutors enthusiastically pointed to a "new era" for mineral revenue distribution from 2015, others were more reluctant but admitted "positive effects" on mining governance in the country. Representatives of the corporate world, however, usually assessed the reformation process in more critical terms and sometimes pointed to the "revolutionary spirit" that eventually led to premature policy reforms, discouraging the global investment world. Yet all of them agreed on the fact that the implementation of the mining code reform by the transitional government *Conseil National de Transition* (CNT) in June 2015 accelerated significantly due to the regime change. Without question, the success of political initiatives in inciting changing modes of mining governance cannot be understood without considering an "important popular pression" put on the Compaoré regime from 2010 onwards. However, while this recent historical event shaped in fundamental ways Burkina Faso's political economy and debates around large-scale mineral extraction in the country, it cannot be analyzed in isolation from other events of political reform on sub- and supranational levels. Analysing the different claims, topics and implied actors, enables us to unfold the scalar dimensions of both contestation practices and policy reform.

Since the new millennium, a multiplicity of stakeholders promoted a revision of the investor-friendly national mining legislations of the 1980s and 1990s. They had partly similar and partly divergent interests in enhancing the reform process. From 2000 to 2013, a number of mineral-rich West-African countries were already

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90 Chouli, *Social Movements and the Quest for Alternatives in Burkina Faso*, p. 20; L. Arnaldi Di Balme, P. Hochet, and M. Kevane, "Mining, Transparency, and Civil Society in Burkina Faso: Issues and Recommendations" (2011).

taking the decision to review and renegotiate their contracts with multinational mining companies, among them Liberia, Senegal, Mali, and Guinea. This happened against the backdrop of a new international climate of both a massive explosion of commodity prices and of "soft regulation to earn a social license to operate".[91] More long term aspirations of African governments resulting in new regional policy frameworks, an increase in civil society presence, and political regime changes can be seen as additional factors contributing to the fuelling of the review of mining legislations.[92] In the case of Burkina Faso's mining sector, international donors (e.g., the WBG), transnational industry initiatives (e.g., EITI) and regional policy bodies such as the African Union (AU), the Economic Community of West African States (ECOWAS), and the West African Monetary and Economic Union (*Union Economique et Monétaire Ouest Africaine*, UEMOA) alike played a key role in enhancing the reform process. Since the new millennium, Burkina Faso had joined and adopted important regional and global initiatives in the mining sector that promoted the mainstreaming of "good governance" and "sustainability" principles into mining governance. This was notably EITI (in which Burkina Faso became a candidate country in 2009, and gained full membership in 2013) and through the ratification of regional mining policies from 2003 to 2009.[93] In order to comply with these new international and regional standards, the Burkinabè government engaged in a reforming process of its own national mining legislation from 2010 onwards.

The African Mining Vision (AMV), adopted in 2009, can be seen as a "new regional normative framework" that addressed major changes in public mining policy, and led to the reformation of various national mining codes on the African

91 A. M. Pedro, "The Africa Mining Vision as a Model for Natural Resource Governance in Africa", in: H. Besada (ed.), *Governing Natural Resources for Africa's Development*, London: Routledge, 2017, pp. 13–38, at 15; J. Knierzinger, "Après le boom: la laborieuse mise en œuvre de nouvelles régulations dans le secteur minier guinéen" [After the boom: The laborious implementation of new regulations in the Guinean mining sector], *EchoGéo* (2016) 38, p. 9.

92 See M. Coderre et al., "La Vision minière pour l'Afrique et les transformations des cadres règlementaires miniers: les expériences du Mali et du Sénégal" [The Mining Vision for Africa and the transformation of mining regulatory frameworks: Experiences from Mali and Senegal], *Canadian Journal of Development Studies/Revue canadienne d'études du développement* 40 (2019) 4, pp. 464–481; S. G. Katz-Lavigne, "The Renegotiation Window: Resource Contract Renegotiations in the Mining Industry in Africa from 2000 to 2013", *Resources Policy* 51 (2017), pp. 22–30; Pedro, *The Africa Mining Vision*.

93 African Union, "Africa Mining Vision" (2009); Economic Community of West African States, "ECOWAS Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector" (2009); Union Économique et Monétaire Ouest-Africaine, "Code minier communautaire de l'UEMOA: Règlement n°18/2003/CM/UEMOA du 23 Décembre 2003" [WAEMU Community Mining Code: Regulation n°18/2003/CM/UEMOA of 23 December 2003] (2003).

continent.[94] The "paradigm shift" of the AMV can be described as threefold: economic growth was no longer seen as the only means to achieve development outcomes; the mining sector should serve as a catalyst for these same development outcomes and therefore go beyond a simple generation of tax revenues; and an accompanying reinforcement of governmental agency in the mining sector. After the SAP-led programmes of the 1980s and 1990s, this policy shift from "investment-led" to "policy oriented" (or export-oriented extractivism to the promotion of sustainable economic development) eventually led to a gradual return of the state in mining governance.[95] Bonnie Campbell describes the nature of the AMV as follows: "This strategic document calls for a shift away from an enclave model devoted to the export of untransformed ore, to one in which the mining sector plays a transformative role and mining activities serve as a catalyst to bring about intergenerational and equitable social and economic development."[96] The advocates of the AMV saw in the integration of the sector into the economic and social life of the African continent an important instrument of overcoming "its colonial-created enclave features".[97]

The genesis of the AMV was certainly also shaped by political debates on the regulation of mining around the globe and particularly inspired by Latin American debates on neo-extractivism.[98] However, while the latter mainly focuses on the generation of higher royalties, taxes and dividends for the nation-state, it has also been criticized for perpetuating export-dependency as for environmental and livelihood destruction in the mining areas.[99] African governments, on the other hand, increasingly recognized that relying on mining revenue alone would not automatically transform the mining sector into a local and national development engine. Prior experiences with large-scale investments have therefore led to the introduction of economic and social development objectives into regional and national mining policies on the continent. Among them figured notably principles of "sustainability" and considerations of a "fair" share of mining revenue. As a novelty, taxation as a means of redistributing mining rents not only targeted national governments but also the local state. "The local" became more than ever

94 Coderre, Diallo, Diawara and Campbell, *La Vision minière pour l'Afrique*, p. 1.
95 Ibid., 2; A. M. Pedro, "The Country Mining Vision: Towards a New Deal", *Mineral Economics* 29 (2016) 1, pp. 15–22.
96 Campbell, *Introduction*, p. 13.
97 United Nations Economic Commission for Africa and African Union, "Minerals and Africa's Development: The International Study Group Report on Africa's Mineral Regimes" (2011), p. 9.
98 Pedro, *The Africa Mining Vision*, p. 16.
99 See Gudynas, *Neo-Extraktivismus und Ausgleichsmechanismen der progressiven südamerikanischen Regierungen*; Gudynas, *Der neue progressive Extraktivismus in Südamerika*.

important in negotiations over large-scale mining and communities of the mining regions increasingly expressed their claims to a “fair share” of benefits.[100]

Besides the regional policy frameworks of AU, ECOWAS, and UEMOA that required the translation of their principles and norms into national legislations,[101] it was notably the World Bank Group (WBG) that took once again a leading role in the national reform process from 2010. Government and industry representatives alike reported a certain degree of “political pressure” exerted by the WBG on the Burkinabè government in order to accelerate the reform process, as a former government official put it at a panel of the West Africa Mining Activities Week (*Semaine des Activités Minières de l’Afrique de l’Ouest*, SAMAO) in September 2018:

> [. . .] the current mining code that was adopted by the parliament during the [political] transition [phase], was *enforced* by the World Bank. I know it because I experienced it. It broke my heart, but we had no choice because we wanted money [audience laughing] [. . .]. I think people should know about the limits of developing countries in relation to development imposed from the exterior.

At first glance, the new emphasis of the WBG on good governance and sustainability in resource extraction seems rather paradoxical. It was the WBG that mainly contributed to a shift of authority from government to industry actors in mining governance during the 1990s and to the establishment of weakened mining legislations in terms of environmental protection and democratic participation. In his analysis of different mining reforms in Africa, John Jacobs emphasizes this dominant, yet ambivalent role of the World Bank Group (WBG). While International Financial Institutions (IFIs) “played a central role in reforming several generations of mining codes and facilitating increased investment in Africa’s mining sector”, they had “dual and not always compatible mandates”.[102] On the one hand, they clearly took a stance on private investment incentives by pouring money in large-scale projects on the continent through its International Finance Corporation (IFC) branch. On the other hand, they provided support for governments to reform their mining codes.

100 Jacobs, *An Overview of Revenue Flows from the Mining Sector*, p. 22; African Union, *Africa Mining Vision*; United Nations Economic Commission for Africa and African Union, *Minerals and Africa’s Development*.

101 The ECOWAS directive stipulates in its article 22 the adoption “of all necessary measures in order to comply with this Directive by 1st July 2014”. Economic Community of West African States, *ECOWAS Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector*, p. 31.

