



What's in a Right?

The liberalisation of gold mining and decentralisation in Burkina Faso

Muriel Côte

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Abstract

In Burkina Faso, the last 10 years have seen a progressive and impressive rise of the mining industry in the national economy. Seven open-pit industrial mines have opened since 2007, about 700 prospecting permits are currently owned. At the same time, illegal artisanal mining in many parts of the country has also become an important basis for rural livelihoods. The mining code seemingly strives to accommodate these, often competing, interests. In this paper I analyse why and how this is falling short from the point of view of mining rights in practice. Given the weakened capacity of central government under economic liberalisation, the proverbial discrepancy between the way property rights are inscribed in law and how they play out in practice is hardly surprising. Understanding what kinds of social actors and relations have replaced the state in its social regulatory role is an important question however. Through a critical historical examination of the Mining Code I show how the economic liberalisation of gold mining has eroded the ability of the central administration to allocate mining rights, especially in settings with competing claims to gold. I argue that in these settings, elected municipal governments have become de facto strategic actors for the arbitration of claims, but their role and responsibilities are not defined within the Code. This lack of recognition, I suggest, constitutes the turf on which clientelist relations between these local authorities and industrial mining actors grow, which in turn undermines the possibility for these authorities to represent their constituents' interests.

About the Author

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1 Introduction

With growing evidence of rapidly expanding large scale land and resource acquisitions globally by private investors it is becoming increasingly clear that a process of 'accumulation by dispossession' is under way (Harvey 2003; Borras and Franco 2010). The conditions under which dispossession occurs are often studied at national and international scales (Borras et al. 2011). In the mining sector, explanations have shown how pressure from International Financial Institutions has pushed forward economic liberalisation and property reforms that have facilitated land acquisitions without providing social protection that would prevent the dispossession of local residents (Bridge 2004; Holden et al. 2011). The ways in which these reforms have translated into practice locally has not received the same amount of attention. Dynamics of dispossession in local contexts have mainly been studied from the angle of community-company conflict, resistance and social movements (Hilson and Yakovleva 2007; Bebbington et al. 2008b). However popular protest does not always emerge in reaction to dispossession, and indeed understanding why in some contexts similar experiences of material and symbolic injustice generates little local opposition is an important question. The paper argues that this question can be looked at through the ways that mining licenses that entitle private investors to take away resources from local residents become legitimised locally. Specifically, it is argued, through a case study in Burkina Faso, that legitimisation can be understood by theorising the kinds of relations of power and authority that arise locally at the intersection of economic liberalisation and democratic decentralisation.

Recently, governments have engaged in reforms that encourage foreign investment in mineral extraction in the way of favourable tax and customs, and a license regime aimed to secure these investors' property rights to mining concessions, but in practice these rights have necessitated the involvement of a range of local institutions to secure access to working sites (Luning 2012). Proverbially, property is not simply a relation between men and resources, but rather one between men about resources. In this sense there are social and political relations that need to be examined in practice in order to grasp the ways in which rights take on their material significance. Recent research suggests that much analytical power is to be gained into property relations from investigating the ways rights that are codified in law are contested in practice. Specifically examining the political alliances and divisions that arise in the arbitration of competing claims between actors who have access and those who have rights to resources, helps explain how property is secured and legitimated (Sikor and Lund 2009). In this paper I argue that local governments emerge as important players in these political mediations, and the kinds of powers and resources that are devolved from central governments shapes how they are able to position themselves politically vis-à-vis competing artisanal and industrial mining actors, and ultimately the conditions under which dispossession is legitimised.

The gold mining sector in Burkina Faso offers a good context to explore these dynamics. It has known a 'mining boom' in the last 10 years, with the construction of seven industrial large-scale mines that have been opened, and gold is now the main driver of its export-led economy. This industrial boom has met little resistance compared to other contexts in Africa or in Latin America. This lack of resistance is surprising considering the fact that the industrial sector competes directly with artisanal gold mining that generates significant economic resources for rural farmers.

Gold in Burkina is thus a point of contact between the material interests of state, foreign investors and citizens. The mining code (2003) typically favours the development of the industrial sector as a motor of growth by encouraging foreign investments. At the same time, democratising reforms have been under way, and locally elected municipal authorities are expected to carry forward the interests of their constituents who are also often artisanal miners. The paper sheds light on the way

competing claims to gold resources are arbitrated in practice and on the local relations of power that emerge between citizens and local leaders within this contradictory institutional environment. It argues that these relations shape dynamics of dispossession in important ways. It shows that state power is not weakened by simultaneous liberal political and economic reforms; rather it is re-scaled and operates through processes of rural differentiation and elite formation.

In the first section of this paper I propose a conceptual framework for analysing local relations of property and power in relation to dispossession, drawing on recent work in local politics of access to resources and democratic decentralisation. The second and third sections present the economic liberalisation of gold mining in a historical perspective. I emphasise two typical but important effects of these reforms: first, the mining license regime has paradoxically discouraged the formalisation of artisanal mining and secondly, it has given rise to an institutional vacuum in the governance of the artisanal sector. The fourth section presents the ways in which democratic decentralisation is designed to fill these governance spaces left empty. It shows how municipal authorities are expected to resolve governance challenges that arise from informal artisanal mining, but how the absence of powers and resources devolved, places them in an ambivalent relation towards artisanal miners. The last section takes a look at this situation 'from below' examining everyday relations of power and authority between artisanal miners, municipal authorities and representatives of a Canadian mining company that plans to open a large-scale mine on artisanal mining villages. The analysis draws on ethnographic data gathered over 15 months between 2010 and 2012 in the commune of Nebnooma¹ in northern Burkina Faso, characterised by antagonism between artisanal miners and municipal authorities, and relations of patronage between the latter and the mining company. Acknowledging these complex local political configurations constitutes an important step towards elucidating the conditions under which collective political action against dispossession does or does not take place.

The paper does not intend to make generalising statements about the political *nature* of decentralised authorities. Rather it aims to draw attention to the contradictions that arise through simultaneous state logics of accumulation and territorialisation, and to the fact that the way these are dealt with locally, matters. At the intersection of liberalising and democratising state reforms irregular power trajectories emerge, and relations of authority are configured in unexpected ways. These irregularities need to be theorised if we are to understand the ambiguous development opportunities related to mineral extraction.

2 'Accumulation by dispossession' meets 'the politics of possession'

Critiques of neoliberalisation have shown that reforms towards political decentralization and other institutional frameworks imposed in the name of democratisation have yielded disappointing results. Democratic institutions have been at best, strawmen with no significant power to bring about the kind of democratic change advertised, or at worst, Trojan horses that have facilitated dynamics of capital accumulation and created uneven economic development as a result (Harvey 2003; Castree 2008). There is wide ranging evidence that supports these claims in the scholarship on mineral extraction. It is generally based on instances of local relations of patronage between local elite and private investors or central authorities, and where local governments have put up little resistance to extractive industries (Campbell 2008; Lange 2011). Further evidence also points to the fact that popular resistance and social movements directed against extractive projects often grow in opposition to local governments perceived to embody neoliberal state hegemony (Hilson and Yaklovleva 2007; Urkidi 2011).

