

Social License to Operate and the Government's Role: A Case Study from Tanzania

by

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Abstract

Social License to Operate (SLO) can be described as an informal consent or support by a local community for a project to exist in the community. SLOs have been gaining wider attention within the natural resource industry over the past decade. This is partly due to communities increasing their involvement in the extractive industry by demanding a greater share of the benefits and more involvement in decision-making processes. While much of the current literature has largely focused on explaining how companies can acquire and maintain SLOs, little attention has been paid to understanding the role that governments can play in shaping SLO processes. This study examines the role of the Tanzanian government in reaching and maintaining SLOs in the extractive industry. Moreover, this study analyzes factors that hinder the government from playing a more active role in ensuring SLOs exist. It examines three key aspects through which a government may enhance SLO processes. These are: 1) the presence of social inclusion policies, 2) government's capacity and mechanisms to implement these policies at all levels of governance and, 3) government's interest and willingness to implement the policies.

This study discovered that the government of Tanzania is currently encountering many challenges with regards to the management of the extractive industry and to a large extent it has ignored the contribution of citizens in the management of this industry. Although the government of Tanzania has funnelled energy and resources into improving policies and regulations to guide the extractive industry, weak implementation mechanisms and lack of strong political will make these policies and regulations less impactful. Lack of accountability mechanisms coupled with corruption, poor transparency and the government's negligence of community's concerns were found to be the major weaknesses regarding the government's involvement in ensuring that SLOs are achieved in Tanzania's extractive industry.

Keywords: Social License to Operate; Decision-Making Processes; Governance; Extractive Industry; Tanzania

Dedication

This study is dedicated to all people who have been affected by mining activities in one way or another. Particularly, I would like to dedicate this work to people who feel like their governments have failed to represent or to listen to their concerns in regard to the impacts of the extractive industry.

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List of Acronyms

CPI	Corruption Perception Index
CSOs	Civil Society Organizations
CSR	Corporate Social Responsibility
DAS	District Administrative Secretary
DC	District Commissioner
DED	District Executive Director
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
FDI	Foreign Direct Investment
FGD	Focus Group Discussion
GDP	Gross Domestic Product
ICMM	International Council on Mining and Metals
LEAT	Lawyers' Environmental Action Team
LGA	Local Government Authority
LHRC	Legal and Human Rights Centre
MCA	Mining Council of Australia
MDA	Mining Development Agreement
MEM	Ministry of Energy and Minerals
MIGA	Multilateral Investment Guarantee Agency
MOA	Memorandum of Agreement
RAID	Rights and Accountability in Development
RAS	Regional Administrative Secretary
RC	Regional Commissioner
RGI	Resource Governance Index
SAPs	Structural Adjustment Policies
SLO	Social License to Operate
STAMICO	State Mining Corporation

Glossary

Mbeshi	Someone who practices ubeshi. (plural: wabeshi)
Ubeshi	The practice where local people in communities around a mine sneak in and steal mineral-bearing material from rock piles owned by large-scale miners. The term is mostly used by the Sukuma people and the word originates from a Kisukuma word for a hawk called <i>mbeshi</i> that dives down to scoop its prey (Mwaipopo R. 2015)

Chapter 1.

Introduction

Pundits of sustainable development describe “Social License to Operate” (SLO) as “a community’s perception of acceptability of a company and its local operations” (Boutilier and Thomson, 2011: 2). An SLO is not a legal document that a company acquires through completing a certain application to an authority. Rather, it is a *soft contract* that is usually based on trust and mutual understanding between the involved parties. It is a dynamic and iterative process, which is built around quality dialogue and sustained engagement between parties (Lacey, Parsons and Moffat, 2012). Some scholars describe an SLO as being “a set of meaningful relationships between operational stakeholders” (K. Moffat and A. Zhang, 2014: 62). In the mining industry for example, an SLO is understood to result from a strong trilateral dialogue between the mining company, the local community, and the government at the local, regional or national level (World Bank, 2002).

SLOs are widely accepted as being a key component of the natural resource industry (ICMM report, 2012; Goldstuck and Hughes, 2010). In fact, the Mining Council of Australia (MCA) identifies SLOs as ‘foundational’ to the industry’s obligation to maintain good performance (MCA, 2005). The reason for this is that an SLO provides a company with the means of avoiding potential repercussions by offering a way of maintaining community trust and good on-the-ground performance throughout the company’s operations. The MCA goes as far as comparing an SLO to a regulatory license issued by government authorities.

Proponents of SLOs include one of the largest consulting firms, Ernst & Young. In 2014 for example, Ernst & Young ranked failure to achieve SLOs as being one of the top three risks currently facing the mining industry (along with capital allocation and

access, and productivity improvement) (Kylie Williams, 2014). Mike Elliott, who was Ernst & Young's Global Mining & Metal Sector Leader for over 11 years, was quoted as saying: "Social License to Operate has consistently been near the top of the risk rankings and this year [2014] is no different. The number and size of projects being delayed or stopped due to community and environmental activists continues to rise."

Regardless of the pressure on governments to prioritize SLOs, governments are still not doing enough to support an environment where SLOs can be achieved. For example, governments usually do not require companies to demonstrate that they have a social license (or can acquire one) before issuing or renewing their operational permits. In some cases, companies are allowed to start or continue operating even when an SLO is called into question (Owen and Kemp, 2013). As a result of this neglect for SLOs, there is a growing number of events which indicate lack of SLOs. These include protests, international activism, negative media campaigns, increased public scrutiny of shareholder and government involvement, and physical blockades (Prno, 2013). However, this lack of adequate response particularly from the government is partly due to challenges in conceptualizing and implementing an SLO. I briefly discuss these aforementioned challenges below.

Conceptualization and Operationalization of SLOs

Although the importance of SLOs is widely appreciated by stakeholders in the natural resource industry, conceptualization and implementation of SLOs remains contested. The nature of SLOs as informal or 'soft contracts' has not been popular especially to the business world which prefers clearly defined requirements, which can be predictable and measurable. Some scholars have gone as far as to calling SLOs "intangible," "impermanent," "unworkable," and immeasurable (Prno, 2013; Moffat and Zhang, 2014; Lacey, Parsons and Moffat, 2012; Kemp and Owen, 2013; Boutilier, 2014). This informal nature of SLOs has certainly proven challenging for many governments to figure out a more effective approach to address the issue SLOs. Scholars, industry and governments continue to contest key questions surrounding SLOs. These questions include: *Who has the power to issue SLOs? How can SLOs be acquired and maintained? How are SLOs measured?*

What makes these questions not only important but also very difficult to confront is embedded in the fabric or composition of the “grantor” of an SLO: the community. More specifically, a community’s cohesiveness, or lack thereof, and power distribution within and between communities are understood to be some of the most important factors determining whether an SLO can be attained (Boutilier, 2014; Wilburn and Willburn, 2011). Moreover, there is a misleading assumption that an SLO can only exist when there is full approval of a project from every member of a community. However, the notion of full community approval assumes that communities are homogenous and that community members therefore share the same concerns, interests, priorities, and agree on ways their problems can be resolved. But this is not always the case. Differences in opinions, which are often accompanied by power dynamics, can influence the decisions being made within and between communities (Agrawal and Gibson, 1999). Community members may even have different opinions about different aspects of operations. In other words, members of a community may approve one aspect of a project but may reject another aspect of the same project (Yates and Horvath, 2013). Furthermore, not all community members are always keen on participating in their society’s political and/or non-political issues, which makes it difficult for every community member to be involved in consultation processes, which are necessary for an SLOs to be achieved (Mollel, 2010).