102 Jacobs, *An Overview of Revenue Flows from the Mining Sector*, p. 31.

An explication of this paradigm shift concerning the Burkinabè mining sector is two-fold. First, poverty alleviation and sustainability have more generally became increasingly mainstreamed into WBG policies in line with the "ethical turn" in the corporate world and among donor communities.[103] From the late 1980s to the early twenty-first century, WBG policies underwent a significant evolution from an emphasis on increasing investment to one that promotes sustainable development.[104] It recently engaged with "local content" and "procurement" promotion as important outcomes of mining reform.[105] Secondly, the financial and political support of fiscal decentralization of mineral revenue distribution by IFIs can also be seen as an attempt to redistribute mining rents to other stakeholders apart from African political elites that were largely perceived as corrupt and rent-seeking (see Chapter 3). Still under Compaoré's rulership in October 2013 and in line with the WBG financed PADSM programme (2011–2018),[106] the government of Burkina Faso adopted a sectoral mining policy (the *Politique Sectorielle des Mines*, POSEM) for the period of 2014–2025. In doing so, the government not only put a direct emphasis on increasing state revenues, but also aimed to promote the "development" of local communities and increased measures for environmental protection. The term "sustainability" figured for the first time ever prominently in a national mining policy paper.[107]

103 For a critical appraisal of notions of sustainability into the "liberal way of development", see M. Duffield, "The Liberal Way of Development and the Development-Security Impasse: Exploring the Global Life-Chance Divide", *Security Dialogue* 41 (2010) 1, pp. 53–76, at 55–56; A. Escobar, "Sustainability: Design for the Pluriverse", *Development* 54 (2011) 2, pp. 137–140; M. J. Watts, "Adapting to the Anthropocene: Some Reflections on Development and Climate in the West African Sahel", *Geographical Research* 53 (2015) 3, pp. 288–297.

104 G. McMahon, "The World Bank's Evolutionary Approach to Mining Sector Reform", *Extractive Industries and Development Series* 19 (2010).

105 World Bank, "Increasing Local Procurement by the Mining Industry in West Africa: Road-Test Version", Report No. 66585-AFR (2012); World Bank Group, "A Practical Guide to Increasing Mining Local Procurement in West Africa" (2015).

106 World Bank Group, "Projets: Projet d'appui au développement du secteur des minéraux" [Projects: Mineral sector development support project], http://projects.banquemondiale.org/P124648/mineral-development-support-project?lang=fr (accessed 12 January 2021).

107 See N. Hubert and C. Kupper, "Nouveau code minier au Burkina: de l'or au bénéfice de tous ?" [New mining code in Burkina: gold for the benefit of all?], *Note d'Analyse du GRIP* (2015), p. 5.

The Popular Uprising as a "Window of Opportunity" for Reform

The popular uprising of 2014 can be seen as a "window of opportunity" offering to translate these popular principles into concrete mining policy measures. What happened in October 2014 and the following months and what had it do with hitherto existing dominant forms of mining governance? After the Council of Ministers announced on 21 October 2014, that the National Assembly would vote to amend Article 37 of the constitution in order to revise the two-term presidential limit by 30 October, popular protests and civil unrest erupted in Ouagadougou and all across the country. The mobilization campaigns of individuals, oppositional parties, civil society organizations, and youth movements like *Balai Citoyen* (Citizen's Broom) first mainly opposed a potential amendment of the constitution. They gradually became more radical and demanded Blaise Compaoré's resignation. On 30 October, the date of the vote, popular masses gathered outside the National Assembly, which resulted in it being set on fire. In light of another huge protest march gathering on the *Place de la Nation* and directed towards the presidential palace in Ouagadougou's residential area *Ouaga2000* on 31 October, Blaise Compaoré resigned and fled Burkina Faso after 27 years of ruler ship. On 1 November 2014, the military confirmed the designation of Lt-Col Isaac Yacouba Zida (by then deputy chief of the Presidential Security Regiment) as head of state. A civilian dominated National Council of Transition (CNT) with legislative powers appointed Michel Kafondo as civilian president in late November 2014 until regular elections could be held on 11 October 2015.[108]

For many observers of Burkina Faso's political economy, Compaoré's fall was abrupt but unsurprising. The 60-year-old's political history has been shaped by various military coup changes in political leadership. They go back to the early independence period and the turnover of Burkina Faso's first president Maurice Yaméogo by the military Sangoulé Lamizana in 1967. Blaise Compaoré himself is accused of being responsible for a military coup causing the death of his former comrade, Thomas Sankara, in October 1987. He was elected four times thereafter (in 1991, 1998, 2005, and 2010), but only his two last mandates were under the

108 See L. Chouli, "L'insurrection populaire et la Transition au Burkina Faso" [Popular uprising and transition in Burkina Faso], *Review of African Political Economy* 42 (2015) 143, pp. 148–155; B. Engels, "Political Transition in Burkina Faso: The Fall of Blaise Compaoré", *Governance in Africa* 2 (2015) 1, p. 3; M.-S. Frère and P. Englebert, "Briefing: Burkina Faso – the Fall of Blaise Compaore", *African Affairs* 114 (2015) 455, pp. 295–307; S. Hagberg et al., "'Nothing Will Be as Before!': Anthropological Perspectives on Political Practice and Democratic Culture in 'a New Burkina Faso'", Uppsala Papers in Africa Studies 3 (2018); Harsch, *Burkina Faso*.

2002 amended constitution, limiting the presidency to two five-year terms.[109] The pressure on Compaoré's "semi-authoritarian regime" had continuously increased from the late 1990s. The fall of Compaoré had been preceded by a successive rise of social mobilization and unrest chiefly led by students and civil servants as of new emergent opposition forces in the country.[110] Several scholars trace the decline of the Compaoré regime back to two cases of death with a suspected involvement of political elites.[111] An important point of reference for political contestation was the assassination of the regime-critical journalist Nobert Zongo in 1998, which incited mass protests and the "Enough is enough campaign" of 1999 against impunity. The publisher of the newspaper *L'indépendant* was found dead in a completely burnt car after he had conducted investigations on the death of the driver of Blaise Compaoré's brother François. A second wave of mass protests that spread across the country occurred after the death of the secondary school student Justin Zongo in 2011.

The popular uprising and the subsequent process of political transition fundamentally shaped and accelerated the reform of the mining code. However, conflicts over larger-scale mining first created the conditions for political insurgency. Lila Chouli has described how the popular uprising in October 2014 did not occur *ex nihilo* but must also be seen as part of a culmination of different political forms and movements of contestation, among them those directed against multinational mining endeavours in the country.[112] A growing pressure from civil society groups mainly occurred from the 1990s in form of general strikes, foods riots, and demonstrations. Important examples were mass protests against the new liberal economic policy after the implementation of the SAPs during 1991–1993, or against the rising costs of living in 2008.[113] Together with questions of impunity and the amendment of Article 37, it was this "neopatrimonial and nepotistic management of the economy" that culminated in another wave of mass protests in 2013–2014 that finally led to the overthrow of the Compaoré regime.[114]

109 Frère and Englebert, *Briefing: Burkina Faso*, p. 295.

110 Engels, *Political Transition in Burkina Faso*; Frère and Englebert, *Briefing: Burkina Faso*, p. 298.

111 See ibid.; Chouli, *L'insurrection populaire et la Transition*; Engels, *Political Transition in Burkina Faso*.

112 Chouli, *Social Movements and the Quest for Alternatives in Burkina Faso*; Chouli, *L'insurrection populaire et la Transition*.

113 B. Engels, "Different Means of Protest, Same Causes: Popular Struggles in Burkina Faso", *Review of African Political Economy* 42 (2015) 143, pp. 92–106; Engels, *Political Transition in Burkina Faso*.

114 Frère and Englebert, *Briefing: Burkina Faso*, p. 299; R. Carayol, "Burkina Faso: François, l'autre Compaoré" [Burkina Faso: François, the other Compaoré], *Jeune Afrique*, 18 July 2012.

Especially in the countryside, social struggles in a context of economic marginalization, non-access to basic infrastructures, and structural inequalities also played a key role.[115] From 2007 onwards, multiple mines entered into production, notably the projects Tarparko/Bouroum (2007), Inata (2010), Essakane (2010), and Bissa (2013) in the north of the country, and the Youga (2008), Mana (2008), and Perkoa (2013) mines in southern Burkina Faso.[116] However, while these industrial mining projects accounted for the majority of Burkina Faso's total export revenues from 2009 onwards, they often did not significantly improve the living standards of local populations. Municipalities hosting mine sites therefore increasingly became places of popular struggles that ranged from spontaneous strikes and riots of different segments of society to more organized strikes of labour unions.[117] Different strikes at the Inata mine site between 2011 and 2014 in the north of the country resulted in December 2014 in its closing for several weeks and a 13 per cent decrease in production experienced by the British-based Avocet Corporation.[118] The popular uprising legacy not only resulted in a new mining code in 2015. Bettina Engels has shown how shifting political-institutional conditions on the national scale have fostered the eruption of protests in various mining localities of the country.[119] Empirical evidence from different mine sites does indeed point to an acceleration of social unrest and opposition during and after the political transition phase.[120] In interviews by the author between 2016 and 2018, civil society activists admitted that especially young

115 Chouli, *L'insurrection populaire et la Transition*.

116 Initiative pour la Transparence des Industries Extractives Burkina Faso, "Rapport 2014" [Report 2016] (2016), p. 42.

117 Chouli, *Le boom minier au Burkina Faso*; Chouli, *Social Movements and the Quest for Alternatives in Burkina Faso*.

118 The closure of the mine site in 2017 led to the lay-off of around 1,000 workers, including contract workers. In March 2019, they claimed compensation for their lost jobs. (Peoples Dispatch, "Workers in Burkina Faso Demand Compensation for Loss of Mining Jobs", *Peoples Dispatch*, 6 March 2019; See B. Engels, "Mining Conflicts in Sub-Saharan Africa: Actors and Repertoires of Contention", GLOCON Working Paper Series 2 [2016], p. 12; Soto-Viruet, *The Mineral Industries of Burkina Faso and Côte D'Ivoire*, p. 5.1; Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, p. 16).

119 B. Engels, "Wann werden Konflikte manifest? Politische Opportunitätsstrukturen für Proteste gegen Goldbergbau in Burkina Faso" [When do conflicts become manifest? Political opportunity structures for protests against gold mining in Burkina Faso], *PERIPHERIE* 37 (2017) 2, pp. 297–318; B. Engels, "Nothing Will Be as Before: Shifting Political Opportunity Structures in Protests Against Gold Mining in Burkina Faso", *The Extractive Industries and Society* 5 (2018) 2, pp. 354–362.

