



Reviews of Books, Music and Poetry

EXTRACTIVES INDUSTRY LAW IN AFRICA

Damilola S. Olawuyi.
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With this book, Damilola sets to address a gap in the existing literature on mining in Africa by taking a more holistic approach. Particularly examining the legal, fiscal and institutional frameworks currently applicable to commercial mining in Africa. The book is targeted at individuals in different areas of mining engagement from students to policymakers and cooperation's to investors, cognisant of this approach the book is very user-friendly and goes into great depth on each topic it covers. It addresses an array of topics including environmental and human rights impacts of mining and how legal reforms could be approached to achieve a sustainable and rights-based extractive industry on the continent. To ensure the research is not restrictive, research and examples from various countries that have regulated mining with different approaches are given. One of the earliest threats identified is the over-dependence on oil and gas resources in many countries as well as the poor governance that leads to major losses from illegal mining annually.

The author recognises that human rights did not play a role in African mining until as late as 2006 and since then the government have been favouring the implementation of a rights-based approach. Furthermore, it should be appreciated that the book was published as the African Continental Free Trade Area (AfCFTA) was founded in 2018. The book looks at the mining industry in three parts, first, the book focuses on the current structures of African mining. This goes into the extensive background and current political influences and infrastructure that make the industry we see today. Through it, the authors concluded that there is a need to reassess the frameworks and institutions targeted at solid mineral development as a step to moving away from dependence on oil and gas, to attract more investors in the sector and to prevent problems such as corruption and human right abuses. Very crucially, the improvement of energy infrastructure is dissected and understood by the authors to be crucial in developing this industry in a manner that will also benefit local communities.

Second, the book delves into what the authors refer to as a 'data deficit' of the Africa mining industry. The chapters to follow extensively deal with the existing laws that regulate ownership,



the extractive industry law, analyses the regulatory institutions, the legal rights and interests of organisations and states, contractual and fiscal agreements between the state and investors and finally local content requirements. Through the intensive investigation into all these areas, it is clear once more that what is lacking is a framework and partnerships between states to develop the extractives industry in a way that will provide the best economic benefits for all. Once again affirming the need for the AfCFTA, as collaborative efforts will need to play a leading role in developing the sector.

Third, and most appropriately, threats of developing this sector are considered in great length. The authors closely consider the environmental impacts mining have on communities and the responsibility of companies to follow the required steps in securing community participation, otherwise, they run a high risk of not only incurring extensive costs due to litigation but also stalling work in the mines if they do not comply with the environmental and human rights laws protecting these communities as states have increasingly been enacting more laws on those two areas. Moreover, states need to strike a keen balance between having frameworks and laws in place that mitigate risks such as corruption and illegal mining whilst still presenting the state in a way that is attractive enough to bring in foreign investors.

This book not only manages to look at the mining sector holistically, it also impressively presents the information in a simple yet intensively informative manner and manages to present an analysis of the industry on a continental level.

