

‘Good Governance’ as Conflict Resolution? Locally Mediated Governance and Mining Law at the Côte d’Ivoire Ity Gold Mine

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Acronyms

| | |
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| CDLM | Comité de Développement Local Minier |
| COFRAMINES | Compagnie Française des Mines |
| COGEMA | Compagnie Générale des Matières Nucléaires |
| COMINOR | Compagnie Minière Or |
| EITI | Extractive Industries Transparency Initiative |
| SMI | Société des Mines d’Ity |
| SODEMI | Société d’Etat pour le Développement Minier de la Côte D’ivoire |

Abstract

This paper examines the exploitation and management of gold mining in the western region of Côte d'Ivoire and the associated local social tensions and conflicts. Taking a historical sociological analysis, the paper shows how good governance and conflict resolution initiatives (and in particular the 2014 Mining Code and the subsequent locally mediated governance arrangement), combined with the privatisation of the mine and its security, are leading to conflict. The study, which is predominantly qualitative, employs a mixed-methods approach, drawing upon direct observation, 20 semi-structured interviews for stakeholder mapping and ten focus groups with gold panners, mine managers and local village populations. Quantitative analysis was conducted with 154 heads of households in the project area, i.e. the eight villages directly affected by gold mining activities. The content analysis revealed that the rationale for expropriation during the initial phase of mining was never accepted at the local level for economic and spiritual reasons. This resistance has increased following the establishment of a new mining administration and the new mining code.

Keywords: Mining conflicts, impacted villages, gold panning, formalisation, 2014 Mining Code, Côte d'Ivoire

1 Introduction

A boom in extractive industry investment in Côte d'Ivoire, particularly in gold, is currently under way. Côte d'Ivoire is a country rich in minerals – gold, iron, diamonds, manganese and many others – with a mining potential that includes more than 30 per cent of West Africa's Biriminian greenstone belt (MOGED 2015: 1). The belt is a mineral geological formation that extends from Ghana to Senegal. However, the growth of mining activities has been relatively limited until very recently due to high extraction costs and successive government policies in promoting principally agricultural sector development, especially cocoa production. Mining contributed only 1 per cent of GDP in 1986. This proportion increased to about 5 per cent in 2015 (Handloff and Duval 1991; Kouamé *et al.* 2015). This surge is explained by both the increased demand for resources from the world's emerging economies and the war economy. The country suffered from a civil war between 2002 and 2011, and mining was used both on a large scale to finance the war and on an artisanal scale to sustain livelihoods. Artisanal mining is a low-tech, labour-intensive mineral extraction and processing practice (in our particular case also referred to as gold panning). Mining (artisanal and industrial) is considered an important livelihood strategy in the post-conflict context. However, mining activity regularly leads to conflicts between young people and the government and between villages and government-authorized mining companies, around gold panning, work opportunities in the mines and the revenue generated by the industrial mine.

The 2014 Mining Code aims to formalise relationships between mining companies and the local people, through the creation of the Comité de Développement Local Minier (CDLM) (Mining Local Development Committee). This paper looks at how locally formalised governance agreements for 'sustainable development' create conflict and violence at the local level by stigmatising informal structures of power and practice (Hilson 2013). For the purposes of this paper, formalisation entails the legalisation of all the provisions and requirements set forth in the Ivorian 2014 Mining Code. The paper examines the current debates around mining governance transitions through several lenses: formalisation, privatisation and debates around marginalisation (Ferguson 2006; Fisher 2007; Fraser 2000) and the relationship between the mining operator and the gold panners (Hilson and Yakovleva 2007). It goes beyond the existing debates on the formalisation of the artisanal mining sector and its ineffectiveness (Fisher 2007; Maconachie and Hilson 2011; Marshall and Veiga 2017; Siwale and Siwale 2017), looking at the broader informal/formal interface and relations between the mining company, the government, the customary institutions and the gold panners. It highlights especially the limits of a particular framing of sustainability around good governance as a conflict resolution mechanism to address state–community–mining relations. Good governance is represented here by the creation of a local development committee modelled on national and international standards in mining governance. A mining development plan was drawn up by the mining company in consultation with neighbouring communities, administrative authorities and elected officials. This process, which aimed at creating more transparency and accountability, has in fact ended up creating more conflict and tensions between the mining company and the various local actors in Ity (Côte d'Ivoire).