¹ The names of places in the study area have been changed in order to protect informants and because this information would not enhance the argument made in this paper.

However the interests of local and central government are not always neatly aligned. Haarstad and Floysand (2007), for example, show how in Peru democratic institutions and narratives of democratisation were appropriated locally, rescaled through international social movements and turned against central administrative models of resource extraction. There is a fundamental tension between state reforms that promote locally disruptive foreign investment and democratic ones that encourage citizen representation and the role of democratisation in facilitating dispossession is not always be so straightforward (Bebbington and Bury 2009; Horowitz 2010; Bebbington 2012). The current paper builds on this scholarship on the micro-politics of democratisation and mineral extraction to examine how, at the intersection of accumulation and territorialising logics, existing local political identities are re-formed through mineral extraction projects, and in ways that shape the relation between 'communities', the state and investors. The micro-politics of local governance is approached as a constitutive element of neoliberal state reforms, rather than an outcome of failed democratisation or predatory neoliberalisation, and much can be learnt from them about social and political relations that underlie dynamics of dispossession.

Recent work on the local politics of possession and decentralisation offers a useful framework for analysing how these political identities are formed and influence dynamics of possession and dispossession. Property, and privatisation in particular, is a fundamental tool through which neoliberal theories of natural resource governance and development are socially engineered by the state. However property reforms and regimes as they are inscribed in law rarely strictly match the way they articulate in practice. On the ground, codified property regimes may be resisted, ignored or appropriated in new and different ways than those intended, and give rise to parallel normative orders regimenting relations of possession. For this reason, Ribot and Peluso (2003) prefer to examine these relations through the ability of people to benefit from resources, through relations of access, rather than codified property.

This conceptual distinction is particularly appropriate in the context of mineral extraction. Gold mining for example always involves both formalised, often industrial, extraction and also a vast number of artisanal mining that operates without legal titles though it may be tolerated by authorities (Fischer 2007; Banchirigah 2006). When overlap between these activities occurs, especially in cases where new actors claim ownership over resources that are already under informal regimes of access codified property law is often mobilised as a way to over-ride existing access regimes (Sikor and Lund 2009; Peluso and Lund 2011). The enforcement of these property claims often involves the intervention of intermediary, or 'twilight' institutions to legitimate property-based claims (Lund 2006). In addition, mining titles are generally issued by central institutions that are often far removed from the rural contexts over which authorisations are granted, and as pointed out by Speigel (2012) the application of titles in practice is fraught with regulatory complexities and impracticalities. How these are resolved locally is therefore an integral part of neoliberalisation processes and it often involves local governments acting as local brokers. In order to understand how dispossession is legitimised in the context of mineral extraction, we need to pay more attention to these intermediary institutions, and to the factors that may influence the way they position themselves politically vis-à-vis various competing resource claimants.

The scholarship on natural resource democratic decentralisation suggests that the lack of discretionary power and resources devolved to local governments in practice interferes with their ability to become downwardly accountable (Ribot 2004). Legal and institutional porosity may strengthen local government as they have room to manoeuvre relations, but also may weakens them in that their political power is subject to constant negotiation. In such contexts their quest to assert public authority is an important factor framing local government relations with resource claimants (Lund 2006; Nightingale and Ohja 2013). In this paper I draw on these findings to

examine how the institutional vacuum that arose out of the liberalisation of gold mining on the one hand, and the lack of power and resources devolved to local governments on the other, shapes the way they are positioned politically in relation to overlapping and competing gold mining claims. The following two sections set the historical backdrop against which local political configurations are formed, highlighting the growing institutional vacuum in the regulation of access to gold and the ways in which local governments are expected to fill this gap since the liberalisation of gold mining in the 1980's.

3 Liberalising mining Burkina Faso: the rise of institutional vacuums

The mining sector started to be regulated in Burkina much later than its neighbours which can be explained by the fact that gold became an important driver of the domestic economy in the late 1980s, while Ghana and Mali for example have a longer tradition of gold mining (Luning 2006; Campbell 2008). At that time also, the country was marked by profound political transformations set during a brief revolutionary regime (1984-1987) led by Thomas Sankara. Artisanal gold mining was then resorted to by farmers as a cash-generating strategy to compensate for lost crops after prolonged droughts that were affecting the Sahel region. There was no coherent national mining legislation (over trade or licenses) and the expansion of the artisanal sector called for the need to regulate the sector. The parastatal institution *Comptoir Burkinabe des Metaux Precieux* (CBMP) was created in 1986 and established a state monopoly on the production, transformation, export and purchase of gold which fixed the buying price of gold nationally onto the London market (Gueye 2001). The mandate of the CBMP targeted the industrial sector, which only comprised two large-scale state-managed mines in Essakane and Poura at the time, but essentially it aimed to regulate the expanding artisanal sector as well.

After Sankara was assassinated in 1987, the revolutionary regime was overthrown by Blaise Compaore who has been in power ever since, and whose government undertook a series of democratisation and economic liberalisation reforms under the auspices of IMF Structural Adjustment Programmes (SAPs). In the mining sector, one of the very first and most decisive legal acts was the liberalisation of the gold trade that, beginning in 1996, authorised the creation of private gold trading posts (Decrees No. 96-231/PRES/PM/MEM on 3rd July 1996 and No. 97-035/MEM/MEF/MCIA on 14th May 1997). This decree effectively marked the end of the state monopoly on gold trade and export. It was justified as a way to promote private investment and employment, which were perceived to be hindered by the CBMP monopoly, and several private trading posts were created as a result. However this also meant that the CBMP, which was still state owned at the time, had to start competing with the new private trading posts, which seriously undermined its capacity to capture gold production. In 2001 the CBMP started to be privatised (No. 015-2001/AN of 4th July 2001) and the structure was eventually dismantled in 2006 on the grounds that it had gone bankrupt. While the official explanation is that the CBMP's bankruptcy was already under way before liberalising reforms and that privatisation allowed it to survive a little longer, this interpretation is not shared by several ex-CBMP agents currently employed at the Ministry of Mines:

"At the time [the CBMP existed] you could not make good business with gold because the prices were fixed by the government; you had to sell with the government, and be careful if you got caught! The CBMP did not go bankrupt, it was liquidated by the World Bank. How can a business that buys something at 1F and sell it at 10F go bankrupt?!"²

² Anonymous, Ministry of Mines Staff, interview on 30.03.2012.

