

## EDITORIAL COMMENT

I am pleased to present this Special Issue of *The Journal of Sustainable Development Law and Policy*. This edition focuses exclusively on issues of sustainable development in extractive investments and projects in the Global South.

The extractive sector (oil, gas and minerals) constitutes a major share of exports and tax revenues for countries in the Global South, a region richly endowed with mineral assets that are essential for modern production and consumption. Africa, for instance, hosts over two-thirds of the world's reserves of platinum, essential in the electronics industry. More than half of global coal deposits as well as more than a third of global iron ore deposits essential for energy and steel production are to be found in Asia. Over half of the global copper production takes place in Latin America. These resources present both opportunities and challenges to countries in the Global South. While some countries have leveraged extractive resources to achieve sustainable and equitable human development, other resource-rich countries in the Global South, such as Nigeria, have been the epicentre of oil-related violent conflicts, environmental pollution, imbalanced power relations and inequalities across gender and geography. Other sources of conflict include forced relocation and displacements as well as the erosion of democratic ethos. What makes the difference between these two categories of countries is the design and implementation of legal, fiscal and institutional frameworks for the transparent, effective and accountable distribution of revenues from the resources.

This journal invited submissions for this special issue on "Using Extractive Resources to Boost Domestic Economic Transformations: Perspectives from the Global South". Although authors were free to choose any topic related to the broad theme, the journal expressed particular interest in recent developments in the Global South or best practices from other parts of the world that could inform legal and policy reform to engender transparent, effective and accountable distribution of revenues from extractive resources in the Global South. The journal received several submissions, each dealing with a different facet of the theme. After a painstaking peer-review process, ten submissions were accepted for publication.

This Issue begins with Sara Ghebremusse's submission, where she considers how recent natural resource-related policy initiatives taken by the African States fit into the developmental state framework that was used to study the

rationale behind the success of East Asian States after World War II. Ghebremusse's central argument is that while these initiatives are emblematic of the developmental state, they have yet to take full root in Africa given that they have not been fully aligned to address good governance and democratic challenges in the continent. Pontsho Ledwaba and Kgothatso Nhlengetwa take on mining policy in South Africa. They explore several programmes and initiatives introduced by the South African government within the past two decades to promote artisanal and small-scale mining. They argue that those policy interventions mostly failed to advance the growth of the sub-sector. Their article focuses on the lessons South Africa can learn from the experiences of the past two decades.

Property and environmental rights claims are at the centre of Sunday Lugar's contribution. He posits that the best way to address the clash is by ascribing "collective" rather than "private" property rights to the swaths of land on which oil exploration takes place. Jennifer Loutit, Jacqueline Mandelbaum and Sam Szoke-Burke's joint submission then explores how issues of property rights, community participation, and stakeholder engagement are increasingly being addressed through community development agreements. Adedoyin Akinsulore introduces the issue of corporate social responsibility (CSR) into the theme. She explores how CSR has been legislated under the Nigerian Minerals and Mining Act 2007 with an interest in the impact of such legislation on the promotion of CSR. Her main argument is that because of this CSR legislation, mining corporations in Nigeria are no longer permitted to make CSR a philanthropic activity.

Jacky Mandelbaum, Salli Swartz and John Hauert then take us back to the potentials and limitations of natural resource-related investment contracts in addressing issues of community participation, corporate social responsibility and stakeholder engagement. The authors discuss increasing demands, particularly by States, for re-negotiation of such contracts, noting that such demands introduce uncertainty into natural resource investments. They outline the problems that arise from periodic review as well as the strengths and weaknesses of both contractually permitted periodic and at-request review, and advocate for a new approach to the periodic review.

Oyeniye Abe's article immediately takes the discussion to the regulation of multinational extractive companies through the UN Guiding Principles developed by John Ruggie in 2008. He explores the different ways in which States can implement the Guiding Principles, as well as how corporations can integrate human rights principles into their business practices. Rhuks

Ako and Eghosa Ekhaton look at the role of Civil Society Organizations (CSOs) in regulating the extractive industry, with a specific focus on Nigeria. They argue that CSOs put pressure on governments and corporations to promote transparency and accountability in the management of extractive revenues and respect for human rights. They examine both theoretical and practical frameworks that explain the evolution of the regulatory role of CSOs in relation to the extractive sector. Chilenye Nwapi's article then examines the Africa Mining Vision (AMV), which represents "a common voice for Africa" in the realisation of how Africa's mineral potential could be achieved. Nwapi focuses specifically on how the activities of think-tanks, established through the initiative of foreign governments to promote their economic diplomacy, can contribute to the realisation of the AMV. His main argument is that while these think-tanks put the interests of their countries first, African States can still leverage some of the capacity building programmes established by the think-tanks to advance the realisation of the AMV.

The contributions are rounded off with Gabriel Wedy's legal commentary on the role of the judiciary in promoting sustainable practices in the extractive sector. Wedy draws on his professional experience as a federal judge in Brazil to discuss how judges can foster sustainable practices in resource development. He links the role of the judiciary to the authority of judges to interpret the constitution and laws to sanction or stop projects that have the potential to pollute the environment.

In all, although the articles in this special issue do not exhaust the myriad of issues surrounding extractive resource development in the Global South, they address several of the most important issues. The publication of this special issue would not have been possible but for the efforts of members of the editorial team and our external reviewers who volunteered their time and intellect to enhance the quality of the articles selected. Their immense contribution is gratefully acknowledged.

Truly yours,

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