



**University of  
Zurich**<sup>UZH</sup>

**Zurich Open Repository and  
Archive**

University of Zurich  
University Library  
Strickhofstrasse 39  
CH-8057 Zurich  
[www.zora.uzh.ch](http://www.zora.uzh.ch)

---

Year: 2018

---

## **Making concessions: extractive enclaves, entangled capitalism and regulative pluralism at the gold mining frontier in Burkina Faso**

Côte, Muriel ; Korf, Benedikt

**Abstract:** This paper studies the regulation of concessions in the global gold mining rush. The liberalization of the gold mining sector has given way to complex forms of regulation where non-state and illegal mining entrepreneurs compete in governing mining extraction. Taking the case of gold mining in Burkina Faso, this paper analyses the conditions and dynamics under which such complex regulation takes place. We draw on extensive ethnographic fieldwork conducted in Northern Burkina Faso, in particular the Burkinabè mining sector. We argue that enclave economies in the gold mining sector are co-produced by state and market regulation through a “plurification” of regulatory authority. This “plurification” is the effect of competition among different frontier entrepreneurs, who seek to broker regulatory authority in mining concession sites. We show that concession sites are not discrete extractive enclaves, but are better understood as indiscrete sites that are entangled in local politics and social relations. Rather than thinning social relations, as is often claimed, we observe that enclave economies thicken politics around concessionary regimes, where governmental bodies re-emerge as an arbitrating regulatory force. These findings problematize policy prescriptions to formalize the gold mining sector and draw attention to the role of the state in re/producing frontier entrepreneurs with unequal political rights to claiming concessions.

DOI: <https://doi.org/10.1016/j.worlddev.2016.11.002>

Posted at the Zurich Open Repository and Archive, University of Zurich

ZORA URL: <https://doi.org/10.5167/uzh-157430>

Journal Article

Published Version

Originally published at:

Côte, Muriel; Korf, Benedikt (2018). Making concessions: extractive enclaves, entangled capitalism and regulative pluralism at the gold mining frontier in Burkina Faso. *World Development*, 101:466-476.

DOI: <https://doi.org/10.1016/j.worlddev.2016.11.002>



# Making Concessions: Extractive Enclaves, Entangled Capitalism and Regulative Pluralism at the Gold Mining Frontier in Burkina Faso

Muriel Côte, Benedikt Korf

University of Zürich, Switzerland



## ARTICLE INFO

### Article history:

Available online 27 December 2016

### Key words:

Burkina Faso  
gold  
concessions  
frontier  
enclaves

## SUMMARY

This paper studies the regulation of concessions in the global gold mining rush. The liberalization of the gold mining sector has given way to complex forms of regulation where non-state and illegal mining entrepreneurs compete in governing mining extraction. Taking the case of gold mining in Burkina Faso, this paper analyses the conditions and dynamics under which such complex regulation takes place. We draw on extensive ethnographic fieldwork conducted in Northern Burkina Faso, in particular the Burkinabè mining sector. We argue that enclave economies in the gold mining sector are co-produced by state and market regulation through a “plurification” of regulatory authority. This “plurification” is the effect of competition among different frontier entrepreneurs, who seek to broker regulatory authority in mining concession sites. We show that concession sites are not discrete extractive enclaves, but are better understood as indiscrete sites that are entangled in local politics and social relations. Rather than thinning social relations, as is often claimed, we observe that enclave economies thicken politics around concessionary regimes, where governmental bodies re-emerge as an arbitrating regulatory force. These findings problematize policy prescriptions to formalize the gold mining sector and draw attention to the role of the state in re/producing frontier entrepreneurs with unequal political rights to claiming concessions.

© 2016 Elsevier Ltd. All rights reserved.

## 1. Introduction

During 2007–14, Burkina Faso experienced a remarkable gold rush: it jumped from sixteenth- to fourth-largest gold producer on the African continent. In 2012 alone, 941 mining permits and licenses were distributed. They have mostly benefitted international investors like those who have financed Burkina Faso's eleven large-scale gold mines since 2008. This boom has also fuelled small-scale mining—*orpaillage* as it is called in francophone West Africa—which is mostly undertaken without any permit or license.<sup>1</sup> Alhamdou, a middle-aged man from Séguénéga, a small district town in North Burkina Faso, works as shaft owner in one such *orpaillage* mine in the nearby village of Bakou.<sup>2</sup> Originally a farmer, he is now one of the most successful and respected men in town. The

illegal gold shafts he supervises are situated on SEGA, an area that was held under the mining exploration concession—extending over 313 km<sup>2</sup>—acquired by the Canadian Orezone Gold Corporation during 2002–12. When asked how he managed to secure his shafts on the corporation's concession, Alhamdou smiles: “It is precisely because I helped the investor 10 years ago that I knew where to dig and that I was able to secure a line up on this hill.” Since Alhamdou explained this, the exploration concession has upgraded to an extraction project undertaken by the British Amara Mining Plc. Extraction lasted two years, and after the British investor left, Alhamdou was able to return to small-scale mining in the same area.

Our story evokes an unexpected entanglement of fortunes in the gold mining rush. A number of mining concessions have emerged as “extractive enclaves” or government-sanctioned spaces of mineral exploration and extraction. These mining concessions have created new configurations of “haves” and “have nots,” with small-scale typically losing out to large-scale miners. As Ferguson points out, enclave economies are characterised by private capital that lands—or rather hops—onto “non-contiguous “useful” bits that are secured, policed and, in a minimal sense, governed through private or semi-private means” (Ferguson, 2005, 381).

<sup>1</sup> Here, and throughout the paper, we use the French term *orpaillage* to refer to small-scale artisanal mining that is undertaken without a government permit. We use “artisanal mining” to refer to the small-scale artisanal mining undertaken with a government permit (either an “Autorisation d'Exploitation Artisanale Traditionnelle” or a “Permis d'Exploitation Artisanale Semi-Mécanisée,” cf. GoB (2003). These permits have changed names under the latest revision of this code (GoB, 2015) but these changes do not pertain to the data analysed in this paper.

<sup>2</sup> This person's real name has been changed to maintain his anonymity.

Indeed, “intensified processes and patterns of uneven development are increasingly expressed in enclave spaces” (Sidaway, 2007, 332). Enclosing and “enclaving” space through externalisation and extra-territorialisation of resource regulation is a particularly forceful way to attract private capital and secur(itis)e resource production (Ferguson, 2006; Geiger, 2008; Harvey, 2004; Hendriks, 2015; Hönke, 2010; Sidaway, 2007).

A decade ago James Ferguson asserted that enclave economies of mineral-extraction connect “discrete points” scattered around the globe which have essentially thinned out state–society relations and “hollowed out” states in Africa (Ferguson, 2005, 379). Yet our story suggests that these enclaves are not actually discrete spaces—for here capitalism is entangled in much more nuanced ways in local political economics and social relations. Our objective is therefore to complicate the claim that state power crumbles under the weight of large-scale international private investments in the new resource rushes (Borras, Hall, Scoones, White, & Wolford, 2011; White, Jr, Ruth, Scoones, & Wolford, 2012). We start from the twofold observation that, firstly, private capital itself requires some regulatory framework to take hold on the ground; and, secondly, that *stricto sensu* state frameworks—laws and the practices of state officials—by no means exhaust the extent of regulatory relations that sometimes operate extra-legally and in “twilight” zones (Lund, 2006).

Through the case of Burkina Faso’s gold mining frontier and its concessionary landscape, we analyse actually existing social relations that make it possible to establish a mining concession. We argue that analysing the everyday politics of “making concessions” that cuts across conventional governmental divides—private–public, illegal–legal—helps to shed light on the actually existing social relations that entangle global capital in messy local struggles around regulatory authority, and thereby reproduce the indiscrete spaces of enclave economies. We show that, rather than a thinning of state–society relations, a concessionary mining regime emerges through a “plurification” of regulatory authority. Resource concessions in the gold mining frontier in Burkina Faso are sites characterised by regulative pluralism and intense politics (Hilson & Yakovleva, 2007; Keita *et al.*, 2008; Luning, 2012) where politics thickens, rather than thins out.

“Making concessions” requires more than the stroke of a pen or the threat of a gun—as Rasmussen and Lund put it in the introduction to this volume. Indeed, making mining concessions gives rise to political frictions—contest, disagreement, confrontation—and requires “making (political) concessions”—compromising, negotiating with, accommodating—between a number of actors. These concessions do not equally benefit all parties, and this is precisely why they are important to investigate. Not only do they help explain the seemingly contradictory configurations of extraction, such as the accommodation of Alhamdou’s illegal mining activities by the Canadian investor in the above vignette, but they also permit insights into the reconfigurations of state–society relations at the margins of the state.

Two overarching steps are taken in our analysis. We first show that the multiplication of mining concessions in Burkina Faso can be traced back to the production of a concessionary resource regime at the national level. This resource regime withdrew government regulation from sites of production. In the central government attempt to capture gold mining rents, mining concessions became sites of regulative pluralism, which involved a variety of mining frontier entrepreneurs in the struggle over regulative authority (Sections 3 and 4). Secondly, we probe the effects on state–society relations of the porous territorial and regulatory boundaries arising from mining concessions. We show that mining concessions are indiscrete spaces where regulative pluralism produces political frictions between different mining frontier entrepreneurs that, to a certain extent, enable govern-

ment officials to reclaim some regulative authority in these sites (Sections 5 and 6).