120 See Werthmann and Ayeh, *Processes of Enclaving Under the Global Condition*, pp. 15–17.

people would feel more entitled to raise their critical voices due to their prominent role in the popular uprising events.

It was a combination of multi-scalar conditions, processes and actor constellations that eventually made the political transition phase a "window of opportunity" for mining reform. An emergent local, national, and international pressure for a "more just" distribution of mining revenues led to the first drafts of the new mining code; in an era of the gradual decay of the Compaoré regime. In contrast to its investor-friendly predecessor, these were based on national and local experiences of large-scale extraction, notably reactions to it by civil society organizations and local populations. Even government representatives began to admit that the impact of large-scale mining on the improvement of local livelihoods had been limited, non-existent, or negative. The "expansion of mining activities in Burkina Faso", as stated by a government official in 2017, "did not have important effects on the livelihoods of neighbouring populations".[121] The reformation process from 2010 featured a variety of new stakeholders. Besides government and WBG representatives, EITI, civil society activists, and the Municipality Association of Burkina Faso (*Association des Municipalités du Burkina Faso*, AMBF) participated in the consultation process.[122]

This led in 2013 to a first draft bill, which was still pending government approval.[123] One of the main reasons for its rejection was that before 2015, civil society representatives, the government, and mining companies were unable to find a compromise on the most disputed issue of reform, namely the introduction of a Mining Fund for Local Development. In line with emergent principles of sustainability and local community development as stipulated by the ECOWAS directive,[124] the introduction of such a fund aimed at a "fair" distribution of mining rents at national and local levels. It required that industrial license holders had to contribute a certain percentage of their monthly turnover (before tax) to a fund which would in turn distribute the allocated money among mining-impacted municipalities and regions. Instead of one per cent of the monthly

121 See also Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*, p. 6.
122 Ibid., p. 12.
123 O. Bermúdez-Lugo, "The Mineral Industry of Burkina Faso", *USGS 2013 Minerals Yearbook* (2016), p. 6.11.
124 "Member states shall set up a Socio-Economic Development Fund to which mining rights holders and other stakeholders shall contribute to, by law, for the development of post mine conversion activities in the affected local communities." (Economic Community of West African States, *ECOWAS Directive on the Harmonization of Guiding Principles and Policies in the Mining Sector*, p. 26; Chapter VI, Article 7).

turnover, mining companies succeeded in having their contribution changed to 0.5 per cent. However, in December 2014, another draft bill was rejected by the parliament in favour of increased consultation processes with stakeholders.[125]

As a response to pressure from the corporate world that perceived the one per cent as too high, and fuelled by a climate of political and social change, the national "Publish What You Pay campaign" coalition (*Mines Alert-PWYP Burkina*) was relaunched in 2014.[126] This vast "1%" civil society campaign was promoted by civil society organizations inside Burkina Faso and internationally.[127] The global "Publish What You Pay campaign" (PWYP) was initially founded in 2002 "to address the lack of transparency in the extractive industries and the corruption and mismanagement in many resource-rich countries".[128] It was mainly the international financier and philanthropist George Soros who teamed up with a coalition of over 30 NGOs to insist that oil, gas, and mining companies publish net taxes, fees, royalties, and other payments as a condition for being listed on international stock exchanges and financial markets. In the following years, global advocacy NGOs and founding members of PWYP such as Global Witness, Oxfam GB, and Transparency International UK lobbied for the establishment of EITI and established national coalitions in several resource-rich countries. Burkina Faso's adherence to EITI as an implementing country in 2008 can be seen as a governmental attempt to apply to emerging transnational norms and standards that required accruing accountability in mining governance, especially between host governments and local populations.[129]

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125 K. Slack, "Unpacking Burkina Faso's '1% Campaign'", *Oxfam*, 23 July 2015.

126 The PWYP campaign and NGOs such as *Mines Alert* were initially set up as part of the country's adherence to the EITI process in 2008 and the adoption of the ECOWAS directive in 2009. In 2014, their activities were relaunched as part of a larger civil society campaign under the header *Mines Alert – Publiez Ce que Vous Payez* (Mines Alert-PWYP Burkina). (Arnaldi Di Balme, Hochet and Kevane, *Mining, Transparency, and Civil Society in Burkina Faso*, p. 8; West Africa Governance & Economic Sustainability in Extractive Areas, "Guide de lecture du code minier burkinabè et des normes et standards de l'industrie minière" [Reading guide to the Burkinabè mining code and mining industry norms and standards], [2017], p. 9).

127 H. K. Masro, "Vote on the Mining Code in Burkina: The Power of the People!", https://www.oxfam.org/en/burkina-faso/vote-mining-code-burkina-power-people (accessed 11 September 2019); Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*, p. 17; Publish What You Pay, "Burkina Faso", https://www.pwyp.org/pwyp_members/burkina-faso/ (accessed 16 September 2019).

128 Publish What You Pay, "About", https://www.pwyp.org/about/ (accessed 16 September 2019).

129 Carbonnier, *Les négociations multi-parties prenantes*, pp. 105–107.

The launching of Burkina Faso's "1%" campaign was mainly supported by Oxfam (and its Worldwide Influencing Network, WIM), US members of Congress and the US State Department.[130] Yet it was notably the national coordinating organization of this transnational advocacy initiative, ORCADE, which had the most prominent role in connecting "the global", "the national", and "the local" in mining governance. In doing so, the PWYP coalition initially engaged with the government and other civil society organizations to secure the passage of the "1 % law" in order to redirect funds back to the mining communities and those nearby.[131] In an evaluation report on the current state of the mining reform implementation process published in 2018, ORCADE and its allies also made reference to two other transnational mining policy frameworks that stimulated national reform under the heading of "resource decentralization" and "sustainable development". Besides the performance standards of the International Finance Corporation (IFC), these were notably regional mining policy frameworks such as the African Mining Vision (AMV) and the ECOWAS mining directive.[132]

In their 2011 report on civil society engagements in Burkina Faso's mining sector, Peter Hochet, Luigi Arnaldi, and Michael Kevane still stated difficulties "in bringing local issues up to the national level".[133] This has substantially changed with the events of the popular uprising. Right from the start, the "1%" campaign could be seen as part of transnational policy programmes that seek to improve transparency in the management of large-scale mining and a fiscal and political "decentralization" of mining rights (see Chapter 3). The Burkinabè government, on the other hand, attempted to reconcile ideas of "neo-extractivism", mainly in the sense of increased state revenue through large-scale extraction, with the aim of promoting "sustainability" and enhancing social-economic developments in the mining areas. Until 2014, however, civil society activists reported enduring resistance of mining companies and government representatives alike in implementing fundamental changes concerning the 2003 mining code and the "1%" campaign. It was during this "'hand-to-hand struggle' between the civil society and the mining corporations, supported *sub rosa* by politicians of the

130 Masro, *Vote on the Mining Code in Burkina*.
131 Publish What You Pay, *Burkina Faso*.
132 Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*.
133 Arnaldi Di Balme, Hochet, and Kevane, *Mining, Transparency, and Civil Society in Burkina Faso*, p. 6.

regime of the Fourth Republic at the highest level of the state, that the popular insurrection on 30 and 31 October stepped in".[134]

The Mining Code of 2015

It came as no surprise that only few weeks in power, one of the first political actions of the transitional government CNT was to announce the acceleration of the outstanding mining reform process.[135] In February 2015, Burkina Faso's Prime Minister Kafando asserted the necessity of reform, because he considered the present code as "unjust".[136] He derived this conclusion mainly from various meetings and stakeholder consultation processes with mining communities at the municipal level into which a parliamentary commission and individual deputies were engaged since the political transition.[137] The new mining code essentially evolved out of a desire to hold multinational companies accountable for their local (CSR) investments and their efforts to engage with specific mining communities, as an interviewed government official stated in 2017:

> In reality, if we take the [mining] code of 2015 of Burkina Faso, it was precisely to encounter these various obscurities, to say 'we do not know exactly what the companies spend [. . .] in the interest of populations, of local communities'. That was the [main] reason for the creation of the [four] funds.

In June 2015, the CNT deputies unanimously voted on the *Loi N°036-2015/CNT du 26 juin 2015, portant code minier du Burkina Faso*. It entered into force on

134 "C'est dans 'ce combat corps à corps' entre la société civile et les sociétés minières soutenues dans l'ombre par des hommes politiques du régime de la IVè République au plus haut niveau de l'État, qu'est intervenue l'insurrection populaire des 30 et 31 octobre 2014." (Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*, p. 19 [(own translation, emphasis added]).

135 Agence Ecofin, "Burkina Faso: la transition veut passer à la loupe les contrats miniers" [Burkina Faso: the transition wants to put mining contracts under the microscope], *Agence Ecofin*, 27 November 2014, https://www.agenceecofin.com/or/2711-24680-burkina-faso-la-transition-veut-passer-a-la-loupe-les-contrats-miniers (accessed 12 January 2021); Hubert and Kupper, *Nouveau code minier au Burkina*, p. 2.

136 A. Kappès-Grangé and B. Roger, "Michel Kafando: 'Ce ne sont pas les militaires qui commandent' au Burkina" [Michel Kafando: 'It is not the military that commands' in Burkina Faso], *Jeune Afrique*, 23 February 2015.

137 Hubert and Kupper, *Nouveau code minier au Burkina*, p. 7; Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*, p. 21.

16 July 2015. In accordance with the sector policy POSEM, adopted in 2014, the CNT opted for a "development code" that promotes principles of sustainability and responsibility.[138]

Government officials pointed to several main points of reform (see Figure 2.3).[139] Besides the FMDL, it was mainly the alignment of the corporate tax (during the production phase of a mine) to other economic sectors that was perceived as a "major change" by relevant actors leading to more "justice" in the mining sector. According to what experts of the mining sector called "the philosophy of the new law", it intended to reinforce both the state's fiscal allocations and its administrative capabilities. In its attempt of challenging an enclaved model of resource extraction on multiple scales, it simultaneously addressed "the global" and "the local" in mining governance:

1) The consolidation of *good governance* trough Burkina Faso's adherence to international transparency initiatives and the publication of financial information in the media.