Although this kind of confession is often reluctantly given away, it is widely shared even among higher executive officials who admit regretting the disappearance of the CBMP because 'it conferred a grasp onto artisanal production'. While private trading posts are supposed to have replaced the CBMP, it is widely admitted that they rarely report the amount of gold acquired, while the central administration lacks the capacity to monitor their activities adequately.

The CBMP only lasted 10 years until the monopoly was abolished, but it had set a solid framework for the artisanal production of gold and its dismantlement had profound impacts on the sector and its relation to government. In order to control artisanal gold production and trade, the CBMP-employed technicians who were posted in localities where gold was discovered and constituted the sole point of sale for artisanal miners, as Gueye (2001:39) describes:

"The Gold Purchase Counter [CBMP] was the only body allowed to purchase, process and market gold. It established an organisation dedicated to carrying out these tasks. It employed technicians to purchase gold from artisanal sites and granted authorisation cards, which permitted local buyers to purchase gold that could be resold to holders of gold marketing cards. CBMP had several local buyers who resold gold to the Counter. In order to obtain an agreement to purchase gold, an application had to be submitted to the Mining Minister, after which an inquiry was conducted by the police force. The agreement to purchase gold could only be signed by the Mining Minister. The CBMP Executive Manager could sign local purchasers' cards. Local purchasers' cards cost CFAF 1000 each while the agreement to purchase gold cost CFAF 250,000."

As such, the organisation for gold purchase overseen by CBMP technicians and the local cardholders they hired provided a highly controlled environment that initially prevented the development of fraud. This element of control was further reinforced as technicians were also entrusted with a security role on mining sites, and Grätz (2004: 146) for example describes how they were able to mobilise local police agents to pursue gold smugglers, and were involved in mediating conflicts that arose in relation to gold and that artisanal miners were not able to resolve themselves. In the period that followed the adoption of SAPs, central government investments in CBMP capacities declined and so did the revenues generated through artisanal gold production, as Table 1 illustrates.

Table 1. Artisanal gold production in Burkina Faso between 1986 and 2002

Year	Artisanal production (tonnes)
1986	272
1987	616
1988	805
1989	1,255
1990	2,302
1991	1,499
1992	1,338
1993	928
1994	906
1995	
1996	769
1997	944
1998	951

1999	738
2000	515
2001	209
2002	390

Source: Gueye (2001) and WTO (2004)

Reasons for the peak and drop between 1990 and 1993 need to be further researched, especially considering that global gold prices were actually very stable during that time interval³. What is noteworthy here however is the stabilising and then dramatic fall of artisanal production from 1998 to 2002; but this downward trend does not so much reflect a decline in the artisanal production of gold than the decreased capacity of the CBMP to record artisanal gold production. Indeed, in that time interval the majority of gold production was not channelled through the CBMP and according to Englebert (1996:96, cited in Werthmann 2001) at least 40% was smuggled out of the country. A later study conducted by the French *Bureau de Recherches Geologiques et Minières* estimated that 80% of gold was sold through informal channels between 2001 and 2003 (Jacques et al. 2006: 123). Ex-CBMP technicians explain that after private trading posts were created, artisanal miners were no longer obligated to sell the gold extracted with them, and it became difficult to control the proliferation of illegal sales points on sites, or at town markets. At that time the authority of the CBMP over artisanal mining also greatly eroded due to the proliferation of the informal market. A study by Werthmann (2001) in 1998 for example reports tensions between CBMP agents and an emerging class of powerful, and now illegal, artisanal gold miners who started thriving off the informal market.

Another important aspect of the CBMP in artisanal mining was the supervisory role played by its technicians over local artisanal working arrangements. Part of the revenue raised was directly reinvested in the improvement of the mining sites, infrastructures and equipment (Werthmann 2001). The 2004 Poverty Reduction Strategy Paper for Burkina Faso states that "in the decade 1991-2001, the contribution of these small-scale operations in the form of support for provincial budgets from gold washing taxes amounted to approximately CFAF 500 million" (GoB 2004: 61). Although it is not clear how much of this revenue was actually reinvested locally, part of a technician's job was to oversee artisanal mining work arrangements. They were trained to implement safety measures on the sites they supervised, such as distance between shafts and between sites and habitations. In a recent study on the productivity of artisanal mining in Burkina, Jacques et al. (2006: 119-120) describe the legacy left by the CBMP on some artisanal work arrangements today:

'The main artisanal gold mining sites in Burkina can surprise by their degree of structure and organization, which might resemble a "small mine" if sufficient material means were deployed. This organization, indispensable because of the size of the sites and the complex exploitation method, was set up by the CBMP, which was very early on given a mandate by the Government to take this activity in hand. The sites consist of well-defined workshops, where everybody has a specific task to carry out with specific equipment. Some tasks are set aside for the elderly, such as watchmen, for women (manual grinding or winnowing), for young boys (crushing, and transport of ore and water), or for girls (picking and sorting in the waste heaps). The automatic character of the acts and the permanency of the tools enables the reliable determination of an average theoretical productivity for each task. (...). Each task has its own fixed price that varies little from site-to-site. Among the miners

³ The increase in gold prices may have increased the incentive for artisanal mining – see the fluctuation of gold prices (as per London PM) between 1833-2011 http://www.nma.org/pdf/gold/his_gold_prices.pdf
Land Deal Politics Initiative

in the extraction zone, it is common to share the ore and thus the risk. This is performed according to precise rules that are accepted beforehand by all members of the team'

Some of these organising features can still be found in some of the older artisanal mining sites but working arrangements on new sites are more erratic. The degrading effects of SAPs on the artisanal mining sector are not unique to Burkina (Banchigirah 2006; Fischer 2007). In Zimbabwe, Dreschler (2001) describes how the privatisation of state owned mines following these reforms resulted in massive unemployment which was not absorbed into large scale private mining as was expected, but rather fuelled illegal small-scale mining. In Burkina Faso, although the performance of the two state-owned industrial mines significantly degraded during the course of these reforms, the more significant impact of liberalisation was felt in the artisanal sector. Like in Ghana, where Hilson and Potter (2005) have shown how SAPs fuelled the growth of a poverty-driven small scale mining sector, liberalising reforms in Burkina have undermined the capacity of the CBMP to organise and supervise artisanal production locally, and its eventual dismantlement left a governance gap in this domain. More crucially, liberalisation reforms have not provided a replacement intermediary structure between the state and artisanal miners to fill the space left empty by the CBMP. This has contributed to shaping artisanal mining sites as ungovernable spaces characterised by the proliferation and normalisation of fraud, increasingly precarious working arrangements and a growing divide between formal institutions and artisanal miners. In the following sections I show that the property regime and democratic decentralisation represent central government attempts to regain control over artisanal mining, but in practice these central reforms are co-producing local relations of power and authority that further marginalise artisanal miners.

4 (In)formalising artisanal mining?

