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An evaluation of community, government, and the mining industry relationships and policies in Zambia: towards conflict management in the mining sector

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ABSTRACT

In this article, I examine the Zambian mining industry and development in the mining sector from the viewpoint of social sustainability. A general history of the mining industry in the Mansa district of Zambia is outlined together with a description of the socio-political conditions of the country. The social sustainability of mining is examined by dissecting local level social conflicts that industrial mining activities have on the studied mining regions. The theoretical framework for this qualitative research is drawn from theories and literature on social impact assessment (SIA) and social sustainability. In addition, to examine community-company relationships, the literature on corporate social responsibility (CSR) is discussed. The empirical data is composed of semi-structured thematic interviews conducted in the manganese belt regions with multiple stakeholders, varying from representatives of mining companies to local residents. The study finds that inadequate legislation, poor environmental monitoring, and problems with governance are inducing multiple negative social impacts. Also, the poor participatory rights allowed to local communities, as well as the unequal distribution of benefits have made contributions to the local social conflicts and economy tangential. This has left the local communities disappointed and increasingly in opposition to the mining industry.

1. Introduction

The Republic of Zambia has come into the 21st century suffering from social conflicts arising in the mineral mining sector. The mining industry in Zambia is currently a basis of the industrial production of the country and contributes more than 40% of the total GDP of the country. In the recent past, the local mining hosting communities in Zambia have encountered a number of social conflicts related to unsustainable government

policies on mining and mining companies' establishments in the hosting communities. Exploitation and the use of mineral resources is the basis of modern societies and economies. Thus, the continued mineral exploration and mine development in Zambia has created a greater need for the design and implementation of a sustainable mining policy framework. With the depleting of some mineral resources and ever-increasing mineral resource consumption, these resources play a significant role not only in the economic development of the country but also in the world of political influence, as global power relations are increasingly influenced by the ownership of key natural resources.

The relationship between local communities and the mining industry has been attracting growing attention from various stakeholders. This industry has the potential to foster considerable economic growth both nationally and locally, and typically the sector has a strong in-presence in remote regions, where it is also a significant employer. Nevertheless, mining can induce multiple environmental, political, and social conflicts that can only be prevented through cooperation and commitment to sustainable practice. However, even more important for successful and sustainable mining, is the social contract the mining company should have to operate which can only be achieved through local communities' trust.

Social sustainability can provide strategies for approaching the social dimension of mining in a community. Taking a social sustainability perspective of the issue allows for an exploration of the impacts of mining on nature, society, and work, since this view acts as a mediator between nature and society. With the considerable mineral resource abundance, Zambia draws significant international interests. The unstable political and security situation in many rich mineral resources countries makes Zambia one of a topical area of interest. Many of the countries are seeking economic growth through the development of their raw material sectors, but they are also experiencing social conflicts with respect to their environment, civil society, and bureaucratic administrative systems.

Zambia is a developing country, with a long history of British colonial rule on mining. The country's mining industry has been rapidly blossoming but not developing sustainably. This can be attributed to the lack of a sustainable mining development policy framework. From the recent past, the country has been struggling with an unstable political situation and underdeveloped state institutions. The operational environment is underdeveloped, and the government has realized the need to improve, resulting in some efforts to mend operational preconditions through improvements to legislation.

2. Literature review

2.1 Global Trends in Conflict Occurrences

The rising trend in conflicts related to extractive sector activities appears to be part of a broader rising trend in the number of large-scale protests globally, which may reflect some possible common factors, notably in terms of greater political opportunities, ease of mobilization and communication, grievances against rising inequalities and

disaffection towards established political elites. During the period from January 2006 to July 2013, 843 large-scale protest movements related to a range of societal issues took place in 87 countries, Zambia inclusive, covering 90% of the world population [1].

2.2 Participation in Decision Making

Establishing fair and transparent dialogues and negotiation processes early is widely recognized as the path to positive relationships with local mine hosting communities. Consultation processes, however, have often been focused on environmental, human rights or health and safety issues, at the expense of the central concern of resource control, including the rights of communities to decide their own development path, employing processes designed by the communities themselves rather than externally driven, and applied at the onset and maintained throughout the life of a project. The concept of Free, Prior, and Informed Consent (FPIC) has been central to this issue. While the International Finance Corporation (IFC) has incorporated FPIC into certain aspects of its performance standards, not all international institutions have followed suit, and some choose to interpret it as 'free, prior informed consultation'. In most cases, governments and companies have had difficulty accepting FPIC at face value, though many large mining companies have now committed to it in one form or another. The International Council on Mining and Metals (ICMM) now encourages its members (the 23 largest mining companies in the world) to seek consent for projects when they are located on lands traditionally owned by, or are under customary use by, indigenous peoples [1]. It is important to note that their FPIC Statement obliges members to seek consent, but does not require members to obtain consent.