The question of how to measure an SLO presents another big challenge and has led to some scholars dubbing the SLO concept as intangible (Franks and Cohen, 2012). The Business Council of British Columbia (2015) adds that because of difficulty of measuring an SLO, it is difficult to even know when an SLO is achieved although it is relatively easier to know when it is lost: Signs of this may include violence and protests, for example. Yates and Horvath (2013:2) however, suggest that a social license may manifest in ways “ranging from absence of opposition to vocal support or even advocacy.”

When such challenges are coupled with government’s and industry’s reluctance to leave more decision-making powers to the public, the community’s ability to have an opinion over government-approved projects gets highly compromised. It is therefore imperative that the government fully identifies and accepts its role in building an

environment where SLOs can exist if not thrive. Given the complex and informal nature of SLOs (Owen and Kemp, 2013; Yates and Horvath, 2013) governments need to carefully examine how they could be positively engaged in the SLO processes regardless of its 'tough-to-institutionalize' nature. Furthermore, research should provide some guidance for the government in examining its potential role. However, research has not adequately addressed the relevancy of governments in SLOs. Instead, it has largely focused on understanding how private companies can work towards ensuring SLOs.

Relevancy of Governments in SLOs

Although the concept of an SLO is still relatively new and at times contested, much research has been conducted to inform the industry on how an SLO can be acquired, maintained and even re-obtained if lost (Moffat and Zhang, 2014; Thompson and Boutlier, 2011; Nelsen, 2006; Owen and Kemp, 2013; Yates and Horvath, 2013; Pike, 2012). However, there is lack of research regarding the specific role that governments have in responding to the growing need for SLOs to be upheld within the extractive industry and beyond. It is thus imperative that close attention be paid to what is the role of governments in SLO processes. This is especially important because SLOs result from a trilateral relationship between the mining company, the local community, and the government (World Bank, 2002). Therefore focusing only on how a company interacts with the communities to secure an SLO, is to forget an important body in resource management and SLOs – the government.

In Figure 1.1, I attempt to depict the intertwining relationships between the state government, mining company and a local community¹. While this is an overly simplified depiction of the relationships between the three parties, it helps with visualization of why a trilateral engagement is necessary for SLOs to exist. This diagram shows that, while

¹ For the purpose of this study "community" only refers to populations living near mining operations. However, in other considerations, "community" can be extended to other shareholders and stakeholders (such as public interest groups) beyond the territorial boundaries.

the formal and legal contracts are signed between the government and the mining company, the government is expected to be accountable to the community. At the same time, the resources for which the contracts are signed exist in the community. In this regard, the mining company will have to co-exist with the community and therefore a level of trust needs to exist between all three parties in order for a project's approval (an SLO) to be granted.

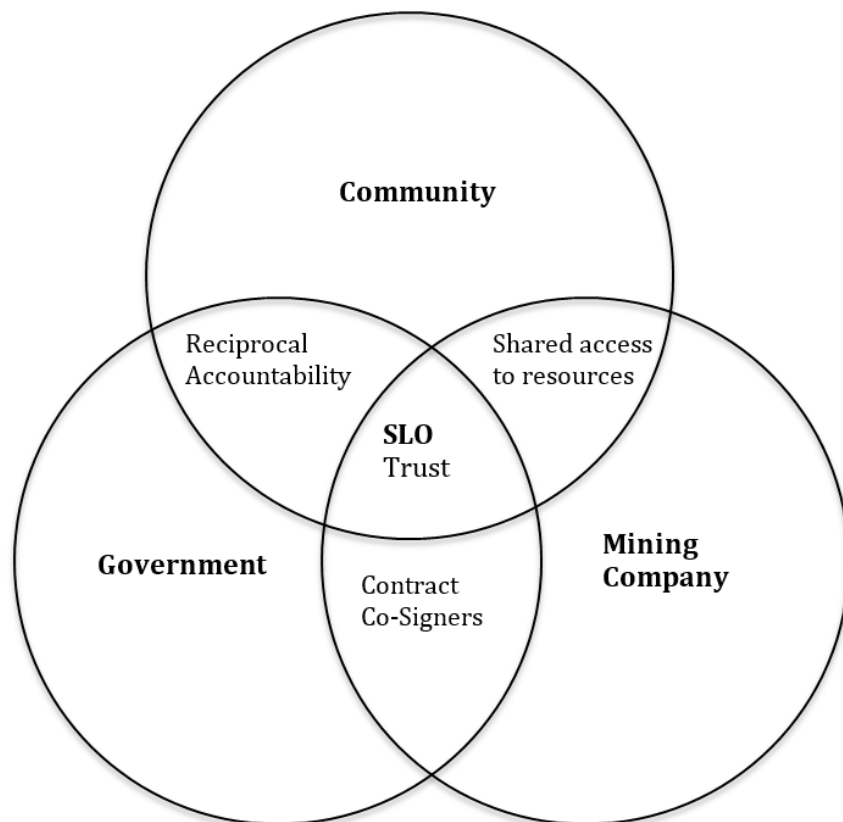


Figure 1.1. Interconnectedness between government, mining company and community

Regardless of the close relationships that exist between the government, companies and communities, the literature covering SLOs is still heavily concentrated on the relationship between companies and communities. However, focusing only on company-community relationship risks causing the SLO discussion to become overly focused on economic or material aspects while overlooking other important factors that

influence SLOs, such as citizens rights to participation and decision-making. Boutillier (2014) found that some officials from mining companies, particularly in developing countries, have even come to see SLOs simply as a means of extorting more hand-outs from companies. This perception devalues the principles of SLOs, which include justice (both social and environmental justice), human rights, and political rights.

Moreover, to leave the responsibility for SLOs in the hands of private firms overlooks how, mining companies often view community relations merely as being *core to business* but not their *core business* (Kemp and Owen, 2013: 523). In other words, although mining companies may seek to have SLOs in every place where they operate, they are only in the business of extracting the minerals for the purpose of making a profit; thus, they are not foremost concerned with the needs of the communities in which their operations take place. The Business Council of British Columbia further revealed in a 2015 report that for many businesses, an “SLO tends to relate more to the drive of doing what is necessary to avoid loss of community acceptance and the resulting public opposition, than to the positive drive of striving for higher standards of social and environmental performance” (BCBC Report, 2015: 1). In other words, by having the government more involved in SLO processes, the purpose of SLOs could change from a mere token for companies to gain access to resources to a stronger movement for better social, environmental and even economic standards for local communities.

