FIGHTING FOR BLACK STONE

McKenzie Johnson, Assistant Professor of NRES
Governance Reform → Peacebuilding?

- Natural resource conflict stems from a “failure of governance”

- **Focus**: Institutional reform in the minerals sector
  - Formalization of access and tenure through licensing
  - Social & Environmental Impact Assessments

- **Objective**: Understand how & why reforms produced conditions that created violent conflict over tantalite extraction – the opposite of what we would expect

- **Argument**: Governance reform alone not sufficient to build long term peace; rather, peacebuilding requires unplanned processes of **institutional blending** (i.e., institutional hybridity)
Conflict over tantalite or ‘black stone’

SLM-MIACCO
- local landowner cooperative financed by an Irish investor
- claim to have artisanal licenses to mine tantalite in Kamasortha
- supported by Environmental Protection Agency

Claim: MIACCO is made up of the rightful customary landowners; they do not consent to AMR-Gold’s activities

AMR-Gold
- multinational company
- valid exploration license in Sella Limba
- supported by National Minerals Agency

Claim: holds exploration license and has sole rights to exploration and extraction in Kamasortha

Key: Both sides claim to be the one *actually* complying with the regulatory process dictated by Sierra Leone’s mining laws.
1. Who possessed extractive rights?
2. How should those rights be assigned?

- **AMR-Gold (existing institutional landscape)**
  - Makes claims through formal legal regulatory process that exists

- **MIACCO (hybridized institutional landscape)**
  - Melds customary land tenure systems/dispute resolution mechanisms with formal legal process
    - Argues that, according to Limba custom, AMR-Gold did not consult the rightful landowners and was not in compliance with the licensing process

- **MIACCO says: “Not a mining, but a land rights dispute”**
  - Process of institutional reform subordinates customary institutions
Political elites respond to violence in the area (Pres & VP)

- Sella Limba MP assembles a “mediation committee” made up of 14 “non-partisan” citizens of the area

- MIACCO draws on informal customs to engage Sierra Leone’s political elites in a conversation about what should constitute the criteria for extraction

- 5 recommendations:
  - AMR should release Kamasortha to MIACCO, since they are composed of the rightful landowners

AMR says: To recognize MIACCO’s claims through a “hybrid” institutional process suspends the “rule of law” and “goes against what the law tried to change”
Where is the state?

- Formal regulatory process could not resolve this dispute
  - EPA backed MIACCO
    - Using exploration license to avoid conducting full EIA and to establish a monopoly in the chiefdom
  - NMA backed AMR-Gold
    - AMR has been issued legal licenses, EPA is overstepping its authority
    - Need to foster an attractive investment environment to drive economic development
- Tantalite conflict serves as a proxy conflict between regulatory agencies battling for primacy
Argument: hybrid solution critical for peace

• Statebuilding may undermine peacebuilding
  • Reform produced large-scale reassignment of rights, mostly to multinationals – creates insecurity and injustice
  • Does not recognize the full array of “indigenous institutions”
  • Reforms contribute to ongoing slow, structural violence

• Hybridity addresses “misrecognition" in institutional design
  • Address distributional inequities by making landowner claims more visible
  • “Fills in the gaps” created by unsettled institutional terrain
  • Allows for conflict resolution without undermining formal systems
Why write a whole article about this?
Institutional “blending” or “hybridity” remains controversial because:
- Peacebuilders have to compromise on functional aspects of good governance
- It is unplanned and thus introduces (investment) uncertainty
- At odds with “liberal” values