The study was based on both qualitative research and a quantitative survey conducted in May 2017. The sample was composed of 20 people for individual interviews, including three institutional actors – the prefect, sub-prefect and resident mayor of the municipality of Zouan-Hounien, eight gold panners, two members of the mine in question – the community relations manager and a mine employee, two village chiefs from the villages of Ity and Ouyatouo, two youth presidents of the affected villages, one representative of the women of one of the villages. Two informal interviews were conducted with a prefectural authority and a resident of the commune of Zouan-Hounien in order to cross-check the information. In addition to the semi-structured interviews, ten focus groups were set up with gold

panners, mine managers and local village populations, and a survey was carried out with 154 heads of households in the area of the eight villages directly affected by gold mining activities.

The paper first provides a background to the mining site and the locally negotiated agreement between the mining company and local communities relating to gold panning. It then discusses why this agreement has not been followed by the local communities, emphasising cultural and historical implications around land tenure and livelihoods, and the impact of the 2014 Mining Code and new practices employed by the new mining administration.

2 A short livelihood history of Ity: the discovery of gold and its local communities

Our site is the first gold mining site in Côte d'Ivoire. Ity is a village located in the west of Côte d'Ivoire, in the Danané region. It is 740 km from the city of Abidjan. The city of Zouan-Hounien is 15km from the Ity site. In terms of ethnic dynamics, the Dan (Yacouba), the We (Gwere and Wobe) and the Toura have all occupied this mountainous region since the eighteenth century (Schwartz 1971: 48–9). In addition to these peoples, there are also Malinke from the neighbouring Bafing and Worodougou regions, Senufo (great allies of the Dan), Akan and, above all, Baoulé, primarily originating from the centre and the east of the country. In addition to these Ivorian populations, there is also a large community from other countries belonging to the Economic Community of West African States (ECOWAS), mostly from Burkina Faso and Mali. Migration to this region increased substantially in the 1980s when the region became home to the national coffee and cocoa plantation sector. Today, planters have reached the western border of the country, posing a threat to (on occasion, protected) forest reserves (Bossard 2003). This economic development was driven mainly by external forces (Europeans, Ivorians from outside the region and Africans from other countries); local populations played a secondary role (Dozon 2011). The development of the plantation economy resulted in large inter-rural migrations, both from east to west and from savannah to forest regions. This phenomenon was also accompanied by significant urbanisation (Beauchemin 2000).

Copper and gold were discovered near the village of Ity in the 1950s. After several technical and economic studies, the Société des Mines d'Ity (SMI) was created by decree in June 1983 between the Ivorian State, represented by Société d'Etat pour le Développement Minier de la Côte D'Ivoire (SODEMI) and Compagnie Française des Mines (COFRAMINES), a subsidiary of the Bureau de Recherches Géologiques et Minières (Geological and Mining Research Bureau) (SMI 2012). The concession was granted in 1987 and mining began in 1991 (UNEP 2015: 115). Since the State of Côte d'Ivoire granted the SMI exploration and exploitation permits for the Ity gold mines, it has become the sole owner of this domain (SEKA 1989, cited by Zénobe 2010). Since 1991, several administrations have followed one another and the SMI was privatised in 1998. In 1993, Mine Or SA succeeded COFRAMINES, which was acquired by Normandy La Source in 1997. In March 2002, Compagnie Générale des Matières Nucléaires (COGEMA) acquired the shares of Normandy La Source. In 2006, it transferred its shares (51 per cent) to Compagnie Minière Or (COMINOR), a subsidiary of La Mancha. In 2007, as part of the renewal of the operating permit (PE 26), the Ivorian State obtained 10 per cent of the shares (5 per cent of COMINOR and 5 per cent of SODEMI) of the SMI. SODEMI then held 44.1 per cent of the shares of SMI and COMINOR held 45.9 per cent (SMI 2012). With the arrival of Endeavour Mining Financial Group in 2011, there has been a reconfiguration of the company's shareholding structure. The majority of the shares of the SMI now belong to this Canadian group which, since March 2017, has held 80 per cent of the shares, while 10 per cent belong to the State of Côte d'Ivoire and 10 per cent to DYD International Holding Limited, a financial group that belongs to footballer Didier Drogba. The mine is situated near the Guinean and Liberian borders and attracts a workforce from these countries and from as far as Ghana.