We draw on extensive fieldwork conducted by the first author in Burkina Faso, including interviews with various branches of the central Burkinabè mining administration, with executive and technical staff of private national and international mining companies, and with a number of *orpaillage* miners who operate throughout Burkina Faso. We also draw on online material published by mining companies, which are integral elements of the “field of relations” in which making concessions takes place (Luning, 2008; Mégret, 2011). Ethnographic fieldwork was conducted on SEGA before, during and after a large-scale gold mining project was undertaken in Séguénéga, North Burkina Faso, including intensive fieldwork in 2011–12 and several visits to the site since then. This allows us to trace both the regulative framing of mining concessions within their larger macro-political configuration (Section 3) and the micro-politics of negotiating this regulatory space within and outside of these concession sites (Sections 4–6). In other words, it enables us to understand the thickening of politics as an effect of concessionary resource regimes on the gold mining frontier. Indeed, it is this kind of convoluted politics that made Alhamdou smile.

## 2. Conceptualising resource concessions at the mining frontier

The gold mining frontier is an interesting case study of the entanglements between global capitalism and the politics of regulation “on site” (Spiegel, 2016). Resource frontiers are driven by a particular dynamic of “empty, but full” (Bridge, 2001; Eilenberg, 2014; Li, 2014a; Tsing, 2003): they emerge when sites are imagined as “empty” (of proper governance), but “full” of potential resources for extraction. A prerequisite in political formation at resource frontiers is to make these resources investible—both visible and governable. In Burkina’s mining frontier, a variety of government offices, central and local administrations, cadastral services, licensing departments and other bodies have material and political interests in making natural resources at once investible and taxable. Yet these are fragmented juridico-legal frameworks (Peluso & Lund, 2011).

First, this fragmentation reveals a contradictory dialectic. On the one hand, legibility and standardisation imperatives make resources investible; but, on the other hand, the messy, often violent politics of contestation and corruption erupts around the application of legible standards. Recent concerns over “land grabbing” portray dynamics of resource enclosures as discrete enclosed spaces of “accumulation by dispossession” (Borras *et al.*, 2011; White *et al.*, 2012). Yet these deals are also crucial to the reproduction of authority, territory, sovereignty and government subjects (Korf, Hagmann, & Emmenegger, 2015; Peluso & Lund, 2011; Wily, 2012; Wolford, Borras, Hall, Scoones, & White, 2013). The fragmentation of state frameworks must therefore be investigated through the social production of space, as occurs in contemporary resource concessions.

James Ferguson once claimed that what differentiates new from old enclosures in the extractive sector, is the expansion of an “enclave economy” model that seems to disembed resource extraction from the social context—local and national—in which it takes place (Ferguson, 2006). Many scholars agree that liberalisation reforms have fuelled dynamics of privatisation and informalisation of both economy and regulatory authority in the mining sector (Campbell, 2009; Hilson & Potter, 2005; Hönke, 2010; Spiegel, 2012, 2014). Yet overemphasising the grid-making capacity of transnational capital hides from view the entanglements of the extractive sector with local politics of regulation and extraction practice.

Studies that focus on misaligned government interests in mineral extraction, including those between central and local governments (Côte, 2013; Spiegel, 2015), have shown that political concessions, whereby central government officials concede certain regulatory powers to non-state actors, are an integral part of enclave economies. In contexts where national governments cannot afford to bring private capital to service national public good, the retreat of a bureaucratic apparatus, with the privatisation of regulation, has been analysed as a sort of “indirect discharge” that allows nation states to avoid bankruptcy (Hönke, 2010). Conversely, illegal small-scale mining is also often tolerated by state officials because it is considered as poverty-driven and as contributing to the safeguarding of livelihoods, although it is regulated through largely illegible mechanisms (Geenen, 2012; Maconachie & Hilson, 2011; Verbrugge, 2015). These political concessions should therefore not be analysed in isolation from the process of making resource concessions.

Secondly, making political concessions does not mean arriving at a consensus. On the contrary, overlapping resource claims spark particularly intense friction between resource claimants. Such friction is akin to Tsing’s metaphor as the folding of global abstractions into concrete places and encounters (Luning, 2012; Spiegel, 2015; Tsing, 2005). These frictions are particularly intense within resource concession sites and they often bring into question the legitimacy and effectiveness of state power (Bridge, 2013; Geenen, 2016; Hardin, 2011; Hendriks, 2015).

Insights from the fields of legal pluralism and the micro-politics of resource access are useful to help analyse these frictions. Rather than assuming that state frameworks are unequivocally imposed or adopted, studies in legal pluralism show that they are better understood as a playing field, where players engage in contingent institutional “bricolage” and develop practical norms (Cleaver, 2012; de Herdt & Olivier de Sardan, 2015; von Benda-Beckmann, von Benda-Beckmann, & Wiber, 2006). For example Geenen and Claessens (2013) show that this lens offers a more encompassing understanding of relations and mechanisms of gold mining governance and access than a strict legalistic lens can provide. Concepts such as “hybrid governance” (Raeymaekers, Menkhaus, & Vlassenroot, 2008) and “twilight institutions” (Lund, 2006) are particularly useful to describe the configurations of state–society relations in a context of fragmented frameworks.

It is precisely here that the frontier lens becomes useful, particularly Igor Kopytoff’s concept of “institutional vacuum” (1987, 25–33). Many anthropologists have studied informal small-scale gold mining regulation in West Africa through this lens to theorise the emergence of norms and rules in partial juridico-legal contexts as a way to turn around popular perceptions of artisanal mining as a disorderly space structured by greed and violence, and instead bringing forward evidence of a moral economy of risk sharing and sophisticated labour organisation in these mining sites (Bryceson & Geenen, 2016; Di Balme & Lanzano, 2013; Grätz, 2013; Mégret, 2010; Werthmann & Grätz, 2012). Here we build on these insights by bringing them into the wider picture of the global gold frontier that includes small-scale mining but also state officials and concessionaries operating through various political spaces (national, transnational).

As Kopytoff himself understood it, “institutional vacuums” should not be approached as a factual given (e.g., an objective retreat of the state, illegality), but rather as a political and discursive construction or imagination promoted by a political centre (e.g., a national government), that justifies incursion by frontier entrepreneurs in “interstitial spaces” (Kopytoff, 1987, 25–33; Korf, Hagmann, & Doeveenspeck, 2013). Imaginations of “empty space”—empty of a proper ruler, of legal order—justify not only claims to resources but also the “plurification” of regulative authority in interstitial spaces (Eilenberg, 2014; Hagmann & Korf, 2012;

Korf & Raeymaekers, 2013; Li, 2014b; Vogel & Raeymaekers, 2016; Watts, 1992). Building on this work, we conceptualise resource concessions as interstitial spaces characterised by regulative pluralism, where the competition between frontier entrepreneurs reconfigures state–society relations.

We distinguish regulative pluralism from legal pluralism and hybrid governance in two ways. Firstly, it is a political formation that is specific to resource frontier dynamics, where frontier entrepreneurs are not only entrepreneurial in their specific economic realm, but also in the field of politics. Secondly we build on scholarship revealing “hybrid governance” and “twilight institutions” to mobilise a wealth of empirical evidence of political concessions between frontier entrepreneurs, but also to go beyond the description of everyday politics. The politics of making concessions exposes the ways in which the regulative competition between mining frontier entrepreneurs folds back into the discourses and institutionalisations of juridico-legal frameworks. Through this analytic we are able to account for the micro-politics through which enclave economies are produced. We begin this analysis by tracing the emergence of the concessionary mining regime in Burkina Faso at the global gold mining frontier.

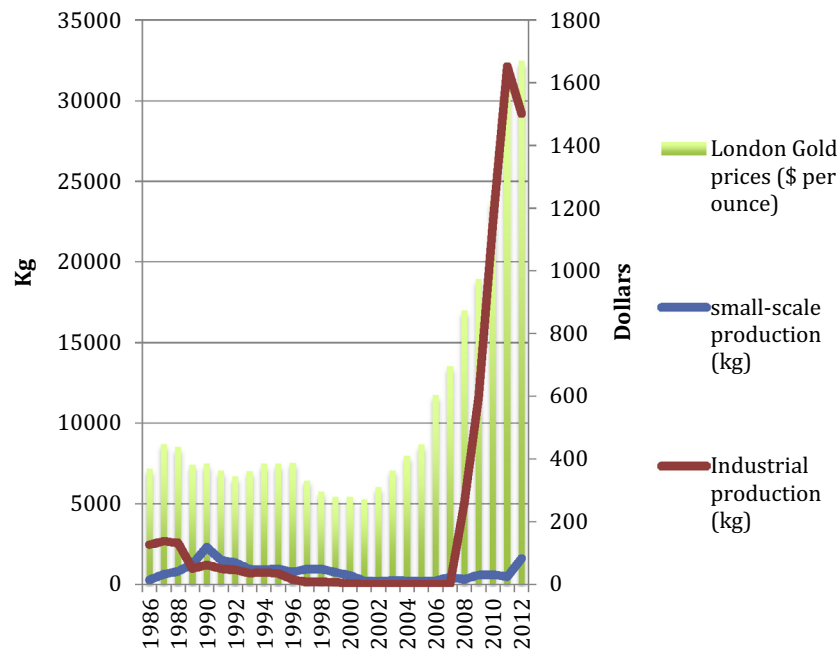
### 3. The territorial and political effects of making gold investible

Making gold investible has been an essential aspect of appropriating the frontier. The Burkinabè government engaged in laborious reforming work in order to attract taxable investment in the gold mining sector (Luning, 2008). In this section we show that mining enclaves, or a concessionary resource regime, emerge as the territorial effect of these reforms by a central government aiming to capture the promises of a gold mining frontier. In Burkina Faso, the retreat of the national government from investing in mining activities effectively boosted private, taxable investment, with specific territorial and political effects. Here we show that the government retreat from investing in mining effectively relocated the regulatory roles around private (artisanal and industrial) concessions that came to be governed by a number of overlapping frontier entrepreneurs.

