

**PUBLIC INTERNATIONAL LAW AND SUSTAINABLE
UTILIZATION OF MINERAL RESOURCES: THE CASE
OF SUB-SAHARAN AFRICA**

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ABSTRACT

The mineral producing countries in Africa like Ghana, South Africa and new entrant like Nigeria have demonstrated through their mining regimes that mining is not incompatible with sustainable development. Ghana's regime anchors on strong community-based land tenure, which gives prominence to protection of the rights and interests of local owners of the mineral-rich lands. The Nigerian regime aims purely at a liberalized mining sector with equal opportunities. Sustainable utilization of mineral resources is a matter of constitutional imperative in South Africa.

However, attempts by countries to integrate the principle into their mining regimes are not without challenges. For example, social circumstances have continued to impede legal provisions even when such is meant to achieve sustainable and equitable distribution of wealth and benefits among the stakeholders in the mining sector. The complexities of the overarching issues involved in mining sustainability for developing countries in Sub-Saharan Africa are multifaceted. In the region, repositioning the legal frameworks of minerals for maximum efficiency and socially responsible utilization is beyond law, though the imperative of a good legal regime cannot be over-emphasized. Beyond integrating sustainability into the mineral laws, a number of contextual underpinnings would also need to be taken into consideration by countries in the quest for practical sustainability in mining, as they shape not only the manifestation of local peculiarities but also the sustainability of the mineral sectors in Sub-Saharan Africa.

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