2) An *increase in state revenues* through the installation of priority dividends for the state (which holds ten per cent interest in all extraction projects) and increased corporate taxes (from 17.5 per cent to 27.5 per cent).

3) *Training and capacity building* through the creation of a Geological and Mining Research and Earth Sciences Training Support Fund (*Fonds de financement de la recherche géologique et manière et de soutien à la formation sur les sciences de la terre*).

4) *Socio-economic development among mining communities* through the implementation of a Mining Fund for Local Development (*Fonds minier de développement local*, FMDL).

5) Better *environmental protection and work safety* through the creation of a Mine Rehabilitation and Closure Fund (*Fonds de rehabilitation et de fermeture de la mine*) and of a Fund to secure artisanal mining sites and fight against the use of prohibited chemicals (*Fonds de sécurisation des sites miniers artisanaux et de lutt contre l'usage des produits chimiques prohibés*).

Figure 2.3: Fundamental innovations of the 2015 mining legislation.

The introduction of the FMDL responds to widespread claims and requests made by national civil society organizations and donors to "democratize" the sector and to "decentralize" mining governance (see Chapter 3). As an important act of

138 Government of Burkina Faso, *Loi N° 036–2015/CNT*; *See* Hubert, *La nouvelle législation minière burkinabée*, p. 2.
139 Own compilation based on different presentations of government officials. (See Government of Burkina Faso, *Loi N° 036–2015/CNT*; Hubert, *La nouvelle législation minière burkinabée*).

implementation, the Burkinabè Council of Ministers adopted several decrees in early 2017, which determine the organization and structuring of the four funds, among them the FMDL.[140] It is only the FMDL that introduced actual new fiscal contributions for mining corporations. The three other funds are nurtured by the fixed and proportional duties, which license holders already had to fulfil in the past. The financial allocations for the four funds are saved on specific bank accounts that are either hosted at the national treasury, or at the Central Bank of West African States (*Banque Centrale des États de l'Afrique de l'Ouest*, BCEAO). The rehabilitation and mine-closure fund, for instance, receives annual duties of mining companies and can be used for rehabilitation works at the end of the mine life. In case of non-compliance of a company with mine closure and rehabilitation requirements, as a government official stated in 2017, the state has the right to touch upon the collected funds in order to proceed with the necessary works. The Fund for Local Development is partly financed by the state (20 per cent of the collected proportional royalties) and by license holders (one per cent of their turnover before tax). In contrast to the other funds, the FMDL provides a redistribution of funds to regional and municipal levels. According to Article 2 of the implementation decree of 2017, the fund contributes directly to the investments specified in regional and municipal development plans (*Plans Régionaux de Développement,* PRD; *Plans Communaux de Développement*, PCD). Half of the allocated money (0.5 per cent) is intended to be distributed among mining-impacted municipalities. The other 0.5 per cent is supposed to benefit all territorial units, among them mining impacted municipalities.[141] According to government officials and civil society representatives, this repartition is, on the one hand, based on assuring that the majority of funding is redirected to the municipalities directly impacted by large-scale mining. It therefore responds to expectations expressed by local populations and the "social pressure" companies would receive from them. On the other hand, large-scale mining activities should similarly contribute to the national territory as a whole and not to a reinforcement of an (already) uneven regional development. They also expressed hopes regarding a better visibility of the mining sector at a local level, of a "re-responsibilization" of municipalities in mining governance, and finally a contribution to sustainable development in the mining regions.

140 Government of Burkina Faso, "Décret N°2017-0024/PRES/PM/MEMC/MINEFI/MATDSI portant organisation, fonctionnement et modalités de perception du Fonds minier de développement local" [Decree N°2017-0024/PRES/PM/MEMC/MINEFI/MATDSI relating to the organisation, functioning and methods of collection of the Mining Fund for Local Development] (2017).
141 Ibid., p. 2.

Return to "Business as Usual" after 2015?

In September 2017, two years after the implementation of the reformed mining code, Ouindelassida François Ouédraogo, a former Minister of Mines and now an international consultant in the mining industry, opened a panel session at Burkina Faso's national mining fare SAMAO. During his opening speech on "transforming mineral resource extraction into a tool for social and economic development", he insisted on the fact that the mining industry should not remain "enclaved" [*enclavé*] within the national economies of West African countries. During both SAMAO 2017 and 2018, the still "enclaved" nature of the Burkinabè mining sector was criticized by governmental, academic, and private mining industry experts. Some of them described the economic integration of large-scale mining as typically more deeply entangled internationally than with national or local scales. Lacking links of the economic sector to other segments of society hence figured as a main concern of mining sector analysts. The creation of linkage economies and the promotion of "local content" initiatives were thus seen as potential leverages to overcome enclave economies (see Chapter 6). Government officials thus, at least rhetorically, adopted to AU, ECOWAS, and WBG policy frameworks and reaffirmed the "shift away from a resource development model anchored on extractivism toward one in which mineral resources are harnessed to accelerate broad-based development and build resilient, diversified, and competitive economies".[142]

Yet national politicians and consultants at SAMAO remained rather silent about how some the central state's attempts in terms of a more "just" distribution of mining revenues and benefits have remained highly contested since their initial implementation in July 2015. This relates particularly to the pending implementation of the FMDL as one, if not *the* major innovation from the new mining code on hold since 2015. Reports of civil society organizations and journalists denouncing this lack thus vehemently claimed its immediate implementation.[143] The pending implementation is surprising insofar as the government of Burkina Faso, after holding national elections on 29 November 2015, engaged in a range of policy actions that reinforced its authority in managing large-scale mining. In 2016, a parliamentary enquiry revealed major impasses of mining

142 Pedro, *The Country Mining Vision*, p. 15.
143 See, for example, E. Kaboré, "Secteur minier: La réforme du cadre légal reste inachevée" [Mining sector: Reform of the legal framework remains incomplete], *L'Economiste du Faso*, 24 July 2017; Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*.

policies during the Compaoré regime. As a result, the government was urged by deputies of the National Assembly to fully implement the new mining code and to engage in further policy reforms.[144] The new national development plan (*Plan National de Développement Économique et Social*, PNDES 2016–2020) was also aligned with the new mining policy. In doing so, it provided state intervention "en cas d'incapacités critiques de l'entreprise privée" (in case of critical incapacities of private enterprise).[145] However, through the enclave trope, government officials expressed concerns about the challenging and enduring process of "disenclaving" the sector through reform implementation. The donor claim of "good" institutions and legislations as engines in bringing profound change in mining governance often obscures the sometimes limited bargaining power of domestic constituencies.[146] Furthermore, it reveals fundamental challenges of translating national policy norms and parameters into concrete local mining policy. During these negotiation processes, the "window of opportunity" for reform is at risk of closing once again.[147] The empirical view of the negotiation process sheds light on the unfolding of divergent interests in agenda setting and implementation as well as power hierarchies between actors and groups of actors.[148] The contested and (for several years) lacking implementation process of the FMDL, for instance, has been a major topic of bargaining between representatives of donor agencies, the government, multinational corporations, municipalities, and mining-affected populations (see Chapter 3).

More broadly speaking, the enduring non-implementation of important reform measures for the Burkinabè mining sector can be traced back to two major challenges. There have been, firstly, manifold institutional weaknesses in national mining governance. Second, as the report of the parliamentary enquiry (CEP) has stipulated, has the Burkinabè mining sector been shaped by continuous

144 See Assemblée Nationale, "Rapport Général de la Commission d'Enquête Parlementaire sur la gestion des titres miniers et la responsabilité sociale des entreprises minières" [General report of the Parliamentary Enquiry Commission on the management of mining titles and the social responsibility of mining companies] (2016).

145 Government of Burkina Faso, "Plan National de Développement Économique et Social (PNDES): 2016–2020" [National Economic and Social Development Plan (PNDES): 2016–2020] (2016), p. 1.

146 E. Dietsche, "Institutional Change and State Capacity in Mineral-Rich Countries", in: K. Hujo (ed.), *Mineral Rents and the Financing of Social Policy*: *Oportunities and Challenges*, Basingstoke: Palgrave Macmillan, 2012, pp. 122–154, at 122.

147 Knierzinger, *Après le boom*, p. 10.

148 Coderre, Diallo, Diawara, and Campbell, *La Vision minière pour l'Afrique*, p. 4.

"conflits de competence" (competence conflicts) and unclear responsibilities.[149] These challenges have not simply diminished as a result of the regime change. A mismanagement of the mining sector due to a lack of governmental authority, an "underequipped" Ministry of Mines and Quarries (MMQ), and overlapping competencies seems – at least in parts –to prevail in the post-Compaoré era.[150] Many individuals, who have reportedly profited from paternalistic modes of resource governance under the Compaoré regime today continue to occupy strategic positions in the global and national mining industry.[151] That many (former) governmental mining experts have left national administrative positions for the usually better paid executive positions in the industry, continues to shape bargaining powers between government and industry actors in significant ways.[152] A condition, which a government official at a panel of Mining Indaba's 2018 edition in Cape Town described as follows:

> We are now in a situation, where we are victims of our own success: the most qualified managerial staff in Burkina Faso is attracted to the mining companies. There is now a mismatch of qualifications. That is why we need a capacity building within the [mining] administration, which is supposed to be a counterpart [of the corporate world], and which normally has to govern [the sector].