Regulating gold mining became a public concern in Burkina Faso in the mid-1980s, when farmers started to engage in it in order to compensate for crop failure after the 1970s drought. That time was also marked by profound political transformation with the advent of a revolutionary socialist regime led by Thomas Sankara. A parastatal institution was created in 1986 to regulate the mining sector. The *Comptoir Burkinabè des Métaux Précieux* (CBMP) established a government monopoly (on the production, transformation, export and purchase of gold), linking the buying price of gold nationally to the London market (Gueye, 2001).<sup>3</sup> The mining sector then included only two moribund industrial mining sites at Essakane and Poura, and the CBMP mainly aimed at regulating a rapidly expanding small-scale mining economy. In that period, territorial control was based on placing CBMP agents in the most important small-scale mining sites, and was organised around the control of small-scale mining shafts. CBMP agents bought gold from the diggers, and/or hired local licensed buyers to do so (Gueye, 2001). Any form of gold extraction was legal so long as the gold extracted and transformed was sold to the CBMP. What was criminalised was not extraction, but commercialisation. This meant that although

<sup>3</sup> To be precise, the CBMP exercised a monopoly over gold production and it was also the only state-sanctioned buyer of gold, effectively exercising a monopsony. This should be kept in mind, but we refer to this coupled monopoly over production and commercialisation as the “monopoly of the CBMP” to avoid disrupting text flow, and we refer to the “monopoly over commercialisation” instead of “monopsony” as a way to avoid distracting jargon.





**Figure 1.** Gold officially produced in Burkina Faso between 1986 and 2013 (graph by Sarah Mallet; sources compiled by Muriel Côte: for 1986–97: Gueye (2001: 25); for 1998–2000: WTO (2004, 59); for artisanal production 2000–12: GoB (2013, 5); for industrial production 2000–12: <http://chambredesmines.bf/?Evolution-de-la-production-mini%C3%A8re>).

government oversight was more intense where CBMP agents were placed in the countryside, it covered the entire national space.

The liberalisation of the mining sector in the 1990s gave way to a more politically and territorially fragmented form of regulation. It effectively put an end to the government gold mining monopoly, and replaced it with private exploration and extraction licenses delineated in the Mining Code (Côte, 2013). After Structural Adjustment Packages were agreed upon in the early 1990s, the central government issued a decree to allow the creation of private gold trading posts for the commercialisation of gold.<sup>4</sup> This was announced shortly before the central government adopted the first Mining Code (GoB, 1997), which delineated four mining licenses dedicated to extraction (GoB, 2003): exploration, exploitation, artisanal, and semi-mechanised.<sup>5</sup> Every license binds its holder to a certain amount of investment in a given and clearly delimited area, the mining concession site (Luning, 2008). From then on, the state-building potential of gold mining in Burkina Faso no longer lay in investing in a technical bureaucracy that would help maintain a mining monopoly and monopsony—thus preventing fraud—but rather in attracting private entrepreneurs into applying for mining concessions (Côte, 2013). The introduction of these licenses effectively transformed the territoriality of government control over mining in two major ways.

Firstly, mining liberalisation reforms dislocated the regulation of gold commercialisation away from the artisanal mining sites overseen by CBMP agents, and relocated it in the hands of private trading posts (*comptoirs*), which can be sited anywhere. This new regulation of gold commercialisation rendered small-scale production largely illegible, and therefore unprofitable, at least for the central government. This situation is not unique to Burkina Faso, but rather echoes countless studies documenting the informalisation of small-scale gold mining throughout Africa (Hilson & Potter, 2005; Maconachie & Hilson, 2011). Figure 1 shows official

figures for the produced volumes of gold that are declared to the Burkinabè administration. It illustrates the sharp rise of industrial gold production from within concessions, but the relatively low figures for small-scale mining also illustrate the growing illegibility of illegal *orpaillage* mining that has notoriously boomed during the same period. *Orpaillage* mining is officially presented as occurring outside official concessions and typically represented as controlled by a mafia, where “it is impossible to know who is responsible”, where “there are drugs and prostitution”, and “it shouldn’t be allowed, but the state is too poor”.<sup>6</sup> In sum, they are represented as spaces of institutional vacuum, suitable for the incursion of lawful mining concessions.

Secondly, the concessionary mining regime relocated juridico-legal regulation around mining concessions, but this task is no longer performed by the central government. The retreat of central government from regulatory authority gave impetus to the discretionary power acquired by frontier entrepreneurs to regulate mining activities within their concession sites. In small-scale mining at the time of the government monopoly over production, for example, CBMP agents fulfilled particular regulatory functions at mining sites—overseeing security, allocating small-scale mining jobs, and arbitrating disputes (Gueye, 2001). When the government monopoly was challenged in 1996, the CBMP progressively went bankrupt and then disappeared in 2006. The regulatory functions previously performed by CBMP agents were now being assumed by concessionary license holders around private concessions, as illustrated in the work of Di Balme and Lanzano (2013). They show that the artisanal mining concession site in the town of Bantara was regulated by the concession license holder, who played a role in the arbitration of local conflicts over land and water management, and other aspects of public life that extended beyond the extraction and commercialisation of gold at the site.

Yet not all frontier entrepreneurs acquired equal regulatory discretion. The concessionary mining regime constructed political distinctions between *orpaillage*, artisanal, and industrial mining

<sup>4</sup> Decree No. 96-231/PRES/PM/MEM on 3 July 1996; Decree No. 97-035/MEM/MEF/MCIA on 14 May 1997.

<sup>5</sup> The mining Code was revised in 2015 but these revisions have no bearing on the data analysed in this paper.

<sup>6</sup> Interview by first author with Orezone staff, Séguénéga, 6 December 2011.

entrepreneurs, and this is clear in the different abilities of frontier entrepreneurs to acquire concessionary permits. Typically, large-scale mining entrepreneurs are granted a priority over artisanal ones in the allocation of concessions because taxation and other rents from large-scale projects are higher, and therefore more profitable for central government than small-scale mining.<sup>7</sup> However, when an artisanal concession is applied for at the site of a large-scale exploration or extraction concession, the former will not be renewed unless the latter allows it.<sup>8</sup> Thus while central government retains the ability to allocate mining rights, the concessionary mining regime also grants certain discretionary territorial rights to large-scale mining entrepreneurs. The relations underlying the large-scale gold mining project described by Luning (2008) on the Bissa concession is a case in point. Her ethnographic analysis reveals that an artisanal concession was permitted by the company High River Gold to contain small-scale mining activities on the Bissa concession. Her case demonstrates the plurification of regulatory authority under a concessionary mining regime, and the uneven bargaining power of different frontier entrepreneurs produced by central government within this process.

This plurification of regulatory authority shows the growing significance of mining concessions as territorial units around which “institutional vacuums” and regulatory opportunities are politically constructed. Mining regulation in Burkina Faso after the liberalisation reforms initially produced legal and illegal categories around mining concessions. These categories were premised on an imagined “institutional vacuum”, or the idea that, outside concession sites, illegal artisanal mining (*orpaillage*) is ungoverned and therefore investible by legal frontier entrepreneurs such as artisanal and industrial concessionary claimants. This reconfiguration of mineral extraction around private mining concessions grants significant regulatory power to frontier entrepreneurs. It is central to this analytic that the state’s ambition to regulate does not disappear under liberalisation. Indeed, the relocation of regulation in and around mining concessions has been part of a plan to make the frontier profitable for central government. Less than a retreat of government, the territorialisation dynamics described above are better characterised as an informalisation and a plurification of regulation where different frontier entrepreneurs have unequal access to state power. Yet mining concessions are not discrete spaces, and below we illustrate this with a description of regulative pluralism in SEGA, a mining concession in North Burkina Faso.

#### 4. Indiscrete concessionary spaces and regulative pluralism

Extractive enclaves are produced through on-site local interactions, rather than through their avoidance. Government regulators paint concession sites as safe for the private frontier entrepreneurs, with neat boundaries of extractive spaces. The government’s premise is that only within these concessionary spaces does lawful extraction occur. But this is only the regulators’ representation of such space. In fact, concessions are rather indiscrete spaces of regulation. They are populated by a number of frontier entrepreneurs who operate by and through multiple layers of normative registers.

