

Aid with blinkers: environmental governance of uranium mining in Niger

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Abstract

The role of development cooperation in fostering improved environmental governance of extractive industries in African countries exposed to the expanding global uranium frontier remains ambiguous. With primary data, this paper demonstrates how foreign aid to Niger has ignored grievances on grave environmental impacts and rampant institutional failures while a crisis discourse on desertification and food insecurity diverts attention from geopolitical interests in mineral wealth. We argue that aid delivery remains insufficient to address structural deficiencies cemented by decades of investment-friendly 'politics of mining' and conclude that domestic reforms must be backed by stronger transnational accountability mechanisms to overcome corporate impunity.

Keywords: Niger; Africa; aid; development; environment; extractive industries

1. INTRODUCTION

Surging demands for energy are fueling the expansion of the geographies of exploitation of uranium ore. Playing into the growing international scramble for land and its mineral resources ‘extraction frontiers’ (Conde and Kallis, 2012) are pushed into resource rich but often politically and institutionally marginalized environs that struggle to govern the industries. In many ways, the human rights issues spurred by the extractive industries epitomize the dilemmas provoked by the contemporary neoliberal privileging of transnational corporations, enjoying the benefits of globalization without seeing corresponding regulatory instruments (e.g. Joseph, 1999). A body of research has documented the social and environmental impacts of mining-led development ventures and the legitimate grievances of communities. This is true for the extractive industries in general (e.g. Hilson and Yakovleva, 2007; Hilson and Ackah-Baidoo, 2011; Smith et al., 2012; Hilson, 2012a; Campbell, 2012; Bleischwitz et al., 2012) and for uranium mining in particular (Keenan, 2008; Conde and Kallis, 2012).

In this paper, we inquire into the capacity of existing governance regimes to address such grievances and provide remedies for plaintiffs and, specifically, the efficacy of international support through development cooperation in improving the access to environmental justice. In so doing, we contribute to a branch of research into the development challenges of extractive industries concerned with how policy, businesses and development practice can foster the structural institutional relations that condition more desirable outcomes (e.g. Pegg, 2006; Spiegel, 2012; Campbell, 2012). This also serves to help fill a void. As argued by Campbell (2010), the role that international organizations play in conditioning the structural relations of power has so far largely been overlooked – perhaps partly because of the congruence between the worldviews of these institutions and the rationalities of existing mining regimes, which they in many cases have been instrumental in fostering. Moreover, previous analyses have generally focused on the role of International Finance Institutions (IFIs) (e.g. Hatcher, 2012) and only to lesser extent the bilateral or multilateral aid flows through national or regional institutions, such as individual OECD member states or the European Union.

Studies of extractive industries and the operation of multinational corporations in developing countries have often-times been framed in relation to the hypothesis of a ‘resource curse’, i.e. that there is more motivation to suppress democratic institutions when quick monetary gains can be made on centralized resource exploitation through extractive industries (Harford and Klein, 2005). Efforts to identify statistical correlations between mineral wealth and the democratic quality of governmental institutions have provided inconclusive results (Brunnschweiler and Bulte, 2008). This should not be surprising, since governance comprises of complex social contingencies. In this paper, we build partly on the assumption of Dam and Scholtens (2012) that what is at stake is a “curse of poor institutional quality”. However, concurring with Keenan (2008), we acknowledge the ‘over-determined’ character of uranium mining and its institutional arrangements, that is, with multiple and non-linear causal relations between conditioning factors and varied local responses. Hence, we do not aim to derive supposedly replicable design principles transferable between country contexts. Acknowledging the deep contextuality of all mining ventures and local struggles, we seek qualitative insights to be learned from concrete experiences and how international institutional support plays into the complex domestic and local realities shaped by the global uranium rush.

For the analysis, we mobilize evidence from the uranium mining industry in Niger, a country that has received sparingly little coverage in the development studies literature on mining. We therefore devote some space to provide a rich picture of the environmental governance of the Nigerien uranium industry, representing one of the only scholarly accounts presently available. In a wider sense, the paper also aims to help counter the ‘global imperception’ of the role of African countries and Africans in the international uranium industry. As argued by Hecht (2009), uranium mines have, in the friction between transnational politics and post-colonial power relations, remained techno-political margins. In our inquiry, we draw on relevant bodies of theory concerned with the construction of development paradigms (e.g. Verhoeven, 2011), uranium mining and extractive industries (e.g. Conde and Kallis, 2012) and environmental governance in the West-African Sahel (Nielsen and Vigh, 2012).

Below, we first position the study in context of past research on extractive industries and development cooperation and then outline the methodology and sources of evidence. In the data and analysis

section, we introduce Niger's development challenges and the legacy and structure of its uranium mining industry. We then present and organise the evidence in a narrative storyline emerging from our synthesis of interviews and secondary data. First, we outline the regulatory regime and institutional structures put in place to curb undesirable environmental impacts. Second, we critique the performance of this regime through the insights of key actors mandated to enforce regulations or affected by alleged non-compliance. This demonstrates that the mining corporations operate in the face of extensive grievances and complaints from civil society organisations representing local populations concerning pollution, land appropriation and human health impacts. Third, we contrast the emerging picture of rampant institutional and human resource capacity gaps with the de facto delivery of development cooperation, revealing considerable 'blind spots' in strategic priorities, aid flows and programmatic design.

On this basis, in the discussion section, we argue that current delivery of development cooperation remains largely insufficient to address the deeper structural deficiencies cemented by decades of investment-friendly politics of mining. We suggest that crisis discourses on desertification and food insecurity may serve as instruments to divert attention from geopolitical interests in the country's mineral wealth. Thus, bilateral and regional (European) development cooperation appears to struggle with the many of same internal contradictions as has previously been shown for the multilateral institutions such as the World Bank. We pose the question if development cooperation, subject to donor countries' vested interests, is up for the job to empower local and domestic actors committed to revise investment policies and reform deep rooted informal cultures in government institutions penetrated by corporate power. Finally, we argue that dilemmas of corporate impunity may only be addressed with the backing of enforcement mechanisms for so-called extra-territorial obligations of home states to exert jurisdiction over companies domiciled within their territory.

BACKGROUND

When encountering the damages and risks posed by the mining industry, local communities and national civil society groups may foster varied forms of resistance to protect their locales and secure

perceived legitimate entitlements. At times, social resistance movements are able, through combinations of local, national and transnational mobilization, to penetrate neoliberal regimes and their hegemonies and insert subaltern worldviews to partly counter dispossession and participate in a co-production of outcomes (e.g. Bebbington et al., 2008). Nonetheless, extending the research on environmental social movements Conde and Kallis (2012) have demonstrated the considerable limits imposed by social and political marginalisation on local resistance against the impacts of the global uranium industry and its commodity chains. In Niger, the more organized mode of contestation, expressed by Tuareg rebellions, over local impacts and fairer allocations of uranium mining revenue is overlaid and blurred by the securitisation of the region shaped by the presence of French military advisors and the continued questioning of the legitimacy of the nation state and its borders (Keenan, 2008).

In other mining ventures smallholder farmers and other rural groups may opportunistically shift livelihood options and engage in small-scale artisanal mining. However, the technical organisation needed to extract uranium ore and handle the radioactive risks dictates a centralised mode of production largely rid of openings for the smallholder livelihood scrambles seen in, for instance, gold and coltan mining (e.g. Hilson and Yakoleva, 2007; Bryceson and Jønsson, 2010; Spiegel, 2012). Local communities may, in general, benefit only via direct inclusion in the formal labour force, engagement in associated business activity (e.g. in the mining towns) or via compensations paid to the localities either directly or via tax-revenue. Arguably, this very structured interface between locale and industry has implication for analysis as it shapes local outcomes, the possibilities for rights holders to assert claims, and the options for authorities to intervene. Attention to small-scale mining and informal community based development initiatives is less potent compared to the capacity of governing institutions to mediate between industry and locality.