Reflecting a broader shift from government to multipartite governance, some of these initiatives have sought to more clearly define the relative roles and responsibilities of governments, companies, and local communities, as well as embodying efforts to bring about greater cooperation between different parties. Most of these voluntary multi-stakeholder initiatives have been directed precisely at tackling challenges associated with weak governance in host countries, where in particular companies looked for standards and guidance. As such, there is now a more comprehensive framework for coordinated approaches to conflict risk from a variety of different parties. If communities are well-informed, given the option of refusing or accepting a project and remain involved in decision-making throughout its lifespan, conflict risks may be reduced. In this respect, three key aspects are identified across the literature: 1) participation in decision-making over projects; 2) negotiation frameworks and agreements over state-company-community relations, and 3) transparency and accountability in revenue management and community-led development [2].

Given the relative vulnerability of communities to local elite capture of decision-making processes and benefits, as well as divisions within or between communities, notably those resulting from the asymmetrical distribution of impacts and benefits, much attention still needs to be given to local power relations, as well as those between local and national authorities, in order for these mechanisms to be effective, rather than counter-productive.

2.3 Human Needs Theory

This theory posits that human needs are a powerful source of explanation of human behavior and social interaction. All individuals have needs that they strive to satisfy, either by using the system, acting on the fringes, or acting as a reformist or revolutionary. Given this condition, social systems must be responsive to individual needs, or be subject to instability and forced change possibly through violence or conflict.

Thus, human needs theory offers insights into a range of peacebuilding processes that are involved in the reduction of both direct and structural violence. According to this theory, in order to live and attain well-being, humans need certain essentials. These are called human needs or basic human needs. Human needs theorists argue that conflicts and violent conflicts are caused by unmet human needs. Violence occurs when certain individuals or groups do not see any other way to meet their needs, or when they need understanding, respect, and consideration for their needs. Rosenberg states that violence is a tragic expression of unmet human needs, implying that all actions undertaken by human beings are attempts to satisfy their needs. If we are able to connect with our needs and those of others, we will therefore be able to look at other ways of meeting such needs, avoiding violence and destruction [3].

Often, human needs or basic human needs are confused with subsistence needs. However, such a view of human needs may limit our understanding of the human being to simply exist as a biological creature. Although there are conflicts over subsistence, most conflicts have to do with other unmet human needs, such as protection, identity, recognition, participation and understanding. Only by giving more importance to these latter needs, truly recognizing them as human needs essential to the well-being of all human beings, will we be able to address current and intractable conflicts. Our confused view of human needs as subsistence needs only is also in part due to the alienation of "needs" we have created in our society. Needs are often associated with weakness, and someone who needs is considered weak and fragile. This also further impedes the inclusion of needs approaches in conflict transformation and peace processes [3].

3. Methods

This study adopted an eclectic approach that employed a blend of research methods, by and large associated with social science perspectives. In a similar manner, an eclectic approach was adopted for this study to serve diverse but complementary purposes of investigating key social conflict issues related to mining investments, environment and community benefits.

3.1 Data collection

This study used semi-structured interview questionnaires as the main data collection tool for primary data collection. And for secondary data, some of the sources were

materials produced by scholars, such as journals, articles, research theses among others.

3.2 Data analysis

The qualitative data analysis was done by putting the collected data into themes. For the purpose of quantification, descriptive statistics such as percentages, frequencies, measures of central tendency and measures of dispersion were generated. These also provided the framework upon which result presentation and interpretation were based.

3.3 Ethical consideration

Confidentiality was highly adhered to in the entire research process.

4. Results/Discussion/Argument

The study finds the following themes which emerged from the respondents' discussions:- (i) Belief in contributions and influence, (ii) Management of expectations, (iii) Mining life cycle, (iv) Perceived realities of policy development, and (v) Willingness. Also, mineral exploration and mine development activities have been met with more resistance. The reduced level of confidence in being able to explore new areas of land expressed by industry respondents coupled with the increased frustrations regarding land claims leaves future exploration and mine development in Mansa district[1] of Zambia[2] with an uncertain fate if sustainable mining principle that will address the fostering of mutual relationships among the local communities, government and industry parties are not established.

4.1 Belief in Contributions and Influence

The wide views of the local respondents were influenced by a background of culture and tradition. Intrinsic characteristics and cultural values of land carry a greater significance with local respondents than with the other two parties. Many local respondents convey that the land was theirs, and the process of other interested parties in seeking consent needs to occur because mining activity is happening in their backyards. Some respondents were of the view that if communities agree to consultation, permits will be given; which makes them unwilling to agree to consultation, thus, prevent the allocation of exploration until community members are informed properly. Local respondents' opinions were fairly divided on whether or not communities should be given full right to consent; many traditional territories overlap, therefore, decisions around the use of land will need to be a shared responsibility among communities.