Furthermore, it is important to understand how governments can be more involved in SLO processes because, although companies might seek SLO, they could also operate without it, especially if they have the support of the state government. This means that an SLO process is undermined if the state does not fully appreciate it and treat it as an important factor for sustainable management of natural resources.

Potential Role of State Governments in SLOs

There are a number of roles that national governments could play to help support SLO processes. These include facilitation of stakeholder mapping and providing regulatory frameworks on how companies would engage with local communities. According to Yates and Horvath (2013:10), governments can conduct this ‘stakeholder

mapping' through an "early and careful characterization of stakeholders." Yates and Horvath go on to argue that governments [especially local governments] are better positioned to do this 'stakeholder mapping and characterization because they are likely to be aware of the spectrum of stakeholders and issues in their jurisdictions.

Furthermore, governments can push their respective agencies (such as legal and environmental departments) to more strictly enforce existing agreements and requirements on companies or even changing legal requirements where necessary in order to create an environment that is conducive to SLOs (Gunningham, Kagan and Thornton, 2004). The government of Tanzania for example has gone as far as producing regulations requiring extractive companies to procure goods and services locally whenever possible (Mining Act, 2010; Local Content Policy of Tanzania for Oil and Gas Industry Draft, 2014). Beyond requirements for local procurement, governments can also require companies to maintain a certain level of quality communications and consultations with local communities, commit to a certain level of investment into the local population (for example building infrastructure and providing certain services), or meet certain obligations in terms of environmental and cultural needs of the local populations. Moreover, governments can implement monitoring, tracking and reporting systems to ensure that companies are abiding by all permit requirements and other obligations required of them.

However, as discussed earlier on in this chapter, the nature of SLOs does not solely rely on the implementation of a certain set of legal and technical procedures. Instead, SLOs are a form of a soft contract that is built on trust and strong relationships between involved parties. While the traditional roles for governments to try and manage the natural resources industry and ensure a 'win-win' situation between communities and companies are important for SLOs to be achieved, the rising number of events that indicate lack of SLOs all over the world suggest that a different approach to SLOs is warranted.

This different kind of approach rests on citizens' perceptions of their government's trustworthiness, credibility and legitimacy (Boutilier and Thomson, 2011). If citizens perceive or experience these values in their government, then it becomes

relatively easier for them to assume that a company that gets introduced to them by this government will reflect similar values (trustworthiness, legitimacy, and credibility). In short, general trust in a government can translate into trust that a government will fully represent and stand by a community's interests and concerns.

While citizens' perceptions of trustworthiness, credibility and legitimacy are required for any government that claims to be 'by the people and for the people,' they play a particularly crucial role in SLO processes. This is because if a government, which is responsible for issuing permits to companies, is not deemed (particularly by its citizens) trustworthy, credible or legitimate, citizens may be unwilling to accept a company and its operations, which have been approved by that government. Distrust in a government can fuel anger, frustration and resentment against that government as well as the mining company that receives permission to operate from that government (Lange, 2011). Moreover, in an environment where project contracts are not shared publicly, the public needs to at least trust that the government has the integrity and competence to protect the needs of the broader society (Zhang and Moffat, 2014).

Therefore, the role of the government in ensuring that it builds an environment that is conducive for SLO is not limited to making and enforcing laws and regulations. A very important role for the government is to build its reputation as trustworthy, credible and legitimate so that citizens can view the government as their trusted representative.

Public Trust

Public trust in the area of natural resources is perhaps more important than is often acknowledged. Simply defined, trust refers to an expectation that one will not exploit the vulnerability of the other but will seek to cooperate in addressing the issue at hand (Kramer and Carnevale, 2001). Kemp and Owen (2013:31) articulate that, "Social license to operate is premised on the idea of informal or 'tacit' licensing that signals the presence or absence of a critical mass of public consent, which may range from reluctant acceptance to a relationship based on high levels of trust." This suggests that the highest level of an SLO is achieved through a high level of trust. Poppo and Schepker (2010) identify two types of trust that are crucial while engaging with

communities. The first type is what they describe as “integrity-based.” In this type of trust the ‘trustor’ (a community in this case) believes that the ‘trustee(s)’ (government and company) is adhering to principles put in place. A high level of transparency, consultation and collaboration in decision-making is needed in order to ensure this trust (Responsible Mineral Development Report, 2013). The second type of trust relates to “competence.” For this type of trust the ‘trustor’ will need to have confidence that the trustee has the skills and knowledge to manage the operations. In absence of these forms of trust, it is difficult for an SLO to exist because the community will have a negative perception of the government and the company.

Government Credibility

For credibility to be acquired, the government needs to be transparent, have the capacity to enforce regulations, and have the ability to make decisions free of corrupt influences. Boutilier (no date) argues that “the capacity to be credible is largely created by consistently providing true and clear information and by complying with any and all commitments made to the community.” This suggests that in order for the government to be perceived by citizens as being credible, it needs to work towards a great level of transparency and competence in all areas of the extractive industry especially when it comes to land and revenue allocation. Moreover, the government will need to demonstrate that it has the legal, technical and administrative capacity to regulate the industry. These can be demonstrated by how the government responds to legal, environmental and other disputes that arise as a direct result of the presence of extractive operations.

Government Legitimacy

Government’s legitimacy is important in any case where the government is managing issues that directly impact a community. Boutilier and Thomson (2011) divide legitimacy into two types; economic legitimacy and socio-political legitimacy. While Boutilier and Thomson only speak of these types of legitimacy in relation to a project or company, I believe, the same extends to the government. In terms of economic

legitimacy, the community would need to perceive the government as being capable of ensuring that the community will benefit from the economic gains from the project. For social-political legitimacy to exist on the other hand, the community would need to believe that the government can ensure that social, environmental and cultural ways of life are not negatively impacted by the project. Key to building legitimacy, especially social-political legitimacy, is to ensure the government sustains active public engagement (Policy Forum Brief, 2008). This is because active public engagement increases political participation, transparency, and brings decision-making powers closer to the community.

The value of the government's trust, credibility and legitimacy in SLOs was best explained to me during an exploratory interview that I conducted with Dr. Boutilier. He elucidated that when he was conducting SLO research in one African country (which he did not want to be identified), he discovered that citizens' lack of trust in their government caused serious negative implications for the SLO process. More specifically, Dr. Boutilier explained that in places where communities found their government untrustworthy, a mention of the government's permission to conduct operations was likely to be met with mockery if not all-out anger. Such lack of credibility, legitimacy and trust, especially in developing countries, is often due to citizens' perceptions that their government bows to corporate pressures and therefore abandons its obligations to respond to the needs of citizens.

Chapter 2.

