

A Flash in the Pan? Reflections on Local Content, Governance, and the Large-Scale Mining–Artisanal and Small-Scale Mining Interface in West Africa

1. Introduction

The interface between large-scale mining (LSM) and artisanal and small-scale mining (ASM) is gaining greater attention from scholars, policymakers, civil society organisations, and practitioners. This is a promising trend for two intertwined reasons. First, it is important to disaggregate these mining methods, as each type of mining has its own histories, environmental and livelihood impacts, and governance challenges (Kemp and Owen, 2019). Second, the relationship between LSM and ASM has rarely been harmonious, and governance strategies directed at bringing the sectors together have not reduced grievances and conflict. Global and regional initiatives – such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), Extractive Industries Transparency Initiative (EITI), Africa Mining Vision (AMV), West African Economic and Monetary Union (WAEMU) Community Mining Code, Economic Community of West African States (ECOWAS) Mining Directive and the like – along with their constitutive liberal norms and values – have embarked on campaigns to improve development and governance outcomes in Africa’s mining sectors. For instance, one of the many goals of the AMV (2009, p. v) is to have ‘artisanal and small-scale mining ... stimulate local/national entrepreneurship, improve livelihoods and advance integrated rural social and economic development’. The AMV favours LSM, however, and this preferential treatment that downgrades ASM is representative of other regulatory and aspirational governance regimes, which we delve into as part of our analyses in the paper.

The cursory treatments of ASM (and how to promote greater formalization and regularization of the sector) notwithstanding, the promotion of greater ‘local content’, the maximization of local employment and procurement in and beyond the extractive value chain, is one of the leading themes of such initiatives – with LSM as the

predominant focus of such efforts. The argument we present in this article is that global and regional governance initiatives fall short in identifying ASM as a source of local content and some even propose a transition away from ASM towards LSM. In our country case studies we show how global and regional governance initiatives have not led to effective governance actions that consider ASM as a valuable source of local content. Instead, ASM remains marginalized and in some cases even criminalized. We present this argument by examining the extent to which such initiatives and their norms shape the interface between LSM and ASM. We acknowledge the extensive scholarship that disaggregates the concept of ASM and LSM interactions, the so-called interface, on a deeper level, analysing the various spatial and temporal dimensions, interface moments, and categorisation of interface types (Kemp and Owen, 2019; Rosales, 2019; Katz-Levigne, 2019; Sauerwein, 2020; Hilson and Maconachie, 2020; Hilson et al., 2020; Bainton et al., 2020). By interface, we mean in this case how LSM and ASM are treated with equal importance in regional governance and national governance initiatives. Hence, by analysing the “extent” to which initiatives and norms shape the LSM and ASM interface we mean whether the initiatives have led to any policies and practices that consider LSM and ASM equally in terms of their capacity to support livelihoods and “development”, more specifically by generating local content (i.e., direct and indirect employment) within and beyond the LSM and ASM value chain. Based on empirical fieldwork and primary data collected and analysed by the authors, combined with a review of relevant secondary sources, the article then discusses which local content initiatives are reflected in LSM and ASM governance in Ghana, Sierra Leone, Guinea, and Burkina Faso. The countries were chosen because they (i) are all based in West Africa and are represented in West African regional initiatives, (ii) have a significant ASM and LSM sector, (iii) represent both Francophone and Anglophone countries, and (iv) consist of countries that are more studied (e.g., Ghana and Sierra Leone), and less studied (e.g., Guinea and Burkina Faso) in ASM and LSM scholarship. The article further investigates the regional governance challenges in West Africa, which in turn sheds light on local realities of challenges and constraints on benefits that might accrue via the agency of African actors in the context of local content.

2. Theoretical framework: norms on good governance and local content in mining

In mining sectors, like other economic sectors, contemporary discourses on the norms of good governance are infused with liberal values promoting transparency, inclusiveness, efficiency, respect for the rule of law, the facilitation of mutually reinforcing public and private goods, and the like. Capitalist forms of economic activity constitute the liberal economic counterpart values, but good governance narratives place emphasis on having participatory roles for not only firms, entrepreneurs, governments, and civil society (du Preez, 2015) – but also local communities. Given the extant attitudes and norms of actors in the mining sector, how might we bring their material and symbolic interests into alignment in terms of local content while being mindful of agency and structural constraints? A useful theoretical approach is agential constructivism, which accommodates the interplay between material and socially constructed considerations while emphasizing the agency of actors to influence outcomes within existing structural conditions (Grant, 2018; Grant et al., 2021). Agential constructivism also recognizes that primary and constituent norms may change over time owing to the actions of actors to promote, subvert, or alter the norms associated with good governance and local content. Furthermore, these norm dynamics may witness varying degrees of engagement, participatory governance frameworks, exchanges of ideas – which, over time, may alter norms in a way that attract greater consensus. And, by consensus, we do not mean all actors agree on a particular norm and how it might be implemented. Rather, consensus indicates that the actors involved do not disagree to an extent or magnitude that would block a particular decision, initiative, policy, governance arrangement, and the like (Grant, 2013).

Norms of local content, on their surface, might seem to be a way of redressing structural inequality and/or historical or contemporary grievances – objectives that are within the aegis of agential constructivism. While these norms, which include efficiency and inclusiveness, are important, the implementation of local content norms often move counter to some of the other liberal values mentioned above in practice. Principally, local content, by definition, has a particular agential conception of inclusiveness (Hilson, 2022; Bassett and Fradella 2022). On the one hand, local content is a form of industrial policy that aims to *include* national individuals and companies that have previously failed to benefit adequately from extractive sector activities. Inclusion is meant to be achieved through: (i) local procurement that aims to, for example, include local or domestic producers and providers of various

goods and services; and (ii) the maximization of direct local employment. In the broader sense, local content aims to provide inclusive resource-based development through the generation of linkages and spillovers, resembling the work of Hirschman (1958) and Singer (1950), as well as by strengthening institutions to surmount ‘resource curse’ and enclave impacts by ‘getting the institutions right’ (Bebbington, 2011, 2013, 2018). On the other hand, it seeks to *exclude* or heavily discourage the use of external or foreign workers, producers, and service providers (Kalyuzhnova et al., 2016; Tordo et al., 2013; Pedersen et al., 2019), thereby restricting the agency of these mining sector actors. The latter sometimes raises ‘warning bells of resource nationalism’ in certain quarters, such as among some transnational mining firms, international financial institutions, and mining sector professional associations based in the global North. In more practical terms, the latter can mean less efficiency and it might shift some of the participatory influence of foreign firms towards government.

