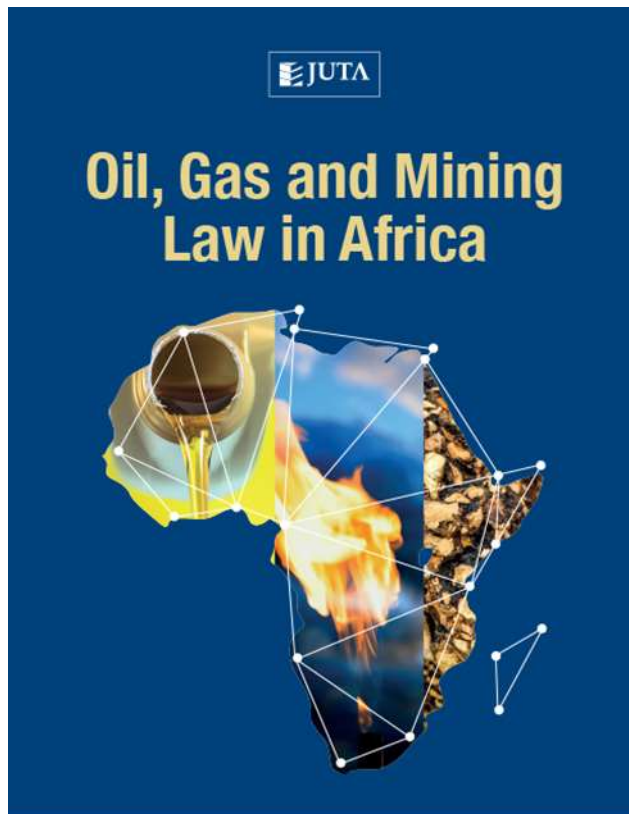


Book Review



THIERRY LAURIOL AND ÉMILIE RAYNAUD

OIL, GAS AND MINING LAW IN AFRICA

by Thierry Lauriol and
Émilie Raynaud

(584 pages)

Juta & Co (Pty) Ltd
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***"We have no more right to consume happiness
without producing it than to consume wealth
without producing it."***

– George Bernard Shaw (1856-1950)

The exploitation of natural resources in Africa is front and central to the economic, social and political development of the continent. This was largely the basis for colonial occupation in the past, but in a modern era the pressures of climate change, inequality, corruption, sustainability, changing technology and other factors continue to underscore the critical importance of the resource and power-generating industries in Africa.

The publication of this comprehensive examination of oil, gas and mining law is a remarkable achievement by the co-authors and the culmination of years of dedicated scholarly and practical research and study. As the chapters unfold, the reader is introduced to the background, stakeholders, concept and granting of mining rights. The legal and contractual framework for the exploitation of natural resources is explained. The sovereignty of states and questions of ownership are dissected and examined.

The book contains a detailed analysis of the operational aspects of exploitation, which include surveillance of performance, risk management, safety of employees and technology transfers. Economic imperatives to give preference to domestic service providers, stimulate the local economy and enrich the national assets of the host state add insight to the subject in its African context.

There is a wealth of information within these pages for further study. Footnotes underpin the text, and French authorities also carry translations into English. Cases cited involve parties that range from Libya, Estonia, Burundi, Kuwait, Argentina, Iran, Democratic Republic of Congo, Egypt, Jordan, USA, Romania, Lithuania, Morocco, Saudi Arabia and Greece.

The table of statutes includes legislation from 51 African states, as well as international conventions, covenants, declarations, agreements and treaties. Added is a schedule of arbitration awards and an extensive bibliography.

The co-authors are Thierry Lauriol, chair of the Energy, Mining and Infrastructure law group at his law firm, who lectures at the University of Paris II – Panthéon Assas, where he is the director of the Diploma in International Economic Law in Africa, and Émilie Raynaud, who is an associate at the firm and also a lecturer at the same University. They are both members of the Paris Bar.

This book will be a vital resource not only for legal practitioners and legislators dealing with the mining and energy sectors, but also private and public operators in mining finance, exploration, beneficiation, power generation, environmental, labour, infrastructure and many other related industries directly and indirectly involved in the multi-faceted legal frameworks expertly illuminated by this work.

Professor Yves Nouvel of the University of Paris II – Panthéon Assas, writes in the foreword:

"This book by Thierry Lauriol and Émilie Raynaud is like a borehole that sinks through the various legislative layers. Its scope is considerable, encompassing the applicable legal systems across the entire African continent. However, what makes this publication all the more remarkable is that, based on impressive documentation, it manages to establish a clear structure that cuts across the various national legal systems. "

This is a further addition to the impressive recent volumes produced by publisher Juta on legal developments in African countries and comparative legal studies across African regions and the entire continent. It reflects an ever increasing awareness of the importance and potential of cross-border co-operation and the benefits of sharing knowledge, experience and skills across international boundaries.

The 20th annual conference of the Southern African Development Community Lawyers Association is scheduled to be held in Zimbabwe in 2019. This affords a golden opportunity for lawyers throughout the region to exchange views at multi-levels and to explore the key contributions that the legal profession can make, not least in the resource and power sectors.

The 21st Commonwealth Law Conference is also scheduled to be held in 2019 in Livingstone, Zambia, organised by the Commonwealth Lawyers Association. This is a further forum for lawyers to benefit from gaining a broader understanding of current Commonwealth legal issues, including those related to mining, minerals and energy.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.