Under a concessionary regime, *orpaillage* regulation does not disappear, but is redeployed in novel ways as frontier entrepreneurs make political concessions to one another and negotiate these with large-scale mining companies, who, in turn, also need to concede something to these *orpaillage* miners. Throughout Burkina Faso, large-scale mining concessions were always preceded by *orpaillage* mining, and its various forms of elaborate, albeit illegal,

regulation. They developed through local authority systems that are not legally recognised but are nevertheless tolerated by government agents, so that *orpaillage* frontier entrepreneurs perform a quasi-public, or “twilight” (Lund, 2006), form of regulatory authority. Therefore, resource concessions are better described, not as deregulated spaces, but rather as spaces of regulative pluralism. Such spaces are contested. Friction and struggles among frontier entrepreneurs, and between the latter and large-scale mining companies, are part and parcel of the process of making a resource concession, and they illustrate the intense politics, friction and struggle under which extractive enclaves take hold on the ground.

The case of the SEGA concession in North Burkina Faso (see Figure 2), where a large-scale mining project was undertaken in 2014, testifies to how some selected *orpaillage* miners became frontier entrepreneurs who negotiate with large-scale mining companies over regulative authority in a concession site. The area under the SEGA concession has a long history of gold mining. *Orpaillage* mining has been conducted there since the mid-1980s. As soon as liberalisation reforms were in place (1996–2013), the area was also held under an exploration permit. It first changed hands between different Burkinabè and Canadian companies (Mutual Resources, Golden Knights, Repadre/IAM GOLD) before it was acquired by Orezone Gold Corporation, who kept the concession during 2002–12.<sup>9</sup> During this “Orezone” period, the corporation undertook exploratory drilling while at the same time tolerating *orpaillage* miners on the SEGA concession.<sup>10</sup> In 2012, the British company Cluff Gold bought Orezone’s SEGA concession for 26.5 million US dollars, which gave Orezone liquidity to upgrade exploration on its other concessions in South Burkina.<sup>11</sup> After a company merger, Cluff changed its name to Amara Mining and undertook the Environmental and Social Impact Assessment (ESIA) study required to acquire an extraction permit from the Burkinabè government, which it received in 2013.<sup>12</sup> Amara’s extraction project in SEGA spanned 18 months during which seven open pit mines were dug over an area of 49 km<sup>2</sup> where *orpaillage* miners used to dig.<sup>13</sup> The early Amara period was marked by intense frictions between the company and residents on and around SEGA in general, and *orpaillage* miners in particular. The latter were eventually expelled from SEGA by the Burkinabè national security forces (CRS) in 2013.<sup>14</sup>

Amara’s mining project ended within the 21 months envisaged, and its capital was deployed to other concessions in Ivory Coast and Sierra Leone. This early withdrawal was explained officially as a result of its local subsidiary’s solvency: the company’s eventual production target, it was claimed, would not be affected.<sup>15</sup> After Amara left at the end of the year 2014, *orpaillage* miners reinvested the area, then no longer held under the SEGA concession. The shaft owners reinstated the regulatory system that was previously in place—this was facilitated by the fact that the entrance to their shafts was still visible at the bottom of Amara’s 70-meters-deep open pits.<sup>16</sup> This case is typical of an enclave economy, where

<sup>9</sup> Technical report published by Orezone in 2009, (<http://www.orezone.com/sites/default/files/uploads/pdf/ni43-101-sega-2010.pdf> accessed 17 July 2016).

<sup>10</sup> First author’s fieldnotes 2011–12.

<sup>11</sup> Press release published by Orezone in 2012 (<http://www.orezone.com/news-press-releases/2012/5/orezone-completes-sale-sega-cluff-gold-265m> accessed 17 July 2016).

<sup>12</sup> Central government weekly meeting report (<http://lefaso.net/spip.php?article54922> accessed 17 July 2016).

<sup>13</sup> Technical report published by Amara in November 2012 (<http://www.amaramining.com/Operations/Kalsaka> access on 20th December 2013—no longer available).

<sup>14</sup> Interview by first author with General Secretary of the Mairie, Séguénéga, 20 December 2014.

<sup>15</sup> Statement issued on 6 August 2014 in the online mining journal Mineweb (<http://www.mineweb.com/uncategorized/amara-hit-by-gold-mine-early-shutdownceo-resignation/> accessed 17 July 2016).

<sup>16</sup> First author’s fieldnotes from visits to the SEGA site in December 2014, December 2015, and January 2016.

<sup>7</sup> See also Geenen and Claessens (2013) on the DRC.

<sup>8</sup> Interview by first author with staff at the Cadastral Direction of the Mining Ministry, Ouagadougou, 30 March 2012.

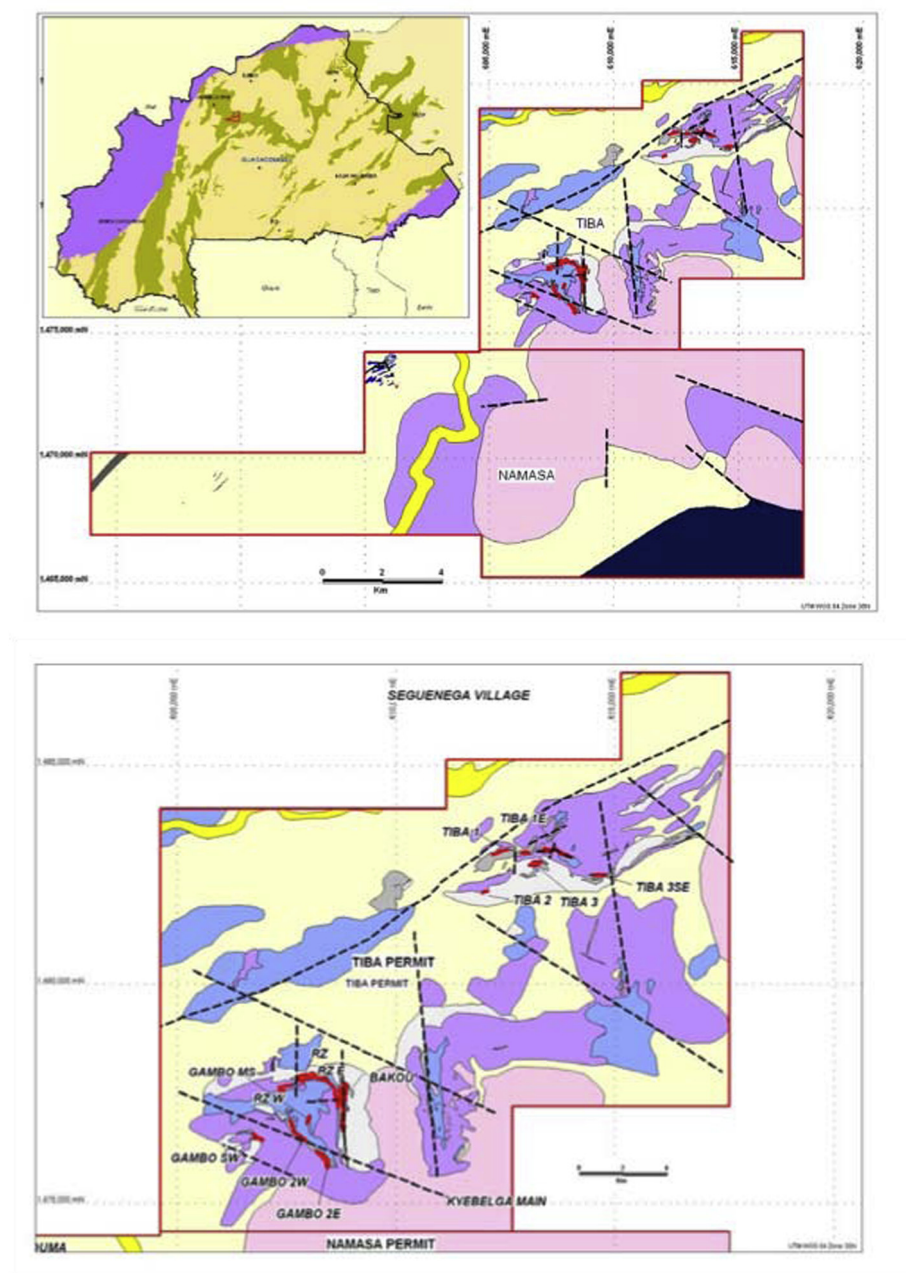


Figure 2. Exploration concessions included in Orezone's SEGA project zone (Orezone, 2010).

transnational capital has landed in SEGA and then hopped on to other concessions—not only without making any contributions to the local economy, but to some extent having “set it back by halting *orpaillage* mining.”<sup>17</sup> What made this enclave possible in SEGA was to some extent the securitisation of SEGA at the dawn of the Amara period, but this securitisation was preceded by much more convoluted politics on the ground. It is this kind of politics that made it possible for Orezone to “find” gold and to sell SEGA for several millions of dollars, and, eventually, for Amara to produce gold.

*Orpaillage* miners initially did not oppose exploration work that was conducted during the Orezone period. The miners acknowledged that, had they tried, they would not have been able to stop it. In a group interview, they recalled that the exploration work

undertaken during 1993–02—before the Orezone period—was initially very disruptive and consisted of digging trenches a few meters deep, still visible in the landscape. These trenches caused the death of several cattle but, at the time in the late 1990s, villagers did not have a say in regulating these conflicts of interest because the CBMP agent was in charge.<sup>18</sup> When the CBMP abandoned the site in the late 1990s after the progressive dismissal of the organisation at the national level, *orpaillage* miners were left in charge of organising mining work. At that time, the early 2000s, *orpaillage* miners had become accustomed to exploration drilling work. Orezone, then the concessionary, applied a less-invasive technology based on narrow-drill boreholes.