The 2015 mining legislation provisions attempt to counter what interviewees have described as the "non-performative" character of the national mining administration through another fund, the Geological and Mining Research and Earth Sciences Training Support Fund. What it does not challenge, however, is the centralized nature of its main institution: the Ministry of Mines and Quarries.[153] In contrast to other ministries, it has (almost) no offices and staff outside the capital.[154] An exemption is the creation of an agency for artisanal and small-

149 Assemblée Nationale, *Rapport Général*, p. 25.

150 See A. Ouédraogo, "Burkina: 'Le Ministère des mines et carrières se meurt', selon un syndicat" [Burkina: 'The Ministry of Mines and Quarries is dying', according to a trade union], *Burkina24*, 30 July 2019.

151 When this text was written, among them were Élie Justin Ouédraogo (board member of the multinational SEMAFO Inc. and former director of the Chamber of Mines) and the international mining consultant Ouindelassida François Ouédraogo who were both ministers of mines under Blaise Compaoré.

152 See Drechsel and Groneweg, *'Die Minen machen uns arm'*, p. 2.

153 During the research period and the writing of this book, the Ministry of Mines was affected by several cabinet reshuffles. It was at times a separate ministry and at times part of the Ministry of Energy.

154 See ibid., p. 2.

scale mining in 2015 (*Agence Nationale d'Encadrement des Exploitations Minières Artisanales et Semi-mécanisées*, ANEEMAS), through which the MMQ attempted to reinforce its presence at artisanal mining sites across the country (see Chapter 5). Also, the business trips of ministry officials, there to ensure legal compliance or control the produced amounts of gold, are reported to usually take place in company vehicles.[155]

The mismanagement in mining governance is further reinforced through the above-mentioned general conflict in competencies and responsibilities in the national mining sector. Although the MMQ is supposed to group the different legislations and activities for mining together, there are other ministries and agencies with (partly) overlapping competencies for the sector. This relates notably to the Ministry of Economics and Finances (*Ministère de l'Économie et des Finances*, MEF) and the Ministry of Environment and Sustainable Development (*Ministère de l'Environnement et du Développement Durable*, MEDD).[156] This conflict in competencies came to the fore during negotiations on the financing of rehabilitation works of the Kalsaka mine, closed in 2013. Albeit its former operator, the British-based Amara Mining, assured the country that it had annually contributed to the then rehabilitation and closure fund, none of these funds had been liberated since the mine's closure. It is the government, not the company, that is to be held responsible for subsequent "environmental disasters", as a journalist claimed. In late 2018, no money had been distributed thus far, mostly due to conflicts in competency and disputes between the three ministries MMQ, MEF, and MEDD.[157]

While "the national" as a relation of social practices continues to play an important role in resource governance, the new mining code has gradually transferred governmental authority to the local level. New modes of governance in Burkina Faso's mining sector preferentially feature "resource decentralization" (instead of resource nationalization) as a means of a more "just" redistribution of mining rents. However, this has not led to a unidirectional rescaling of resource governance from national to local scales.[158] Accruing state revenues continues to represent a fundamental objective of the Burkinabè mining law. Other authors,

155 Ouédraogo, "Burkina: 'Le Ministère des mines et carrières se meurt'".
156 Initiative pour la Transparence des Industries Extractives Burkina Faso, "Rapport 2015" [Report 2015] (2017), pp. 28–29; Drechsel and Groneweg, *'Die Minen machen uns arm'*.
157 R. N. Aspavati, "Ruines de Kalsaka mines: L'Etat burkinabè est responsable" [Ruins of Kalsaka mines: The Burkinabè state is responsible for them], *L'Evénement*, 20 February 2019; A. Kassiro, "Fonds de réhabilitation des mines: quand 2 ministères se chamaillent" [Mine Rehabilitation Fund: when two ministries squabble], *Les Echos du Faso*, 3 July 2018.
158 Mansfield, *Beyond Rescaling*, p. 463.

therefore, point to the lack of change or progress in mining governance as stipulated by the mining code itself. In his analysis of the new Burkinabè mining legislation, Nicolas Hubert highlights the "numerous similarities with the mining code of 2003". Apart from the introduction of the FMDL and a "slight decrease in tax exemptions", the code would not be an appropriate legal basis for stimulating a major shift in the national mining policy.[159] He states a "persistence of neo-institutional influences" in the elaboration process of the new mining law that contradicts more sustainable and responsible sector policies. While the latter can nowadays be seen as main concerns of transnational, regional, and national policy formulations, they do not break with the traditional export-oriented economic model, based on international competitiveness and state revenue generation.[160] A closer look at the different sub-items of the legal text does indeed reveal prescriptions that favour private investments and a transfer of authority to private actors in the process of concession-making.[161] The companies in turn are able to legally dispossess local populations and artisanal miners of their land and livelihoods in case of large-scale extraction. Mining concessions for exploration are further delivered on a "first come first serve basis",[162] which would eventually result in an "explosion" of privately held concessions on over half of Burkina Faso's territory from the early 2000s (see Chapter 4). Lastly, the mining code does not touch upon more fundamental questions of (increased) state ownership of large-scale projects. In line with the UEMOA mining code, the 2015 mining legislation reaffirmed a ten per cent free equity participation of the state in any company holding an extraction license.[163] These requirements are far from debates about 50/50 joint venture models in Botswana, or even claims for a nationalization of mining companies and export stops as recently articulated in Tanzania.[164]

159 A range of fiscal advantages for multinational mining companies prevailed. That was notably the case for large-scale mining projects in their exploration and construction stage, which continued to benefit from various tax exemptions, such as the paying of value added tax (VAT) on the import and acquisition of goods required to carry out for geological or mining activities.

160 Hubert, *La nouvelle législation minière burkinabée*, pp. 5–6.

161 See Côte and Korf, *Making Concessions*.

162 Government of Burkina Faso, "Decret n°2017-0036/PRES/PM/ MEMC/MATDSI/MINEFID/ MEEVCC/MCIA du 26 janvier 2017, portant gestion des titres miniers et autorisations" [Decree n°2017-0036/PRES/PM/ MEMC/MATDSI/MINEFID/MEEVCC/MCIA of 26 January 2017, on the management of mining titles and authorisations] (2017), p. 1.

163 See Union Économique et Monétaire Ouest-Africaine, *Code minier communautaire de l'UEMOA*, p. 3.

164 See, for example, S. Pegg, "Has Botswana Beaten the Resource Curse?", in: K. Hujo (ed.), *Mineral Rents and the Financing of Social Policy: Oportunities and Challenges*, Basingstoke: Palgrave Macmillan, 2012, pp. 257–284, at 265–266; Roder, *'Bulldozer Politics'*.

Nevertheless, the implementation of some requirements faced strong resistance from multinational companies and their managers. The successful generation of mining revenues fundamentally depend on international investors and whether they consider fiscal and country risks as manageable.[165] It is notably in a context of perceived political risk that companies use stability clauses to safeguard their companies from future legislative changes.[166] A particular protection of the holder of a mining permit in Burkina Faso therefore stems from not only the legislative text itself, but also additional mining conventions that "supplement" the mining code. They contain notably stabilization provisions for the license holder that exempt the latter from applying changing taxes, royalties, or duties during the term of the mining title.[167] Yet these stabilization provisions between the central state and the companies have fundamental consequences for a potential bypassing of the new requirements of the mining code, such as the implementation of the FMDL. A major point of contestation highlighted by mining companies was the effective date of law implementation and whether their business contracts (and mining conventions) legally apply to the old or the new mining legislation.[168] The last subchapter will therefore discuss how investors partly succeed in impeding reforms, notably through the articulation of threats about a retreat of international investment from Burkina Faso.

"Mining Reforms Are Not Fair for Investors": Corporate Entanglements with National Mining Legislation

During a roundtable at an investors' conference in June 2018 in Frankfurt am Main (Germany), industry experts and company executives jointly discussed whether Europe could become "a new frontier for mining investment". Against

165 See S. Luning, "The Future of Artisanal Miners from a Large-Scale Perspective: From Valued Pathfinders to Disposable Illegals?", *Futures* 62 (2014), pp. 67–74.

166 Jacobs, *An Overview of Revenue Flows from the Mining Sector*, p. 26.

167 A. Dorin, "Burkina Faso", in: E. Richer La Flèche (ed.), *The Mining Law Review*, 6th edn, London: Law Business Research Ltd, 2017, pp. 27–39; Government of Burkina Faso, "Décret N° 2017-0035/PRES/PM/MEMC/MINEFID /MCIA/MATDSI/MJFIP/MFPTPS/MEEVCC portant adoption d'un modèle type de convention minière" [Decree N°2017-0035/PRES/PM/MEMC/MINEFID /MCIA/MATDSI/MJFIP/MFPTPS/MEEVCC adopting a standard model mining convention] (2017).

168 See Drechsel, Engels, and Schäfer, *'The Mines Make Us Poor'*, p. 4; B. Engels, "Not Normal, Not Just: Protest Against Large-Scale Mining from a Moral Economy Perspective", *Canadian Journal of African Studies/Revue canadienne des études africaines* 95 (2019) 1, pp. 1–18, at 7.

the backdrop of an ever-increasing global demand for battery metals to make the vehicle industries more sustainable, participants evaluated Europe's disadvantages as a destination for mining investment against potential benefits. When the moderator asked participants why it was worth investing in Europe despite relatively low mineral grades and high wages for employees, a Nigerian discussant answered, "because of risk". The moderator then admitted that "risk" would definitely play a key role for potential destinations of mining investment. However, based on his experience, it is only the nature of "risk" that would be different: "in Africa the risks are individuals, in Europe the risks are political parties". He then illustrated his argument by referring to the green party of Ireland, which back in 2007 had (successfully) lobbied against the granting of two uranium-prospecting licenses in the country.[169] A second big threat, according to him, would be that small incidents usually immediately result in court cases. "You can't spill anything into a lake – even if it's not toxic, and just changes the colour of the lake", he argued. The further north in Europe, the more "black and white" the decision-making processes become, implying lesser compromises on environmental issues. While corruption issues in the Global South were nonetheless identified as a major hindering factor of mining investment, the moderator stated that what would usually be called "bribery" in Africa could be translated as "lobbying" in Western contexts. Another key challenge would relate to how to acquire "a social license to operate" in order to secure assets in the long term. In Europe, "you cannot build them a school or a hospital" because all basic infrastructures would already be in place. The jurisdictions in African countries were otherwise perceived as leaving much more room for individual negotiations on national and local scales about access to minerals.