To be sure, the basic premise of community struggle for environmental justice in the face of encroaching mining ventures is that of a highly unlevel playing field. The regulatory and institutional realities of African mining remains heavily influenced by the policy reforms of 1980s and 1990s, which aimed to provide the conditions to attract foreign high risk capital within a neoliberal paradigm

in which the public regulatory framework was relegated to ensure the stabilizing conditions for investors. Many of these liberalization reforms were driven through the International Monetary Fund (IMF) and the World Bank (Bourgouin, 2011). Preferential treatment was established for mining corporations under the doctrine of ‘free mining’ to secure tenure rights for mining companies (Campbell, 2010). Otto (1997) identified more than 90 countries worldwide revising their mining legislation only between 1985 and 1995 with an eye to attracting investors with draw cards such as secure land tenure, profitability, and policy stability. In practice, this has allowed the easy entry into lands where minerals are in public ownership, relegating the voice of affected communities to a late or non-existent stage in the contracting process. It has also led to a retrenchment of state authorities, with a role subordinate to that of the project owner, who in many cases is directly dealing with communities (e.g. Campbell, 2010). Furthermore, many African governments have been locked into international and bilateral investment treaties that constrain their policy space and their options to regulate foreign investment. Investment agreements tend to include stabilization clauses that prioritize foreign investment protection over social and environmental justice and constrain governments’ ability to improve and enforce legislation (e.g. Lauwo and Otusanya, 2012).

It should be no surprise that such reforms have yielded what is today decried as ‘weak governance’. As argued by Campbell (2012), this has spurred a proliferation of Corporate Social Responsibility (CSR) standards to re-create legitimacy in the face of ‘governance gaps’, many of which were in fact created by past impositions of the same foreign business alliances, governments and international institutions. One notable example of the initiatives launched to promote ‘good governance’ in the extractive industries is The Extractive Industries Transparency Initiative (EITI), providing a global standard for revenue transparency through publishing of payments received by governments from mining corporations. EITI places emphasis on one aspect of the value chain, namely revenue transparency and thus omits focus on other flows and activities (Kolstad and Wiig, 2009). The emergence of the EITI coincided with what became a heralded paradigm shift in the World Bank’s approach to resource-led development and poverty reduction. In the early 2000s the World Bank, with its Extractive Industries Review, marked a shift from its traditional determinist and liberal economic

assumption of the positive feedback between foreign investment and poverty reduction towards a broader conception of the need for governance reform, including notably transparency (Pegg, 2006).

These developments dovetail with the general shift in the geopolitical imaginations underpinning development cooperation and the approach of international institutions to the extractive industries, revolving around an unresolved dialectic between the role of domestic government regulation and ‘new’ modes of governance. Up to the early 1990s development cooperation was indeed, as manifested in the policy reforms on mining, characterised by a revival of an economic liberalism couched in notions of market-orientated development, a minimal state, and free trade (Slater, 1993). Recent efforts to orchestrate donor and recipient contributions towards improved quality and impact of aid, including under the Paris Declaration, has seen a move towards increased budget support and a channelling of aid towards government actors. However, rather than a pure traditional state-centric conception of government, and coherent with the embracement of CSR and market led voluntary standards, donor governments and IFIs embrace theories of ‘deep democracy’ and ‘good governance’ (e.g. Gaventa, 2006). They increasingly expect their funding to contribute to a shift from government to governance, where public, private and civil society sectors are assumed to jointly contribute to sustainable development. A renewed focus on building institutional capacity in country systems has been partly precipitated by recognition of the shortcomings with previous structural adjustment programmes and technical assistance as well as the pro-democracy movements in Europe pressing for attention to democratic governance (e.g. Molenaers and Nijs, 2009; Chhotray and Hulme, 2009). Environmental governance interventions, specifically, have been further stimulated by a gradual realization within donor institutions of the need to improve management of so-called ‘dirty’ aid, i.e. the fact that many aid projects in and of themselves caused excessive harm to the environment and natural resources in recipient countries (Roberts et al., 2009).

METHODOLOGY

For the study of the uranium mining industry in Niger we adopt a contextualist-constructionist case study approach to natural resource governance (Larsen et al., 2012), in which the Nigerien uranium

mining sector is explored as a learning platform to draw insights for improved praxis, the core patterns of which may resonate with, but not be directly comparable to, experiences of extractive industries elsewhere in Africa and globally. In the construction of the narrative storyline based on the data we adhere to a view on research rigour as defined in relation to the ability to account for the complexity of the problem context and the diverse perspectives and interests of stakeholders to support actions for concrete improvements. We also rely on the assumption that the relationship between aid interventions and institutional change is non-linear, with a complex journey from donor commitment to project implementation in recipient countries (e.g. Tierney et al., 2011; van den Berg and Todd, 2011).

The evidence is derived from a research project originally commissioned by two donors (the Danish International Development Cooperation Agency (Danida) and the Swedish International Development Cooperation Agency (Sida)) to examine progress in environmental governance in developing countries and the contributions from development cooperation (Authors, 2012). Information was obtained through two principal means: i) Interviews with government staff and actors from civil society and private sector, ii) A review of secondary literature (legislative texts, policy documents, reports etc.). A semi-structured interview method was employed, with key questions explained in the request for the interview and posed by the research team during the meetings. These questions were: i) What legislative framework for environmental governance of the mining sector has been put in place? ii) What is the status of implementation of this legislative framework, in the mining sector in general and in the mining sites in particular, and what comprise the key challenges? iii) How have different development cooperation donors contributed, if at all, including through specific projects and programs? iv) Is it considered a priority to improve the environmental governance of the mining industry, and if so, what are the possible pathways? v) How can development cooperation best contribute and how do these views resonate with current and forthcoming strategies? The contributors were invited to direct the conversation and emphasize on the aspects they found most pertinent, including areas outside these questions.

A list of organizations and people to meet was elaborated prior to the field work with the selection based on principles of stakeholder identification, following a so-called Soft Systems Methodology

(Checkland and Scholes, 1999) that enables an expression of complex situations from the perspective of multiple stakeholders to support these people in improving their situation. The study visit was conducted September 2012. The security conditions in the mining zones in the northern regions, including the financial costs associated with the national government instruction to be accompanied by military escort, meant that the interviews were carried out only in the capital city of Niamey. Special emphasis was therefore placed on receiving contributions from people with firsthand experience from the affected zones. While the absence of direct community and local government voices in the dataset is an admitted weakness, the key informant interviews with centrally placed actors provide excellent insight into development cooperation as an institutional phenomenon and its conditioning effects on the extractive industry and its governance. In total, 33 people contributed to the study, representing 26 organizations from the Nigerien government (13 people), national/local civil society (10 people), mining corporations (4 people), and international development cooperation organisations (6 people). The study benefitted from access to the most senior staff in these organisations, such as the Director Generals of several ministries, Chief Executive Officers of the uranium mining companies, and NGO directors.

In the compilation of financial contributions from development cooperation data is drawn from two sources. First, from the annual accounts of donor investments (so-called 'titre V' expenditures) overseen by the Ministry of Planning and Community Development and implemented by sectoral ministries (Ministry of Economy and Finance, 2006-2011). These accounts specify the financial resources provided per donor and per sector (Annex V of the yearly account) and the specific programs funded by each donor, within and outside the year's state budget (Annexes I and VI, respectively). Second, we browsed all registered projects for Niger in the AidData database (<http://www.aiddata.org/>), which builds on but is more comprehensive than the OECD DAC Creditor Reporting System (Tierney et al., 2011).

DATA AND ANALYSIS

Niger is well known in international media as one of the world's poorest countries, struggling with chronic structural hunger and malnutrition. Together with most other West-African countries, it is listed as one of the Least Developed Countries and is considered highly vulnerable to exacerbated droughts and other impacts of climate change. The UNDP ranks Niger at a 186th place out of 187 countries in the Human Development Index and in 2011 5 million people were at 'high risk' to food insecurity (close to 33% of the population) (Cold-Ravnkilde, 2012). Dependency on imported foods renders the majority of the population highly susceptible to periods with inflation in food prices, such as during the 2005 and 2010 food crises. In 2009, over half of the population suffered from chronic malnutrition, reflective of not only periodic hunger but equally what has been termed an ongoing 'structural food crisis' in the Sahel (Sahel Working Group, 2011).