<sup>17</sup> Interview by first author with General Secretary of the Mairie, Séguénéga, 14 January 2016.

<sup>18</sup> Group interview by the first author with *orpaillage* miners, Bakou, 11 November 2011.



After CBMP abandoned the site, a new system of regulatory authority developed that was deeply entangled in the local landholding system. In the main *orpaillage* mining villages of Bakou, Tiba and Gambo, local rules governing who could mine, where they could and could not dig, and how the ore was distributed between these miners had been determined initially by the CBMP agent during the brief government monopoly over gold production. When the CBMP left the site, the role of the CBMP agent was transferred to autochthonous landholding family heads. Members of lineages came to be in charge of regulating *orpaillage* work, based on the principle of autochthony.<sup>19</sup> Their authority has crystallised in the role of shaft owners, or *boko soaba* (pl. *boko soab namba*), which consolidated over the years through an elaborate, albeit illegal, ownership and taxation system. Under this system, and based on the principle of autochthony, shaft owners received priority over the right to develop a shaft when gold was discovered in an area under their landholding jurisdiction, and they also levied a tax from those who exploited the shafts that they were not able to invest in directly.<sup>20</sup>

*Orpaillage* thrived over the years because it was not sanctioned. In fact, Orezone staff encouraged *orpaillage* on the SEGA exploration concession because the presence of *orpaillage* is a good sign; it indicates the presence of gold, and Orezone staff followed closely the work of *orpaillage* miners.<sup>21</sup> Far from being unusual, the toleration of *orpaillage* miners on an exploration concession is part and parcel of making gold mining enclaves: *orpaillage* miners are useful “pathfinders” who point where gold may be found (Luning, 2014). Thus instead of being strictly cordoned off by the company, a number of different types of mining entrepreneurs often overlap within a single concession. Their work has been crucial for Orezone on the SEGA concession, and conversely the fact that they are tolerated on the concession has allowed shaft owners to accumulate important wealth and invest in businesses other than *orpaillage* (rental estate, sales and transport of commercial goods). Thus the toleration of *orpaillage* on the SEGA concession has had deep implications in the local political economy that partly formed out of mutually beneficial (political with the stress on “politic”) concessions between different mining entrepreneurs.

*Orpaillage* miners in Bakou understood this deal well. They acknowledged that they also accepted the exploration drillings because Orezone protected them from intrusion by an Authorisation for Artisanal Mining (AAM) concession provisioned by the Burkinabé mining code, thus keeping them in charge of *orpaillage* work.<sup>22</sup> *Orpaillage* miners did not view this license favourably because it effectively gives the right to an AAM concessionary to evict them from “their” *orpaillage* sites or impose unfavourable working conditions.<sup>23</sup> In the villages under the SEGA concession there has never been such an AAM. It has been reported from other mining sites in Burkina that AAMs are allowed by an exploration concessionary to contain *orpaillage* mining, and to act as an intermediary with *orpaillage* miners (Luning, 2008). Yet in the SEGA concession, Orezone staff explained that they had rejected deals with the

AAM concessionary precisely because *orpaillage* work was sufficiently well organised not to need an intermediary.<sup>24</sup>

These deals between *orpaillage* mining shaft owners and Orezone are indicative of how making a mining concession requires the making of political concessions. In the case described here, this political concession has been made, temporarily, because during the period of exploration conducted by Orezone (2002–12), it was not clear whether a large-scale project would be undertaken. Such concession gives rise to a form of entangled capitalism that profits both frontier entrepreneurs, the exploration concessionary and the *orpaillage* miners, and it is an integral part of the conditions under which extractive enclaves emerge. Yet *orpaillage* miners do not form a homogeneous community and the riches of *orpaillage* mining have not profited all miners equally: the work and pay of the gold diggers is generally much more precarious than that of autochthonous shaft owners who hire them.<sup>25</sup>

Furthermore, relations among frontier entrepreneurs have not always been consensual, and conflicts of interest arose between *orpaillage* miners and Orezone. On one occasion, for example, the explosives used by *orpaillage* miners destroyed a valuable surface cement beacon connected to a subterranean marker placed by the concessionary to indicate a promising gold vein in Bakou. At that time and at that place, the concessionary needed *orpaillage* shafts to be closed to allow further exploratory drilling access for bulldozers. The destruction of the beacon triggered the need to demarcate clear working territories between *orpaillage* and exploration work within the SEGA concession. *Orpaillage* activities were not monitored by either central or local security forces; as the local mayor pointed out: “it would be impossible to place a policeman behind every shaft.”<sup>26</sup> Instead, Orezone’s Community Relations Officer (CRO) invited shaft owners to a meeting that was framed around the responsibility of shaft owners in meeting the cost incurred by the loss of the bearing. However the meeting mainly discussed which of the shaft owners’ shafts had to be closed, and it became clear that the cost of replacing the bearing was used as a bargaining chip to obtain the consent of Bakou’s shaft owners to the temporary closure of their shafts.<sup>27</sup>

Clearly, autochthonous shaft owners eventually lost more in these negotiations than the concessionary, but they lost less than the diggers whom they employ. Unlike the latter, who did not have a say in these negotiations, shaft owners accepted this momentary loss because financially they could count on the numerous other business activities they were able to invest in through the wealth they accumulated from *orpaillage* on the SEGA concession. Indeed, the balance of power between transnational corporations and *orpaillage* miners is uneven. Nevertheless, the corporations’ mining work is embedded in a complicated and emergent political economy of property relations and regulatory authority that confines its space for manoeuvring.

The case of the SEGA concession site illustrates how making concessions does not primarily involve a bypassing of government regulation, but an emergent regulative pluralism that engages *orpaillage* miners, frontier entrepreneurs and concessionaries in a struggle over regulative authority. SEGA can be described as an “interstitial space” at a global resource frontier where a number of mining entrepreneurs overlap and perform regulative roles. In this struggle over regulative authority, large-scale corporations and frontier entrepreneurs both have to make political concessions, but these play out in unequal relations between shaft owners and

<sup>19</sup> Landholding rules are complicated in Burkina Faso. In theory, land (and the underground) has been nationalised since 1984 but, as in many other places in Africa, land allocation is mostly performed by localised customary leaders who have consolidated their authority in various epochs of political history (Kuba, Lentz, & Somda, 2003). There is a great diversity of customary leadership systems in Burkina Faso that reflects a variety of localised forms of property relations, but one principle that prevails in customary leadership is that of anteriority: the ability to claim that one’s family lineage arrived in a particular location first, or what is known as autochthony (Chauveau, Colin, Jacob, Lavigne-Delville, & Le Meur, 2006).

<sup>20</sup> Interviews by the first author with several gold diggers working on the *orpaillage* mines in Bakou, Tiba and Gambo, April 2012.

<sup>21</sup> Interview by the first author with Orezone geologist, Séguénéga, 27 July 2011.

<sup>22</sup> Interview by the first author with *orpaillage* miners in Séguénéga, 5 May 2012. There were 230 such authorisations held in Burkina Faso in 2014 (unpublished report, Department of Small-Scale Mining, DEMAS, Ouagadougou).

<sup>23</sup> Interview by the first author with *orpaillage* miners, Bakou, January 2016.

<sup>24</sup> Interview by the first author with Orezone community relations officer, Séguénéga, 29 November 2011.

<sup>25</sup> First author’s fieldnotes, 2011–12.

<sup>26</sup> Interview by the first author with Mayor of Séguénéga in Séguénéga, 24 December 2012.

<sup>27</sup> First author’s fieldnotes on company–community meeting, 29 November 2011.



diggers. In our case study site, the extractive enclave emerges through the enrichment and consent of particular segments of society. The encounters we have described here are not unique to SEGA. Below we show that they can be conceptualised as one among other types of frontier frictions that produce opportunities to bring the state back in mining concessions.

## 5. Frontier frictions: bringing the state back in

Frictions between frontier entrepreneurs and concessionaries, or among frontier entrepreneurs themselves, are not necessarily symptoms of political disorder and state weakness. They nevertheless reaffirm an imagination of *orpaillage* mining as disorderly space. In Burkina Faso, government officials premised the liberalised concessionary resource regime on an imagination of disorder and illegality outside concessions, in *orpaillage* mining sites. This imagination makes the “intrusion” of government-sanctioned regulation in concession sites appear legitimate, but it also gives rise to political frictions that produce opportunities for political work for the central administration. In this section, we argue that frictions between different frontier entrepreneurs within mining concessions necessitate the (re)assertion of central regulative authority and thereby provide the legitimating ground for the central government administration to reassert some of its political authority locally.