The first Mining Code (1997) redefined the role of the state as no longer a direct investor in the sector, as this was deemed 'too risky', but as 'an institution supportive of investment' (GoB 1996). One such role is the distribution of permits and licenses to potential investors, and the Code typically differentiates between industrial sector exploration permits and exploitation licenses on the one hand, and the artisanal sector on the other, of which the latter mainly includes semi-mechanised artisanal mining. The promotion of investment in the large-scale industrial sector in Burkina, like elsewhere, has been particularly prominent and exploitation licenses guarantee secure mining titles, the codification of tax exemption regimes for investors and the liberalisation of gold trade (Forster and Bills 2002; Pegg 2003). The revised mining code (2003) further set up a range of custom and tax concessions aimed to encourage foreign investment. These tax privileges are justified by ministry of mine agents as a way to encourage exploration and thereby to regain control by increasing knowledge of underground resources⁴. This has clearly been successful since a quick glance at the map of currently valid permits at the BUMIGEB office⁵ confirmed that it is now difficult to find an area that is not covered by an exploration or an exploitation permit. The number of exploration permits bestowed jumped from 2 in 2001 (GoB 2010; GoB 2011) to around 600 today (Oxford Policy Management 2011: 19), effectively covering around 60% of the national territory.

Another aim of the code was to encourage artisanal miners to invest in upgrading their system of production to semi-mechanised mining. Two types of licenses are available to promote this – the semi-mechanised artisanal permit and the artisanal authorisation for mining (AAM) – but typically these licenses do not have the formalisation effects intended (Siegel and Veiga 2009). The former

⁴ Emmanuel Yameogo, Directeur General des Mines, interview on 24th February 2012.

⁵ Permission was not granted to the author to reproduce this map here, but a 'map of main activities and mineral potential in Burkina Faso' can be found in Oxford Policy Management (2011: 20, reproduced from Diawara et al., 2010).

has not been very popular; for example between 2001 and 2009 only five such permits were delivered. On the other hand, the AAM has been more widely acquired. It is difficult to have a clear and up to date estimate number of AAMs currently held, because the central cadastral system is only currently being digitised and because AAM licenses expire after two years they are difficult to keep track of, but a recent report by the ministry of mines shows that up until 2006 a total of 205 authorisations were acquired (GoB 2006: 6). This type of license confers for two years, infinitely renewable, the right over gold that is extracted in the perimeter covered by the authorisation (maximum 1km sq.) and they are exclusively delivered to Burkinabe nationals or to companies with a majority of Burkinabe shareholders. The reason why AAMs are usually more sought after than semi-mechanised permits is quite simply because they are less expensive and they are also subject to less constraining environmental and labour norms.

The AAM is a typical attempt to formalise illegal artisanal mining activities based on neoliberal theories advocating that 'these provisions make it easier for domestic enterprises to follow a "graduation path" leading, eventually, to large-scale mining' (Oxford Policy Management 2011: 46). These authorisations are presented by ministry staff⁶ as a way to integrate artisanal miners in the formal state economy, as is illustrated by the fact they are exclusively reserved to Burkinabe citizens. On the ground however, these authorisations are rarely pursued by actual artisanal miners. In fact they are often acquired by private trading posts based in Ouagadougou, and they are misused as a license to purchase gold locally from the artisanal miners (Luning 2008). Indeed artisanal miners refer to these sites as operating under a *comptoire*, a vernacular pronunciation of the French word 'comptoir' that refers to the gold trading posts. In practice trading posts that acquire AAMs are able to force artisanal miners found working on the delimited perimeter to sell them the gold they extract at a lower price than that practiced on the black market. This is not illegal as there is no law framing minimum standard AAM labour arrangements; however Ministry staff acknowledge that this is far from the formalisation objectives that AAM licenses are meant to achieve⁷. This significant discrepancy between law and practice is tolerated and justified as a way for the central government to retain a minimum control over artisanal mining working arrangements and production. This is well encapsulated in a statement made by the General Director of the Ministry of Mines when asked to comment on the misuse of AAMs:

'It has become a necessity for the State to revise its strategy to manage traditional [i.e. artisanal] sites. The CBMP used to manage these sites without a problem, this structure has now disappeared, now we have to find the best formula that will help avoid conflicts'

Lefaso, 19th July 2012 (author's translation)

Paradoxically, conflicts often arise between AAM license holders and artisanal miners because the value of gold is lower than everywhere else, and artisanal miners tend to avoid working on sites that have an AAM when they can. This is well illustrated by an artisanal miner who was asked to explain how he chose which mining sites to go and work on, illustrates:

I heard that gold was declared in Watinooma [a rural town in north-western Burkina] and so I travelled there the day before yesterday to see whether I could get access to a shaft and hire some diggers. But I found they were quite closed up to strangers and anyway it would be difficult to make any money; they have a 'comptoire' there you know. Over there you have to sell 6g at once, and they give you between 60,000 and 80,000CFA for it; here in

⁶ Patrice Dabire, Direction du Secteur Artisanal, interview on 28th November 2011.

⁷ Anonymous, Ministry of Mines Staff, interview on 28th November 2011.

*Sanemziiga there is no 'comptoire' and you can get 22,500CFA for 1g! So I just came back here to work!*⁸

So while the AAM is advertised nationally as an inclusive institutional framework aimed to formalise artisanal mining, it has had the unintended effect of empowering an urban-based elite who owns private trading posts and marginalising artisanal miners. This is typical of neoliberal restructuring elsewhere too and Fisher (2007: 739) also demonstrates how similar reforms in Tanzania have fuelled the social exclusion of artisanal miners. In Burkina, these reforms have encouraged a tendency among artisanal miners to evade formal institutions and indeed to define themselves in opposition to them.

Another way in which AAM departs from its intended formalisation objectives is the way it is used as an intermediary between local artisanal miners and industrial mining companies, especially those holding exploration licenses. Exploration involves the evaluation of the content and quality of underground mineral through borehole drilling work. It is often undertaken in places where artisanal miners already have found gold and mine intensively. Exploration license holders mostly tolerate artisanal mining on their permit because too many resources would be required to prevent it, but this also means that access to these sites must be negotiated with miners, which can be met with significant resistance from artisanal miners. Luning (2008) describes how in the north of Burkina, where a Canadian transnational mining company holds an exploration license over an area of intense artisanal mining work, AAMs are tolerated by the Canadian company because it has served as an interlocutor between the company and artisanal miners, and facilitated the company's access to drilling sites. Interviews with several community relations officers from similar companies confirm that from their point of view, tolerating an AAM on an exploration permit can be an advantage because AAM holders constitute a valuable intermediary through which such companies can engage with 'local communities'⁹.