What is less well known to many is that Niger also provides a substantial part of uranium ore to the global nuclear market, with export values totalling over 348 million Euros in 2010 alone (INS-Niger, 2012). This represents more than twice the total development assistance finance received by Niger during the same year (Ministry of Economy and Finance, 2011). According to the British Geological Survey, Niger is the world's fourth largest producer of uranium, with the World Nuclear Association (2010) reporting an annual production of 4,351 tonnes. Recently, extensive investments have been made in diversification and research into the mineral wealth (incl. uranium, gold, phosphate, coal), with granted and requested mining permits comprising close to 10% of the national territory (Fig. 1). In the period 2006-2008 alone, more than 100 new exploration permits were issued (OECD, 2008). As of 2012, 40 mining corporations (*sociétés*) are registered in the country (Ministry of Mines and Geology, 2012). The national *Plan de Développement Economique et Social* (PDES) spells out the goal to more than double exports from the mining sector by 2016 (Ministry of Planning and Community Development, 2012).

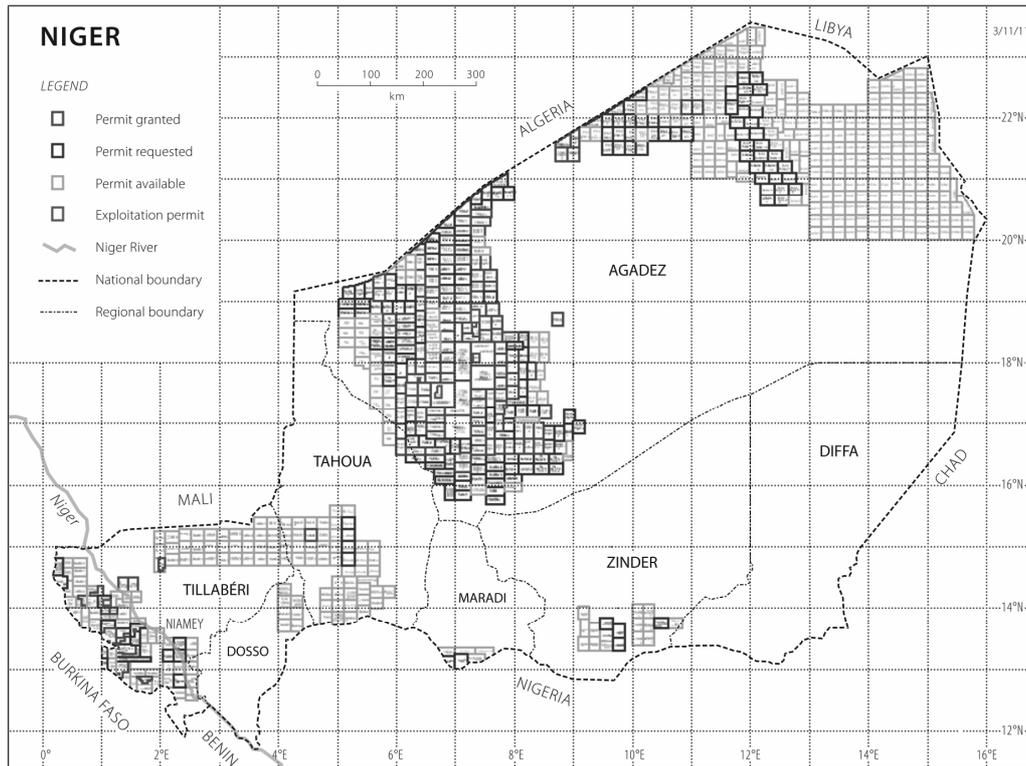


Fig. 1: Cadastral map of mining activities in Niger, 2011. Source: Ministry of Mines and Geology.

The global uranium market is concentrated with ten mining companies domiciled in the major consuming countries (France, Russia, USA, Canada, Australia), together accounting for close to 90% of world production. This cartel like market is typically constructed on the basis of bilaterally negotiated contracts between producers and buyers, typically between a mine and a nuclear plant (Conde and Kallis, 2012; Guidolin and Guseo, 2012). Four mining corporations are today engaged in uranium extraction in Niger. French owned nuclear giant AREVA, the second largest uranium company in the world, and its subsidiaries holds three mines. The first Chinese run operation, the Azelik mine, was launched in 2011. AREVA is expanding its operations, with several new sites being prospected. Its most recent operation is at Imouraren, where AREVA in 2007 rediscovered uranium deposits in a pre-existing mining site (Imouraren SA, 2012). However, the prolonged armed conflict in the northern part of the country and the deterioration in security conditions, marked by the kidnappings of AREVA workers in 2010 at the Imouraren site, led to a suspension of the activities. Most workers have abandoned the site, including all international staff, and the Government of France vetoed the continuation of the operations until the safety can be guaranteed (Table 1).

Table 1: Uranium mining operations in Niger under the AREVA Group. Data from Salifou (2012). SOPAMIN = Société du Patrimoine des Mines du Niger, the state agency managing Niger’s shareholding. The Mining Code (*Code Minière*) stipulates that 30% of shares of each mining operations must be owned by the Nigerien state (Government of Niger, 1993).

Corporation	Location	Establishment / Production commenced	Mine type	Shareholding
<i>Somaïr</i>	Arlit	1968 / 1971	Open pit	AREVA: 63,3% SOPAMIN: 36,5%
<i>Cominak</i>	Akoukan	1974 / 1978	Underground	AREVA: 34% SOPAMIN: 31% ENUSA (Spain): 10% OURD (Japan): 25%
<i>Imouraren</i>	Imouraren	2009 / 2014	Open pit	AREVA: 67% SOPAMIN: 33%
<i>AREVA NG</i>	n.a.	2006	Holding admin.	AREVA: 100%

Uranium extraction was first initiated by the French corporation Somaïr in 1971. Discovery of the first deposits were made in 1957 in Azelik by the *Bureau Minier de la France d’Outre-mer*, originally searching for copper, and subsequently immediately piloted by the French *Commissariat à l’Energie Atomique* (Bigotte and Obellianne, 1968). The main deposits are found in the north of the country, namely in the *Tim Mersoï* sub-basin and the *Iullemmeden* sedimentary basin (Pagel et al., 2005). The discovery of uranium and the first extraction coincided with the creation of the Republic of Niger in 1958 and independence in 1960. The sector has thus played an influential role in shaping the development of the country since independence, including its domestic fiscal system (see also Barlow and Snyder 1993).

Uranium dominates the national export portfolio in terms of absolute financial value, representing 75% of the total export value in 2011 (Fig. 2). The vast majority of the production is exported to EU, with France as the main importer (INS-Niger, 2012). The growing export values post-2007 partly reflects that a new surge in international market prices and increasing competition among foreign investors enabled Niger to renegotiate its sales price. In 2006, the average sales price upon export was 25 200 FCFA while increasing to 55 000 FCFA in the period 2008-2010 (INS-Niger, 2011). However, Niger benefits from limited value adding in the value chain; as a landlocked country it is dependent on

transport of uranium ore through neighbouring countries and the processing of the ore takes place in the importing country. The national revenue is derived, among other, from the mining fee (5.5% of the extraction value) and the extraction tax (250 FCFA/m³). In recent years the revenue obtained by the state corresponds to close to 20% of the export value, and has not yet responded to the increase in sales prices (Fig. 3).