For example, the central government administration created the category of “fraud” to denote undeclared gold produced within concession sites, which produced a new *raison d’être*—and indeed new revenues—for the administration itself. In 2008, the central government founded a national anti-fraud brigade (BNAF) to replace the CBMP, which had been dismantled as part of liberalisation reforms. The CBMP’s demise was soon sorely regretted by Ministry of Mining officials, who deplored the resulting explosion of fraud.<sup>28</sup> The CBMP’s departure had produced a situation of regulative uncertainty, which had to be negotiated among different frontier entrepreneurs. This reconfiguration of regulative authority produced new friction between mining frontier entrepreneurs and government administration, and new opportunities for the central government to exercise regulatory authority. The new anti-fraud brigade was placed directly under the jurisdiction of the Ministry of Mines and tasked with combatting the fraudulent commercialisation of gold within the country. The gold captured by the anti-fraud brigade is auctioned to registered gold counters and part of the revenue enters the national budget.<sup>29</sup> Although the BNAF initially had only 10 staff members, its mandate has continued to grow, with the hiring of new staff every year.

Another type of friction emerges when different mining frontier entrepreneurs oppose each others’ claims within resource concessions. Conflicts between frontier entrepreneurs have repeatedly taken place at a number of sites across Burkina Faso where large-scale mining concessions have been granted because they have generated frictions with *orpaillage* miners. Attacks on concessionary license staff and property are not uncommon, which is why the production of global extractive enclaves has also produced a new need for security and in particular private security (Abrahamsen & Williams, 2010; Hönke, 2013). This is also true in Burkina Faso where private forces are hired to secure concessions, but these are also mobilised alongside, rather than instead of, government security forces. In the SEGA concession, for example, when a group of villagers “sat in” onsite to protest against their resettlement to make way for the construction of Amara’s project

in June 2013, their protest was dispersed by the National Police (CRS) rather than private security forces.<sup>30</sup> This illustration indicates that securitisation is only one among many frontier frictions that occur in the establishment of resource concessions, and that also provide opportunities for the assertion of state regulative authority.

Friction also occurs regularly in registered artisanal mining concessions. Artisanal concessions often impose exploitative rules that undermine the enterprises that *orpaillage* miners had developed before the concessions were established throughout Burkina Faso. In Titao, for example, the deal imposed by artisanal concessionaries is that each shaft supervisor must provide eight grams of processed gold every week, for which the artisanal concession holder pays 18,750 FCFA (28 euros) per gram.<sup>31</sup> In another site, in Watnom, shaft supervisors must sell six grams at once to obtain a maximum of 13,000 FCFA (20 euros) per gram.<sup>32</sup> Yet, outside concession sites, an *orpaillage* miner explains that for one gram alone one may obtain as much as 22,500 FCFA (32 euros), a decidedly more attractive price than in artisanal concessions.<sup>33</sup> To contain protests against these unfavourable working conditions, artisanal concessionaries often hire private security forces but their mandate is limited—for example they are not allowed to bring smugglers forcibly to a police station.<sup>34</sup> To deal with these issues, in 2015 the government of Burkina Faso created two new administrative organisations, the ONASSIM (Office national de sécurisation des sites miniers) and the ANEEMAS (Agence nationale d’encadrement des exploitations minières artisanales et semi-mécanisées) to securitise small-scale mining regulation. Both can again be understood as attempts to reassert the regulative authority of central government in mining concessions.<sup>35</sup>

Kopytoff’s work on political formation under frontier dynamics is analytically useful here, in particular his notion of interstitial spaces and *imaginings* of “institutional vacuums” (Kopytoff, 1987, 14, 25). On the West African mining frontier, institutional vacuums may easily be associated with *orpaillage*—“illegal” artisanal mining activities that occur outside mining concessions. Yet, as we see here, disorder and violence more often occur *about* the negotiation of concessions. Making concessions produces frictions that have created forms of governance beyond the state, like private securitisation, but they have also created a mandate for new government regulatory authority, as illustrated by cases of intervention by police forces and new structures, such as the BNAF, the ONASSIM and the ANEEMAS. In everyday mining practices, categories of spatial regulation (concessions) and legality are therefore convoluted—but this convolution is politically productive for the central government, because the state is brought in through the back door as a regulatory authority in the enclave economy of these concession sites. Yet the state is also brought back in more subtly, when frontier entrepreneurs internalise state frameworks in the struggle for regulative authority. This is illustrated below in the case of SEGA, where the frictions between shaft owners and Amara Mining have expanded the spaces of law.

## 6. Switching regulatory hats: the expanding spaces of law

Friction produces opportunities for the assertion of regulatory authority beyond the state coming back in. *Orpaillage* frontier

<sup>28</sup> Interview by first author with General Secretary of the Mairie, Séguénéga, 14 January 2016.

<sup>31</sup> Interview by the first author with an *orpaillage* miner, Ouagadougou, 29 March 2012.

<sup>32</sup> Interview by the first author with an *orpaillage* miner, Séguénéga, 1 April 2012.

<sup>33</sup> Interviews by the first author in Séguénéga with *orpaillage* miners in transit, 29 April 2012.

<sup>34</sup> Interview by first author with ex-“police des sites” officer, Ouagadougou, January 2016.

<sup>35</sup> Interview by first author with ANEEMAS director, Ouagadougou, January 2016.

<sup>28</sup> Interview by the first author with Ministry of Mines staff, Ouagadougou, 20 December 2012.

<sup>29</sup> Loi No.027-2011/AN Portant répression de la fraude en matière de commercialisation de l’or.

entrepreneurs also use the redefinition of legality to their advantage by switching hats from being illegal miners to becoming legitimate politicians. Many of these frontier entrepreneurs switched their hats a second time, having previously mutated from autochthonous landholders into shaft owners, when *orpaillage* extraction took hold of these mining sites. This is indicative of a territorialisation process whereby the expanding space of law—its “plurification”—offers opportunities to seize regulatory authority at the fringes of government sanction.

Indeed, while *orpaillage* mining entrepreneurs operate illegally, and local government officials frown upon their activity in public, they do not always strictly operate outside legal frameworks. In and around the SEGA concession, *orpaillage* mining entrepreneurs have operated at the margins of government law for over 25 years—like Alhamdou, the protagonist we introduced in our introduction to exemplify the clever frontier entrepreneur. The disappearance of the CBMP has given these mining entrepreneurs a *de facto* mandate to organise life and work at mining sites. In order to carry out this mandate, they have drawn upon the recent decentralisation reform and won election as local politicians. This is more than a case of forum shopping under legal pluralism, because prominent illegal *orpaillage* miners do not need to become elected to maintain their regulatory authority, which they have accumulated as autochthonous landholders. Through switching hats and winning election as politicians—rather than, say, taking up arms as militia leaders—these frontier entrepreneurs contribute to legitimate state frameworks in the margins. They “buy into the state” by reframing themselves as elected politicians.

In the village of Bakou located on the SEGA concession, for instance, the local development committee (Conseil Villageois de Développement, CVD) has levied taxes from the production of mining shafts (a percentage of bags extracted). A similar arrangement is in place in the neighbouring village of Bangassila where *orpaillage* miners-cum-CVD representatives provision the CVD local development coffer with the sales of the stilt discarded from the processing of ore pulled out of shafts. In these villages also, water pumps, a mosque, and a school classroom have been built with the money managed by *orpaillage* miners-cum-CVD representatives. The way revenues are redistributed is not exactly transparent and some inevitably ends up in personal pockets, but this is justified as contributing to “the development of the village.”<sup>36</sup>

Hat switching is not only internal to *orpaillage* regulation, but is also mobilized in struggles between *orpaillage* frontier entrepreneurs and large-scale companies. This was the case during the intense political skirmishes that opposed shaft owners and Amara Mining on SEGA during the Environmental and Social Impact Assessment (ESIA) study that would determine the company's ability to undertake the planned large-scale gold mining project. In December 2012, *orpaillage* shaft owners from five of the 13 villages affected by the project boycotted a meeting of the inter-communal monitoring committee (*Comité de Suivi Inter-Communal*, COSIC) especially put in place to steer the ESIA process. Protests were so intense that the CRS, a special branch of the National Police, was eventually mobilised to subdue them in 2013, once the extraction permit was granted.<sup>37</sup> Yet their opposition was not directed against Amara company staff, but rather against local state officials. One official bitterly recalls having been chased out of the village of Gambo during a visit to introduce the ESIA survey and to assess the goods of Gambo villagers who were to be compensated.<sup>38</sup> As one of the protesters commented, “*The state has sold off our land*”, while another

added that “*If we participate in consultations, it means that we have accepted the mine.*”<sup>39</sup>

Yet the protesters were not disengaging from state frameworks altogether. Indeed, as a part of their protest strategy, the *orpaillage* miners-cum-CVD representatives in Gambo sent a letter to the provincial government office (*Haut Commissaire*), and to the central Ministry of Territorial Administration, demanding administrative recognition for the village of Gambo as an autonomous commune. A press statement followed the letter, explaining:

“We reject the COSIC [*Comité de Suivi Inter-Communal*] that was set up [...] we think that decentralisation commands that every administrative entity contributes to its own development. In Gambo we are fully carrying out this task. [...] the discovery of gold on the hill of Gambo has allowed the population to realise the following without a single help from the state: a rural health post, a high school [*Collège d'Enseignement Général*] is currently being finalised [...], similarly the primary school B has benefitted from three new classes, we also rebuilt the village market. All this has been done without a single contribution either from the central government or from the municipality. Thus, we ask that GAMBO be designated as an independent rural commune without delay.”<sup>40</sup>

Interestingly, the request sent to provincial officials is justified on the grounds that illegal *orpaillage* miners fulfilled their role as providers of public services that the local and central governments failed to deliver. In a sense, the letter asks for a legalisation and institutionalisation of informal governmental practices they are already performing. Rather than resisting either the central and local governments, or the industrial mining investor, miners in Gambo asserted their rights by “buying into the state.” The demand was not opposed by either central, provincial, or communal administrations, although the initiative has stalled during the political upheavals the country has known since October 2014. Whatever the outcome of these might be, what is significant here is that, as frontier entrepreneurs couch their claims in a language of public services and governmental practices, they contribute to institutionalising state frameworks.