Study Aims and Approach

Research Questions

This study identifies three major factors that are instrumental in the government's role and ability to effectively support SLO processes. These factors specifically are: 1) availability of social inclusion policies, 2) presence of implementation mechanisms to employ the policies and regulations, and 3) government's capacity and willingness to implement the policies and plans. Strong social inclusion policies are important for SLOs because they determine how the public should be involved in the planning and decision-making processes. However, without effective implementation mechanisms, capacity and willingness or interest to implement these policies, the policies and regulations become void.

This study seeks to understand what social inclusion policies exist in Tanzania along with the government's capacity and willingness to implement these policies. This study additionally seeks to understand how the Tanzanian government can improve policies and mechanisms to ultimately enhance its capacity to better involve local communities in the management of natural resources. Specifically, this study seeks to answer the following three questions: 1) What does the government of Tanzania already have established as socially inclusive policies to promote community involvement in decision-making processes in mining projects? 2) Does the government of Tanzania have mechanisms and capacity to implement these social inclusion policies? and 3) Has the government demonstrated the will and interest to implement these policies?

Methods

This study was conducted through mixed methods investigation, which included an in-depth review of policy- and practice-relevant literature accompanied by qualitative interviews with key stakeholders in Tanzania. Research methods were carefully chosen to address each of the three key questions stated above. To answer questions one and two, policy analysis and institutional mapping were conducted. A review of laws, regulations, policy analyses, and media reports concerning the management of natural resources in Tanzania was also carried out. The mapping exercise involved an analysis of Tanzania's institutional arrangements including Tanzania's intergovernmental relations. This exercise provides an understanding of Tanzania's governance structure including levels and scope of authority, which are crucial in ensuring fair and effective SLO processes.

To further understand the mining industry and its general governance, exploratory interviews were separately held with three industry experts between November 2014 and April 2015. One of these interviews was done over Skype with Dr Robert Boutilier who has done extensive work with SLOs and stakeholder engagement. Another in-person exploratory interview was done in Vancouver with a manager for Corporate Social Responsibility (CSR) for one of the world's largest mining companies. Two exploratory interviews were also conducted in Vancouver with Dr. James Cooney who is credited with coining the term "Social licence to operate."

During the field portion of this study four individual in-depth interviews were conducted in Tanzania; two of these interviews involved government-appointed officials: one from the central government (from the Ministry of Energy and Minerals) and another from a local government in Shinyanga. The other two individual interviews in Tanzania involved an elected official (a councillor) and a representative of one of the largest Civil Society Organizations in Tanzania: Policy Forum. Policy Forum specifically acts as a platform for over 70 non-governmental organizations that have interests in influencing policy processes, enhancing poverty reduction, and promoting equity and democratization, and takes special interest in the management of natural resources in the country.

In regards to the third question, concerning government's interest and willingness to implement social inclusion policies, in-depth interviews with three individuals and eight focus group discussions (FGDs) involving 58 different persons were conducted with government officials and residents living near large-scale mines. Five of the eight FGDs involved 'ordinary' members of communities while the remaining three involved local government leaders from four of the five communities involved in this study. I was unable to hold an FGD with leaders from one of the communities (Maganzo) due to scheduling difficulties. These interviews and FGDs took place between June and August 2015 and were conducted in five communities surrounding three large-scale mines in the Shinyanga region, which is located in Northwestern Tanzania. The mines, along with their respective communities were: Williamson Diamond Mine (Maganzo and Mwadui Lohumbo), Bulyanhulu Gold Mine (Kakola) and Buzwagi Gold Mine (Mwime and Mwendakulima). A fourth mining operation, El Hillal Minerals Ltd, which is near the Williamson Diamond Mine, was added to the study, as participants from Maganzo and Mwadui Lohumbo frequently mentioned it.

Tables 2.1 and 2.2 provide a summary of the mines and communities involved in this study.

Table 2-1. A brief profile of communities and participants of this study

Mining project	Community/ Village	# of FGDs	Total # of participants in the FGDs	Number of female/male participants	Occupation breakdown	Age group breakdown
Bulyanhulu	Kakola	2	15	3/12	4 local government officials. 3 mining employees 6 entrepreneurs	25 – 40 years: 5 participants 41 – 60 years: 10 participants
Buzwagi	Mwime	1	12	4/8	N/A ²	20 – 35 years: 3 participants 40 – 65 years: 9 participants
	Mwendakulima	1	4	0/4	4 local government officials.	35 – 50 years: All 4 participants
Williamson Diamond	Maganzo	2	15	6/9	5 farmers 10 entrepreneurs (including artisanal miners)	25 – 35 years: 6 participants 35 – 55 years: 9 participants
	Mwadui Lohumbo	2	12	2/10	3 local government officials. 9 entrepreneurs (including artisanal miners)	25 – 35 years: 4 participants 35 – 55 years: 8 participants

² The data for this FGD was compromised as some participants simply put their signature in the “occupation” column of the logbook instead of recording their occupation

Table 2-2. A brief profile of mining projects around which this study was conducted

Mining project	Current owner(s)	Major minerals produced	First Year of Production	Proven and probable reserves	Current estimated mine life	% Tanzanian nationals employed at the mine
Bulyanhulu Mine	Acacia Mining plc.	Gold	2001	9,530,000 (troy ounces)	34 years	94% ³
Buzwagi Mine	Acacia Mining plc.	Gold	2009	898,000 (troy ounces)	5 years	96% ³
Williamson Diamond Mine	Petra Diamonds (75%), Government of Tanzania (25%)	Diamond	1940	38.12 million Carats	50+ years	N/A ⁴

³ While Acacia Mining Plc reported that the ratio of Tanzanian nationals employed at Bulyanhulu and Buzwagi was 94% and 96%, the total take-home earning for all Tanzanian nationals employed by Acacia only accounted for 54% of all wages paid (Acacia Report by EY on Acacia Econ and Tax Contribution, 2015)

⁴ Data regarding the ratio of Tanzanian nationals at Williamson Diamond Mine could not be found