Exploration companies do not systematically engage with AAM holders however (Megret 2010) and in cases where exploration licenses are acquired where there is no AAM, companies mobilise other kinds of local institutions as interlocutors. In a follow up to her case study, Luning (2012) showed that the way the Canadian mining company strategically engaged with customary authorities was crucial to facilitate the process of upgrading from its exploration license to an exploitation permit. In order to do this companies must undertake feasibility and impact assessment studies that involve tackling highly political questions of displacement and compensation. In this case the permit pursued encompassed two customary jurisdictions whose respective heads disagreed over the terms of compensation. Luning shows how company representatives strategically forged and shifted alliances with both customary authorities so that their disagreement would play in the favour of the terms that the company wanted to obtain. This shows that not only are rights contested in practice, but whom is able to benefit from these contestations is shaped by the kinds of alliances and divisions that are made locally.

Questioning how AAMs work in practice first shows that while these licenses are promoted as a way to improve artisanal mining, they have actually restricted the ability of artisanal miners to benefit from gold resources. Secondly, questioning the gap between rights in theory and in practice sheds light on *whom* these licenses actually benefit politically. In a context of a local governance vacuum left by the dismantlement of the CBMP, AAM holders are sometimes mobilised as intermediaries for private investors to negotiate access with local miners. In other instances, investors are able to

⁸ Anonymous, Sanemziiga artisanal miner/shopkeeper, interview on 29th April 2012.

⁹ E. Kossongonona, Community Relations Officer, OREZONE, interview on 29.11.2011; A. Analira, Community Relations Officer, AMARA, interview on 13.12.2012.

strategically choose other institutions as local interlocutors. In the case analysed by Sabine Luning, customary institutions in disagreement over the terms of compensations were the company's interlocutors, who allowed room for the company to negotiate compensation to its own advantage. The remainder of this paper analyses what happens when municipal authorities are mobilised as local interlocutors. The next two sections describe how the assignment of responsibilities to municipal authorities without powers or resources devolution creates conditions of local political fragmentation, and I then illustrate, through a case study from northern Burkina Faso, how this fragmentation is rehearsed locally in ways that facilitate dispossession.

5 Democratic decentralisation and gold mining: responsibilities without resources

The process of democratic decentralisation in Burkina Faso has been under way since the adoption of a new Constitution and of Structural Adjustment Program in 1991, but it has only been effective in the whole of Burkina since the first municipal elections in 2006. Municipal councils are made up of councillors elected at the village-level. Together councillors elect a Mayor who presides over the municipal council, which is renewed every five years. The council gathers at least four times a year, and can be called upon by the Mayor on a more recurrent basis depending on specific issues that may come up (GoB 2004). At the village-level the *Comite Villageois de Developpement* (CVD), made up of 10 to 15 individuals, who are nominated on the basis of a consensus vote and are meant to insure the link between the municipal council and citizens.

Resources devolved by the central government have been typically poor (Ribot 2004). Municipalities are encouraged to partner with donors and NGOs on specific projects (e.g. Ouattara 2006; André 2010), or to raise their own revenues through taxes, to ensure the delivery of public services (Blundo and Le Meur, 2009). Appropriate legal frameworks however have often been missing, in particular in the area of natural resource and land management, which has hindered the capacity for authorities to implement taxation in practice. A typical and almost anecdotal example now in Burkina is that of rural and urban land planning, which has been an important way to raise funds during the councils' first mandate (Hilgers 2008). Municipal councils created urban cadastres and raised revenues through the registration of land plots (*lotissement*), but in the face of limited technical capacity, they were seldom able to strictly follow legal procedures, which gave way to instances of corruption and abuses. This case is repeatedly rehearsed in the public domain, in national media (Lefaso, 6th June 2012) and it is often invoked by central government authorities to justify caution towards power and resource transfers to municipalities on the grounds of their insufficient technical capacity and their political immaturity (Champagne and Ouedraogo 2008).

Resource decentralisation to municipalities in the mining sector comes essentially from the sharing of industrial mining rents (Article 82 du Code de 2003). In a decree passed in 2005 (Decret no. 2005-048/PRES du 3 Fevrier 2005), municipalities are entitled to 20% of the superficiary tax paid annually by exploration and exploitation license holders. These rents however are not often transferred in practice and this is justified by central administration staff as a result of complicated calculations in the many cases when, for example, licenses cover several municipalities, which they almost always do (Oxford Policy Management 2011: 46). Despite this, municipal authorities are expected to play an intermediary role between private investors and residents who might get affected by mining investments (Law No. 031-2003/AN on 8th May 2003). They are expected, for example, to facilitate mining companies' access to sites often uneasily accessible, introducing them to and mediating relations with local communities (Articles 63, 85), and they are also often expected to mediate conflicting relations between industrial companies, residents and/or artisanal miners (Article 111) and overseeing feasibility and Environmental and Social Impact Assessments studies (Decree No.

2007-853/PRES/PM/MCE/MECV/MATD on 26th December 2007). This latter responsibility is of course the most contentious of all as municipalities only have a consultative role in relation to the delivery of industrial mining licenses. There is no work being carried out on the consultative processes in Burkina yet because industrial gold mining has only recently (and quickly) expanded, but local political fragmentation and conflicts have been reported by some studies that have focused of the micro-politics of mineral extraction elsewhere as often arising out of consultation procedures (Horowitz, 2010; Lange, 2011).

The expansion of artisanal mining also presents specific social, environmental and health-related challenges that municipal authorities are expected to address. To name a few, these include the unsafe use of mercury and cyanide for the transformation of ore (Tschakert and Singha 2007), the low rates of school attendance by children in mining villages, access to water – a scarce resource in North Burkina – for the washing of ore, the resolution of conflicts that often arise between groups of miners are also often the higher rates of alcohol consumption that increase risks for artisanal miners (Grätz 2009), and human safety around often precarious digging arrangements. In addition to central government pressure to accommodate challenges brought about by the mining sector, citizens also expect their representatives to take measures that resolve local issues related to artisanal mining. The lack of resources often makes it difficult for municipalities to address these local governance issues, which does not make them popular among the citizen base. There is some evidence of municipalities in Burkina where local measures are taken to mitigate the impacts of artisanal mining and in the municipality of Boroum, for example, where residents complained about river pollution by artisanal miners and demanded their expulsion, municipal authorities issued a decree that relocated miners away from the river. This however made it more difficult for miners to wash the ore and resented municipal authorities for being unable to offer them alternative arrangements (Sidwaya, 5th October 2012).