The Luapula province recognizes that sole ownership of mineral resources belongs to the traditional authorities. However, the government respondents[8] mentioned that true consent is granted by the Government of the Republic of Zambia through the ministry of mines; but often community consultation has been confused with consent. Therefore, the province realized that there need to engage in a government to stakeholder interaction between local community members and the

authorities. One government respondent stated that allowing communities consent will not be wise because making an informed decision requires a significant amount of time for community members to understand the necessary information and to educate the entire community. When community members or leadership try to "veto" a development project quickly, the proper time is not given in order to educate and learn about the specific proposed mining activity. This results in community members not given a fair chance at economic development. One government respondent stated the courts have yet to define the ability for communities to exercise full consent authority.

Company respondents expressed that their companies had to contact communities early on in order to obtain mutual permits. Some of the respondents felt as though the existing process was giving communities the power of consent without a specific process specifically being outlined in any particular national or local provincial policy or guideline. Industry respondents were aware that areas of significant cultural importance are areas where communities will want to prevent development from occurring. A few industry respondents agreed that if communities are to be given the ability to "veto" on natural resource management and mining developments in their local communities, the veto needed to be stated at the beginning of a project, and should not wait until after the company had invested time and money into project development.

4.2 Management of Expectations

The respondents interviewed have not been directly involved with any project establishment negotiations in any formal sense. Respondents mentioned that a few promising agreements such as pre-development agreements were signed which could bring potential benefits to the communities. They further explained that agreements can include joint ventures and contract positions that will help in small business development. Besides, the respondents from the government are aware that the mining industry is not a large fan of negotiating agreements with the local communities.

4.3 Mining Life Cycle

Interviews with the interviewees revealed many similarities in the sensitivities regarding the mining life cycle, economics, and local employment. The three stakeholders agreed that the commodity market is unpredictable and that the unpredictability influence the time-lines of project development and relationship stability. However, the respective mining companies remain open throughout the mining life cycle to development engagements with the local communities. Publicly traded companies rely on investors to supply money for project development, which comes with specific conditions about how the money must be spent. Companies in this group, therefore, are not free to negotiate benefits or monetary compensation to the degree many community members may demand.

4.4 Perceived Realities of Policy Development

Some of the main frustrations expressed throughout the interviews are delays in the permitting process and a lack of effective implementation of the country's mining laws. The designation of land is viewed differently by local respondents than government and industry respondents. Other local respondents[6] stated that protected area designation was happening without sufficient community consultation and traditional territories are being outlined by the government without first informing community members. The concern behind the lack of consultation is complicated by respondents wanting to protect the land and ensure environmental use activities will still be permitted on the land. Respondents were not aware of which land designations allowed hunting, fishing and trapping, and which designations would prevent these activities.

4.5 Willingness

The local community, as well as the industry respondents[7] had the opinion that there was very little communication occurring with the government. Local respondents were of the opinion that communication needed to improve both with government and industry, whereas industry and government were of the opinion that communication efforts were better or improving. Communication was identified as having both a physical component, such as setting up meetings or sending letters, and an intuitive component of understanding, such as thoughts on when communication should happen or the definition of mineral rights and indigenous people's rights.

Finally, the respondents represented a spread of knowledge that allowed for the aggregated information to more widely represent the existing overall relationships among the local peoples, government and industry parties in Zambia, however, it is recognized that there may be a variety of opinions related to this subject matter that are not fully reflected. Thus, positive action towards improving policy structures has been taken by the Province. The establishment of the Minister's Mining Advisory Council was viewed highly by many of the respondents as a chance to create the space for open dialogue among the parties.

5. Conclusions

The authorities[3] and mining business players must own-up and embark on leading the development of sustainable mining principles[4] relating to Zambia. The respondents' views on policies and practices pointed out that the development of policies and the implementation of sustainable mining practices should be a priority if meaning development is to be achieved from the country's mineral mining sector. However, the lack of an integrated and coordinated approach across government departments has led to a need for improved communication and implementation of existing unsustainable mineral mining policy structures. This has led to frustration among the communities hosting the mines and has further led to the uncertainties related to land claims, land access, and land use planning. These uncertainties in turn have reduced the feasibility of exploration and have dampened social trust among the locals, government and industry parties.

Thus, enormous government involvement and leadership would enhance society's perception that sustainable development is a top priority. The mining industry5 has the potential to improve the economic development of the communities. Also, the future of the mining industry requires the continued development of holistic policies that fairly incorporate local people.

6. Funding

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Notes on Contributors

Joseph Tembo is a teacher of development economics at the Department of Social Sciences, Ministry of General Education. He has researched, written, and published on customary land management and administration issues in Zambia.

Notes

[1] Mansa district or town; is a rural district in the Republic of Zambia

[2] Zambia; a country in Sub Saharan Africa or Southern Africa

[3] authorities; government ministries and departments

[4] sustainable mining principles; these are administrative and management procedures

[5] mining industry; includes mining companies and everyone involved in the mining process

[6] local respondents; people living in the community or owners of the community

[7] industry respondents or respondents from the industry; people involved in mining

[8] government respondents or respondents from the government; are government officials

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