Local content, and similar types of “resource nationalist” policies, tend to focus solely on LSM whilst overlooking ASM (Kinyondo and Huggins, 2019). This is problematic given that such policies have impacts on ASM considering the proximity of their respective operations, as well as connections and relations that underpin conflict and cooperation between LSM and ASM actors. Moreover, LSM policies have the potential to create discourses that can influence ASM policy (Kinyondo and Huggins, 2019). This is consistent with agential constructivism in view of how the symbolic and material power of the wording of local content policies and discourses influence the decision-making of mining sector participants. In the concrete case of local content policies, ASM shares the same objectives. In both LSM and ASM local direct and indirect employment is created along and beyond the mining value chain. In the case of LSM, this occurs through purposeful policies and quotas that demand the maximization of local content, whilst in ASM the same – and arguably even larger – impacts associated with local content have occurred extemporaneously over decades. Hilson and Maconachie (2020) have shown how ASM has contributed significantly in terms of direct employment opportunities, downstream economic spin-offs, and

upstream industries that generated further benefits for millions of people including residents of local communities.¹ This demonstrates that just as much as in LSM, and perhaps even more so, ASM also creates the desired *linkages* and *spillover* effects that state-mandated local content policies in the LSM sector aim to achieve.

It might be tempting to cast local content as empowering civil society and local communities. Indeed, agential constructivism is especially interested in how non-state and state actors are empowered and disempowered. However, in practice, local content programs in mining sectors have been steered by governments (for political gain), with comparatively little in the way of veritable participatory input from civil society and local communities (Ovadia, 2014; Compaoré, 2018; Geenen, 2019; Butler, 2020; Hilson and Ovadia, 2020). Indeed, the government often defines who and what are considered ‘local content’ producers and providers – which are often commercial interests based in the national capital and/or allied with the political elites in office. Often, this definition is not in line with how companies frame local content, as well as what the local population understands as local content (Wilhelm and Maconachie, 2020). Power relations, actor networks, and corruption play a role in local content implementation, which means that equal inclusion is not guaranteed (Ablo, 2019; Chalu et al., 2021; Kalyuzhnova and Belitski, 2019) – variation that is accounted for by agential constructivist concerns with empowerment and disempowerment of actors. As a result, on multiple levels, local content is not equally inclusive. If ASM was to be included as a source of local content, similar obstacles cannot be ruled out.

It is this contradictory nature of good governance and local content norms – while often overlooked in the interests of seeking political gain or by global and regional governance initiatives seeking consensus on the wording of their regulatory and aspirational regimes – that animates our analyses of the UNGPs, EITI, AMV, WAEMU Community Mining Code, and ECOWAS Mining Directive. In a similar vein, these contradictions inform our agential constructivist analyses of the case studies of Ghana, Sierra Leone, Guinea, and Burkina Faso in terms of how despite being the home of much greater direct and indirect employment, ASM is often downgraded at the

¹ The concept of local residents includes migrant ASM labourers, which necessarily blurs the distinction of who is ‘local’ given that much of the ASM sector in West Africa is home to participants who travel across the region seasonally, annually, or infrequently.

expense of efforts to increase investment in and expansion of other aspects of LSM. From the perspectives of governments – who not only play large roles in the promulgation and implementation of the various prescriptions, guidelines, and goals set out in the governance initiatives in question – ASM is indeed more difficult to regulate. It also takes more time and attention for government officials to sustain patronage networks with ASM participants compared to LSM participants. And, as we emphasize later in the article, ASM *is* local content in terms of employment and services, even if much of the mining implements and equipment must be imported into the country, and even if there is a certain share of foreign direct and indirect employment.²

3. Global and regional governance initiatives on mining

In this section, we turn our attention to five global and regional governance initiatives – the UNGPs, EITI, AMV, WAEMU Community Mining Code, and ECOWAS Mining Directive – and assess to the extent that these regimes address local content, LSM-ASM relations, and ASM issues. To be sure, even if these initiatives are voluntary and aspirational (e.g., non-binding in international law), they nonetheless impact governance ‘on the ground’ through their influence on the promulgation of domestic legislation as well as the way in which state and non-state actors think and act as ‘governors’ at local, sub-regional, national, regional, and international levels. This *de facto* influence is consistent with agential constructivist approaches given the ways in which they account for norm dynamics and diffusion (Andrews, 2019a) and the agency of actors involved in such governance arrangements.

3.1 United Nations Guiding Principles on Business and Human Rights (UNGPs)

² For discussions of some of the exceptions, such as cases of ASM sector participants employing local geologists for mineral exploration, devising and using improvised equipment to separate gold ore from rock and soil, and employing local mechanics who service and fix such equipment, see Nyame and Grant (2012; 2014).

The UNGPs trace their origins to norms and global governance efforts to promote corporate social responsibility (CSR) and human rights across a wide variety of economic sectors including mining. The UNGPs focus primarily on the attitudes and actions of government actors and firms and seek to boost human rights protections in economic activities including providing remedies to victims of human rights transgressions (Ruggie, 2011). Ghana was one of the leading African proponents of the UNGPs, which were first promulgated in 2008, and quickly coalesced into an aspirational governance initiative that was unanimously endorsed by the UN Human Rights Commission in 2011. Even if the UNGPs are non-binding, advocates have pointed out that they have resulted in the creation of National Action Plans (NAPs) and that they promote processes of iteration, negotiation, and consensus-building among stakeholders, which in turn bring about baselines, common normative language, and greater legitimacy (Pauwelyn et al., 2014; Ramasastry, 2015; Buhmann, 2015). NAPs operationalize the norms promoted by the UNGPs and align material and symbolic interests as conceived by agential constructivism insofar as firms are permitted to generate profits, governments are able to collect taxes and royalties, and civil society groups are perceived to be promoting human rights. This is an important form of ‘soft law’ that, above all, calls upon firms to do ‘no harm’ (Andrews, 2019b).

To some extent, discourses around local content have made inroads in the UNGPs. Given the resonance among common underlying principles, calls for greater local content or local procurement have grown steadily and evolved under the purview of CSR and its constituent norms (Karamanian, 2021). These dynamics are consistent with agential constructivism’s view that primary and constituent norms may change over time. Institutions – which are constituted by individual actors such as bureaucrats, and influenced by policymakers, political leaders, consultants, civil society organizations, think-tanks, and the like – respond to a policy environment that is itself in flux. The norms associated with good governance and local content under the aegis of CSR possess inherent affinities – and continue to churn within the UNGPs and its institutions, documents, and stakeholder meetings.