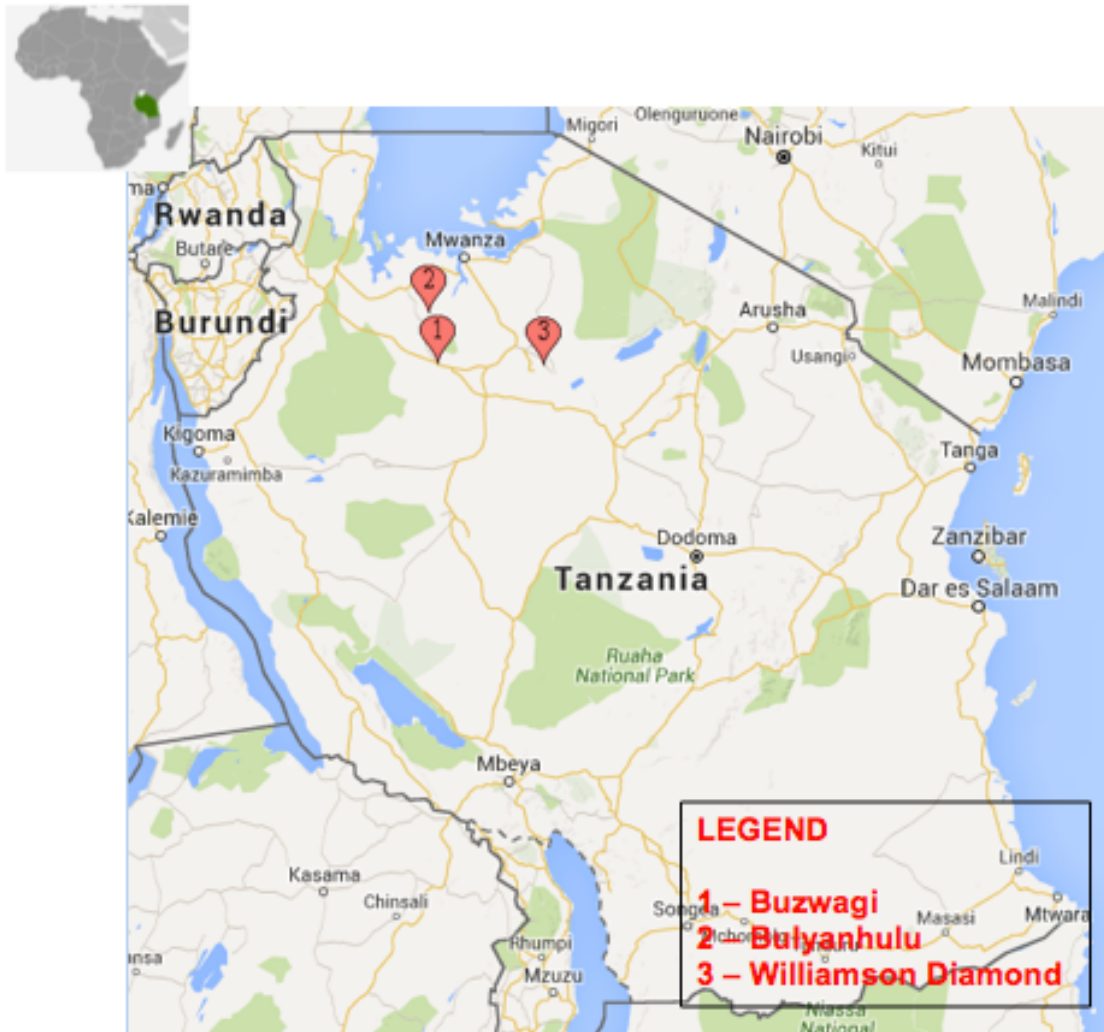


Figure 2.1. Map of Tanzania showing large-scale mines around which the study was conducted

The interviews and FGDs specifically focused on how the government engages with citizens in these communities and whether it demonstrates willingness and interest in implementing social-inclusion policies in relation to mining operations. Furthermore, an emphasis was placed on learning about community experiences with regards to the government’s responses to the concerns of citizens relating to mining projects. A set of open-ended, semi-structured questions was used to obtain this information. I conducted the interviews and FGDs, as I am originally from Tanzania and I am fluent in the country’s two official languages (Swahili and English). Furthermore, having prior knowledge of the geography of the mining areas where the study was conducted allowed me to organize and carry out the study through relevant and appropriate means.

Community participants interviewed in this study were villagers and community leaders. The community leaders included village chairpersons, village and ward executive officers, community health officers, development officers, and agricultural officers. Meanwhile, the villagers consisted of groups of individuals who are more concerned or impacted by the presence of the mining projects, whom were recruited by word-of-mouth. These villagers specifically included artisanal miners, farmers, and businesspeople. In each community, a well-connected person was used to aid in recruitment. In some cases, more than one person (often with different work titles or social status) was asked to help in reaching out to participants. For example, in Maganzo and Mwadui Lohumbo, a famous motorbike taxi driver (known as *bodaboda*), and a female local government official assisted in recruiting participants.

FGDs were between 6 and 10 people in size. Other than in Maganzo, male and female participants were included in the same FGDs. In Maganzo, however, two gender-specific FGDs were conducted to avoid male dominance during discussions. A local government official who had carried out many public meetings in this community warned me prior to the discussion about the tendency for men to dominate conversations in this community; I therefore tailored this FGD accordingly in order to get independent perspectives of both genders. Over 90% of participants in Mwadui Lohumbo engaged in mining activities. However, in Maganzo, there was a mix of farmers, artisanal miners and small entrepreneurs. In Mwime, Mwendakulima, and Kakola, groups of participants who partook in FGDs included farmers, artisanal miners, government employees, small entrepreneurs, and mining employees. FGDs participants were each reimbursed with Tanzanian Shillings 5000 (about \$3CAN) for contributing to the roughly one-hour sessions. The age of participants in all communities was between 20 and 60 years old.

Verbal consent (which was recorded in a logbook) was acquired from all participants. Participants in each of the interviews and FGDs preferred verbal consent to a written one. Safety and wellbeing of participants was a top priority for this study; therefore, measures such as coding were taken to protect their identities and uphold confidentiality. Moreover, participants were urged to maintain confidentiality and privacy regarding the issues discussed in the sessions.

In addition to the 64 formal participants of this study described above, 6 government officials and 1 industry representative contributed to this study. The government officials included 4 councillors, the District Executive Director for Msalala, and the chairman of a council committee. The industry representative was a communications manager for Acacia Gold Mine. These contributors were present at a SLO-related public event (in what was claimed to be efforts to promote transparency and public participation). The public meeting was specifically centred on the signing of a Memorandum of Agreement (MOA) between Acacia Gold Mine and the Kahama and Msalala District Councils. Acacia Gold Mine (a subsidiary of Canadian Barrick Gold Corporation) has two of its three major Tanzanian gold mines in Kahama and Msalala. These informants responded to questions related to the event, most of which pertained to issues affecting SLOs. A summary of the discussion, questions and responses covered in this public meeting is covered in Chapter 5 of this study.

I was required by law to report the purposes of this study to local government offices in all communities in order to receive permission to carry out the study. With a letter of introduction from UONGOZI Institute, a local organization to which I was affiliated during this study, I obtained a letter of permission to carry out this investigation from Shinyanga's Regional Administrative Secretary (RAS). With this letter from the RAS, I secured letters of permission from District Administrative Secretaries (DAS) from Kahama District (to conduct the study in Mwime, Mwendakulima and Kakola), and from the DAS of Kishapu District (to conduct the study in Maganzo and Mwadui Lohumbo). This was done before the participants were recruited. I also obtained a research permit from Tanzania's Commission for Science and Technology (COSTECH), which is the national authority responsible for vetting research activities in Tanzania. After receiving research clearance from Tanzania, and going through other ethics review processes, I was granted ethics approval by Simon Fraser University to carry out this study.