The anecdote in *Alidou, l'Orpailleur* illustrates colourfully how a meeting of company executives with the Minister of Mines in Burkina Faso in the past could have direct consequences for the nature and extent of concessionary contracts.[170] The fictive account obviously points to former paternalistic modes of mining governance under the Compaoré regime. However, according to conference participants in Frankfurt, mining governance should neither be too strict ("black and white") nor should law enforcement be too weak (leaving room for corruption). They pointed to a stable investment environment, liability and trust as crucial features of mining legislation and governance. These features could eventually help Europe to re-emerge as an attractive investment destination in the near future. Participants unanimously referred to the more stable nature of

169 See "Ryan Refuses Uranium Mining Licences", *The Irish Times*, 2 December 2007.
170 Delisle, *Alidou, l'orpailleur*, pp. 155–156.

European mining legislations, norms, and regimes. Fiscal and political stability, the availability of technical knowledge, skills experiences, and necessary infrastructures (roads, ports, electrification) were also mentioned as advantageous features of European mining contexts. The profound and relatively immediate mining reforms introduced in recent years by many governments in the Global South, on the other hand, were considered as "not fair for investors". "Black Economic Empowerment (BEE) legislations" were the focus of this discontent. Investing in greenfield projects around the globe, according to them, often involves high risks, but few gains. Yet private persons would still lend their money to these risky projects or invest in company takeovers if the reserves were promising. The capital invested at the development stage of a mine is generally considered as "risk capital". To justify its deployment, it requires (potential) high returns.[171] It would thus be just "fair" to provide investors with stable legislative frameworks and environments for their speculation and financing practices. The moderator hence concluded that having a diverse portfolio of assets (in different countries or even on different continents) would mitigate risks for multinationals and their capital lenders.

"Low cost, low risk, high grade" seem to be three fundamental pillars for global mining investment. However, "low cost" can be mitigated by "high risk" or "low grade" and vice-versa. Whether investors decide to choose the Global South or the Global North as an investment destination also depends on the nature of the "risk" they expect to encounter. Sarah Geenen has argued that gold extraction and trade are generally characterized by high levels of uncertainty.[172] Despite gold's specific role as a monetary metal and therefore a "long-term investment retainer" and "hedge against the unknown",[173] exploration companies have to partly rely on "spectacle" (due to the commodity's fixity in the underground) to influence investors' decisions.[174] Since mineral resources and concessions are usually located within the boundaries of existing nation-states which can legally dispose of them, extractive endeavours are not only tied to global commodity prices stock exchanges, but also to national legislations and

171 See PricewaterhouseCoopers Australia, "Over Taxed? Does the Tax Regime Encourage New Mines?", PwC Australia Africa Practice (August 2015), p. 3.

172 Geenen, *Underground Dreams*.

173 In Frankfurt am Main, an investor explained the specific role of monetary metals as follows: "Especially since the credit crisis, investors have realized that money does not represent value, but rather is merely covered by credit, another word for debt. It is therefore telling that central banks have reversed their policy of systematic gold sales and have become large buyers of gold." See Richer La Flèche, *Preface*, p. v.

174 A. L. Tsing, "Inside the Economy of Appearances", *Public Culture* 12 (2000) 1, pp. 115–144.

usually also local conditions for extraction (see Chapter 5 on "access relationships"). "While mineral deposits are not mobile, the capital which is allocated to fund construction of the assets certainly is."[175] Extraction and trade must therefore be seen as deeply entangled with "the national" and "the local", as they are with global markets of mining investment. An analysis of changing modes of mining governance in Burkina Faso thus must also embrace "the global" and "the local" as relational dimensions of multi-scalar investment practices.[176]

This section focuses on how the interplay of the production of risk (expected costs) and anticipation (expected gains) by national and global industry actors has shaped and continues to alter industry reform in Burkina Faso. The mining investment chain examples the upstream and downstream entanglements of large-scale mining endeavours. They are at once dependent on upstream processes (mineralization, or all activities needed to gather the materials required to create a product) and downstream processes (funding and investment, processing of the collected materials and sales of finished product).[177] The status of potential and actual "uncertainty" due to "a shrinking pipeline of projects, fewer gold discoveries and high-grade deposits", becomes reinforced through "external market drivers", as PricewaterhouseCoopers International (PwC) states in its 2019 analysis of the world's top 40 mining companies. "Against the backdrop of US-China trade disputes and upheaval in the Eurozone, all spheres of business including taxation, environment, politics, investment and labor are marked by volatility and uncertainty."[178] To make mining capitalism feasible, those risks have to be valued, classified and analyzed.

Sabine Luning identifies how "resource risks" and "country risks" are two notions of risk that mining corporations strategically employ to attract investments.[179] This section will focus on (potential) country risks for investors in Burkina Faso and how they affect negotiations around mining law. I identify two main concerns of industry representatives, namely the challenging security situation in the country and the changing tax regime of the 2015 legislation. Besides an actual abundance of mineral resources, political and juridical stability are hence considered as "key conditions" for generating and mobilizing global investment flows.

175 PricewaterhouseCoopers Australia, *Over Taxed*, p. 5.

176 Mansfield, *Beyond Rescaling*, p. 461.

177 Miskelly, *The International Mining Industry*, p. 63; S. Quain, "The Definitions of 'Upstream' and 'Downstream' in the Production Process", *Chron*, 20 February 2019.

178 PricewaterhouseCoopers, "Mine 2019: Resourcing the Future" (2019), p. 6; p. 18.

179 Luning, *The Future of Artisanal Miners from a Large-Scale Perspective*, p. 68.

Corporate Pressure in Ouagadougou

In April 2019, the national Chamber of Mines (*Chambre des Mines*, CdM) issued a memorandum to the Prime Minister of Burkina Faso.[180] The CdM was founded in 2011, notably to promote, develop, and defend the competitiveness of the country's mining industry. In early 2019, it comprised over 50 national and international organizations related to large-scale mining (e.g., in the domains of geo-services, mining, and catering).[181] The CdM is considered the biggest and most influential lobby group for the Burkinabè mining industry. The aim of the letter addressed to the Prime Minister was to report on annual developments of the mining industry, but most importantly "to share" the corporate world's "concerns, preoccupations and suggestions". The twelve-page document describes "a series of factors on international, regional, and national levels that substantially contributed to slowing down initial positive dynamics" (own translation) in the mining sector.[182] The argumentation of CdM's president Tidiane René Barry refers notably to the deteriorating regional security situation and the endangered fiscal competitiveness of the national mining economy. This particularly applies to the mining context of Burkina Faso with a relatively short history of transnational mining investment.

In doing so, he explicitly refers to "the global" while pointing to a report of PricewaterhouseCoopers (PwC) Australia published in 2015.[183] PwC is one of the Big Four accountant firms (besides Ernst & Young, Deloitte & Touche, and KPMG) that advise multinational clients and national governments alike on tax regimes. Critics consider them as "masterminds of multinational tax avoidance and the architects of tax schemes which cost governments and their taxpayers an estimated $US1 trillion a year".[184] The PwC 2015 report intended to demonstrate the impact of African fiscal regimes on decision-making processes about the feasibility of large-scale mining projects, and more specifically decisions made by corporations on whether or not to develop and construct a new mine. It considers

180 Chambre des Mines du Burkina, "Mémorandum sur les préoccupations du secteur minier" [Memorandum on mining sector concerns] (2019).

181 Chambre des Mines du Burkina, "Présentation" [Presentation], http://chambredesmines.bf/nvsite/presentation/#idapropos (accessed 21 September 2019); Ministry of Mines and Energy, *Mines in Burkina Faso*.

182 "Cependant, force est de noter qu'un ensemble de facteurs sur le plan international, sous régional et national, a contribué à ralentir fortement la dynamique positive amorcée." Chambre des Mines du Burkina, *Mémorandum sur les préoccupations du secteur minier*, p. 2.

183 PricewaterhouseCoopers Australia, *Over Taxed*.

184 M. West, "'Tax Avoidance' Masters Revealed: EXCLUSIVE", *The New Daily*, 11 July 2016.

decision-making and reforms of governments at the development stages of mining projects as critical for the overall economic benefit for nation-states and corporations.[185] In doing so, it attributes Burkina Faso an internal return rate (IRR) for multinationals that is "well below the minimum acceptable level".[186] The 2015 published report already considered the newly introduced "1% Social Development Levy".[187] It concludes that a balance between "return to the country" and "return to the miner" is insufficient and will (potentially) distract significant investment flows. This is illustrated by a chart displaying Burkina Faso's "unattractiveness" as a mining legislation (in contrast to the mining-friendly code of Nambia and the semi-attractive legislations in Ghana and Tanzania).[188] In his letter addressed to the Prime Minister, Burkina Faso's CdM president emphasized in a similar way that the new mining legislation would significantly reduce former fiscal advantages of multinationals, introduce new requirements such as contributions to the FMDL, and finally risks to incite investment relocations to more mining-friendly legislations (e.g., that of Ivory Coast).[189]

The letter of the CdM to the Prime Minister represents just one out of many instances that mining firms in Burkina Faso attempted to question and eventually change the legal conditions and requirements of the 2015 mining legislation.[190] Mining executives regularly employed the term "the spirit of 2015" when pointing to political circumstances under which the reform of the mining code has been implemented. As civil society activists and government officials, they asserted that the popular uprising of 2014 had fundamental consequences for the speed and the content of the 2015 mining legislation. During a training for juridical executives of mining companies in Ouagadougou in March 2017, corporate managers even pointed to the non-legitimacy of the transitional government in implementing the mining code, as a corporate manager commented in March 2017:

185 PricewaterhouseCoopers Australia, *Over Taxed*, pp. 3–4.

186 Internal Rate of Return (IRR) is a variable based on the performance of a fictive standard mine, operating under the same conditions, with the same assumed capital and operating costs. PwC assumes a minimum required IRR of 25 per cent (ibid., pp. 3–4.).