3.2 Extractive Industries Transparency Initiative (EITI)

As indicated in its name, the EITI seeks to promote transparency in all facets of extractive sectors, including mining. During the 1990s, the sustainable development norm gained international traction, leading to initiatives within the UN such as ‘Agenda 21’. Given the impact of mining on both the natural environment and economic development, the sector was included in the governance and normative frameworks evolving during the 1990s and early 2000s. Against this backdrop, the World Summit on Sustainable Development, held in Johannesburg in 2002, featured a speech by then-Prime Minister Tony Blair of the UK that, among other things, called on natural resource sector actors to publish receipts and revenues, royalties collected, fees paid, and other payments and financial flows in a much more transparent manner. Welcomed in many quarters including by transnational and local NGOs working on strengthening the norm of transparency, the response let the UK government to outline the principles of what became the EITI the following year. More than 40 institutional investors (e.g., banks) issued a declaration of support and several civil society groups, industry actors, and governments signalled their support for the EITI in 2003. EITI conferences and meetings were held on a regular basis, which included participants from these stakeholder groups, and by the 2010s, the EITI had developed a secretariat and several governance mechanisms.

Though membership changes slightly from year to year, roughly half of all EITI member-states have been drawn from Africa. The local content norm has also gained traction in EITI circles – but more from a reporting perspective. This is an evocative example of agential constructivism’s concept of consensus, whereby not all participants need to agree to how a particular norm is operationalized in order for it to be considered implemented. For instance, 24 EITI member-states included local content details as part of their 2015-2016 reports to the EITI Secretariat (EITI, 2016). That said, individual member-states have taken it upon themselves to expand this norm and incorporate it in domestic legislation – a case of ‘soft law’ becoming ‘hard law’ – which keeps with agential constructivism’s perspective of how norms translate into laws. Per Requirement 6.3, the EITI does require that member-states report an ‘estimate of informal sector activity’. Further, 31 EITI implementing member-states are home to at least a notable amount of ASM activity. From this group, slightly more than half – 16 implementing member-states – discussed ASM objectives as part of their submitted work-plans to the EITI Secretariat in 2018 (EITI, n.d).

3.3 Africa Mining Vision (AMV)

The Africa Mining Vision (AMV) is a document adopted by the member-states of the African Union in 2009 with the aim to reform the extractive industries across the continent into “a knowledge-driven African mining sector that catalyses and contributes to the broad-based growth and development of, and is fully integrated into, a single African market” (Africa Mining Vision, 2009, p. v). The AMV includes ASM in a designated section, and ASM is addressed in the AMV Action plan under the fourth programme cluster goal (African Union Commission, 2011). The AMV and the action plan acknowledge the important role that ASM play for providing employment opportunities and livelihoods for people across the continent. However, the risks related to ASM and the negative impacts are stressed, from ASM being prone to be connected to conflict minerals, child labour, and other challenges. Hence, the need for reforms is underscored, through “a pluralist, holistic and multi-pronged approach” to “raise the profile of ASM” (Africa Mining Vision, 2009, p. 28). Indeed, terms such as pluralist, holistic, and multi-pronged are congruent with agential constructivism’s emphasis on how liberal values such as inclusiveness and participatory governance can empower actors in efforts to change past practices.

For agential constructivists, language is powerful. The language of the AMV and its Action Plan are both clear, namely that ASM must be formalized, regularized, and mainstreamed with the goal to create linkages to reach a broader development agenda and sustainable rural socio-economic development. The AMV recommends that ASM should “transition from artisanal to small-scale mining”, preferably towards industrial processes. Ultimately, the proposed aims are “ensuring that ASM miners don’t make their sons/daughters also miners” and “this should, respectively, result in some miners abandoning mining altogether” (Africa Mining Vision, 2009, p. 28). The action plan outlines that to achieve this, ASM would benefit from mentoring by LSM companies to benefit from skill transfer to increase local value adding within ASM operations, as well as further linkages. While this take on the LSM-ASM interface is optimistic, the AMV neglects to provide guidance on how to align the material and symbolic interests of each sector’s actors in order to achieve such as outcome. Indeed, we agree with the assessment by Hilson (2020, p. 426, emphasis added) that the ASM pillar within the AMV as “neither recommendation is particularly

innovative or new; nor is any substance guidance provided on how to operationalise any of these *ideas*.” As agential constructivism avers, ideas in governance initiatives matter – and the way in which they are operationalized are subject to an ebb and flow of a series of irregular advances and reversals. The AMV depends on its implementation by the individual member-states with the guidance and support of the African Minerals Development Centre (AMDC). However, both the AMV and the AMDC have, to date, fallen short in terms of successful implementation of prescriptions (Hilson, 2020). Moreover, formalization and reform attempts of ASM per the AMV have been unsuccessful in countries such as Liberia, Cote d’Ivoire, Senegal, and Mali (Van Bockstael, 2019, 2020; Coderre et al., 2019; Maconachie and Conteh, 2020).

3.4 ECOWAS

ECOWAS³ has addressed the mining sector of the region and has attempted to harmonize the material and socially-constructed interests of its member-states in numerous policy documents. In 2009, the ECOWAS Mining Directive was created, followed by the revised ECOWAS Treaty from 2010 and the 2011 ECOWAS Mineral Development Policy. The most recent development is the draft ECOWAS Model Mining and Minerals Act that is meant to be the new governance framework. The mining directive, however, does not address ASM in detail. Local content and linkages feature prominently in the document and Chapter Two states that member-states must consider the contribution to local employment and procurement when awarding concessions (ECOWAS Mining Directive, 2009). The 2011 ECOWAS Mineral Development Policy covers both ASM and local content. On ASM, it dedicates an entire article on the “development” of ASM where it states that member-states should commit to “improve” ASM activities through (i) institutional and legislative frameworks; (ii) formation of cooperatives; (iii) technical and

³ ECOWAS (in French: CEDEAO) member-states are Bénin, Burkina Faso, Cabo Verde, Côte d’Ivoire, the Gambia, Ghana, Guinea Bissau, Liberia, Niger, Nigeria, Sénégal, Sierra Leone, and Togo. Mali and Guinea are currently suspended from ECOWAS decision-making processes and under sanctions following military coups. At the time of writing Burkina Faso was still an ECOWAS member, awaiting an ECOWAS response to the recent military takeover in the country.

financial assistance programs; (iv) information sharing and technical capacity enhancement; (v) training curricula and good practices; (vi) LSM and ASM co-existence; and (vii) a coordinated trading system with licences.