Research Analysis

It became apparent during this study that large-scale mining development in Tanzania has resulted in many violations of justice for the local and often very poor rural populations. Prevalence of injustices have damaged public trust towards the government

and have resulted in many members of the community questioning the government's legitimacy and credibility in managing the country's natural resource wealth. To better explore the dimensions and implications of these injustices I turn to Robert Kuehn's *Taxonomy of Environmental Justice*. Specifically, Kuehn (2000) identified four types of injustices, which local communities in the United States experienced as a result of industrial operations in their areas. The four types of injustices are procedural injustice, distributive injustice, corrective injustice, and social injustice. These types of injustices directly affect the three components of SLOs discussed above (trust, credibility and legitimacy). This is to say, if the government perpetuates these injustices, it can lose its credibility, legitimacy and citizens' trust.

The “Taxonomy of Environmental Injustice” Framework

Using Kuehn's taxonomy of environmental injustice, this study analyses three key governance aspects that may hinder the government from achieving the role of ensuring strong relationships amongst stakeholders in the extractive industry. The governance aspects are introduced in the “research question” section above. These specifically entail the inclusiveness in policy formulation and practices, the mechanisms and capacity for the government to carry out policies, and the government's willingness to carry out such policies. In this regard, this study uses the Taxonomy of Environmental Injustice to analyze gaps that may exist in the development and implementation of government policies (not only environmentally but across all aspects of the extractive sector and sustainable development), and how the government ensures benefits and costs are being shared amongst stakeholders. This study further examines how deviance from the law is currently being dealt with and how the democratic process is being employed within decision-making processes. The in-depth application of these injustices is discussed in Chapter 5 of this study. However, below is the explanation of what the four types of injustices imply and how they relate to SLOs.

Procedural Injustice

Weak or unfair policies and regulations, which can jeopardize political justice from being upheld to ultimately support processes that enable SLOs to be achieved fall

under one of Kuehn's forms of injustices known as *procedural injustice*. Procedural injustice is defined as being political injustice that ignores inclusiveness, fairness, representation, parity, and communication in regards to how decisions that impact communities are made (Makene et al., 2012; 5, Moffat and Zhang 2014). This form of injustice can be traced back to Aristotle, who described it as being an unequal "share in ruling and being ruled" Kuehn (2000; 10688).

A high level of public participation and transparency are the best measures to prevent procedural injustice. A concentration of decision-making powers to one body or individual and secrecy breaches procedural justice and can lead to forms of resistance such as protests and blockades (Makene et al., 2012), which in the natural resource context is indicative of lack of an SLO. However, mining laws in Tanzania facilitate this form of injustice. For example, mineral licencing processes in Tanzania enable the Mineral Commissioner to override a community's opposition, or community's withholding of consent against a particular operation. This issue indicates an abuse of procedural justice, as citizens do not have the ability to affect or influence the granting or refusal of a permit.

Corrective Injustice

According to Kuehn's taxonomy (2000), *corrective injustice* may be concerned with how compensations and punitive measures are carried out, and more specifically, whether they are carried out in a just manner. By definition, corrective justice is generally concerned with minimizing the negative impacts or externalities a community might encounter as a result of a particular activity. Corrective justice can seek to correct a negative health impact, an environmental degradation, or the disruption of previous economic activities such as farming or local artisanal mining activities. To expand, many artisanal mining communities in Tanzania have had their land allocated to large-scale mining companies (Okoth, 2013). This often occurs without proper compensation or reallocation being provided (Lange, 2011; Makene, 2012). Moreover job promises in the large mines often do not materialize (SMMRP Report, 2015). As a result, anger and resentment for a project arises.

Distributive Injustice

The third form of injustice used to analyze the results of this study is *distributive injustice*. This form of injustice concerns the fairness in distribution of benefits from a certain activity. Specifically, Kuehn defines *distributive justice* as being “the right to equal treatment, that is, to the same distribution of goods and opportunities” (Kuehn, 2000: 10683). Widespread poverty, especially in developing countries, is often the cause of resentment (and refusal of SLOs) in the often poor and remote populations where mining operations often take place. Improved infrastructure such as roads, hospitals, water, schools and employment are common expectations when an operation opens in a community. However, poor contribution of the mining sector to the Tanzanian economy suggests that the wealth has not been shared evenly with the local population. This wealth discrepancy represents *distributive injustice*, as the benefits derived are not evenly balanced between all parties involved.

Social Injustice

The fourth form of injustice that is used to analyze findings of this study is *social injustice*. This form of injustice can be broadly defined as the tendency to ignore the responsibility of making sure that the needs of all members of the society are addressed regardless of their political, ethnic or economic class (Kuehn, 2000). Social justice demands that all members of a society have enough resources to meet their needs. A key factor in ensuring that social justice is upheld is guaranteeing that marginalized members of the public who are poor and/or have low levels of education feel as if they can influence matters that affect them instead of only being at the mercy of the powerful. Thus, the antithesis of social justice is the sense of powerlessness and discrimination amongst marginalized members of a community.

Chapter 3.

Case Study Context

Background of the Extractive Industry in Tanzania

The history of formal mining in Tanzania goes back to the 1940s when the Williamson Diamond Mine (also known as Mwadui Mine) was started by a Canadian Geologist, Dr. John Williamson. This mine is still in operation and was included in this study. Under the 1967 Arusha Declaration, the state claimed the majority share in mining companies and foreign ownership was restricted. However, the mid-1980s to 1990s saw major policy changes that allowed for more private and foreign ownership in the mining industry. These policy changes were in part a result of the Structural Adjustment Policies (SAPs), which affected much of Africa and the developing world in general.

As a result of SAPs, the government of Tanzania drafted legislation opening up the mining sector with hopes of increasing contribution of this sector to the country's economy. The Mineral Policy of 1997 was Tanzania's first mineral policy. This policy set out to, among other things, promote mining investment, modify and improve small-scale mining, and to reduce or eradicate negative social and environmental impacts of mining. The Mineral Policy of 1997 further sought to encourage foreign mining companies to explore, mine and export minerals from Tanzania more easily (ICMM case study, 2007). The aspired outcome was for a win-win situation to manifest; more specifically, it sought a realization of increased economic gains to the government, investors and local communities through increased tax revenues to the government, employment, and stimulation of other sectors of the economy as a result of services and goods that large-scale mines would need.

However, after two decades, it became clear that there was indeed a loser in this arrangement: the host communities. For as long as large-scale mining has existed in Tanzania, local communities have found themselves bearing the brunt of environmental, social, and health implications, and even at times, economic losses (Makene et al., 2012). Even when the price of exports and minerals are at their highest, communities do not always reap the benefits of resource extraction in their surrounding areas.

For example, the annual growth rate of mineral exports between 1997 and 2007 averaged 13.74% per year while the value of exports during the same period increased from US\$ 26.66 million to over a billion US\$. Despite this increase, the economic contribution of the sector to the country's overall economy has been marginal. More specifically, while the value of exports increased by over 37 times between 1997 and 2007, the contribution of this sector to the country's GDP did not even double (only moving from 1.4% to 2.7%) in the same period (Tanzania Mineral Policy, 2009). By 2009, the mining sector represented 52% of Tanzania's exports and 75% of Tanzania's Foreign Direct Investment (FDI); however, it only contributed to 2.7% of the country's GDP (ibid).