Before the exploitation of the mine, the region had been relatively marginalised since the colonial period. At independence, despite being home to nearly 13 per cent of the country's population, the region received only a tiny proportion of private investment (1.5 per cent) and a very small amount of public investment (2.6 per cent) (Ministère du Plan 1964). The region remained marginalised under the presidency of Félix Houphouët Boigny (1960–93) with a very limited transport network. This started to change from the late 1980s when the region became central to the production of cocoa and Côte d'Ivoire became the world's biggest producer of cocoa beans.

Before mining, the main livelihood of the local population was agriculture. The smallholder coffee and cocoa plantation economy expanded in forested Côte d'Ivoire in areas of low population. Its development therefore relied on the arrival of immigrants, sometimes in large numbers, from neighbouring countries, especially Burkina Faso but also Mali and Guinea, as well as internal migrants from the Baoulé region. This was not without consequences. No rules or regulations were established, especially after Houphouët-Boigny's famous slogan, 'the land belongs to those who put it to good use'. Tensions and conflicts between natives and migrants frequently occur over land disputes as a result of these land transfers to migrants (see Allouche and Zadi Zadi 2013; Chauveau 2000).

Access to employment with the mining company and compensation mechanisms for the impacted villages through negotiations between the traditional chiefs and the mining company have been an important source of livelihood since the gold mining operations started in the early 1990s. It is important to note that local livelihoods had deteriorated as a result of the civil war in the country that lasted between 2000 and 2010. The region had been labelled the 'Wild West' due to the level of violence. The mine and the neighbouring villages were situated in the confidence zone supposedly controlled by the heavily armed United Nations and French peacekeepers, but the region was under the control of different warlords (including some from Liberia and Sierra Leone). Over the years, the violent conflicts have reduced economic opportunities for people, and development agreements with the mine and gold panning are really the only key resource benefiting the region.

3 The sources of the conflict around mining

There are eight villages in the immediate vicinity of the concession area. Despite the compensation agreed for these villages due to the opening of the mine, the population and its customary leaders have never really accepted the fact that 'their land' no longer belongs to them. This frustration has always served as a stimulus for the creation of cyclical conflicts between the population and the SMI.

This frustration has increased over the years, as local people from the Ity gold mine communities do not believe that they benefit from gold mining. They see the negative consequences of mining outweighing its potential advantages in their local areas. The villages neighbouring the mine have, up to now, barely benefited from the socio-economic impact of gold mining. Our 2017 survey shows that purchasing power of households is low: 53.9 per cent place their monthly expenses at between 0 and 50,000 CFA francs (\$100), 31.8 per cent between 50,000 and 100,000 CFA francs (\$100–200) and only 4.3 per cent spend between 100,000 and 150,000 CFA francs (\$200–300) during the month. This is below the national monthly average household income of around \$287 (GDP per capita purchasing power parity). The respondents also indicated that local food security has deteriorated over time as more lands are leased from farming for gold mining.

In terms of food security, the main means of access to food for the household is the purchase of food and agricultural production for self-consumption, which, moreover, cannot cover all needs in this area. Some households have problems with food self-sufficiency and can go days without food. And this situation sometimes affects all members of the household. According to 53 per cent of the heads of

household surveyed, the level of food security has deteriorated since the post-electoral crisis in 2011. This is due to the high cost of living (37 per cent), low agricultural production (17 per cent) and scarcity of arable land (13 per cent).