187 Ibid., p. 16.

188 Ibid., pp. 4–6.; for a critical appraisal of the PwC report, see N. Shaxson, "PwC: Using 'Competitiveness' as Crowbar to Lobby for Mining Companies – Foolsgold International", *Tax Justice Network*, 11 February 2016.

189 Chambre des Mines du Burkina, *Mémorandum sur les préoccupations du secteur minier*, p. 9.

190 See Kaboré, *Secteur minier*; Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*.

> I think that to say that the legislator has calculated the overall costs [of the legislative changes] obscures the historical context. Because everyone knows the context in which the law of 2015 was revised, and that those then in the parliament were not elected representatives of the people. They assumed as good as possible their work but to assert that that they had the required latitude, visibility and wisdom, I think that would not be completely honest.[191]

The pressure on behalf of the government and threats of investment relocation have prevailed in the post-2015 era. In 2018, the FMDL was not yet fully implemented and municipalities continued to wait for important financial budget allocations. Some government officials themselves asserted that this situation can only be attributed to constraints "at the highest level" of the state or the Ministry of Mines and Quarries respectively.[192] It seems that the 2015 reforms were not supported by all decision-makers in the mining administration. During the same workshop on Burkina Faso's novel mining legislation, several government officials admitted that they are themselves struggling with a number of new requirements as stated in the legislation. A particular issue of debate was the transfer (or amortization) of capital expenditures from the exploration to the production phase of a mining project. Company and mining administration representatives concluded that it must be a question of omission that the transfer of capital expenditures does not figure any more in the new mining legislation. A tax inspector therefore identified the need to partly revise the mining code, or at least to adopt implementation decrees (*décrets d'application*) that clarify specific requirements. She attributed the partial fuzziness concerning specific questions of the tax regime again to the "revolutionary spirit of 2015" and those responsible for it:

> [. . .] it was not the same spirit that guided [policy reform] in 2015. My younger brother told me yesterday when I came home [. . .] he said, 'those who have written the mining code are Rastas'. [Loud laughter among the audience] [. . .]. I think the Rastamen have gone further than we could have ever imagined.

Since the adoption of the new mining code by the CNT in July 2015, mining corporations have used different means of convincing national authorities that

191 The legitimacy issue was also discussed in the literature. Englebert and Frère, for instance, recall the non-democratic and "Putin like scenario" of Zida's and Kafando's appointments: "Ironically, while Compaoré fell while trying to change the constitution legally, it is those who overthrew him while chanting 'Hands off my constitution!' who went on suspending it (albeit temporarily)". (Frère and Englebert, *Briefing: Burkina Faso*, p. 306).
192 See Organisation pour le Renforcement des Capacités de Développement, Publiez Ce Que Vous Payez and Oxfam, *État des lieux de la mise en oeuvre du nouveau code minier du Burkina Faso*, p. 30.

particular clauses of the law are "unjust" for investors and should be amended or modified. The letter of the CdM addressed to the Prime Minister in April 2019 was not the first of its kind.[193] Mining companies reportedly not only actively lobbied for a reduction of the FMDL contribution to 0.5 per cent instead of 1 per cent (see Chapter 3). To remain internationally competitive, they also demanded a reduction of taxes and contributions on hydrocarbons and water use (*Contribution Financière en matière d'Eau*, CFE).[194] A main "problem of interpretation" between the central government and mining corporations, as a government official stated during the workshop, was the juridical basis and nature of contributions. While the Burkinabè government insisted that the creation of the four funds did not add any additional tax to the mining regime, the companies perceived their new financial obligations as having fundamentally changed the former fiscal regime through the introduction of new taxes. The existence of conventions and contracts (and resultant stabilization clauses), concluded between the government and individual companies prior to 2015, served as a legal entitlement to bypass the implementation of the FMDL by the corporate world.[195] In line with the PwC report, a mining executive argued at the same workshop in March 2017 against the FMDL by referring to the entanglement of "the national" and "the global" in competitions over the localization of investments. The wrong "balance between return to the country and return to the miner" inscribed in national mining legislations could eventually lead to a retreat of investment flows from the country, because lions would not suddenly become vegetarians.

> If you call the FMDL a "contribution", you have to note that it is 1 per cent of turnover. 1 per cent of turnover for a corporation that aims to be profitable is not good. [. . .] Today they believe that every mining company in Burkina Faso makes profits. But that's not the case. There can be minor things, such as the gold price going down a bit [. . .] or other things that impede a company from making profit. The average gold grade in Burkina Faso turns around 2 grams per ton [of mined ore]. Which means that to extract 2 grams of gold requires 1 ton of rocks. That is not even enough for [producing] a wedding ring. [Loud laughter among the audience] [. . .] Imagine how much it costs to produce [gold]. There are even corporations, which spend over 1,000 dollars to produce one ounce [. . .]. That is why we should pay attention. It is not tomorrow that we can introduce a decree saying [that] lions are vegetarians. [Loud laughter among the audience] It will not change. The lion will eat you anyway.

193 Ibid., p. 27.
194 Chambre des Mines du Burkina, *Mémorandum sur les préoccupations du secteur minier*, pp. 5–6.
195 See also Drechsel, Engels, and Schäfer, '*The Mines Make Us Poor*', p. 4.

Seducing Investors in Toronto

The emphasis put on fiscal instability by mining professionals in Ouagadougou occurs in parallel with considerations about political stability at investor conferences in Toronto. Putting pressure on government representatives in Ouagadougou while convincing investors in Toronto of the relative attractiveness of Burkina Faso as a mining hotspot can thus be seen as multi-scalar but interrelated practices of the corporate world. "Country risks" can be addressed very differently according to the target audience (investors or national governments) and the bargaining power of involved parties.[196] In the case of both studied corporations, Roxgold and Endeavour Mining, Burkina Faso as juridical and political context becomes thus very differently portrayed in terms of (un)attractiveness. The two companies are focusing on West Africa, which they classify as the emergent "second largest gold producing region" after Australia. Despite their mineral abundance, China and Russia are not counted. During his speech at 2018 Endeavour's annual Investors' Day in Toronto, Endeavour Mining's Chief Executive Officer (CEO) Sébastien de Montessus explains this with the particularly "difficult" investment climate in these countries, contrary to the West African "gold space".[197] The statements of corporate executives at different quarterly investor calls and conferences of Endevour Mining and Roxgold between 2017 and 2019 reveal, however, that companies simultaneously pursue risk-mitigating strategies in terms of political and juridical stability. Endeavour Mining focuses its explorative and extractive strategies on the Birimian greenstone belt in West Africa. Nevertheless, in 2018, it operates four mines in two mining jurisdictions, namely Ivory Coast (for the Agbaou and Ity project) and Burkina Faso (for the Houndé and Karma projet).[198] According to its CEO in 2018, the company aims to be "highly focused in West Africa, but diversified through multiple assets and multiple countries".[199] Roxgold, which for several years only had one production and several exploration projects in Burkina Faso, announced in April 2019 that it added a land package of approximately 3,298 km^2 in

196 Luning, *The Future of Artisanal Miners from a Large-Scale Perspective*, p. 68.
197 Endeavour Mining Corporation, "Endeavour Mining, Investor Day Toronto 2018 (Part 1)", *YouTube*, 30 November 2018.
198 From 2019 to 2021, however, Endeavour Mining has significantly extented its mining portfolio, thereby becoming a global senior gold producer and West Africa's biggest one. See Endeavour Mining Corporation, *Endeavour and Teranga Announce Combination to Create New Senior Gold Producer*.
199 Endeavour Mining Corporation, *Endeavour Mining, Investor Day Toronto 2018*.

the Ivory Coast to its “exploration portfolio”.[200] The new license “Séguela” functions not only as “a new growth asset”, during their quarterly presentation in March 2019 mining executives also pointed to the avoidance of “single jurisdiction risks”.

That former investment flows had been directed to Mali and Ghana rather than to Burkina Faso and the Ivory Coast has also to do with historically specific geopolitical environments. In their presentations to investor communities in Toronto, mining executives portrayed a “more stable” historical path of Burkina Faso’s neighbour countries, which have therefore received “the first exploration waves”. Endeavour Mining’s French CEO particularly mentioned the popular uprising of 2014 and its significance for the current “stable political environment” in Burkina Faso that would also positively influence the security situation.

> Burkina Faso, back in 2015, we had for the first time a democratic election, basically a key change in government where the previous president who was in power for 30 years was thrown away [sic!] by the streets. And I think that the country has shown recently that it can maintain this path through democratic elections. [. . .] when you look back at, you know, what are the biggest threats for investors when we talk about security issues in West Africa, usually the first which comes up is a coup or radical political change. This is not anymore the flavour of the day in West Africa, I can tell you. In Burkina Faso, after the first democratic election, one general tried to do a coup just after the election, and it lasted for one week. And the reason for that is the French army came in and said, “Guys, we don’t play anymore with this. This country has to move on the democracy path [sic!]”. And after one week, the coup was over and the president was brought back.[201]

The statement points to two radically different interpretations of the “spirit of 2015”. While Ouagadougou-based executives discussed the popular uprising and the resulting mining code as a threat to mining investment, the Toronto version indicates the opposite. Yet they both referred to figures and numbers of PricewaterhouseCoopers, which were then displayed in quite different ways. This time, they did not refer to the IRR figure and whether this makes it worth to build a mine or not. The chart rather referred to corporate income taxes and royalties as “well aligned with those in the region” and “very similar to developed countries”, mainly due to the guidance these countries have received from

200 Roxgold Inc., “Séguéla Gold Project”, https://www.roxgold.com/operations-and-projects/seguela-gold-project/default.aspx (accessed 12 January 2021).