Decision-making power over licenses has also not been effectively devolved to municipal councils, as gold remains property of central state (Article 5 du Code Minier 2003). The signature of Mayors is only required to authorise AAM and this power has sometimes been used to delay or block undesired trading post companies from imposition price and production conditions on their constituents. In some other cases, the municipality has used this power as leverage to negotiate better treatment from these companies. This was the case, for example, in the municipality of Tiefora, which allowed a big trading post company called Sav'Or to set up shop on a site next to another important trading post, SOMIKA, which holds an AAM. This led to tensions between the two companies and an attack by SOMIKA on Sav'Or property. The newspaper article that reported the event described that the Mayor claimed to have permitted the delivery of an AAM to Sav'Or because, after consultation with residents, the company promised to pay the local village fund a percentage on the gold it acquired, thus contributing to local development, which SOMIKA had failed to do (Le Pays, 25th Novembre 2012). This shows that in some instances, municipal councils have manipulated, to their constituents' advantage, the little room of manoeuvre they have been granted.

This is of course not always true, but the example shows that the kinds of power and resources devolved to municipalities shape in important ways their relations with their constituents as well as the room for manoeuvring the politics of access with outside investors. The following section illustrates this point through more in-depth analysis of power and authority relations in a municipality where a transnational Canadian mining company and artisanal miners compete over access to gold in north Burkina Faso. I draw on ethnographic material collected over 15 months fieldwork in the municipality of Nebnooma between 2010 and 2012. The case shows how relations of antagonism with artisanal miners on the one hand, and patronage with the private foreign investor on the other are fuelled by the lack of power devolution to municipal authorities.

6 The politics of dispossession: power and authority in the gold hills of Nebnooma

6.1 'Big men' and municipal authorities: antagonism through powerlessness

The rural municipality of Nebnooma is situated in northwestern Burkina where artisanal mining is omnipresent in social life. In the area it is hard to find a household that does not in some way or another benefit from gold mining. Farmers have engaged informally with gold mining as a dry-season activity for almost 30 years, but production has really accelerated in the last five to seven years. This is partly explained by the global value of gold that has peaked in that period which has allowed local miners to accumulate an important amount of wealth, which they have reinvested in machines. While artisanal mining is still undertaken by manually digging deep shafts and trenches, mechanisation of gold extraction has considerably transformed the pace and relations of production, and gold shafts can in some places reach as deep as 100m thanks to water pumps that allow miners to dig below the water table. Other machines include those that grind stones that are pulled out of shafts, and those that help wash the silt and capture the gold dust. Artisanal mining has become highly specialised as a result, differentiating between those who grind stones, those who dig, those who manage the diggers, those who own pits and those who buy, with a distinct hierarchy and prospects for personal advancement across these jobs. Today then, gold mining is not a mere livelihood diversification strategy; it is rather a career opportunity for rural dwellers in the area and elsewhere (Tschakert 2009; Johnsson and Bryceson 2009).

In Nebnooma, a specific 'mining culture' has rapidly evolved around these jobs and has attracted a number of migrant workers. However, unlike artisanal mining-based 'boom towns' elsewhere (Werthmann 2009), gold mining in Nebnooma has enriched 'autochthonous' miners, who have turned into entrepreneurs investing in the town in significant and long-lasting ways (building houses and opening businesses, including pharmacies, stationaries, and mechanical repair shops). This small group of artisanal miners can be qualified as 'big men'; they are middle-aged shaft owners who grew up as farmers and mostly originate from four villages where gold resources are particularly prolific in the municipality. Most of them do not read, write or speak French, the administrative language, but as shaft owners and local businessmen, they employ a significant number of people and they have become economically and politically powerful as a result. At the national level it is clear that miners are marginalised from the formal economy, but in this local context, qualifying them as a 'marginalised' group is readily dismissed by residents and municipal authorities in Nebnooma.

There is no AAM in the municipality and this of course is one of the reasons why local 'big men' have been able to accumulate wealth, as they have managed to remain in full control of the gold they are mining. Although their activities are technically illegal, it is widely tolerated. It would be impossible to repress. Artisanal mining being an illegal, dangerous and precarious activity, 'big men' have expanded their power through the transgression of law, and they tend to define themselves in opposition to formal institutions. This opposition is rehearsed in everyday governance that shapes relations of power and authority between municipal authorities and artisanal miners.

The majority of residents in Nebnooma engage in some way or another in artisanal mining, or indirectly benefit from it, and as such it constitutes a major livelihood strategy for citizens, that is, the electoral base of local authorities¹⁰. On the other hand, artisanal mining poses typical social,

¹⁰ Although elections are not without their own internal dynamics issues, a comparison of recent electoral turnouts suggest that they indicate some degree of representativeness at the local level: the national turnout in the second municipal elections in 2012 (75%) was higher than that of the first municipal elections in 2006 (49%) and most recent presidential elections 2010 (55%) and the number of registered voters was also higher (www.freedomhouse.org).

environmental and health related challenges, as reviewed earlier, that the municipality is expected to tackle, while lacking the necessary power and resources to do so. As a result, local authorities use every public occasion, like speeches and meetings, to express their contempt towards artisanal mining and to advise citizens against engaging in this activity. However, in practice these sorts of interventions are mainly rhetorical and as most citizens point out they are not credited since municipal authorities are unable to offer them viable alternatives. In addition, these interventions also place local authorities in daily confrontation with 'big men', while not being able to offer solutions to the problems that they point out.

An example of this is the attempt by the municipal authorities to govern artisanal miners' water consumption for the washing of ore. Since the mechanisation of mining, miners have been using fuel-powered mills that can be placed on the banks of water holes and draw water out and onto washing carpets where gold residues are retained. The growing number of these machines at the water hole was becoming a problem at the time of fieldwork because water was growing short due to poor rainfall in the previous rainy season. If the water hole ran dry, this would affect other crucial off-season cash generating activities (herding, vegetable gardening) undertaken by farmers. As a way to address the issue, the municipal council adopted a decree aiming to limit the number of machines allowed on the banks of the waterhole, and imposed a standard monthly fee for these machines next to the waterhole. The measure expectedly raised significant discontent among the miners, who complained that the decree did not provide sufficient relocation space for the machines. They also interpreted this decree as way for the municipality to undermine them politically and economically. The measure failed to be implemented because of this opposition and because the municipality lacked the means to enforce it. The police and the gendarmerie, who are accountable to central security authorities rather than municipal ones, were asked to help sanction recalcitrant miners by picking up the machines of owners who had not paid the monthly fee, but the police refused on the ground that this would take away resources (manpower and a pick-up truck) that were needed to carry out their normal mandate. This clearly demonstrates the ambivalence of municipal authorities in relation to miners. On the one hand, artisanal mining is the bread-winning activity of the electorate base, the members of which works in some way or another for 'big men'. On the other it poses governance issues that authorities cannot ignore, but as they take measures that cannot be enforced they antagonise miners and undermine their own authority as a result.