The main source of livelihood has been farming (cocoa and coffee, as well as subsistence agriculture – rice, manioc, banana etc.) and, to a lesser extent, fishing in the waters of the Cavally. According to our survey, agriculture accounts for 40 per cent of livelihoods. In addition to agriculture, trade and petty trading are also sources of income for households. Low agricultural production has forced 46 per cent of heads of households to change their economic activities. Interestingly, gold panning was not mentioned by the respondents as a means of subsistence for their households. There are of course many ways to explain this omission, and perhaps it is simply because it is an illegal or an informal practice that is secondary to other activities. Indeed, historically gold panning was done in addition to other activities as a way to compensate for the income deficits generated by agriculture in order to maintain the family balance.¹ The following comments from the representative of the women of the village of Kouèpleu (35 years old) attest to this: ‘Before our parents exploited gold, there was a little bit, they mostly focused on agriculture. When money was not enough, they just exploited gold to support us. Gold is the wealth that spirits have given to our parents, so that everyone can use it so that their offspring can also benefit’ (Kouèpleu, 12 May 2017).

The deterioration of the economic situation has recently led to an increase in gold panning. This has led to further tensions and conflict with the mining company because gold panning was taking place within the perimeter of the SMI concession area (Zénobe 2010). This has led to increased security of the mining space with the ever-growing presence of the police and the recruitment of a private security company, G4S, for controlling and protecting the mine area perimeter.

4 The 2014 Mining Code and gold panning

Prior to the Mining Code of 2014 and the implementation of the Extractive Industries Transparency Initiative (EITI) global standard, the governance system involved the central government and the company governing the operations of the mine. Relationships between mining companies and local people in mining communities were informal. The village communities started from a position where the mine assisted them in almost everything because the State was the sole stakeholder in the mine. The failure of the 1995 Mining Code to institute a legal framework for guiding intercommunity relations between the mining operator and the population favoured the social construction of a duty of assistance to the population by the mining authorities. It was based on the ideology of aid to the region. This ideology mobilised the former administrations towards more affective behaviour towards the local populations, resulting in social, health, educational and environmental assistance.

A social security system of comprehensive care and prevention was established, which was free of charge. According to SMI (2012),

The cost of essential drugs purchased by the SMI is CFAF 15,408,000 per year. Taking into account staff and residents, an average of nearly 12,941 patients benefit from this access to care each year. The number of patients breaks down as follows: 3921 patients from SMI staff, 4268 patients from neighbouring villages, 4752 patients from SMI staff families and SMI subcontractors.

¹ There is a broad literature on the importance of farming–mining linkages (see for example, Maconachie and Binns 2007).

Several educational infrastructures were built, including primary schools in all the affected villages, and sanitation, teachers' housing, infirmaries and nurses' housing, rural electrification etc. Village chiefs were consulted before any 'important' decisions were taken by the mine. In addition, local authorities and managers were provided with free fuel from the mine and other benefits related to their professional position and their social status. As one mine administrator said,

In the past, if the prefect has to travel, he comes to the mine and parks his car, we fill it up, if the car breaks down, he comes here in the garage, we do all the repairs for free and he leaves... during political campaigns, ministers used to come here to take the money in order to pay for his oxen to go to the villages.

(Zouan-Hounien, 11 May 2017)

The implementation of the new Mining Code in 2014 has reconfigured these assistance mechanisms by reorienting them within a formal and institutional framework (Loi No. 2014-138). The Mining Code received an award for 'best mining reforms' at the 2014 'Mines and Money' investors conference, showing how it is viewed as best policy and practice for good governance by the global mining community.