Despite the devotion of an article to the importance of ASM for economic development – including LSM-ASM relations – explicit discussions of employment and local content opportunities that can be derived from ASM are absent. For agential constructivists, this gap underscores how certain norms evolve in an uneven manner. On the one hand, the 2011 ECOWAS Mineral Development Policy holds on to the outdated perception and accompanying governance norms that the economic impact of ASM in West Africa is modest at best. On the other hand, an entire article is dedicated to how member-states should establish policies to promote local content in relation to ASM. Specifically, the first article holds that member-states are encouraged to create a clearly defined Local Content Policy (ECOWAS, 2011). The new act has a designated section on ASM, which outlines that ASM miners must have a permit that is for a designated zone (ECOWAS, 2019). ASM miners can only get a permit in their ECOWAS member-state if they are a citizen of the country or the community, if they have obtained official training, and if they are registered. They must also have reached a certain minimum age depending on the member-state. The document outlines the standard through which substances are allowed in ASM activities, as well as the fact that minerals may only be sold to authorized individuals.

An entire article is dedicated to local content that provides detailed information on how member-states must ensure that the use of national employees is prioritized in all employment categories of mining operations. Section 17.2 clearly outlines that all member-states must develop a Local Content Policy that legally defines certain obligations (i.e., access to finance for local companies; training and education programmes to foster local expertise; elevate the standard and quality of local goods and services to meet local procurement targets). Member-states are also required to establish a designated agency that monitors and evaluates local content developments. Yet, how ASM specifically can be fostered as a catalyser for local employment along and beyond the value chain that can create linkages, and how employment in ASM can be supported by member-states to make it less precarious, are *not* addressed by the ECOWAS documents. Beyond formalization of ASM, the ECOWAS articles fall short of integrating ASM and recognizing it as a potential for non-industrial local content alternatives – an unevenness of the operationalization of local content norms that agential constructivism recognizes as a common outcome.

3.5 WAEMU

Some ECOWAS member-states have joined the West African Economic and Monetary Union (WAEMU).⁴ In 2003, the WAEMU adopted their Mining Community Code (UEMOA, 2003). The document does not address ASM beyond providing a definition. It provides limited information on local content, exclusively in Article 34 which outlines that contractors outside of the WAEMU zone that provide services for more than six months must create a registered company within the Union. Companies within the Union may also benefit from the same fiscal and customs arrangements. In 2019, the WAEMU approved the draft of a new Community Mining Code (UEMOA, 2019). For ASM, the central focus is again on formalization of: obtaining permits, the extractive activity, transport, transformation, and commercialization. It also states that ASM activities must respect environmental standards that mean that certain substances are prohibited. Child labour and safe work environments are also addressed. Motivated by an alignment of material and symbolic interests, this new mining code signals to stakeholders within and outside the WAEMU that its zone-wide regulatory efforts towards ASM seek to promote the economic benefits of ASM while minimizing some of the drawbacks (e.g., environmental degradation, child labour, dangerous working conditions).

Local content is also prominent in the document. It states that local employment must be prioritized, alongside with skills and technology transfer to develop and support local supply. The document specifies that the local supply of goods and services and that industrial mining enterprises must develop a strategy to maximize the use of local services, as well as offer capacity-building to local companies. The member-states of the WAEMU are also called on to develop national structures to enable the creation of local companies that should be used within and beyond the mining value chain. Member-states are required to adopt legislation and policies to outline the use and training of local employees. In contrast to the unevenness of local content norms within ECOWAS, WAEMU has

⁴ The WAEMU, created in 1994, is known in French as UEMOA. Member-States are Bénin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali (currently under WAEMU sanctions following the military takeover), Niger, Sénégal, and Togo.

been home to a more unified operationalization of such norms. Although such advances might be impressive to some observers, agential constructivists would be quick to remind them that reversals could still occur. Such variance across cases as regards implementation of norms is discussed in the next section of the paper.

4. Discussions

The regional initiatives examined in the above section must be regarded with critical considerations concerning their effectiveness, given that they rely on national implementation and monitoring. Scholars have shown how results have been disappointing and slow (Hilson, 2020; Nwapi, 2018). Despite attempts to harmonize strategies, in particular for local content, as well as ASM, the results vary across the member-states. The forthcoming discussions of four case studies will highlight this variance. Before proceeding, however, it is important to note that in an assessment of regional initiatives, Nwapi (2018) concludes that the ECOWAS Mineral Development Policy and the WAEMU approach to focus on creating a regional market that harnesses and facilitates mineral development is favourable compared to other initiatives. Our country analyses will give shed light on the extent to which such conclusions have held up over time, as our case selections include countries that are both members and non-members of the WAEMU.

Agential constructivism considers institutions and policy documents as tangible outputs of consensus-based deliberation and iteration among participant actors. Our review of existing initiatives and their relation to local content and ASM has also shown that in all relevant policy documents (that we analysed), ASM is discussed in conjunction with formalization and regularization. It is acknowledged to some extent that ASM provides employment opportunities. However, some aspiration to move away from ASM was readily apparent. At the same time, the local content language is dominant in most of the documents. ‘Upstream’ and ‘downstream’ linkages and local content provisions in LSM are presented as opportunities for employment. Critical considerations on the limitations for employment from LSM activities are absent. Linkages and diversification are mainly addressed in the context of LSM, but they are also extended to ASM in the AMV initiative. Ironically, there are no ‘visions’ on

how ASM could be further harnessed with better diversification and linkages with LSM – despite the fact that ASM provides so much employment and serves as a significant type of local content. Reflections and plans on how to improve labour conditions and personal security to make ASM not precarious employment but attractive, safe, diversified, and to elevate it to a more technical and skilled profession are missing in these documents. On the contrary, the AMV has shown how ASM is even presented as a type of mining that should be steadily transformed towards a more industrial mode, and ideally, even eradicated. Given the pressing need for employment in West Africa, however, governance of the ASM sector warrants further study. To that end, we now turn to our attention to global and regional governance initiatives in conjunction with national legislation on ASM and local content strategies in a selection of case studies from West Africa: Ghana, Sierra Leone, Guinea, and Burkina Faso.

4.1 Ghana

The ASM sector in Ghana predates not only the formal establishment of the country, but also its time as a British colony. Gold was – and still is (despite the fanfare of its oil reserves and the enduring nature of cocoa and diamonds) – synonymous with Ghana’s identity in export markets. In 2020, Ghana produced 138.7 tonnes of gold – the largest African producer for that year (World Gold Council, 2021). Though gold is extracted via ASM and LSM (the 2020 figure is a sum of both methods of production), roughly one-fifth is from ASM production (which varies from year to year) – tracking of which became somewhat more precise when ASM was legalized in 1989. A reasonable estimate on ASM activities in Ghana places the figure at approximately 1,100,000 participants (IGF, 2017a, p. 7), which is primarily gold mining but includes diamond mining and sand ‘winning’.