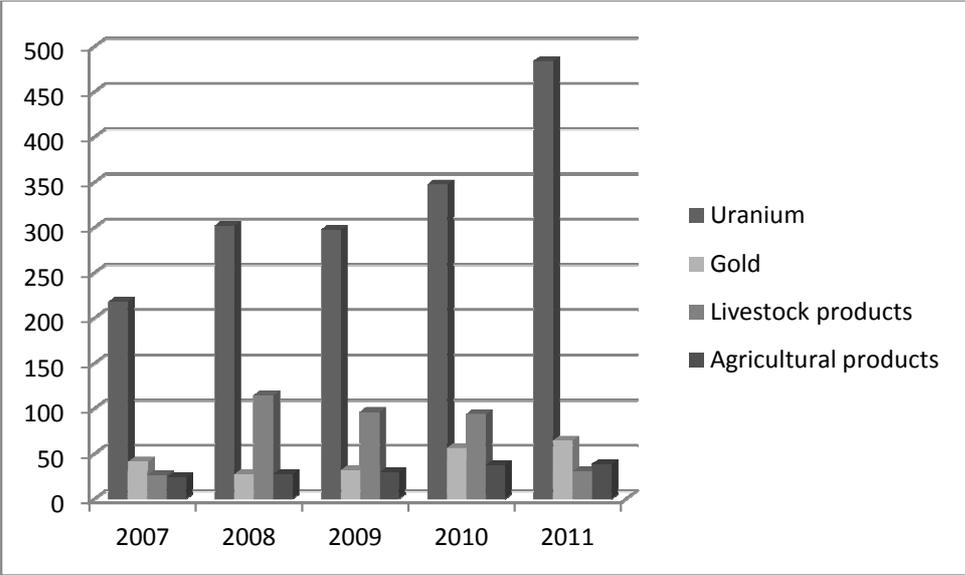


Fig. 2: Export values of select principal products from Niger 2007-2011. Euro Millions. Source: INS-Niger, 2012.

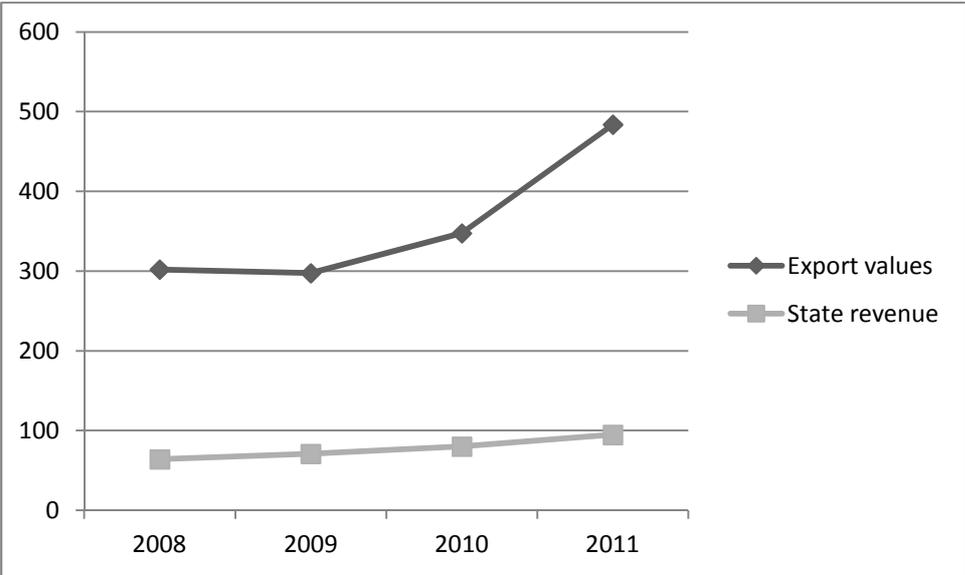


Fig. 3: State revenue compared to export values 2008-2011. Export values are derived from INS-Niger (2012) and state revenues from Ministry of Mines and Geology (2012). Euro millions.

In terms of local development contributions, the state has since 2007 committed to return 15% of the mining revenue directly to the affected zones. Principles of repartition (law no. 2006-26 of 9 August 2006) prioritise communes in the mining zones based on a list of criteria estimating the relative impact born by each commune. They are required to allocate 90% of the funds to investments (such as infrastructure, education etc.), 5% to staff and operational costs, and 5% to monitoring activities. For the region of Agadez, which hosts the majority of the uranium mining activities, the repartition totalled 283 989 Euros in 2010, distributed over the three Départements of Tchirozérine, Arlit, and Bilma and their 15 communes (Ministry of the Interior and Public Security, Decentralization and Religious Affairs, 2012).

Regulatory regime and institutional structures for environmental governance

The national constitution of 25 November 2010 spells out the need to regulate through law the attainment, storage, handling, and elimination of toxic waste and pollutants arising from industrial activity. The framework legislation for the environmental sector (law no. 98-56 of 29 December 1998) serves as reference for all regulation of environmental management and protection, including in the mining sector. Many of the legal provisions promulgated at state level are, partly through the *Code Rurale*, to be implemented by the competent authorities in the decentralized government administrations, namely the *régions*, *départments* and communes (law no. 2002-012 of 11 June 2002). The *Code Général des Collectivités* also describes the sub-national competences for environmental protection and management (Ministry of the Interior and Public Security, Decentralization and Religious Affairs, 2012). It also details the Commune Development Plans (*Plans Communaux*) as key instruments in local planning, where proposals for new mining sites should be presented. Niger was characterised by a decade of socio-political instability during the 1990s, and in 1999 the 5th Republic was established with democratically elected local authorities. In 2004, after the overcoming of the military rule, the first successful municipal elections took place (see also Turner et al., 2012). The reform included greater fiscal autonomy to the *départments* and *régions*. However, with the salient features inherited from the centralized operation in the French colonial system (Barlow and Snyder, 1993), revenue generation in sub-national administrations remains constrained.

After continued struggles for recognition by pastoral peoples, the Nigerien government has undertaken to construct a particular legal framework on pastoralism (notably law no. 2004-048 of 30 June 2004). Already in 1961 the pastoral zone (*Zone Pastorale*) was established, stretching from the west to the east of the country entirely reserved for livestock herding, excluding agricultural activity and the holding of private property (law no. 61-06). South of this zone, livestock corridors and grazing territories (*terroirs d'attache*) are recognised, including in agricultural land (decree No. 97-007 of 10 January 1997). However, this legislative framework lack formal recognition of fundamental rights of pastoralists and herders, including pastoral land use and informal management arrangements, which distribute water and grazing rights (Thébaud and Batterbury, 2001). These weaknesses were partly addressed in 2010 when the Pastoral Law (ordinance no. 2010-029 of 20 May 2010) was signed in Parliament, prohibiting appropriation of pastoral land and providing the possibility for herders to register use rights in common property regimes in order to protect collectively owned areas against privatization (e.g. de Jode, 2010).

Still, as dictated by the Mining Law (*Loi Minière*) of 1993, mineral wealth is the property of the state, with the right to expropriate and endow corporations with the permits to establish necessary infrastructure, alter the landscape and withdraw water resources (Government of Niger, 2006a). Expropriation for public purposes and eviction of previous claimants should follow the stated rules on compensation (decree no. 2009-224/PRN/MU/H on and ordinance no. 99-50 of 22 November 1999). These alienation tariffs are applicable to the entire national territory and all types of formalised land tenure, whether this concerns settlements, agriculture or pastoral livestock herding.

Environmental impact assessment (EIA) and general monitoring is undertaken by the national Environmental Impact Assessment Bureau (*Bureau d'Evaluation Environnementale et des Etudes d'Impact* – the BEEEI) (BEEEI, 2005). In the application for a mining permit, the project promoter must submit a completed EIA, including an environmental and social management plan and a plan for the rehabilitation of the site. This approach follows the Polluter Pays Principle in that the project promoter is held liable to mitigate or compensate for all identified impacts. The Terms of Reference

for the EIA is to be drafted by the project promoters and verified by the BEEEI. The draft assessment report must be presented in a public consultation following BEEEI's verification mission to the site.