The Mining Code 2014 tried to formalise relationships between mining companies and the local people through the creation of the Comité de Développement Local Minier. This committee now manages a local development fund based on 0.5 per cent of a mine's annual turnover and is responsible for identifying the development projects for each year. These funds, coming from the mining company itself, are intended just for the areas that neighbour mining sites as a way of compensating communities that are affected, and for promoting development in these places. The mining company consults the CDLM when it is developing the annual development plan. At the time of research, the CDLM was not operating in Ity because of a dispute over its composition. Stakeholders have different interpretations of the composition, role and powers of the CDLM, which often gives rise to tensions. For example, one group believed that there should be political representatives to ensure its political interests, whereas another group wanted the chief of the canton to serve on the CDLM in addition to the village chiefs. This prompted a conflict of interests among the stakeholders, and it continues to undermine the setting up and functioning of the CDLM, the aim of which is to ensure effective, transparent and accountable governance of mining benefits for communities.

Besides introducing the Mining Code, the central government has tried to control unregulated artisanal gold mining through a triennial programme (*'un programme triennal de rationalisation de l'orpaillage'*). However, this programme has had limited impact because people are clearly unfamiliar with the procedures for obtaining the required gold mining permit.

5 A mutually negotiated agreement

To mitigate the conflict between the mining company and gold panners from the neighbouring villages, a mutually negotiated agreement between the management of the Ity mine and the affected villages was put into place. Within the concession area, the company has designated a smaller area for gold panning activity, 32ha of land. However, despite the granting of this space, the local communities still continue to enter the area of the mining concession for gold panning. A key focus of this paper is to understand the sociological reasons for the non-compliance with the negotiated solution between the affected villages and the mine management. It therefore addresses the question of the social logics of this non-compliance. The following specific questions were asked: Who are the real actors involved in the manifestation of the conflict related to non-compliance with the mutually negotiated agreement?

What are the ideological resources associated with non-compliance with this agreement? What is the underlying issue?

6 The logics of non-compliance with the mutually negotiated agreement

6.1 A cultural understanding of the perceived links between impoverishment and industrial mining

In the social imaginaries of the various local communities, the arrival of the mining company is related to the deterioration of their access to livelihood and associated incomes. The Ity gold deposit, officially discovered by the Bureau Minier de la France Outre-mer (BUMIFOM) in the 1950s, was seen as the basis for the reconfiguration of the village social order. From 1991, industrial exploitation replaced artisanal exploitation owing to the legalised acquisition of land by SMI. This state of affairs is correlated with the loss of village land holdings, but explained through a cultural and spiritual lens. The communities consider intensive gold mining to be an activity that disrupts the balance with the forces of nature that are supposed to protect the village. In this sense, industrial exploitation has diverted the mining heritage from its original assignment, which was to be a complement to agricultural activities. This disruption has led to the 'distancing' of various guardian spirits. A 33-year-old gold digger said during the focus group organised in the village of Ouyatouo:

Since the whites started mining gold there, it has never stopped. They only exploit, but we had that as a secondary good. Before, even when it rained, gold could be collected without effort. But now it's difficult, the spirits have hidden the gold there. Like them they have machines to dig down there; we will search for ourselves too to be able to survive.
(Ouyatouo, 18 May 2017)

According to this logic, most of the soil is now impoverished owing to this spiritual disconnect. As a result, the parcel of land that has been allocated to them is socially represented as 'unenriched' and 'poor'. They therefore use the mine as a survival strategy.

6.2 The non-transferability of land ownership as a strategy for legitimising non-compliance

The non-transferability of land ownership is a second important ideological referent as further justification for non-compliance with the negotiated agreement. Indeed, the village chiefs and the representatives of the young people and women of the affected villages unanimously agree to recognise the ownership of the plots despite their allocation to the mining administration and the related compensation process.

The village chief of Ity explained,

You can see where the mine administration and equipment are located, these are our parents' lands. They took all of it. We lost everything. Our women no longer have any fields. We ourselves are like in Guantanamo Bay on our own land. We don't have an identity anymore, with that, they don't want our children to go gold digging. But where do they want us to go?
(Ity, 11 May 2017)

According to the various representatives of the local community, these are the lands of their ancestors and, as such, land is non-transferable. It is the means by which villagers build their authority and social identity. Its ownership allows social relations to function because it promotes the maintenance of indigenous social positions and structures the spatial positions between indigenous people in the affected villages on the one hand and non-natives on the other.