The governance challenges associated with each sector – and the uneasy co-existence that marks the interactions *between* each sector – have persisted for decades. The following studies of LSM-ASM engagement in Ghana are consistent with our analyses of regional and global governance initiatives insofar as they call for LSM and ASM to be considered on relatively equal terms in view of how both types of mining are vital forms of economic activity that sustain livelihoods via direct and indirect supports. For instance, Teschner (2013) offers a comparative case study that reminds scholars that the government of Ghana alone cannot be relied upon to manage LSM-ASM

relations. Mining firms, important actors in contemporary governance initiatives on mining, must be engaged with ASM issues and serve as proactive – rather than passive – stakeholders in maintaining such relationships (Teschner, 2013, 339). The governance stakes are not only high, but complex, especially given the need of ASM participants to support their households in the absence of welfare state supports, the seasonal need for supplements to farming and other agricultural activities, and the dearth of other opportunities to support livelihoods in rural areas. The factors are underscored by the fact that Ghanaian government plans to develop alternative livelihoods for ASM participants often fail to surmount myriad logistical challenges (Aubynn, 2006, 228-230; Hilson et al., 2007; Aubynn, 2009, 66-67; Hilson and Yakovleva, 2007, 110-112).

Though the normative goal of supporting local content in Ghana’s gold mining sector has been apparent, albeit via different terminology, since gaining independence in the late-1950s, the proposed means that seek to secure that goal have changed. In the first two decades of the post-independence era, a greater role for the Ghanaian state through nationalization and joint ventures was expected to promote local content. Over the course of the 1980s, the Ghanaian government’s push to become a ‘darling of’ Western donors and international financial institutions meant that local content was downgraded as ‘inefficient’ and something that impeded the implementation of neoliberal economic prescriptions associated with structure adjustment programs.⁵ 1989 witnessed the implementation of PNDC L (218), the Small Scale Mining Law, which provided the legal framework for ASM sector mineral production. With structural adjustment becoming ‘out of vogue’ by the mid-2000s, narratives of good governance allowed some modest space for local content to re-emerge and then flourish by the 2010s under the aegis of the AMV and other governance initiatives like the UNGPs. For agential constructivists, the dynamic nature of norms means that the constitutive global governance norm of efficiency can indeed be displaced by other constitutive global

⁵ There is a voluminous literature, which Aubynn (1997) captures in an evocative fashion and applies to the Ghanaian natural resource sector, that describes how Ghana’s implementation of structural adjustment – in the form of cuts to government spending, privatization, opening up the economy to foreign investment, and other neoliberal policies – enhanced its standing among Western donor countries and Western-led international financial institutions. This is reinforced by interviewees who still note, decades later, the impact of such policies in terms of losses of government jobs and other challenges faced by the Ghanaian economy under structural adjustment.

governance norms such as inclusiveness that provides economic opportunities for local actors by promoting local content in mining.

Ghana's Chamber of Mines included local content of one of its Ghana Mining Industry Awards (GMIA) indicators (Ghana Chamber of Mines, 2016). However, the focus of Ghana's Chamber of Mines as regards local content promotion has been the LSM sector. Although it is quite common for UNGPs, CSR, and local content discourses to be consumed by LSM considerations, ASM should not be ignored. When personnel from Ghana's Chamber of Mines turn their attention to the ASM sector, they have tended to promote greater regularization of the sector as a solution to reducing environmental degradation by artisanal gold and diamond miners. Such regularization efforts, which take the form of campaigns to register artisanal miners and have them purchase various types of mining permits, have produced little in the way of tangible results.⁶

In Ghana, an EITI Bill has been promulgated that includes provisions to increase local content (Tayou, 2012). Though again focused on LSM – and inspired by the petroleum sector, it is nonetheless a compelling example of how an agential constructivist to norms helps us understand how norms can evolve and influence natural resource governance. This also provides some modest optimism that the EITI may promote norms that translate into impact on improving governance as regards the ASM sector. The EITI recognizes that ASM does have an impact on the extractive sector and that it too would benefit from transparency – even if it is limited to cases of LSM or interactions between ASM and LSM (e.g., when ASM participants sell their production to LSM firms) – or in the interests of broader good governance norms across a country's entire mining sector. For instance, recalling Requirement 6.3, which calls on EITI implementing member-states to include informal (read: artisanal) sector mining activities, Ghana does discuss ASM as part of its work-plan. What is more, Ghana is one of the few implementing member-states to submit such a work-plan.

⁶ As observed first-hand by one of the authors over several field visits and affirmed by numerous scholars studying formalization efforts in Ghana's mining sector, such as Ackah-Baidoo (2020), Andrews (2015, 2016, 2018, 2019b), Ayelazuno (2014), Luning and Pijpers (2017), Hilson (2017), Hilson and Banchirigah (2009), Hilson and Maconachie (2020), Osei-Kojo and Andrews (2016), Ovadia and Graham (2022), and Wan (2014).

The AMV is well-stocked with recommendations for policy alignment and promoting efficient interactions via the establishment of linkages among economic stakeholders in mining. A report by the UNDP-Ghana (2017) assesses the degree to which the Ghanaian mining sector is adhering to the edicts of the AMV. It notes that very little in the way of positive governance interaction occurs between LSM and ASM sector participants – and hence any veritable linkages are transient at best. Although efficiencies could be found that would promote local content as a means of drawing upon “the potential of small scale mining to improve rural livelihoods and integration into the rural and national economy” (UNDP-Ghana, 2017, p. 12), tangible examples are virtually non-existent. While consultants, observers, media outlets, academics, civil society members, government officials – and LSM and ASM sector participants themselves – often call for greater governance linkages between the two sectors, the backing of AMV guidelines has merely reinforced the narratives rather than generated meaningful results on the ground in Ghana.

Calls for LSM-ASM linkages occur at a regional basis, but with similar results. Ghana is not a member of the WAEMU Community Mining Code, but it is a member of the ECOWAS Mining Directive initiative. Despite being bolstered by the policy expertise of some 50 civil society organizations drawn from across West Africa and abroad in the late-2000s, the following decade witnessed little meaningful results on the ground. Though some focus has been on mining issues that impact communities including promoting local content, ASM-LSM relations remain largely overlooked.