In terms of poverty reduction, large-scale mining has not brought about the results that the country has hoped for. In 2001, which was the year when mining revenues began to grow, Tanzania's national rural poverty rate was estimated to be 39%; in 2013, 12 years later, this poverty rate was estimated to be around 34% (Sustainable Management of Mineral Resource Project, 2015). Even more discouraging was the estimated number of people living in absolute poverty. This number remained at 12% even as mining revenues and exports continued to grow. Therefore, it is not surprising why there is resentment among some Tanzanians over the mining sector. As these figures highlight, the growth in the mining sector in Tanzania has not contributed to poverty reduction.

Following this disappointing sectoral performance, the government re-negotiated some terms of contract in an attempt to ensure that some economic benefits are felt within local communities. These efforts resulted in the introduction of an annual 0.3% service levy (to a maximum of US\$200,000), which was agreed upon by large-scale

mining companies in 2006. This service levy is paid to local government authorities (which is collected at a district level) while the rest of the revenues including corporate taxes go to the central government. However, the central government continuously fails to channel these resources to communities around mines (Makene et al., 2012).

The disappointing performance of the mining sector has partly been blamed on government policies. For example, in 2008, a World Bank analyst reported that Tanzania was facing a policy failure in its natural resource sector. Specifically, that analyst highlighted that “because of policy failures, Tanzania’s natural resource endowments are not harnessed in an optimal way to achieve both economic growth and poverty reduction” (Pfliegner, 2008:242). Pfliegner’s report (2008) argued that policy failures are caused by weak governance regimes. Moreover, the report highlighted that resources are commonly offered below market price, which benefits a powerful few. This report also showed that there is a lack of transparency and accountability in issuing of rights to extract resources and accrue revenues from them. Other causes of policy failures in this World Bank report included inequitable sharing of benefits with communities, poor monitoring and surveillance of stock, and arbitrary set-up of royalties.

In efforts to improve mining policies and to increase the contribution of the sector to the national and local economy, the Mineral Policy of 1997 and Mining Act of 1998 were updated in 2009 and 2010 respectively (Lange, 2011). Moreover, in July 2015, the Tanzanian Legislature also passed the Tanzania Extractive Industry (Transparency and Accountability) Act of 2015, which aims to ensure transparency and accountability in the extractive industry. These new legislations specifically reflect the government’s acknowledgement of the importance of including communities (particularly those directly being impacted by mining operations) in decision-making processes, which is key to achieving SLOs. For example, policy objectives in section 4.0 of *The Mineral Policy, 2009* emphasize strengthening participation and improving communication in the mining sector. Section 5.9 of the same document identifies “promotion of relationships between mining companies and communities surrounding mines” and “involvement of local communities in development of mining projects.” All these are identified as a responsibility of the government. Moreover, section 5.13 of the same document states

that, “the government will collaborate with stakeholders to improve communication systems and flows of information to the general public.”

However, as Lange (2011) points out, improved legislation has had limited impact on communities due to weaknesses in governance. While the Mineral Policy of 2009 and other regulations acknowledge the importance of including citizens in the processes on natural management, there are still legislative, structural and operational challenges hindering efforts to enhance stakeholder relationships in Tanzania hence jeopardizing SLOs. These challenges are analyzed below.

SLO Challenges in Tanzania

Amidst the current growth of the natural resource sector in Tanzania, the need for SLOs to be prioritized is becoming evermore important for the country. Over the last two decades, Tanzania has experienced rapid growth in the extractive sector; within this, there have been numerous resource conflicts between communities, governments, and private companies (Lange, 2008; Kulindwa, et al., 2003; Newenham-Kahindi, 2011). Furthermore, new discoveries of natural resources such as natural gas and oil, along with the rise of local and global environmental, economic and human rights activism have led to increased demands for the government to respond to the needs of Tanzanian communities.

Discontent against natural resource investors and the government’s poor handling of the sector can be witnessed in many resource-rich regions in Tanzania (particularly in Mtwara, Mara, Geita and Shinyanga). Lange (2011; 251) explains that “the [Tanzanian] population in general – not only those directly affected by mining – is extremely resentful of large-scale mining.” Lange (2011) goes on to point out that mining has become a major factor for ordinary people’s increased resentment against the state. This resentment against the government and large-scale investors in the mining industry is heightened by a multitude of factors. These include the failure of the sector to meet economic expectations of citizens and poor transparency due to the government not disclosing mining contracts and agreements to the public. Furthermore, government’s

failure to implement and enforce relevant laws such as environmental and land laws has been a source of distrust for the government.

In fact, when officials from large mining companies were surveyed by the Bomani Committee (2008), they expressed that the government has not been able to resolve conflicts between the companies and citizens and artisanal miners who attack mining operations. These mining officials admitted a poor relationship exists with the communities although they blamed it on community's high expectations.

Furthermore, numerous cases of communities suffering as a result of the country opening up investment to large-scale mining have been reported in Tanzania. For instance, the use of violence by mine security guards and local police has been widely reported in many communities around large-scale mines. Some of the high profile cases include the deaths of over 50 artisanal miners in Bulyanhulu in 1996 when Kahama Mining Corporation Limited (Barrick's subsidiary and now operated by Acacia) began operating this mine. Lawyers Environmental Team claimed to have evidence of the burying of the artisanal miners by employees of the mining company and local police (Panapress, November 15, 2001). MiningWatch Canada and the UK-based Rights and Accountability in Development (RAID) made allegations of at least 10 people being killed by police at the North Mara mine in 2014 alone (Smallteacher, 2014). However, the government's response to these allegations has been inadequate; in fact, their responsiveness has been so subpar that these organizations have moved the case to UK courts. These incidences and the inadequate response from the government and even the government's alleged involvement in these crimes calls for a close analysis of the government's role in creating SLOs or possibly weakening SLOs.

Despite these disappointments of citizens by the government, the government of Tanzania still maintains that its responsibility is first and foremost to its citizens (Constitution of Tanzania 1977). One must therefore wonder why this constitutional obligation is neglected when it comes to the management of natural resources. Below, I identify external and internal challenges which inhibit the capabilities of the Tanzanian government from carrying out its constitutional mandate of protecting the interests of its citizens.