The mining administration is formally recognised as the owner of the plots by the 2014 Mining Code. However, the local population, in their relationship with the mining administration, mobilise the customary ownership of the plots as a resource for obscuring relations of domination that are difficult to accept. In fact, this ideology functions as a factor in repositioning local communities in the governance of gold panning land parcels. It therefore legitimises their social status: that of landholder.

Since the discovery of the Ity mining deposit, several successive operators have been granted control of the concession. However, the local people increasingly feel that this space is disconnected from them as these changes in administration take place without them. These negotiations between the State and mining companies take place in Abidjan Plateau, the main business centre located in the centre of the city of Abidjan, in the premises of the Ministry of Mines and Energy. However, one of the characteristics of territorial governance is the involvement of local communities, who want to participate in decision-making processes and territorial projects (Torre 2012). In this respect, in response to what these local communities consider to be the fabrication of social remoteness in the gold land-parcel management process, they will proceed by imitation. This also involves forging partnerships with informal operators, defined as Ghanaian and Burkinabé non-indigenous people, whom young people from the eight impacted villages help to install on the mine plots as compensation for rent. Generally, these non-indigenous people have sophisticated equipment such as dredges that reduce the difficulty of extracting ore. The possession of the equipment by these non-natives means that the natives work with them or often transfer the parcels of the mine to them in the form of a lease.

In a public speech, a mine manager said, 'You can't search on the perimeters assigned to a mining company. Currently this is not the case here. But here you are dealing with illegal operators, you will find Ghanaians and Burkinabés, working on the sites, it is illegal exploitation, they even attack our perimeters' (Zouan-Hounien, 17 May 2017).

A spokesman for the village chief of Ouyatouo expressed a contrasting view, 'At least the presence of these Ghanaians on our land allows our children to manage and have something to eat. This is in contrast to the mine company, which is installed on our land and refuses work to our children' (Ouyatouo, 18 May 2017).

The positioning of the mining company within the regulatory framework under the Mining Code (2014) is reinterpreted by the village populations as a mistrust of their social status as landowners. Villagers feel that the mine has obligations towards them because it is located on their land and mining makes the land uncultivable. In fact, they see the company as having a perpetual duty to them. This generates demands that the new administration cannot always satisfy. As one of the villagers of Krozialé (30 years old) told us, 'Before they were reprofiling the roads of our fields, now they have stopped. As a result, they engage in land reclaiming practices by investing in the mine plots to practise gold panning' (Krozialé, 13 May 2017).

The community relations manager for the mine explained,

We can no longer honour a certain number of commitments that were made previously by the managing directors of the old mine since it did not obey any standards and that can be a source of conflict, since, for example, people no longer understand why, in the past, they only had to go to the mine to say, listen, do such things for us and the mine did them, but now the mine can no longer do that.

(Zouan-Hounien, 17 May 2017)

6.3 Circumventing the mutually negotiated agreement to challenge new hiring practices

The arrival of the Endeavour Mining Financial Group in 2011 has led to a reconfiguration of the type of company. It has been established as a publicly traded administration to comply with national and

international standards defined by the World Bank, the International Finance Corporation and the EITI. And one of the major changes relates to work employment practices.

The 2014 Mining Code (p. 4) stipulates that ‘an organisation’s responsibility for the impacts of its decisions and activities on the community and the environment, reflected in transparent and ethical behaviour, respects the laws in force and is compatible with national and international standards’. The Ivorian labour law states in Article 4: ‘subject to the provisions of the Code or any other legislative or regulatory text protecting women and children, as well as the provisions relating to the status of foreigners, no employer may take into account sex, age, national ascendancy, race, religion, political and religious opinion, social origin... with regard to, notably hiring’.² As the senior manager of the SMI responsible for local communities of villages impacted by mine activities said, ‘you cannot discriminate in any kind on the origin, ethnicity or political opinion of people when you recruit them’.