There is also of course overlap between miners and municipal authorities. For example, most elected village councillors from mining villages are often successful miners themselves. However this overlap does not diffuse antagonisms and rather entrenches political divisions territorially. Indeed these miners/elected representatives tend not to attend ordinary sessions of the municipal council as, they confide, they feel 'higher municipal authorities are biased against miners and their activities'.¹¹ This entrenches differentiation whereby the municipality tends to have little to do with mining villages, and these villages' elected representatives tend to take (often sophisticated) village-level governance measures without consultation with the Mayor and the wider municipal council.

This fragmented local political field is characterised by antagonism between 'big men' and municipal authorities. It has emerged on the one hand out of the rapid and unsupervised expansion of artisanal mining after the CBMP was privatised. On the other hand their antagonism is rehearsed through the local governance initiatives that oppose 'big men' to the municipality, and the difficulty for local authorities to assert public authority in part comes from the lack of power and resources they can mobilise to address the problems they claim artisanal mining poses. In the following I

¹¹ Five elected authorities from three mining villages reported this in formal interviews, but this statement is also based on observation and informal exchanges during the course of fieldwork.

analyse how these fragmented local relations of power and authority are revived through interactions with a Canadian company undertaking exploration work in Nebnooma, and how these short-circuit the possibilities to collectively express anxieties or resistance towards potential dispossession.

6.2 Setting the stage for dispossession: municipal authorities mediating competing access between 'big men' and a 'Junior'

The municipality has hosted several exploration licenses over the years and some of them produced particularly promising results in terms of the possibility to build a large-scale open pit mine. At the time of fieldwork these licenses were held by a Canadian 'Junior' company, therefrom referred to as 'the Investor'. In the mining jargon a 'Junior' refers to an investor company that is exclusively involved in mineral exploration. A 'Junior' upgrades to a 'Major' if it decides to engage in industrial gold extraction, but as a general rule, 'Juniors' are mainly venture capitalists that rely on the resources raised in capital markets and on the sales of their exploration permits to finance their exploration work.

At the time of fieldwork, it was widely assumed that the Investor would upgrade to an exploitation permit, an assumption that was cultivated by the Investor through public interventions by its representatives aiming to educate municipal officials about the lifecycle of a mine. Casual courtesy visits at the municipality office were also often paid by the chief geologist to inform municipal agents that 'they do not know yet when the mine will start, but the drilling results look very promising'. This ambiguity is partly to be understood as a function of the credit crisis that made it difficult for the Investor to predict if it would have the necessary liquidity to become a 'Major', but it also served to legitimise its presence and work. By emphasising the possibility that a mine would be built in the near future, the Investor presented itself as a prospective source of economic development for the municipality, rather than a mere land speculator (as it turned out to be).

Indeed, the development prospects from industrial mining are typically 'ambiguous and contentious' (Bebbington et al. 2008b) and local authorities must manage the uncertainty pertaining to possibilities of dispossession and promises of development. Social relations filling, as Luning (2012: 24) eloquently phrases it, 'the gap between what is and what may become' play a part in dynamics of dispossession. In what follows I show how political alliances between municipal authorities and the Investor are shaped out of existing antagonism between authorities and artisanal miners.

In 2011 Nebnooma received the honour to launch the national reforestation campaign, which symbolises the issue of land degradation around which much of social and political life is engineered in rural Burkina (Englebert Pedersen 2003). Long lasting speeches and acknowledgment thereof by various national and regional authorities are the tradition in these events. On that occasion, and in line with its CSR policy, the Investor made a CFA 300,000 (USD 553) donation for the event in the form trees to be given out to villages for the campaign. Conforming to this type of ceremonial tradition, a representative from the Investor company was handed a certificate of acknowledgement preceded by a speech by the mayor of the commune who stressed how important the Investor might be for the commune in the near future (see Figure 1). Interestingly, at this same event, a municipal congregation had approached 'big men' about them making a contribution, justified by the fact that much environmental degradation was caused by their activity. The miners agreed to contribute by replanting the municipal high school grounds, and one of the richest artisanal miners sponsored the drinking water supply for the whole event. However, the miners did not publicly receive an acknowledgement certificate. Whether there was a threshold within the donation made that defined whether or not public acknowledgment could be made is not sure, but in effect, it serve to assert the public authority of municipal institutions to the detriment of 'big men'.



Fig.1 - Opening ceremony of the 2011/2012 reforestation campaign - handshake and attestation of thanks between the ceremony 'godfather' and the mining company representative

The search for recognition as a way to assert authority is also linked in more direct and material ways to the fate of miners. Although 'big men' in Sanemziiga generally tolerate the Investor's drilling work, they are also well aware that 'the state has sold the land to the Investor' and that one day may come when the Investor may decide to start extraction activities. This has generated some anxiety for miners and when asked whether in the long run they would rather have to deal with an AAM, a *comptoire* as it is locally referred to, or the Investor, one of them replied:

...really we choose the comptoire [why?!] because the comptoire is just people buying gold, whereas the Investor takes everything, we don't know where and when they might start digging, maybe they will dig close to our houses and in that case what are we going to do, where are we going to live?!¹²

In Sanemziiga, some unrest developed after the company started to work at the same place artisanal miners do. Artisanal miners are tolerated by the Investor on its exploration permit which is justified as a 'more efficient way to access the exploration sites and get work done' than if they tried to forbid artisanal activities altogether, which would bring about significant opposition and would be impossible to enforce as a result. Unlike places where there is an AAM, the Investor has to negotiate access to worksites with 'big men'. Drillings have mostly concentrated in the village of Sanemziiga where most of the 'big men' come from, and where their shafts are, but when it was undertaken in farmers' fields, the Investor did not always pay adequate compensations¹³.

The Investor drilled a cement landmark that served as a bearing in its exploratory grid, at the same location as an artisanal mining site, and the bearing was expectedly destroyed by miners while using dynamite at the site. The event led to the arrival of a 'community relations officer' from the capital to meet with the miners to try and find a solution to the problem. A couple of meetings were organised at the Investor's local offices with the 'big men' from Sanemziiga. A private interview with the national community relations officer prior to and after the meeting revealed that what he was concerned about was not so much to debate responsibility about the broken bearing, but to find a way to break the news to miners that the Investor would soon need to do more work at the exact place where miners worked, which would necessitate that their shafts be covered up. Indeed before the meeting, the national officer, who does not speak the local language in which the meeting took place, gave instructions to his translator including not to tell the miners they were planning to cover up the shafts. He wanted to strategically focus the meeting on the responsibility of the miners regarding the destruction of the Investor's property, hoping this would place them in a situation such that, being in the wrong, they could not object to the Investor covering up the shafts. In an interview with one of the shaft owners from Sanemziiga some time after the meeting I learnt that

¹² Anonymous, Sanemziiga artisanal miner, interview on 14th May 2012.