These cases from Burkina Faso demonstrate that political friction around resource concessions creates an opportunity for the reconfiguration of regulatory authority. Making concessions gives rise to intense politics. We have raised the question *how* such politics unfolds, and what the implications for the legitimacy of state power are when *orpaillage* miners switch hats. Political frictions between competing frontier entrepreneurs do not lead to a complete disavowal of government regulatory frameworks. Rather, frontier entrepreneurs seize opportunities to wear a number of regulatory hats, and to frame their struggle in the name of the state.

## 7. Conclusions

Making concessions is a political process that brings to its stage a great diversity of frontier entrepreneurs with a wide range of normative registers (international codes of practice, ancestral land access rules, national taxes and permits. ...) All these players collide and compete in the process of making mining concessions. Political friction is inevitable, then, but this friction can produce innovative political formations within the resource frontier, rather than simply reproducing an “ideologically conservative force”, *pace Kopytoff (1987, 14)*. Alhamdou, our protagonist from Séguénéga in northern Burkina Faso, seems to be just a clever entrepreneur who

<sup>36</sup> Interview by the first author with CVD, Bangassila, 3 December 2011.

<sup>37</sup> Interview by first author with General Secretary of the Mairie, Séguénéga, December 2013.

<sup>38</sup> Interview by first author with General Secretary of the Mairie, Séguénéga, December 2013.

<sup>39</sup> Interview by the first author with *orpaillage* miners, Bakou, 26 December 2012.

<sup>40</sup> Published on Lefaso.net on 17.07.2013, first author's translation (<http://www.lefaso.net/spip.php?article55110> accessed 13 August 2014).

utilises his comparative advantage to gain regulatory control over a mining shaft. And yet, he is one among other similar frontier entrepreneurs who negotiate the blurry boundaries of legality and illegality under concessionary resource regimes and thereby shape the political topographies of enclave economies.

Global capitalism is entangled in the local politics of mining frontiers. Indeed, making concessions is a fundamental site and moment of rearranging regulatory authority on resource frontiers. Rather than a thinning of the social fabric in an expanding “enclave economy” (Ferguson, 2005), we have shown that regulatory roles are produced through concessionary resource regimes, across a variety of frontier entrepreneurs and through innovative regulative practices. As noted by Hilson and Potter (2005: 109), liberalisation reform has favoured foreign investment in large-scale mining and exploration, because it has “put authorities in a better position to demarcate concessions to gold exploration and mining companies.” Lawfulness seems to have shrunk as a result of liberalisation reforms and this seems to explain the repeated failure of state frameworks, such as the formalisation of artisanal and small-scale mining on the African continent (Banchirigah & Hilson, 2010; Hilson & Maconachie, 2009). Although concessionary resource regimes might appear as a retreat of government regulatory authority, we have argued that privatisation and informalisation are actually expressions of the pluralification of regulation.

We have drawn on work that has emphasised the “hybrid” and “twilight” nature of governance, and our analysis advances this work. In addition to describing regulative pluralism we have drawn attention to the friction between frontier entrepreneurs that, in turn, provides opportunities for government regulatory authority to be re/produced. These effects may be seen less as heralds of failed or disappearing states than as changing political topographies (Hönke, 2010). Understanding the re/production of government regulatory authority under such conditions requires therefore an analysis of the extent to which state frameworks are drawn upon in the struggle between different frontier entrepreneurs for the prevalence of their regulatory claims.

This analysis speaks to wider questions about the “strength of weak states” (Meagher, 2012) and to the changing nature of “social contracts” in postcolonial Africa (Nugent, 2010). Firstly, making concessions governable is a process that takes place in a political space characterised by regulative pluralism. The strength of weak states resides in the production of a number of frontier entrepreneurs with uneven access to state power—illegal, artisanal, industrial—who struggle to acquire control over regulatory authority, however fragmentary and temporary it might be. The political friction that attends the making of concessions is therefore, we have argued, better characterised as the result of regulative pluralism than the deployment of, or resistance to, either bare bureaucratic or predatory capitalistic logics encapsulated in a cordoned-off space. Secondly, making concessions in the mining sector requires political concessions—granting regulatory authority to a variety of frontier entrepreneurs turned local “law makers”. Frontier entrepreneurs are successful in switching hats in manifold ways to keep an upper hand in these struggles. When they internalise government-sanctioned categories, such as decentralisation, they produce an opportunity for the emergence of legitimate government authority. State power is produced as an effect of their attempts to legitimate their regulatory claims.

The resource extraction regimes of local sites at the global mining frontier are characterised by regulative pluralism. Making concessions re-configures spaces of law, rather than evacuating and “lacking” law or legibility. This regulative pluralism requires that we ask what concessions are being made, between whom, and at what cost. Rather than focusing on the extent to which government frameworks are seemingly absent—which they rarely are—we therefore invite greater analytical attention to the entanglements of mining capitalism: “making (resource) concessions”

involves the subtle and unexpected everyday politics of making (political) concessions.

## Acknowledgements

The following people have provided generous comments that have helped improve the paper (in alphabetical order): Michael Eilenberg, Christian Lund, Andrea Nightingale, Timothy Raeymaekers, Mattias Borg Rasmussen and Rory Rowan. The empirical research was funded by an ERSC +3 scholarship, and by the Mosse Centenary Fund at the University of Edinburgh.

## References

- Abrahamsen, R., & Williams, M. C. (2010). *Security beyond the state: Private security in international politics*. Cambridge: Cambridge University Press.
- Banchirigah, S. M., & Hilson, G. (2010). De-agrarianization, reagrarianization and local economic development: Re-orientating livelihoods in African artisanal mining communities. *Policy Sciences*, 43(2), 157–180.
- Borras, S. M., Hall, R., Scoones, I., White, B., & Wolford, W. (2011). Towards a better understanding of global land grabbing: An editorial introduction. *The Journal of Peasant Studies*, 38(2), 209–216.
- Bridge, G. (2001). Resource triumphalism: Postindustrial narratives of primary commodity production. *Environment and Planning A*, 33(12), 2149–2173.
- Bridge, G. (2013). Resource geographies II: The resource-state nexus. *Progress in Human Geography*, 37(5), 1–13.
- Bryceson, F. D., & Geenen, S. (2016). Artisanal frontier mining of gold in Africa: Labour transformation in Tanzania and the Democratic Republic of Congo. *African Affairs*, 115(459). advanced access.
- Campbell, B. (Ed.). (2009). *Mining in Africa: Regulation and development*. London/New York: Pluto Press.
- Chauveau, J.-P., Colin, J.-P., Jacob, J. P., Lavigne-Delville, J.-P., & Le Meur, P.-Y. (2006). *Changes in land access and governance in West Africa: Markets, social mediations and public policies*. London: IIED.
- Cleaver, F. (2012). *Development through Bricolage: Rethinking institutions for natural resource management*. London: Earthscan/Routledge.
- Côte, M. (2013). What's in a right? The liberalisation of gold mining and decentralisation in Burkina Faso. In *The land deals politics initiative working paper series*. The Hague: ISS.
- de Herdt, T., & Olivier de Sardan, J.-P. (Eds.). (2015). *Real governance and practical norms in Africa: The game of the rules*. London: Routledge.
- Di Balme, L. A., & Lanzano, C. (2013). « Entrepreneurs de la frontière »: Le rôle des comptoirs privés dans les sites d'extraction artisanale de l'or au Burkina Faso. *Politique Africaine*, 131(3), 27–49.
- Eilenberg, M. (2014). Frontier constellations: Agrarian expansion and sovereignty on the Indonesian-Malaysian border. *The Journal of Peasant Studies*, 41(2), 157–182.
- Ferguson, J. (2005). Seeing like an oil company: Space, security, and global capital in neoliberal Africa. *American Anthropologist*, 107, 377–382.
- Ferguson, J. (2006). *Global shadows. Africa in the neoliberal world order*. Durham and London: Duke University Press.
- Geenen, S. (2012). A dangerous bet: The challenges of formalizing artisanal mining in the Democratic Republic of Congo. *Resource Policy*, 37, 322–330.
- Geenen, S. (2016). Hybrid governance in mining concessions in Ghana. In *The IOB Research Lines*. Antwerp: Instituut voor Ontwikkelingsbeleid en -Beheer.
- Geenen, S., & Claessens, K. (2013). Disputed access to the gold sites in Luhwindja, eastern Democratic Republic of Congo. *Journal of Modern African Studies*, 51(1), 85–108.
- Geiger, D. (2008). Turner in the tropics: The frontier concept revisited. In D. Geiger (Ed.), *Frontier encounters: Indigenous communities and settlers in Asia and Latin America*. Copenhagen: International Work Group for Indigenous Affairs.
- GoB (1997). *Loi No.023/97/II/AN du 22 Octobre 1997 Portant Code minier*. Ouagadougou, Burkina Faso.
- GoB (2003). *Loi No.031-2003/AN Portant Code Minier au Burkina Faso*. Ouagadougou, Burkina Faso.
- Government of Burkina Faso (GoB) La place des ressources minières dans l'économie du Burkina Faso, paper presented at the "Première réunion des CNPE avec la Commission de l'UEMOA sur les dossiers de la surveillance multilatérale", Cotonou, Benin, 8–11 juillet 2013, accessed online [http://www.cnpe.gov.bf/IMG/pdf/Communication\\_place\\_ressources\\_minieres\\_economie\\_BF.pdf](http://www.cnpe.gov.bf/IMG/pdf/Communication_place_ressources_minieres_economie_BF.pdf) on 20 July 2016
- GoB, Décret No.2015-885/PRES-TRANS du 16 juillet 2015 promulguant la loi n° 036-2015/CNT du 26 juin 2015 portant Code minier du Burkina Faso, 2015, Ouagadougou, Burkina Faso
- Grätz, T. (2013). *The «frontier» revisited: Gold mining camps and mining communities in West Africa Working Paper no. 10*. Berlin: Zentrum Moderner Orient.
- Gueye, D. (2001). Small scale mining in Burkina Faso. In *mining, minerals and sustainable development No.73*. London: IIED.
- Hagmann, T., & Korf, B. (2012). Agamben in the Ogaden: Violence and sovereignty in the Ethiopian-Somali frontier. *Political Geography*, 31, 205–214.
- Hardin, R. (2011). Concessionary politics: Property, patronage, and political rivalry in Central African forest management. *Current Anthropology*, 52(3), 113–125.