In line with this perspective, Endeavour has decided to break with past recruitment practices that had been based on an informal standard. It had consisted of systematically recruiting the people from the eight villages as employees of the mine; at the time, most of the work involved manual labour. Changes to Endeavour’s recruitment practices have created barriers to hiring local workers. Tests are organised on the basis of competence, and proof of qualifications through diplomas and employment certificates is now required. In this respect, while recruitment is ostensibly ‘open’ to everyone according to the notes addressed to community leaders for the population of the eight affected villages, new technologies such as e-mails, Facebook and the internet are used to recruit the rest of the candidates. Therefore, in the absence of competence from the eight riverside villages, most of the applicants and recruits come from other areas of Côte d’Ivoire.

Consequently, local communities perceive these new measures as barriers to entry for employment and a deliberate act to exclude local young people from work opportunities at the mine. This perception contributes to the de-legitimisation of the new mining administration and mobilises young people in these villages to gold pan on the mine site. As confirmed by the words of a person in charge of the town hall of Zouan-Hounien,

For young people in the village who have not gone far with their schooling, we cannot pass on information when hiring on the internet, for young people who do not even have an e-mail... even those who do have one, it is at the last minute that they are informed, the time to collect the papers to apply, the deadline is over. With that, how are they not going to pan for gold on the mine site?

(Zouan-Hounien, 11 May 2017)

6.4 Non-compliance with the agreement as a social response to the ‘statutory deconstruction’ of customary chiefs by Endeavour Mining

On the basis of the survey data collected in seven affected villages, it appears that the village social order is built on three sociological entities. Respect for customs and traditions, respect for local deities, especially ancestors and spirits in the forests, and respect for locally legitimate hierarchy, in this case village chiefs and land and tribe chiefs. This is why the balance of social interactions is based on the reciprocal relationship between the spatial–physical environment, the social structures that shape this environment and the actions embedded in these social structures (Castells 2007, cited by Frey 2012). In the cross-sectional analysis of the data, one of these social structures seems to have been damaged in the relationship with the new mine administration. This is the legitimacy of village leaders.

² Labour Law No. 2015-532 of 20 July 2015 quoted in *Journal officiel de la république de Côte d’Ivoire*, 14 September 2015, No. 74, p.1198.

According to the information gathered, the villagers criticise the ‘unilateral’ decision-making of the current mine manager. His firmness and decision-making skills have earned him a reputation as an uncompromising man. So much so that his name was transformed by the nickname ‘arm wrestling’ in order to manifest this state of affairs. According to the local community leaders, the new manager no longer involves village chiefs in important decisions concerning their respective communities. The youth from the eight impacted villages and the customary chiefs therefore deplore the absence of a permanent and direct intermediation framework beyond the CDLM. When a conflict occurs the mine refers it to the prefectural authorities rather than dialoguing with the village leaders. ‘The use of these prefectural authorities (prefect, sub-prefect) that the villagers consider to be “accomplices” of the State is reinterpreted as an attack on the legitimacy of the customary chiefs as a key institution to manage conflict situations,’ exclaimed the village chief of Krozialé (13 May 2017). The dismissal of 33 employees of the mining company led the population to begin a strike in February 2017. According to the youth leader of the village Floleu, ‘What the mining manager did there is not right, he did not even consult the village chiefs before firing our children’, and ‘the mining manager has the bullshit, he makes the decisions, he doesn’t consult anyone, our leaders are no longer respected’. And an agent of the prefecture of Zouan-Hounien said

The last strike, the community leaders told the director not to fire the young people, but he fired them anyway. If it was in the old administration, we would say that he disobeyed the chief, we just have to pay so much, so much and so much. In the old days, we paid, but today we no longer pay.