The National Center for Radiation protection (*Centre National pour la Radiation protection* – the CNRP), located under the Ministry of Health, is responsible for surveillance and control with regards to radiation protection. This includes the application of international protection norms following the International Atomic Energy Agency (IAEA) and French governmental standards, and the specification of maximum exposure doses for workers and local populations. Corporations are required to submit one report per semester on environmental impacts and one on radioactive exposure. Routine inspections are conducted annually through joint efforts of the CNRP and the site manager.

Above and beyond public regulations, mining companies have adopted several international CSR standards. Operators under the AREVA Group, such as Somair and Cominak, are ISO 14001 certified (on environmental management systems). Both companies are also accredited under the occupational health and safety standard (OHSAS 18001).¹

Grievances and alleged environmental impacts

Despite this formal administrative framework, the uranium industry is operating in the face of severe grievances from affected local populations and transhumant pastoral peoples. While there are few consolidated accounts of these impacts publically available to date, a considerable body of national NGO reports does exist (e.g. Collectif Tchinquagen, 2008; Joseph, 2008; ROTAB, 2009, ROTAB, 2012; Daouda, 2012). Furthermore, in 2010, Greenpeace released a report on the mining activities of the French-owned AREVA Group (Greenpeace, 2010). Funnelled by such reports, the issues of environmental pollution have made it to the global media headlines such as the German daily *Das Spiegel* (Meyer, 2010) and the British *The Guardian* (Mark, 2011).

In the interviews, civil society representatives generally reported how radioactive debris was freely deposited, contaminating sediments and water bodies, with radioactivity exceeding the permitted exposure dose in public buildings such as schools. For instance, reference was made to radioactive pollution of water bodies, leading to birth defects and bodily deformities in the local population.² As

one contributor commented: *“The dangers are evident: radioactive waste ... is stored in free air... This fact is well known... exceeded exposure levels are found in the schools, in the air, water...”*³

Local populations and pastoral people rely on drinking water, which they fear is contaminated, posing risks for people as well as animals. Examples were provided of water being extracted from groundwater aquifers, which are no longer replenished.⁴ (When the uranium deposits are located between two permeable layers of sediment then the ore may be obtained through the controlled leaching of acidic substances (so-called lixivation), which inevitably leads to contamination of sediments and ground and surface water.)

Oral reports were also shared of a lack of compensation for work related illnesses and lack of compliance with the norms on health surveillance: *“Until now there have been no single case of work related illness formally identified in the country...only one case has been identified; this was a worker who returned to France and fell ill there - he was identified to have a work related illness and received compensation...but in Niger, no! How come French workers are returned to France after [a few] months to avoid long term exposure [while] workers from Niger are not protected...?”*⁵

Reference was also made to a lack of medical staff, with one example being the case of the *Observatoire de la Santé* (Health Observatory) in Arlit, managed by the AREVA Group. This health observatory was established in 2010 by AREVA, reporting that several NGOs are now involved in oversight of its operation.⁶ However, as expressed by these organizations, the observatory had been put in place after 40 years of mining operation, only as a response to persistent pressure from civil society.⁷ The fact that the observatory is managed within the AREVA structure was seen to compromise its ability to provide independent expert opinion on radioactive exposure and workers' health.⁸ In this view, the observatory had not addressed complaints on lack of competent medical support and provision of grievances procedures for workers, who have fallen ill during their employment with the AREVA Group.

Pastoral organisations described widespread evictions of people and disturbance of livestock herds through the use of heavy vehicles and military escorts, including military personnel hunting freely in protected areas and on endangered wildlife.⁹ They also described waste bins and toxic dumps

discovered by herders, that mining vehicles frequently kill children and animals, and that corporations prohibit livestock corridors on their perimeters, thus blocking livestock migration routes.¹⁰ These impacts of the expansion of mining activities are pushing herders further north to avoid conflicts – areas with less forage and scarcer water resources.¹¹ Indeed, the degree to which the expanding mining research, prospection and exploitation infringes on pastoral land can be partly discerned from a comparison of the cadastral map held by the Ministry of Mines and Geology (Fig. 1) and the map of livestock concentrations and migration held by CAPAN (the umbrella organization for all pastoral NGOs in Niger) (Fig. 4). Mining activities are carried out on a significant part of the *Zone Pastorale*, as well as in livestock corridors in the agricultural zone. Furthermore, from the count of livestock vaccinations carried out in 2011 (CAPAN, 2012) one observes that the region of Agadez (the main target for uranium mining activities) hosts close to 15% of the over 5 million bovines, 1% of small ruminants, and 14% of camels of the national total. Significant seasonal movements of livestock and herders also occur north of Arlit, critically dependent on groundwater aquifers, oases and springs (see also FAO, 2001).¹² The area of Azawak, Tamesna, and the Vallée de l'Irhaser contains sediments with high salt concentrations, to which herders bring their animals in the period July-September to let their animals drink from the salt-rich waters. This is also associated with the so-called *Cure Salée*, a feast to celebrate and benefit from the once-per-year encounter between pastoral and transhumant tribes and peoples) (see also Joseph, 2008).¹³

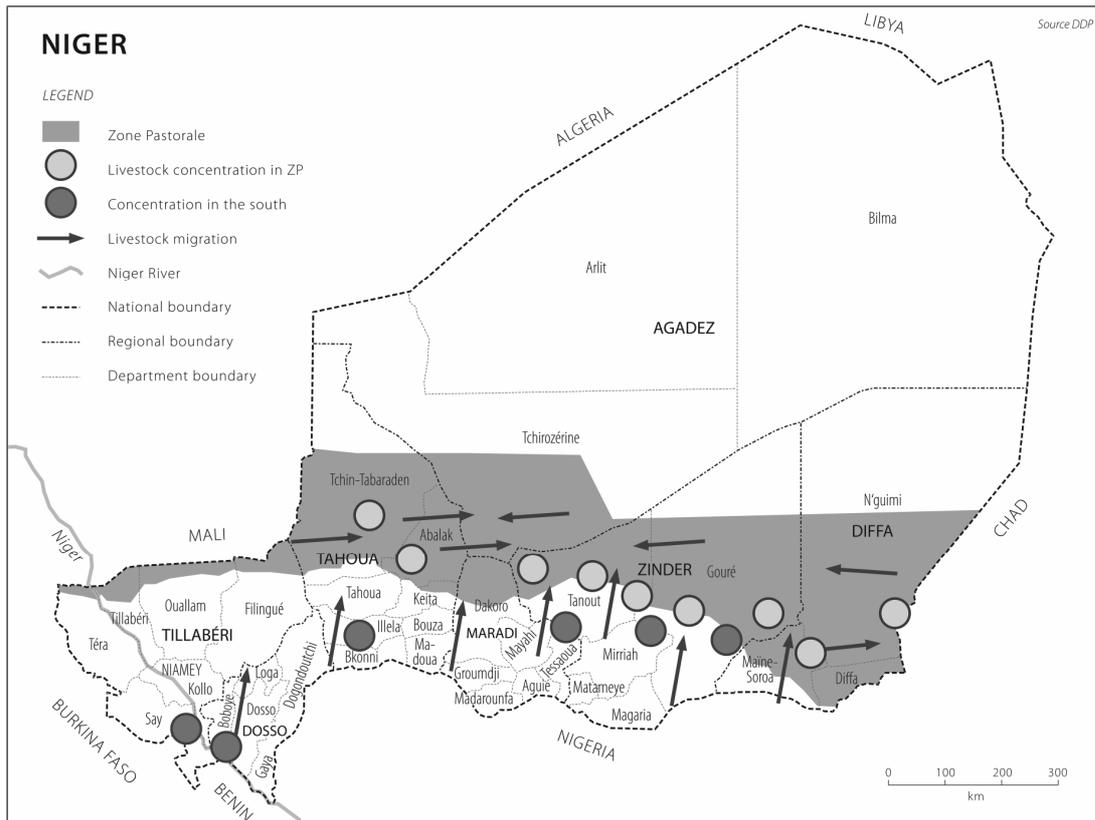


Fig. 4: Concentration of livestock herds and their movements as of 20 July 2011. Courtesy of CAPAN.