- Harvey, D. (2004). The new imperialism on spatio-temporal fixes and accumulation by dispossession. *The Socialist Register*, 63–87.
- Hendriks, T. (2015). Ethnographic notes on 'camp': Centrifugality and liminality on the rainforest frontier. In A.-L. Amilhat Szary & F. Giraut (Eds.), *Borderities and the politics of contemporary mobile borders* (pp. 155–170). London: Palgrave.
- Hilson, G., & Maconachie, R. (2009). "Good governance" and the extractive industries in Sub-Saharan Africa. *Mineral processing and extractive metallurgy review*, 30(1), 52–100.
- Hilson, G., & Potter, C. (2005). Structural adjustment and subsistence industry: Artisanal gold mining in Ghana. *Development and Change*, 36(1), 103–131.
- Hilson, G., & Yakovleva, N. (2007). Strained relations: a critical analysis of the mining conflict in Prestea, Ghana. *Political Geography*, 26(1), 98–119.
- Hönke, J. (2010). New political topographies. Mining companies and indirect discharge in Southern Katanga (DRC). *Politique Africaine*, 120, 105–127.
- Hönke, J. (2013). *Transnational companies and security governance: Hybrid practices in a postcolonial world*. London and New York: Routledge.
- Keita, A., Djiré, M., Traoré, K., Traoré, K., Dembelé, D., Dembelé, A., ... Doumbo, M. In Lorenzo Cotula (Ed.), *Communautés Locales et 'Manne Aurifère': Les oubliés de la législation minière Malienne*. London: IIED.
- Kopytoff, I. (Ed.). (1987). *The African frontier. The reproduction of Traditional African Societies*. Bloomington: Indiana University Press.
- Korf, B., Hagmann, T., & Doevenspeck, M. (2013). Geographies of violence and sovereignty: The African frontier revisited. In B. Korf & T. Raeymaekers (Eds.), *Violent frontiers: States and violence in the borderlands* (pp. 29–54). Basingstoke: Palgrave-Macmillan.
- Korf, B., Hagmann, T., & Emmenegger, R. (2015). Re-spacing African drylands: Territorialization, sedentarization and indigenous commodification in the Ethiopian pastoral frontier. *The Journal of Peasant Studies*, 42(5), 881–901.
- Korf, B., & Raeymaekers, T. (Eds.). (2013). *Violence on the margins. States, conflict and borderlands*. London: Palgrave/Macmillan.
- Kuba, R., Lentz, C., & Somda, C. N. (Eds.). (2003). *Histoire du Peuplement et Relations Interethniques au Burkina Faso*. Paris: Karthala.
- Li, T. (2014). *Land's End: Capitalist relations on an indigenous frontier*. Durham, NC: Duke University Press.
- Li, T. M. (2014). What is land? Assembling a resource for global investment. *Transactions of the Institute of British Geographers*, 39(4), 589–602.
- Lund, C. (2006). Twilight institutions: Public authority and local politics in Africa. *Development and Change*, 37(4), 685–705.
- Luning, S. (2014). The future of artisanal miners from a large-scale perspective: From valued pathfinders to disposable illegals? *Futures*, 62(A), 67–74.
- Luning, S. (2008). Liberalisation of the gold mining sector in Burkina Faso. *Review of African Political Economy*, 39(117), 25–39.
- Luning, S. (2012). Processing promises of gold: A minefield of company-community relations in Burkina Faso. *Africa Today*, 58(3), 23–39.
- Maconachie, R., & Hilson, G. (2011). Safeguarding livelihoods or exacerbating poverty? Artisanal mining and formalization in West Africa. *Natural Resources Forum*, 35, 293–303.
- Meagher, K. (2012). The strength of weak states? Non-state security forces and hybrid governance in Africa. *Development and Change*, 43(5), 1073–1101.
- Mégret, Q. (2010). Gaining access to a globally coveted mining resource. A case study in Burkina Faso. In ISSJ & 2010 (Eds.). Oxford: UNESCO.
- Mégret, Q. (2011). De l'inscription en bourse à l'exploration en brousse: La double vie d'une multinationale minière junior. *Carnets de géographes*, 2.
- Nugent, P. (2010). States and social contracts. *New Left Review*, 63, 35–68.
- Orezone, (2010). Technical report of the mineral resource estimation of the SEGAs (Tiba) gold project, accessed online <http://www.orezone.com/sites/default/files/uploads/pdf/ni43-101-sega-2010.pdf> accessed on 15 November 2015, Ottawa: Orezone.
- Peluso, N., & Lund, C. (2011). New frontiers of land control: Introduction. *The Journal of Peasant Studies*, 38(4), 667–681.
- Raeymaekers, T., Menkhaus, K., & Vlassenroot, K. (2008). State and non-state regulation in African protracted crises: Governance without government? *Afrika Focus*, 21(2), 7–21.
- Sidaway, J. (2007). Enclave space: A new metageography of development? *Area*, 39(3), 331–339.
- Spiegel, S. (2012). Governance institutions, resource rights regimes, and the informal mining sector: Regulatory complexities in Indonesia. *World Development*, 40(1), 189–205.
- Spiegel, S. J. (2014). Rural place-making, globalization and the extractive sector: Insights from gold mining areas in Kratie and Ratanakiri, Cambodia. *Journal of Rural Studies*, 36, 300–310.
- Spiegel, S. J. (2015). Shifting formalization policies and recentralizing power: The case of Zimbabwe's artisanal gold mining sector. *Society and Natural Resources*, 28, 543–558.
- Spiegel, S. J. (2016). Land and 'space' for regulating artisanal mining in Cambodia: Visualizing an environmental governance conundrum in contested territory. *Land Use Policy*, 54, 559–573.
- Tsing, A. (2003). Natural resources and capitalist frontiers. *Economic and Political Weekly*, 38(48), 5100–5106.
- Tsing, A. (2005). *Friction. An ethnography of global connection*. Princeton: Princeton University Press.
- Verbrugge, B. (2015). The economic logic of persistent informality: Artisanal and small-scale mining in the Southern Philippines. *Development and Change*, 46(5), 1023–1046.
- Vogel, C., & Raeymaekers, T. (2016). Terr(it)or(ies) of peace? The Congolese mining frontier and the fight against "conflict minerals". *Antipode*, 48(2). Online first.
- von Benda-Beckmann, K., von Benda-Beckmann, F., & Wiber, M. (Eds.). (2006). *Changing properties of property*. New York: Berghahn.
- Watts, M. (1992). Space for everything (a commentary). *Cultural Anthropology*, 7(1), 115–129.
- Werthmann, K., & Grätz, T. (Eds.). (2012). *Mining frontiers in Africa. Anthropological and historical perspectives*. Köln: Rüdiger Köppe Verlag.
- White, B., Borras, J., Hall, R., Scoones, I., & Wolford, W. (2012). The new enclosures: Critical perspectives on corporate land deals. *Journal of Peasant Studies*, 39(3–4), 619–647.
- Wily, L. A. (2012). Looking back to see forward: The legal niceties of land theft in land rushes. *The Journal of Peasant Studies*, 39(3–4), 751–775.
- Wolford, W., Borras, J., Hall, R., Scoones, I., & White, B. (2013). Governing global land deals: The role of the state in the rush for land. *Development and Change*, 44(2), 189–210.
- World Trade Organisation (2004). Trade Policy Review: Burkina Faso, accessed online [http://www.wto.org/english/tratop\\_e/tp\\_r\\_e/tp231\\_e.htm](http://www.wto.org/english/tratop_e/tp_r_e/tp231_e.htm) on 20 July 2016, World Trade Organisation, Lausanne.