(Krozialé, 13 May 2017)

This frustration is reinvested as a resource for manipulating youth by their community leaders. From then on, young people engaged in activities of defiance of the mine through strikes and occupying the mining concession for gold panning purposes. The activity is carried out in full view of the village and administrative authorities, as evidenced by the words of a mining company official:

Unfortunately, we are facing an attack on the mining perimeter and the consequences are dramatic, they come to our site and if they die, the communities accuse us, but if they do not die, we do not say anything and the mine bears additional costs in terms of security. The mine loses a lot of money to protect itself from the attack of gold panners. And when it’s like that, we hear that the objective is to get the mine out of there, we’re going to go and do some gold panning.

(Zouan-Hounien, 18 May 2017)

These practices are a social response to what the villagers perceive as a ‘statutory deconstruction’ of traditional chiefs by Endeavour mining, as confirmed by the canton chief of the eight affected villages: ‘The young people intervene on our behalf, themselves they do not know but, sometimes, when things get hot, we manipulate them. They themselves don’t know why they’re here. This is our policy, we encourage young people’ (Trogneu 1, 12 May 2017).

5 Conclusion

The lack of respect by the local population for the agreement between itself and Endeavour Mining is linked to the former’s perception of formal management as a process of manufacturing social distance in the governance of the gold plots. The study showed that the communities’ non-compliance with a mutually negotiated agreement with the mining company lies in the reconfiguration of the social relations between these actors. The inclusion of the new mining administration in the logic of the 2014 Mining Code created a break with the informal social framework that had structured these relationships.

On this basis, the mine is considered 'illegitimate' on the land of these communities. This paper focuses on one aspect of the conflicting relationships to mining projects in the community of Ity. As a follow-up to the study, it is important to focus on the local population's perception of the 2014 Mining Code. This code institutes the CDLM as a formal simulacrum of this previously informal social framework.

Overall, one can see that the formalisation of rights creates more conflict and tensions with local communities. In the particular case of Côte d'Ivoire, this can be further explained by the fact that the mining issues are related to a broader and unresolved debate on land tenure (Mitchell 2014). Relying on certain conceptual uncertainties used by the Mining Code, in particular the notions of 'purging' customary rights and 'compensation', the populations mobilise this ideological resource to (re)position themselves as landholders even though the land has been granted to the mining company. In fact, the failure to respect the agreement between these two actors has connections with disputed interpretations of the 1998 land legislation, transforming customary rights into 'modern' property rights. For local communities, individual land ownership, however defined, is dependent on community (village) ownership (Koné 2006; Diop *et al.* 2015; INADES 2015). As such, the land cannot be transferred because it belongs to an entire family, a tribe or a lineage. For Diop *et al.* (2015: 37), 'Individual property rights do not exist in the customary land system. The whole challenge of the evolution of the land system is there: the transformation of the right of use into individual property rights and their formalisation.' INADES (2015: 19) states that 'Customary land management is therefore closely linked to the idea of non-transferability: "One does not sell land"; it is a "common good".' This paper has therefore highlighted the limits of a particular framing of sustainability around good governance as a mechanism to address State–community–mining relations and its inability to address the underlying and structural conflict in Côte d'Ivoire around land and the broader politics around resource access and distribution.

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‘Good Governance’ as Conflict Resolution? Locally Mediated Governance and Mining Law at the Côte d’Ivoire Ity Gold Mine

STEPS Working Paper 107

This paper examines the exploitation and management of gold mining in the western region of Côte d’Ivoire and the associated local social tensions and conflicts. Taking a historical sociological analysis, the paper shows how good governance and conflict resolution initiatives (and in particular the 2014 Mining Code and the subsequent locally mediated governance arrangement), combined with the privatisation of the mine and its security, are leading to conflict.

The study, which is predominantly qualitative, employs a mixed-methods approach, drawing upon direct observation, 20 semi-structured interviews for stakeholder mapping and ten focus groups with gold panners, mine managers and local village populations. Quantitative analysis was conducted with 154 heads of households in the project area, i.e. the eight villages directly affected by gold mining activities. The content analysis revealed that the rationale for expropriation during the initial phase of mining was never accepted at the local level for economic and spiritual reasons. This resistance has increased following the establishment of a new mining administration and the new mining code.