Critique of institutional performance

The complaints and grievances aired by civil society representatives were rejected by the leadership of the uranium mining corporations.¹⁴ Meanwhile, all interviewees for this study, irrespective of affiliation, acknowledged flagrant shortfalls in the capacity of the public administrations to monitor and enforce – and thus validate corporate claims to compliance. In several cases the mining corporations fund or otherwise support the training of the very agency staff that shall monitor their operations.¹⁵ As expressed by one staff in the AREVA Group: *“Those who come to monitor our activities don’t... have the required competences...”*¹⁶ One civil servant stated, expressing concern with the reliability of procedures for radiation protection: *“[We] should really have ‘contra-expertise’ and undertake measurements independent from the companies’ own assessments... The state ought to have its own data... but on the ground there is not even a laboratory. [We] once tried to undertake samples together with the companies, but the results were not in accord... We don’t even have resources to analyze water samples...”*

Such human resource and technical capacity gaps, including personal infighting over finances and corruption, were also seen to undermine the repartition of revenue to communes and application of Commune Development Planning.¹⁷ As expressed by the Director General of the Ministry of Interior: “...there is a lack of human resources, and the logistic are missing... In particular there is a problem with elitism that has to be addressed. In many communes... mayors cannot even read or write”.¹⁸

These capacity constraints were also noted for national agencies; in the Ministry of Mines and Geology, crucial regulatory agencies have not recruited one single new staff during the last 15 years.¹⁹

In practice, the legal recognition of pastoral rights, including claims for compensation upon encroachment by mining operations, has proven largely ineffective. Despite the passing of the Pastoral Law in 2010, there is yet no implementing decree. Furthermore, few, if any, pastoralists have yet applied for legal recognition of their *terroirs d'attache*. If the claim is already recognized locally then few people will bother with the cumbersome registration procedures, and if the claim is disputed then experience has shown that legal recognition will not be granted.²⁰ Moreover, while a settled village may mobilize to negotiate with the corporations to ensure compensation for the loss of land, pastoral groups are disadvantaged through their transient presence. AREVA explained that they have to date not involved any pastoral NGOs in their local partnerships.²¹ These weaknesses allow pastoral territories to be extensively appropriated by the state for mining purposes without relinquishing the required compensation and without respect for the use rights granted with the pastoral legislation.²² Some quotes from the interviews demonstrate this argument: “*The approach of the state is based on a lack of respect for pastoral rights - they don't feel obligation to respect the Zone Pastorale*”.²³ “*The rights of the livestock herders are hardly ever taken into consideration... the land is considered as public lands of the state*”.²⁴

One particular problematic area concerned the application of the EIA procedures.²⁵ Civil society representatives explained that assessments often were partial and excluded important impacts. The compulsory public consultations were seen as very opaque, with limited access to the documentation (see also CARE Niger, 2009). As expressed by one program manager, describing a recent case: “[*the local population*] never saw the EIA, it was only presented [*verbally*] in a hearing, which was not

really consultation but more a presentation and the people involved seemed to know little about the assessment". Project promoters are seen to prepare selective Terms of Reference for consultants, and impacts on pastoral land and resource rights will be assessed in a separate document to the EIA core text only if this is specifically requested through the TOR.

One centrally placed ministry staff commented: *"The EIA process [depends on] coordination between the Ministry of Mines and Geology and the BEEEI, but the latter is often very slow in responding and they lack financing to undertake their work... the practical question of implementation is... difficult"*.

The Director of the BEEEI was acutely aware of the criticisms from civil society and explained that: *"...This is why the civil society criticizes us and believes we are negligent, but we just don't have the resources to carry out all steps and procedures. Currently, there is one person in place in the bureau to verify and respond to all mining project applications [in the country]. This has been the situation since 2000. It means that it is unfortunately not possible to undertake all verification missions..."*²⁶

The Director of BEEEI further explained that their representatives in the regional governments suffer from a shortage of staff and technical equipment, preventing monitoring of radioactivity. He also acknowledged that they have not yet had the capacity to develop standard guidelines for the preparation of Terms of Reference for EIA consultants.

Similar constraints were faced by the National Center for Radiation protection (CNRP). While mandated to undertake surprise inspections (*inspections inopinés*), such inspections have not yet been practiced, citing a lack of resources. For the general (annual) inspections, conducted jointly with the mining operators, no common standard for control is applied.²⁷ NGOs frequently criticized the CNRP for negligence and lack of independent controls. The pastoral NGOs also explained that while they have mounting concerns regarding the impacts of radioactive pollution on their livestock the CNRP is not equipped to monitor the risks pertaining to livestock.²⁸ Moreover, civil servants explained that there is yet no qualified mechanism to monitor corporate implementation of rehabilitation plans on mining sites, with finances for rehabilitation managed entirely by companies.²⁹

Contributions from development cooperation

In contrast, environmental issues associated with the mining sector in general, and the uranium mining in particular, goes without mention in the guiding documents of the principal development cooperation donors. In the joint evaluation of the 2000-2008 cooperation with the European Commission, Belgium, France, Denmark and Luxembourg (SEE, 2010) attention is paid to the economic potential of the uranium mining sector and concerns are raised regarding transparent and democratic revenue distribution. However, no reference is made to environmental impacts or risks associated with uranium mining. In the country strategy of the European Union (European Commission, 2008a), including its chapter with the country analysis, there is no recognition of environmental impacts and/or risks associated with the mining sector. The same is the case for the World Bank's Country Assistance Strategy for Niger (World Bank, 2003), the United Nations Development Program's (UNDP) Country Program 2009-2013 (UNDP, 2009), and the African Development Bank's (AfDB) country profile (AfDB, 2010). An exception is found in the Accelerated Development and Poverty Reduction Strategy (SDRP), in which one sentence notes that “[t]he efforts to preserve the environment and manage the sanitary risks linked to the uranium mining will be continued” (IMF, 2008, p. 95). In the budget allocations for the action plan of the SDRP there is however no funding allocation towards management of environmental risks.

This oversight finds expression also in the aid flows and programmatic implementation. The review of the total AidData repository for all donors to Niger ranks emergency relief and disaster risk reduction (incl. food aid and post-conflict reconstruction) second after general budget support and actions related to debt relief (Fig. 5). Of the disbursed funds recorded 1964-2010, emergency relief and disaster risk reduction received close to 13% of total donor funding, only surpassed by macro-economic support and debt relief. A joint evaluation for the period 2000-2008 of donors (representing over 50% of the aid budget) similarly found that rural development and food security programs ranked second with 19% of the funding (SEE, 2010). Meanwhile, general environmental protection received less than 2% of donor funding. During 2005-2010 the mining sector received close to 1% of the total aid budget (Ministry of Economy and Finance, 2006-2011). For the 1974-2007 period, the AidData repository

lists 39 donor commitments to the Nigerien mining sector, principally from France (14), Japan (11), the European Community (6), and Canada (5). However, only six of these appear, from the available data, to have resulted in disbursements, all focusing on the promotion of the mining sector and its general fiscal management without mention of environmental risks.