¹³ Anonymous, CVD member, interview on 14th November 2011; Anonymous, Sanemziiga resident, interview on 21st November 2011; Anonymous, Sanemziiga Councillor, interview on 12th April 2012.

the miners offered the Investor a contribution of CFA 500,000 (about USD 920) to replace the broken cement bearing. Another miner describes the event:

...well, OREZONE came to tell us that drilling this bearing costs 8 million asking us what we're going to do about that [...] we said that since we don't have as much strength [money] as they do, we asked them to drill somewhere else, but they refused, then the mayor told us that to show good will, to show that we realised our faults, we should give something in exchange [...] well what can we do; our fathers [meaning the mayor] said so! It's like, imagine you are a village chief and there is an issue, normally you should help me, but if I realise that you put yourself on the side of those people, what can I do? You feel abandoned!¹⁴

At the time I met this miner, the Investor had just left. It sold its permit to another prominent mining company for USD 29.6 million. The latter currently operates one of Burkina's six industrial gold mines situated 30km South of Nebnooma. It aims to build an open-pit mine on and around Sanemziiga, which will allow it to extend the life of its current mine. However at that time the CFA 500,000 had yet not been claimed by the Investor, and probably never will be. This demonstrates that what was at stake for the Investor was less material than symbolic. As in the case of the donation for the reforestation campaign, the intervention by the Investor for a contribution for the broken drill was less about material necessity, than about the assertion of authority. The way local decentralised authorities responded to these interventions, allying with the Investor, asserted their own position of authority vis-à-vis the 'big men' of Sanemziiga, while at the same time aimed to preserve cordial relations with OREZONE in an uncertain context about the future investments of the Investor in industrial mining in Nebnooma.

7 Conclusion

Overall this paper shows that the process through which dispossession takes place is not straightforward, but it can be illuminated by paying attention to the political configurations that emerge within the discrepancy between property as it is codified in law and regimes of access. Firstly, this approach is useful because it reveals the various ways in which rights are contested in practice. At the national level, the mining license regime seems to accommodate both the artisanal and industrial sectors. In practice however, economic liberalisation has left an empty institutional space in the supervision of artisanal mining, and AAMs are delivered to urban-based trading post owners who use these authorisations illegally, in ways that restrict the ability of local artisanal miners to benefit from gold resources. These practices endure because they allow central government to retrieve some degree of control over the artisanal sector, which had been lost through economic liberalisation. However this eventually fuels informality in the artisanal sector and further marginalises miners.

Secondly, investigating the mismatch between law and practice sheds light on the political configurations that arise when access needs to be negotiated. Neoliberal state reforms do not flatten out or dissolve public life, rather they re-frame existing power relations within new registers of competition over 'autonomous control' (Lund 2011: 901). Global investors like gold mining Juniors in Burkina cannot extract themselves from these fields of power and authority, and indeed need to be integrated within them in order to legitimise their presence and gain access to worksites. The work undertaken by Luning (2012) shows that existing tensions between customary chiefs constitute the turf through which Juniors negotiate and gain legitimate access. Similarly in Nebnooma,

¹⁴ Anonymous, Sanemziiga artisanal miner/shaft owner, interview on 14th May 2012

legitimation of the Investor operates through antagonism between artisanal miners and municipal authorities. In the municipality of Nebnooma, unsupervised expansion has allowed some miners to become particularly well-off and emerge as an important social and economic class of actors in the commune. Their artisanal activities, however, pose challenges for local government, and attempts to address such challenges undermine miners' legitimacy and exacerbates antagonisms between authorities and artisanal miners. In addition, local authorities need to manage the 'ambiguous' development prospects that Investors may bring. As a way to both secure potential future prospects and reassert their authority over 'big men', municipal authorities choose to engage in relations of patronage with the Investor, which in turn provides the latter with a legitimate foothold in the locality.

However, the central question that we need to ask is not how municipal authorities *should* have responded, but why they *did* respond in this way. In this paper I try to show that patronage is not an intrinsic characteristic of decentralised authorities, but a result of the lack of power devolved to them. This gives rise to ambivalent political positionings that fuels clientelist behaviour and undermines collective action. Understanding what really is in a right requires that we understand the power and authority relations through which property translates into access. The relation between neoliberal state reforms and dynamics of dispossession is a complex one and cannot be explained by the adoption of these reforms alone. Instead, these have unexpected and contradictory governance effects and it is the ways in which these are resolved in practice that constitute the conditions under which dispossession and control over resources operate.

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A convergence of factors has been driving a revaluation of land by powerful economic and political actors. This is occurring across the world, but especially in the global South. As a result, we see unfolding worldwide a dramatic rise in the extent of cross-border, transnational corporation-driven and, in some cases, foreign government-driven, large-scale land deals. The phrase 'global land grab' has become a catch-all phrase to describe this explosion of (trans)national commercial land transactions revolving around the production and sale of food and biofuels, conservation and mining activities.

The Land Deal Politics Initiative launched in 2010 as an 'engaged research' initiative, taking the side of the rural poor, but based on solid evidence and detailed, field-based research. The LDPI promotes in-depth and systematic enquiry to inform deeper, meaningful and productive debates about the global trends and local manifestations. The LDPI aims for a broad framework encompassing the political economy, political ecology and political sociology of land deals centred on food, biofuels, minerals and conservation. Working within the broad analytical lenses of these three fields, the LDPI uses as a general framework the four key questions in agrarian political economy: (i) who owns what? (ii) who does what? (iii) who gets what? and (iv) what do they do with the surplus wealth created? Two additional key questions highlight political dynamics between groups and social classes: 'what do they do to each other?', and 'how do changes in politics get shaped by dynamic ecologies, and vice versa?' The LDPI network explores a range of big picture questions through detailed in-depth case studies in several sites globally, focusing on the politics of land deals.

What's in a Right? The liberalisation of gold mining and decentralisation in Burkina Faso

In Burkina Faso, the last 10 years have seen a progressive and impressive rise of the mining industry in the national economy. Seven open-pit industrial mines have opened since 2007, about 700 prospecting permits are currently owned. At the same time, illegal artisanal mining in many parts of the country has also become an important basis for rural livelihoods. The mining code seemingly strives to accommodate these, often competing, interests. In this paper I analyse why and how this is falling short from the point of view of mining rights in practice. Given the weakened capacity of central government under economic liberalisation, the proverbial discrepancy between the way property rights are inscribed in law and how they play out in practice is hardly surprising. Understanding what kinds of social actors and relations have replaced the state in its social regulatory role is an important question however. Through a critical historical examination of the Mining Code I show how the economic liberalisation of gold mining has eroded the ability of the central administration to allocate mining rights, especially in settings with competing claims to gold. I argue that in these settings, elected municipal governments have become de facto strategic actors for the arbitration of claims, but their role and responsibilities are not defined within the Code. This lack of recognition, I suggest, constitutes the turf on which clientelist relations between these local authorities and industrial mining actors grow, which in turn undermines the possibility for these authorities to represent their constituents' interests.



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