4.2 Sierra Leone

The diamond ASM sector in Sierra Leone has a notorious past. Rough diamonds provided much of the financial support for the rebel Revolutionary United Front (RUF) during the country’s 11-year civil war, which erupted in 1991 (Zack-Williams, 1999; Smillie et al., 2000; Hirsch, 2001; Grant and Taylor, 2004; Gberie, 2005; Grant 2005; Keen, 2005; Maconachie and Binns, 2007). Like many countries in West Africa, the ASM sector stretches back to the colonial era – if not longer. Governance challenges in the ASM sector have a similar long past and ongoing legacy. Concomitantly, the mining sector is widely considered a vital vehicle for not only post-conflict

reconstruction and recovery, but also economic development prospects more generally, as it usually accounts for more than half of all Sierra Leonean exports by value. Estimates place ASM participants at 300,000 in Sierra Leone (IGF 2017a, p. 5), which is largely diamond mining (but includes gold mining). LSM steadily resumed following the end of the civil war in 2002, which grew from only a few firms in the early 2000s to five in the mid-2010s to eleven companies as of 2021 (Sierra Leone National Minerals Agency, 2021). While diamond mining draws the most attention, bauxite, iron ore, gold, rutile, and ilmenite are also mined in Sierra Leone. Moreover, the economic spin-offs from both the LSM and ASM sectors provide demand for a wide variety of goods and services that are extremely important for the country given the dearth of viable employment opportunities in the formal sector.

When considering the nexus of human rights and governance in mining, Sierra Leone has demonstrated some leadership in the diamond sector. It was one of the first countries to join the Kimberley Process and its government agencies availed itself to the capacity-building programs of the governance initiative with particular emphasis on local, national, and regional efforts. During the decade of the 2000s, Sierra Leone was an active participant within the Kimberley Process working groups and ad-hoc committees that focused on strengthening artisanal mining governance in conjunction with LSM firms (Grant, 2010, 2012). Buoyed by collaborative work in Kimberley Process circles with South Africa, Angola, Canada, the United States, the European Union – among others – Sierra Leone exerted agency on a regional and global basis during the 2010s within complementary governance initiatives like the UNGPs and EITI. The Human Rights Commission of Sierra Leone (HRCSL) started to engage with the UNGPs, participating in and making a presentation to the latter’s second international meeting in 2012. Established by parliamentary act in 2004, most of the human rights complaints received by the HRCSL related to natural resource governance, livelihoods, and land use – specifically as regards mining, agriculture, labour, land acquisition, and land access. Complainants residing in mining areas felt that not only had their human rights had been violated based on the actions of transnational and local firms, but also traditional authorities (i.e., chiefs) and the police had played a role in exacerbating grievances (Human Rights Commission of Sierra Leone, 2012, pp. 3-5). In 2011, HRCSL Commissioners and staff received training on how to operationalize and promote the UNGPs from a collaborative effort by the German government and the Danish Institute for Human Rights (Human Rights Commission of Sierra Leone, 2012, pp. 9-10). This further empowered the HRCSL to sensitize and work with the Sierra Leonean

government and natural resource sector companies in efforts to educate actors about human rights obligations and curb human rights abuses.

In the late-2010s, Sierra Leone became the first country participant in the Maendeleo Diamond Standards (MDS) governance initiative led by one of the Kimberley Process' official observer participants, the Diamond Development Initiative (DDI). Starting with a dozen ASM collectives in Sierra Leone with plans to expand to other countries in West Africa and Central Africa, the MDS seeks to formalize the ASM diamond sector by focusing more on the human rights and environmental conditions of the miners and improve local beneficiation through better prices paid in conjunction with engagement with government, 'middlemen buyers', civil society, jewelers, and consumers under the auspices of ethically-sourced minerals.⁷

Sierra Leone has also made some inroads within the EITI over the past decade. For instance, the country's "EITI representatives contribute to discussions on the artisanal mining policy and provide guidance in the provisions on the policy pertaining to transparency and accountability" (EITI, 2018, p. 4). However, as the Koidu Limited case (the country's most high-profile diamond LSM entity) demonstrates, local content and ASM-LSM relations still lack meaningful progress within Sierra Leone. From 2007 to 2012, a series of protests near the Koidu Limited mining concession – stemming from displacement and home damaged from blasting to pollution of water sources to human rights abuses by security personnel – resulted in a total of 5 deaths and several injuries. Currently before the courts in Sierra Leone and long subject to local media attention, this has cast a long shadow on the aforementioned governance engagement efforts – especially since the activities of the LSM firm has caused much consternation within the country. Although the ECOWAS Mining Directive initiative calls on member-states to improve LSM-ASM co-existence, the government of Sierra Leone has largely ignored this pronouncement. Regionally, the government of Sierra Leone has engaged sporadically with the LSM-ASM governance interface – but only under the auspices of the global governance efforts of the Kimberley Process noted earlier in this section. The case of

⁷ Prior to the COVID-19 pandemic, DDI's MDS initiative had demonstrated much promise, especially in Sierra Leone. Assessment based on author interviews with DDI, Sierra Leonean government officials, and Sierra Leonean civil society members (and participant observations in Sierra Leone's mining regions) in the 2010s.

Sierra Leone underscores the limits of normative change that is acknowledged by agential constructivism: norms promoting local content and LSM-ASM engagement can be subject to uneven progress depending on sector as well as extended periods of little or no progress.

4.3 Guinea

Guinea is a resource-rich country in Francophone West Africa. The country has a long tradition of industrial bauxite mining, industrial and artisanal and small-scale gold mining, as well as diamond mining. Bauxite mining is the largest extractive sector. The government estimates that in 2019, 50,854 individuals are directly employed in industrial mining (bauxite, gold, iron ore, diamond, and others), with an estimated additional indirect employment of 34,515 in the industrial mining supply chain (Ministère des Mines et de la Géologie, 2020a). In 2020, artisanal gold mining exports were five times larger than industrial gold outputs (Ministère des Mines et de la Géologie, 2020b). Data from 2017 estimates that more than 221,000 Guineans work directly in the artisanal gold sector, whilst more than 44,000 work in the artisanal diamond sector (EITI Guinea, 2020).

ASM in Guinea has been historically important for providing direct and indirect employment, and it is a significant source of livelihood (Dessertine, 2016, 2021; Stokes-Walters et al., 2021; Dessertine and Noûs, 2021; Diallo, 2017). In some areas, ASM has become a permanent means of subsistence activity, which as Bolay (2016a, 2016b) finds, it is sometimes preferred over employment with industrial mining firms. ASM in Guinea remains mainly dominated by local Guineans with only a minority coming from neighbouring countries (Diallo, 2017). In principle, ASM permits are only permitted to be issued to Guinean nationals (République de Guinée, 2013).