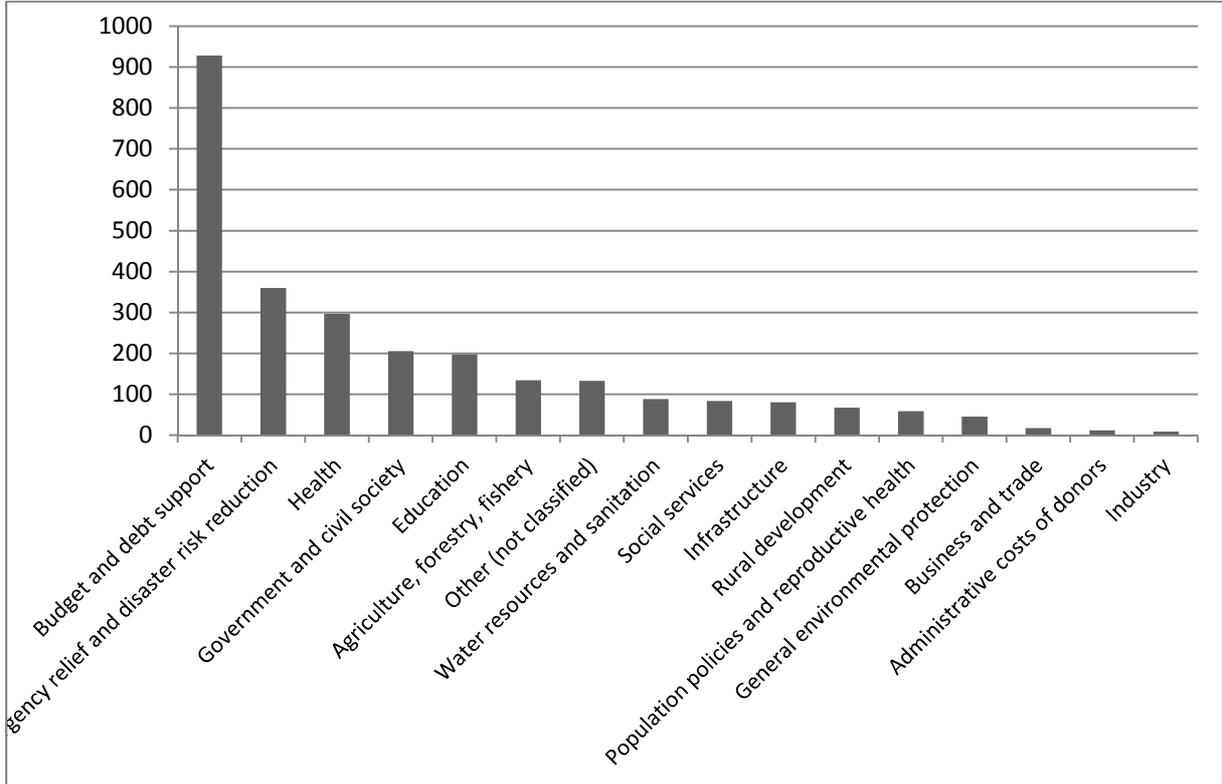


Fig. 5: Disbursements per sector to Niger 1964 – 2010. Figures are in USD millions, derived from AidData based on available purpose codes. The registry of disbursements in AidData is incomplete but the most comprehensive available. For details on the methodological limitations associated with the use of the AidData database see Tierney et al. (2011). In the period 1964-2010, 11.3 USD billion were committed from development cooperation to Niger, and in the period 2005-2010 Niger received a total of Euro 1 139 Million in development cooperation via grants, loans and debt relief (provided its status as Heavily Indebted Poor Country). As registered by the Ministry of Economy and Finance (2006-2011), the five largest donors in terms of non-refundable grants in the period were the European Development Fund, the International Development Association (IDA) under the World Bank Group, UNICEF, the French Development Agency (AFD), and the World Health Organization. While bilateral donors, especially France, were dominant in the 1990s (Lund, 1997) multilateral donors thus now shoulder most of the support.

At a programmatic level, interviewees highlighted two examples of targeted donor support to the mining sector with potential relevance to its environmental governance: The Program to Strengthen and diversify the mining sector (*Programme de la Renforcement et Diversification du Secteur Minier* – the PRDSM) and the EITI. The PRDSM is financed by the European Development Fund with the aim to strengthen the state's capacity to promote the mining sector in collaboration with domestic and international investors, and to regulate the sector, most notably in regard to socio-economic obligations (European Commission, 2008b). A previous program (*Programme d'appui du developpement du secteur minier* – the PADEM) was financed 1987-90, also focusing solely on the search for mineral deposits.³⁰ The PDRSM contains two axes of implementation. The first is in the area of diversification into other minerals than uranium in priority zones defined by the Ministry of Mines and Geology. Second, a capacity building component aims to improve the public sector services in the mining zones to augment medical and health provision, receiving close to 19% of the total budget of 35 Euro millions. While important, this support represents post-damage control and does not aim at environmental governance of the mining activities. Furthermore, close to 100 people in the Ministry of Mines and Geology have been engaged in training activities, principally covering themes such as information systems management, prospection, and fiscal monitoring. However, these trainings have not involved environmental, radiation protection or public health agencies.³¹ Of more relevance was, arguably, the direct support to improved environmental governance of the uranium mining in the program's funding to select NGOs with a total of 400 000 Euros, focusing on improving local governance in the mining zones and addressing the negative impacts of uranium and gold mining. Moreover, it has supported the work of the EITI with 100 000 Euros to staffing and trainings.³²

Niger saw the launch of the EITI in 2005 and was by March 2011 conforming to all elements of the standard as the first Francophone West African country (CNC, 2011). The EITI Niger is coordinated through the *Committee National de Concertation* (CNC) with representatives from government, civil society and corporations. The political importance of the CNC is evident from events in 2008 surrounding the imprisonment of the Minister of Justice. Citing concerns with breach of the rule of

law, civil society organizations opted for leaving the CNC as a means of exerting pressure, contributing to the Minister being released from prison (ROTAB, 2009).³³ The EITI was repeatedly cited as a land mark initiative, initiated by the Nigerien government with support from national civil society through the international Publish What You Pay (PWYP) campaign. Several of the NGOs, which today play an important role in the monitoring of the mining sector, were established during this period to promote the initiative with support from development cooperation donors (see also ROTAB, 2012).³⁴

Finally, in recognition of weaknesses in the current framework legislation for the mining sector, preparations are being made for a revision of the *Code Minière*. The revision will be part-financed and supported through a World Bank project (*Projet d'Appui à la Compétitivité et aux sources de Croissance – the PrACC*), expected to provide a six-year programmatic support to improve the business climate through fostering foreign investments, exports, and business developments, and boost the general competitiveness (World Bank, 2012). The foreseen contributions include legal revisions to stimulate diversification, and institutional strengthening aimed at improving the efficiency in the extractive industries. Reference is made to strengthened environmental management in mining operations; however the available documentation is vague and does not specify what fraction of the total envisioned budget of close to USD 12.5 Million will be allocated to the implementation of environmental and social objectives in the mining sites. Given past experiences, it seems fair to assume that the prioritisation will be minimal.

DISCUSSION AND CONCLUSIONS

The role of development cooperation in the environmental governance of the uranium mining sector in Niger, exposed to the expanding global uranium frontier, has been ambiguous. Donors have actively promoted the extractive industries while grave environmental governance issues associated with uranium mining, pertaining to both alleged impacts and rampant institutional failures, have represented a 'blind spot' in the aid portfolio. Past and current delivery of development cooperation support has been insufficient to address the deeper structural deficiencies cemented by decades of

investment-friendly mining politics. Indeed, the weak performance of the formal institutional structures substantiates the persistence of the ‘easy access’ doctrine and the hard lived legacy of previous neoliberal reforms also observed elsewhere in mineral rich African countries (Campbell, 2010; Bourgoignie, 2011; Lauwo and Otusanya, 2012). Such disabling conditions have been officially expressed to the international community at several occasions (e.g. Government of Niger, 2000, 2010) and should be well known to development cooperation partners to Niger (see also Benjaminsen et al., 2008, Bolwig et al., 2009; Ravnborg et al., 2013),.