201 The CEO referred to an attempted coup in September 2015 by the military officer Gilbert Diendéré and his allies. The coup mainly failed due to pressure from regional leaders, the regular military apparatus and populations. (Endeavour Mining Corporation, *Endeavour Mining, Investor Day Toronto 2018*; Harsch, *Burkina Faso*, pp. 217–220).

the IMF and the World Bank.[202] Thus, Sébastien de Montessus also referred to regional legal and political conditions and a relatively strong stability in what he calls “French West Africa” to display Burkina Faso’s and Ivory Coast’s “attractiveness” as destinations for global mining capital. The countries’ adherence to the same economic zone (UEMOA) with a central bank (BCEAO) and a common currency (the Franc CFA which is “pegged” to the Euro) was seen as a big advantage in terms of “regional integration”. What was considered as a “less attractive mining code for investors” in comparison to the code of 2003 and that of the Ivory Coast by the corporate world in Ouagadougou,[203] was described as rather “well aligned” in Toronto:

> [. . .] I think we shouldn’t be afraid, you know, about announcements that we hear from time to time from those countries that they want to change a bit the mining code. They are not radically, I mean, changing the mining code. What you see is that they set up initially very attractive mining codes because that attracts mining companies. And as the country develops, they try to align progressively their mining codes with the other countries around them, but also with the rest of the world. And when you look again at, you know, corporate tax, money royalties, you know for these countries and compared to other large regions, I mean they’re pretty much aligned. The other fact that gives us comfort is, because those countries are under supervision of [the] IMF and the likes, they can’t go crazy. I mean they can’t start doing crazy things. [. . .] And because they’re also part of these economic zones they also have to respect certain guidelines as part of their membership to these economic zones.

Interestingly it is not the growing incidence of attacks of armed groups in the sub-region that was perceived as the biggest threat to political and economic stability. The latter rather related to “coups”, “radical political change”, and “countries going crazy”. However, regional political instability was illustrated as a major threat, but at least a major factor of “reluctance” to international investment by government and industry representatives in Ouagadougou. Mining executives in Toronto, on the other hand, portrayed the security situation as rather “manageable”. Roxgold’s CEO, for instance, admitted in August 2018 that the company staff is “actively reviewing the security situation in Burkina”. Three factors contribute to corporate safety, according to the management: First, their operations are not located in the far northern portions of the country and the “more porous border regions” with Mali. Secondly, both company CEOs pointed to the “excellent contacts” their security management has

202 Endeavour Mining Corporation, “Endeavour Mining Investor Day 2018 – Strategy Update” (November 2018), p. 14.

203 Chambre des Mines du Burkina, *Mémorandum sur les préoccupations du secteur minier*, p. 8.

in the national military and *gendarmerie* apparatus, as well as to the French military troops present in the sub-region. The security management of the companies' operations often comprised itself (former) members of the French military (see Chapter 4). Third, Endeavour Mining's CEO emphasized in late 2018 that terrorists would usually not target mining companies. They would attempt rather to destabilize governments by attacking armed forces and soldiers. A statement that can at least be judged as naïve at this point in time and has been proven wrong in the following year 2019, which saw several attaks on staff and infrastructure of multinationals in the country. During the 2018 investors' event, however, the London based CEO portrayed security issues in relation to assets and people as existent, but not more prominent than in other world regions. That is why over the past five to seven years, terrorists have not attacked any of the corporate operations:

> And if you're looking at Burkina Faso, which has been lately probably a subject of questioning and fear, it was about 5 attacks over the last 12 months. Those five attacks were spread all over the country. And sometimes I ask myself, where do I feel more comfortable in terms of security? Is it in London? Is it in the US? Or is it in Burkina Faso? Well, think about it, I live in London, I have kids who go to school. We had about 4 terrorist attacks over the last 18 months. Just in London. Where do I feel safe? On our site in Burkina Faso, or in London? I mean, it's a key question. At least in Burkina Faso we usually know what they are targeting! In London, we don't know. Look on what's happening in the US. So, I think we need to overcome and put into perspective what security issues we're talking about.

Conclusion

Exploring the different modes of governance in Burkina Faso's mining sector allows us to illustrate the different interests and motivations of corporate, governmental and community actors. It further unfolds internal diversifications and hierarchies. "Mining reforms" are considered as "not fair for investors" in Ouagadougou and can still be considered as "aligned" and "not radical" during corporate publicity campaigns in Toronto. These various negotiations between government officials, mining company employees, and local populations thus also point to various enactments of "the state", "the companies", and "the populations" by specific actors. Furthermore, the different perceptions demonstrate that similar topics concerning a national mining legislation become negotiated in different places and are shaped by "the local", "the national", and "the global". Third, different and dominant modes of what I call multi-scalar forms of mining governance vary across time. The policy aims of mining governance in Burkina Faso yet mainly focused on two main issues. A first concern was how to transform and retain the landlocked Burkina Faso as an important direction for global capital investment. Another main issue related to how, after the prompt influx of mining capital, these investments could be transformed into development outcomes for the country and its population. In these debates, an "enclaved" model of extraction served as a popular trope, which policy and civil society stakeholders aimed to circumvent in the case of Burkina Faso.

The recent history of mineral extraction in Burkina Faso points to the importance of the state as a dominant spatial format of mining governance that is deeply entangled with local and global scales of resource governance. It reveals the prevailing significance of "the national" in ordering past and contemporary socio-natural relations, a phenomenon to which Gavin Bridge referred as the "the resource-state nexus".[204] The national management of the mining sector evolved out of many (unsuccessful) attempts to make the mineral abundance of Burkina Faso's subsoil investible and governable during colonial and early independent eras. However, it entailed not a simple rescaling of power and authority to global levels, but ambivalent processes of opening and enclosure of the national economy in relation to global capital markets. A prominent example for these processes were the developmental ideals and policies of the Sankara era. Thomas Sankara aimed to open up peripheral regions of the country through economic development and infrastructural connection (*désenclavement*). However, Sankara refused to align these development aims with the emerging structural adjustment policies of the IMF and the World Bank. These policy principles were later withdrawn by his successor Blaise Compaoré whose paternalistic modes of (mining) governance would determine the country's political path for almost three decades until 2014. The gradual liberalization of the mining sector, which culminated in the introduction of the "extremely" investor-friendly mining legislation of 2003, did not lead to a complete "retreat" of the state in mining governance. When critical observers of the Burkinabè mining sector mentioned a "presence but absence" of the central state in mining governance, they mainly pointed to the omnipresence of state agents that largely pursued private purposes that went hand in hand with a "quasi delegation" of state functions and political authority to license holders.[205] The complex scalar relations of Burkinabè mining governance has been particularly visible since 2008 when the country saw a remarkable influx of international investments, an "explosion" of mining titles and intensified concessionary develop-

204 Bridge, *Resource Geographies II*.

205 Hönke, *Transnational Pockets of Territoriality*, p. 14; Côte and Korf, *Making Concessions*.

ments. The "mining boom" also increasingly triggered local forms of negotiation and contestation in the mining areas themselves. Together with multiple forms of popular protest, the latter have reportedly contributed to the events of the popular uprising in October 2014. The overthrow of Blaise Compaoré thus represented a "window of opportunity" for a reformation of the national mining code. The latter had already started in 2010, but was temporarily slowed down due to corporate opposition and lobbying.

The mining code of 2015, adopted under the transitional government CNT and supported through regional policy bodies (AU, ECOWAS, and UEMOA) and the International Financial Institutions (IFIs), has certainly led to a policy shift from sole national revenue generation to an increasing importance of decentralized development aims in the mining regions. However, while an increasing decentralization of "resource governance" can be seen as one of the main policy aims, the legislation did not directly promote more radical neo-extractivist claims, such as the nationalization of production or fostering the processing of minerals within the country. This was mainly due to corporate resistance, but also the behaviour of government officials who feared investors dislocating their capital investments from Burkina Faso. Due to the recent history of large-scale mining in the country, it would not be the right moment to "cast doubts" on behalf of people aiming to invest in the country, as the Canadian miner Julien puts in *Alidou, l'Orpailleur*.[206]

While the African Mining Vision provided a gradual return of the state in mining policy and a reassertion of its authority in the sector, it apparently was not able to fundamentally break with the "enclave legacy" of extractive sectors in Africa.[207] Investigating the "domestication" of the AMV agenda in the national context of Burkina Faso and its ongoing negotiation process allows us to understand prevailing power hierarchies and potentially conflicting processes of mainstreaming "sustainability" and "the local" into an economic sector that is also inherently "unsustainable" and global in nature.[208] This corresponds to perceptions and claims of corporate managers who promote the Burkinabè mining legislation as "not that radical" at investors' conferences. However, the implementation of the Fund for Local Development (FMDL) would imply the injection of huge sums into municipal budgets of the mining areas. Corporate managers therefore not only challenged the legal appropriateness of reforms,

206 Delisle, *Alidou, l'orpailleur*, pp. 155–156.
207 Pedro, *The Africa Mining Vision*, p. 16.
208 See ibid., p. 14.

they were also deeply concerned about the visibility of their community engagements (CSR), and the maintenance of their “social license to operate”. The next section will discuss how the “resource decentralization” paradigm became at once contested and promoted by the global mining community and appropriated by protagonists of the local political arena.