Since the introduction of a new and revised mining code in 2013, Guinea has embarked on numerous mining reforms (Campbell and Hatcher, 2019; Knierzinger, 2016; Szablowski and Campbell, 2019; Wilhelm and Maconachie, 2020). This included a revised mining tax regime, a modified and simplified permit process, transparency provisions, as well as local content. According to Maponga and Musa (2021, p. 202), “Guinea has implemented one of the most elaborate local content policies for mining to date”. Wilhelm and Maconachie (2020) extensively analyse what local content policies in Guinea looks like. In sum, they include a combination of voluntary

and mandatory measures that have been introduced since 2013. The mining code defines quotas for mining companies in terms of direct employment, local procurement, and capacity training. Since 2017, several legal application documents have been published, and more institutional frameworks meant to support local content design and implementation have been created. Local content receives considerable attention in Guinea, and it is a prominent political project (Wilhelm, 2022).

The 2013 mining code, as well as the 2017 National Day of the Artisanal Sector produced some ASM reforms. These ASM reforms have the following main elements, namely (i) reformed ASM tax regime (République de Guinée, 2013, Article 53); (ii) Commercialisation of artisanal gold mining (République de Guinée, n.d.); (iii) reformed procedures and organization of ASM to allow more state control and monitoring over ASM (République de Guinée, 2017); (v) ASM reserved zones (République de Guinée, 2016). Ultimately, the government’s strategy is to facilitate a “mutation” of artisanal mining towards small scale, and ideally industrial mining (République de Guinée, 2018a, 2018b; Direction Nationale des Mines, 2021). Despite our best efforts, we were unable to reveal *how exactly* the government intends on spurring this mutation. In all likelihood, the government is not yet sure how the logistical challenges, further complicated by the impact of COVID-19, will be addressed in order to achieve such objectives.

These mining reforms have been inspired and supported by governance initiatives. In 2006, Guinea joined the EITI and has since then moved towards improved and more transparent resource governance. The publication of regular EITI reports, the creation of the mining cadastre⁸, as well as the publication of almost all mining contracts⁹ were significant steps. Moreover, new, and improved legislation made Guinea a mining “role model” in the region, according to the African Union (Ministère des Mines et de la Géologie, 2019). The government directly states that

⁸ The Guinea Mining Cadastre Portal <https://guinee.cadastreminier.org/en/> offers an oversight of where all different types of mining contracts and concessions are located within the country.

⁹ Almost all Guinean mining contracts are available online via the site Guinea Resource Contracts <https://www.contratsminiersguinee.org/>.

reforms are due to the country's commitment to the AMV and its African Union membership (Ministère des Mines et de la Géologie, 2017a, 2017b; Wilhelm, 2022).

There are various governance challenges that impact ASM and local content reform efforts. In terms of ASM, the implementation of the announced reforms is lacking. The formalisation of ASM, the transformation of artisanal mining into more industrialized modes, as well as the creation of linkages from ASM has not been fully achieved yet. The government lacks the political will, the resources, and capacities to implement and monitor ASM legislation (Diallo, 2017). The realities on the ground often do not correspond with the legal provisions (Cissé, 2019; Dessertine and Noûs, 2021). Regular detailed data on ASM remains absent, both in the EITI reports and regular ministry bulletins. Diallo (2017, pp. 494-495) notes that to many artisanal miners, the state is perceived as absent, and “with no support from the government, most artisanal miners feel discouraged and neglected and therefore do not feel compelled to respect legislation.” The Guinean government continues to favour industrial mining over ASM. Whilst numerous mining companies have continued to receive new and renewed concessions and permits since 2015, artisanal miners are not as welcome. ASM miners have been violently evicted from their land, facing hostile military presence from security forces hired by industrial mining companies to protect their concessions (Bolay, 2014, 2016b; Dessertine, 2019, 2021; Dessertine and Noûs, 2021). This hostility has recently escalated, with the conflict over the newly discovered gold deposits in Gaoual in June 2021. Thousands of predominantly unemployed young men from all across the country arrived at the “Eldorado” in the hope to start artisanal gold mining. However, the government quickly announced closure of the mine site due to security concerns caused by mass migration and the ongoing coronavirus pandemic. Security personnel, including the military, patrol the closed site, and violent protests broke out by the disillusioned youth (Barry, 2017; Yéropost, 2021; Sylla, 2021; Guinéelive, 2021). These evictions and bans on ASM happen whilst industrial mining continued throughout all crises (industrial mining continued during the Coronavirus and Ebola pandemic). In the same timeframe whilst industrial bauxite mining companies in Guinea continued operations as normal and even celebrated crowded inauguration ceremonies for new infrastructure (Compo, 2021), unemployed youth was denied from a potential employment opportunity. This happens in times where the Guinean government promises employment in the industrial mining sector that the youth desperately need through its local content provisions. For agential constructivists, the Guinean case draws attention to the difficulty

in transforming policy based on a particular set of norms (i.e., the inclusiveness on local content) into practice. On the ground, ASM participants and youths are still largely excluded from the ‘good governance’ thrust of Guinea’s regulatory changes to its mining sector.

4.4 Burkina Faso

The economy of Burkina Faso is resource dependent. In 2019, 77.5% of the countries’ exports consisted of gold, with the country being the number four gold exporter in Africa (OEC, 2021).¹⁰ The areas where gold is extracted by both industrial and artisanal processes overlap in many cases. Estimates suggest that between 640,800 and 700,000 Burkinabe work directly in artisanal and small-scale gold mining. In some areas, two-thirds of households have at least one family member working in ASM directly (Bazillier and Girard, 2020; Brugger and Zanetti, 2020; Pokorny et al., 2019). Overall, it is estimated that between 1 to 1.2 million people depend directly or indirectly on ASM in the country (Brugger and Zanetti, 2020). In contrast, merely 10,581 Burkinabe were directly employed in industrial mining (Chambre des Mines du Burkina, 2019). ASM plays an important role for the country in generating direct and indirect employment and local income. Bazillier and Girard (2020) and Pokorny et al. (2019) show how in Burkina Faso, the impacts of ASM for the local population are greater for employment and local income than industrial mining. Research by Ouoba (2017) shows that neither ASM nor LSM have a tangible effect on poverty eradication at the regional level and how the effects of industrial mining on providing access to basic services is insignificant. Although more research is needed on the impact of ASM and LSM in Burkina Faso, the employment data presented above shows how ASM is an important source of direct and indirect employment.