Donors’ ignorance of the environmental governance challenges in the uranium mining sector, especially the gaps encountered in the concrete implementation of the legislative regime, cannot be explained by a lack of consolidated information on the social and environmental impacts. In the launch of environmental programmes, development cooperation frequently reacts to anecdotal evidence shaped by the intractable uncertainties and diverse world views surrounding environmental issues (Levine, 2002; Davies, 1992; Sato et al., 2011). Rather, the findings support an existing body of research in the Sahel pointing to a selective emphasis of development cooperation on food security, population growth, and desertification. Mortimore and Adams (2001) has previously argued that development cooperation interventions in the past decades have been largely based on a narrative rooted in a ‘crisis orthodoxy’, evoking climatic change, population growth and environmental degradation as key causes. Through this crisis discourse, development cooperation tends to emphasise techno-centric adaptation strategies at the expense of recognition of the agency of supposedly ‘vulnerable’ groups (e.g. Tschakert, 2007). While the facts on food insecurity and hunger are sadly undeniable, their interpretation through linear and deterministic causal assumptions between climate variability and societal conditions is problematic. As body of research has shown how this view ignores that in the Sahel, as in other semi-arid locales, extreme climate variability is the norm, and assumptions regarding a straightforward causal relationship between climate change and the impacts on human livelihoods disguise the role played by adaptation strategies and coping capacities (Batterbury and Forsyth, 1999; Thébaud and Batterbury, 2001; Nielsen and Reenberg, 2010; Nielsen and Vigh, 2012). These, in turn, depend on a wide range of environmental, economic and social

changes experienced by the population, mediated by the institutional arrangements put in place by the government, corporate actors and foreign development partners.

The mobilisation of dystopian accounts of climate change and environmental degradation has elsewhere been used to conceal governance failure and motivate centralistic and techno-centric development programs, removing attention from the vested interests of donor countries and elites in the host countries (e.g. Leach and Fairhead, 2000; Verhoeven, 2011). From this perspective, the crisis discourses on desertification and food insecurity are convenient instruments serving to divert attention from geopolitical interests in the country's mineral wealth. To be sure, the three donor countries most heavily engaged in the support to the diversification of the mining sector are all uranium dependent with large nuclear energy sectors (France, Japan, Canada). Such countries may prefer to import uranium ore from Niger rather than mine the geological deposits known to exist on their own territory. Indeed, while the majority of the uranium deposits in European countries have been depleted, deposits remain dormant and unexploited, for instance in France (IAEA, 2009). It is no surprise that European development cooperation is guided by political decisions looking to fulfil the desires of national audiences, including security objectives where aid is not expected to be altruistic (e.g. SEE, 2010; Brunbech, 2011).

Altogether, bilateral and regional (European) development cooperation to Niger appears to struggle with many of the same internal contradictions as do the multilateral institutions, such as the World Bank. This includes an ambivalent position in the search for desirable governance and institutional arrangements in a neoliberal era, where markets are thought to provide solutions to old liberal democratic schisms but a global tragedy of the commons precipitates rampant failures to govern new transnational spaces of mineral resource exploitation. The present study thus adds a new dimension to previous analysis of the political economy of mining, highlighting how the promulgation of a new social development narrative, through partial policy reforms, investment guidelines and voluntary standards, represents but a continuation of the established politics of mining, situated within a broader neo-liberal push to extend market discipline and a strategic absenting of the state from its regulatory functions (Campbell, 2010; Hatcher, 2012; Campbell, 2012).

To be fair, some positive examples are available where CSR standards and awareness of international conventions, such as the International Labour Organisation's labour standards and the UN Human Rights Charter have enabled local leaders to mobilise and prompt the industry to take action (e.g. Hallboom, 2012). However, while the promotion of the EITI and the support to civil society in Niger was seen to enable some mobilization of grassroots and efforts for strengthened governance the effects appeared appallingly insufficient. Previous analysis of the effects of the EITI in African countries has shown that ensuring transparency is required but not sufficient to counteract corruption (Kolstad and Wiig, 2009). In the face of a highly uneven playing field and historical inequalities, community engagement in voluntary initiatives such as the EITI leads to limited outcomes (Smith et al., 2012). Similarly, the ISO standards applied by corporations in Niger are limited in their scope; they refer only to compliance with national legislation and voluntary commitments and do not provide an international objective baseline against which to audit compliance (ISO, 2012). Notwithstanding the substantive weaknesses of voluntary standards, it is also well recognised that espoused principles are rarely internalised in practice (Slack, 2011).

In this regard, Campbell (2012) argues, with regards to the African mining industry in general: *“No quantity of CSR can correct ... deeply rooted and country-specific structural issues. Rather current approaches to CRS tend to reproduce the shortfalls of the past disaggregated agendas imposed by external actors, to the detriment of the appropriation of coherent inter-sectoral social and economic development objectives and their implementation through public policies”*. Indeed, a growing body of work on the proliferation of CSR in the extractive sectors has shown how tokenistic adoption serves to deflect criticism, coopt stakeholder involvement and undermine local resistance movements (Warnaars, 2012; Murguía and Böhling, 2013; Lauwo and Otusanya, 2013). Despite continued debate on the efficacy of CSR, it seems naïve to assume that CSR can ever be other than a limited complement to properly functioning governmental institutions that legislate and regulate (e.g. Hilson, 2012b).

Clearly, development cooperation could do much more to contribute towards a fostering a properly functioning domestic governance regime, which addresses the politics of uranium mining in Niger.

More attention is needed to the actual performance of institutions in their daily praxis and less to the creation of glossy legislative texts and CSR policies that serve primarily to legitimise the industry and provide pretence of compliance. The question is if development cooperation, subject to donor countries' vested interests, is up for the job to empower the domestic actors committed to revise investment policies and reform deep-rooted informal cultures in government institutions penetrated by corporate power. Mineral rich African countries are in mutual competition for international investors and national elites are prone to engage in a 'race to the bottom' and lock reforms into conservatism unless an international environment is fostered that enables, incentivises and/or coerces the negotiation of new domestic governance regimes.

In this regard, we concur with Bleischwitz et al. (2012) that there is a need for greater coordination in international responses to promote ethical and legal trade in minerals, including the construction of appropriate institutions to regulate prices and incentives. Smith et al. (2012) have also argued that donor governments could move from a hands-off approach to taking active responsibility for 'second-order enforcement' when host state regulation fails. Central leverage may, then, not be located principally with development cooperation agencies but with finance and justice authorities in home states of Niger's internationally domiciled uranium corporations. In our view, it is unlikely that the dilemmas of corporate impunity may be addressed without the backing of mechanisms that enforce so-called extra-territorial obligations of home states, exerting jurisdiction over companies domiciled within their territory (e.g. McCorquodale and Simons, 2007).

Small, nascent, steps to this end have been taken by the European Union, propelled by an active social movement for corporate accountability and transnational justice. June 2013, motivated partly by the Dodd Frank Act in the United States, the EU revised its Accounting Directive (Directive 2013/34/EU) and Transparency Directive with mandatory disclosure requirements for mineral companies registered or listed in the EU to report on material payments to host governments, along the lines of – and thus aiming to encourage adoption of – the EITI. However, while large companies are generally required to provide non-financial information relevant for environmental and social reporting, there is a lack of clear guidelines, controls and enforcement mechanisms to ensure that the reports play a meaningful

role. The Commission is asked to review the feasibility of introducing due diligence requirements in the supply chain management, following the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Still, a ‘sanctions based approach’ to corporate accountability is unanimously rejected by the EU (de Schutter, 2004). Fleshing out an international regime that explicitly mandates and empowers plaintiffs in uranium rich countries such as Niger to file transnational law suits in the home state courts of foreign companies will also, as noted by Pegg (2006), go far beyond the recommendations set out in the World Bank’s Extractive Industries Review.

Nonetheless, concrete proposals have been put forward that may be rather swiftly acted upon by partner countries truly committed to a more sustainable development in Niger’s uranium mining industry. One such avenue concerns the opportunities for collaboration between Niger and home countries in bilaterally agreeing on relevant remedies and strengthening the enforcement of compliance with corporate performance standards. As a case in point, building on previous suggestions that states must cooperate to establish mechanisms for civil litigation on human rights cases, Prihandono (2012) has outlined how investment treaties can be adapted to include provision for extraterritorial jurisdiction and civil causes of action. Such measures would bring European governments closer to adhering to international human rights and environmental conventions, which they have undersigned and whose implementation development cooperation agencies are, in fact, mandated to contribute towards.

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