In 2015, a new Mining Code was introduced in Burkina Faso. The new code included some provisions on local content. Article 101 outlines that preference must be given to Burkinabe individuals and companies in any mining activities. Goods and services must be procured locally if they are available at comparable quality and price,

¹⁰ In 2019, the exports of goods and services as a percentage of GDP in Burkina Faso were 25.37%, according to the World Bank (2021).

according to Article 152. Beyond these provisions, any quotas, or further specifics with regards to the implementation of the code are lacking. Only recently, the local content discussion in the country has gained traction. In 2020, local content workshops were held discussing among other themes the introduction of a *Liste Minière* that should contain goods and services that cannot be imported anymore (Ministère des Mines et des Carriers, 2020). A local content working group was created, diagnostics and studies planned, and reports on creating a local content policy were defined (Ouedraogo, 2020). In 2021, another series of regional workshops was held, this time hosted in Ouagadougou where the local content commitment was underlined again (Kaboré, 2021).

The 2015 Mining Code included ASM reforms. It outlines that ASM authorization and licences are awarded only for Burkinabe nationals (section 2, Article 71). The focus is placed on formalisation of ASM through granting authorizations and licences. The Agence Nationale d'encadrement des exploitations minières artisanales et semi-mécanisées (ANEEMAS) was created in the same year to oversee the licencing and commercialization of ASM (Medinilla et al., 2020). A 2017 decree added that ASM authorisations are tied to environmental and labour right obligations (République du Burkina Faso, 2017). In 2019, studies and consultations on reforming the fiscal ASM regime were commissioned by the government (ITIE Burkina Faso, 2021, p. 133).

Governance initiatives played a certain role in shaping mining reforms in the country. The mining code reaffirms the commitment of the state to good governance initiatives, notably the Kimberley Process and the EITI. Burkina Faso joined the EITI in 2008 and conforms with EITI norms since 2013. The Ministry of Mines stresses this important progress. Moreover, the ECOWAS Directive, as well as the WAEMU Mining Code are named as important international engagement that shape mining activities in Burkina Faso. The WAEMU was also involved in putting local content on the agenda through organizing workshops in 2017 in the country (IGF, 2017b).

Despite some reform attempts, we contend that various governance challenges remain for ASM and local content reforms in the country. The finalization of reforms through specific legislation and legal application documents is slow and incomplete, and the implementation is lacking. In the case of ASM, institutional frameworks on formalization have not significantly changed the existing informal rules and local customs (Bazillier and Girard, 2020; Ouedraogo and Mundler, 2019). Some of the new formalization rules and procedures do not correspond to local realities and do not take obstacles into account. Licence fees are often too high, illiteracy is an obstacle to

obtaining licences, or processes are too complex and time-consuming (Werthmann, 2017). Institutional weaknesses, and lack of state authority in ASM are obstacles to reform processes (Medinilla et al., 2020). Werthmann (2017) sees this as a consequence of previous liberalization between 1996 and 2006 where the Burkinabe state withdrew from ASM, leaving a vacuum that was filled by creating informal and autonomous laws in artisanal gold mining areas. Overall, there are some general weaknesses that hinder successful reforms. Legal gaps, inadequate and absent specification and details, contradictions in the text, lack of monitoring and evaluation are major concerns (IISD, 2020, p. 17). A defined Local Content Policy is still not available in the country, despite increasing attention to the issue. Although theoretically, there is some commitment to governance initiatives – such as the WAEMU, EITI, and ECOWAS – this has not translated into an efficient and impactful reform process. Although local content norms have made inroads in Burkina Faso in recent years, on-the-ground translation of such norms remains slow – which is a pace for which agential constructivism accounts. Sluggish and uneven normative change is also evident insofar as LSM is still favoured over ASM, with the former being awarded increasing amounts of exploration and exploitation permits, which drives demand for land meaning that artisanal miners often lose access to their site. Displacements, land-grabbing, and land conflicts are consequences of this development (Bazillier and Girard, 2020; Lanzano and Arnaldi di Balme, 2021).

5. Conclusions

In this article, we examined the extent to which global and regional governance initiatives and their norms shape the interface between LSM and ASM. Our agential constructivist analyses reveal how high-profile regional governance initiatives have fallen short of identifying ASM as a source of local content, and in the case of the AMV, even proposing a transition *away from* ASM. *Local content for industrial mining* remains the focus of the initiatives – a finding that is evident across our case studies. In all four country cases, direct and indirect employment figures from ASM exceeds the amount of employment generated in the LSM sector, yet this economic gap has not led to effective governance actions. Instead, in countries like Guinea and Burkina Faso, ASM remains criminalized, and

in all four countries, ASM remains marginalized. This is pertinent, especially given the fact that industrial mining is confronted with the end of the current commodity ‘supercycle’ (an extended period wherein mineral prices trade above their expected trajectory), as well as increased automation. These factors will decrease the already-limited employment opportunities even further, and hence require that countries turn to alternatives (Bowman et al., 2021).

Recalling the phrase ‘flash in the pan’¹¹ invoked in the title of the article, mining sector governance initiatives have produced a burst of policy attention to the interface between LSM and ASM in the context of local content, but little in the way of tangible results. Put differently, even though the countries from our case studies are inspired and influenced by the constituent norms of these governance initiatives, considerable challenges remain. Ghana, Sierra Leone, Guinea, and Burkina Faso have their own specific set of challenges and local realities, which mean that many of the planned reforms are yet to be implemented. Nwapi (2018) calls for an integrated approach where member-states of regional initiatives are granted a certain degree of freedom to address local realities, whilst having the opportunity of information and experience sharing with other countries. Moreover, even if countries implemented the guidance set out by governance initiatives, the dilemma of finding the right balance of inclusion and exclusion would remain. A country that is bound to a regional initiative like the WAEMU is faced with the challenge to create its own dynamic economy and promote the use of its nationals in direct and indirect employment opportunities on the one hand, whilst not closing the doors for nationals from the neighbouring member-states on the other. In the case of West Africa, this challenge is even more compelling, as ethnic, language, entrepreneur networks, and family ties often transcend national boundaries.

Ultimately, it is this type of exclusion in local content provision that is most challenging – as well as the decision to *exclude* ASM from being part of the local content conversation. The uneven pace and translation of local content norms depicted in our study also provides helpful insights for agential constructivism because such dynamics further illustrate how norm diffusion works – and informs expectations concerning the time horizons of normative

¹¹ Though originating from describing a misfire of a flintlock musket, the phrase has been employed in more recent times to indicate unfulfilled promise following intense effort. The imagery of a flash of a mineral masquerading as a gold ingot or rough diamond in an artisanal miner’s washing pan is also an apt analogy for the current discussion.

change. Hence, our analyses notwithstanding, we call on scholars to further ponder the question of how one might bring the interests and values of LSM and ASM sector participants into alignment in terms of local content and reflect upon the implications such an alignment might have for ASM sector participants.

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