External Challenges

Fiscal Pressures

The ability of a government to fairly address concerns of its citizens can be compromised by the involvement of powerful corporations or financing institutions like IMF and the World Bank. Makene et al., (2012) point out how the World Bank is sometimes responsible for putting pressure on governments to accommodate the interests of private companies. For example, in the mid 1990s, the World Bank gave the Tanzanian government a loan of US\$226 million to support the cultivation of an attractive environment for mining companies. At the same time, the Bank contributed US\$172 million to Barrick Gold Corporation (Barrick is the owner of four of the six largest mining companies in Tanzania) in political risk insurance through its Multilateral Investment Guarantee Agency (MIGA). These arrangements present a conflict of interest as Makene et al., (2012:8) better explains:

Once a gold mining investor such as Barrick takes MIGA insurance, the Bank is liable to pay the foreign investor for the cost of investment if the host government imposes restrictions on transfer of capital or profit or if it seizes the operations or property of the investor. If the Bank pays the investor, it then passes on this payment plus other charges to the host country, adding to its bilateral or multilateral debt. The MIGA political risk is thus used to deter the host government's interference with insured investments and it can, procedurally, pre-empt state intervention in response to problems with a gold mining venture.

In other words, by accepting a loan from the World Bank the government puts itself in a position where it has to produce and enforce legislation and regulations that protect the foreign investor. External pressures like this make it nearly impossible for a government to assume its role and responsibility in attending to its citizens when their needs and expectations are not met. Bebbington et al., (2008) argue that the World Bank has pushed national governments particularly in the developing world to introduce legislation that favour international corporations. In Madagascar in the early 2000s, the World Bank funded programs to 'liberalize and strengthen' the mining sector but at the same time required that trans-national mining companies including Rio Tinto pay lower taxes and royalties (Smith, Shepherd and Dorward, 2012). Such external intrusions of

the government's freedom to set rules and regulations which could benefit its citizens present a challenge for governments to play an active role in creating a fair and balanced dialogue between the government, communities and companies. This externally-induced weakness in governance has serious implications on SLOs.

Lange (2011:234) poignantly argues that the mining and land legislation that was introduced in Tanzania in the 1990s (under pressure from the World Bank and IMF's SAPs):

dramatically changed the power relationship not only between the Tanzanian government and foreign investors, but also between Parliament and the government officials in charge of mining, between central and local authorities and between the state and its citizens.

These altered power relationships often tend to favour foreign investors with whom the powerful international financing institutions share stakes. This favouritism severely hinders the ability of the government to fairly address the community's concerns.

Internal Challenges

Weak Governance

The government of Tanzania has shown major internal weaknesses in the way it manages its natural resources. The weaknesses have manifested in both legal and policy practices. Some evidence of legal and policy weaknesses in the government of Tanzania can be seen in weak policy coordination between policies or Acts which affect the mining industry and also in the poor reputation of its senior officials who are linked to corrupt practices (Lange 2008; Lange 2011). The lack of policy coordination and poor policy implementation is discussed in details in Chapter 4 of this study. Moreover, lack of enforcement of the laws of compensation is rife in Tanzania (Bomani Committee Report, 2008).

Secrecy and corrupt practices in the mining industry have also weakened the ability of the government of Tanzania to govern the mining sector. For example, in 2014,

Transparent International ranked Tanzania 119 out of 175 countries on its corruption perception index (Hardoon and Heinrich, 2012). Specifically within the corruption perception index (CPI), Tanzania scored a score of 31/100; according to Transparent International, any score below 50 indicates endemic corruption (Uwimana, 2014). The 2013 Resource Governance Index (RGI) further ranked Tanzania 46 out of the 58 countries in terms of Institutional and Legal Setting (Revenue Watch Institute). Overall for the RGI, Tanzania scored a weak score of 50/100, ranking 27 out of the 58 countries.

Interpretation of values:

1 means not at all corrupt

5 means extremely corrupt

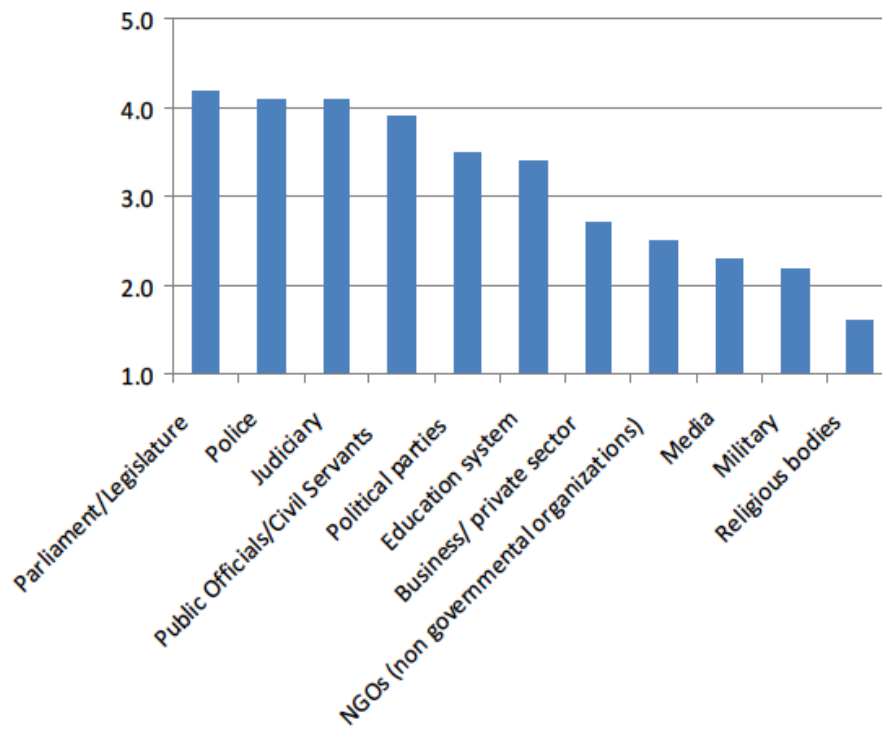


Figure 3.1. Corruption Perception by Institution in Tanzania

Source: Hardoon and Heinrich 2012: 41.

Additionally, in 2011, Transparent International conducted an evaluation of corruption in Tanzania. As the graph above (Figure 3.1) indicates, corrupt practices are perceived to be high in all sectors in Tanzania including the judicial, police, parliament and amongst public officials. An environment such as this therefore sets up an atmosphere of untrustworthiness, which jeopardizes the chances of SLOs being achieved.

Governance Structure

The aforementioned SLO challenges could also be a result of systematic challenges with how the government and its institutions are structured. Below I discuss Tanzania's government structure and how it affects the implementation of more effective SLO processes. This analysis helps to provide an understanding of how decision-making processes in Tanzania are largely based on a top-down approach making it difficult for community members to have a voice on issues and projects that affect them directly.

Central and Local Governments

The government of Tanzania is divided into two levels: the central government and Local Government Authorities (Figure 3.2). Local Government Authorities (LGAs) exist under Article 8(1), 145 and 146 of the Constitution of Tanzania of 1977 and their aim is to bring power to the people so that citizens can fully participate in planning and implementing development strategies. There are two categories for LGAs; these are Urban Authorities (for urban centers like cities and municipals) and District Authorities (for small towns and villages). LGAs are comprised of both elected and appointed officials as they were formed to serve both political and economic purposes (PMO-RALG document, 2013). In terms of political purposes, LGAs seek to provide opportunities for political and democratic participation among citizens. Economically, LGAs are intended to bring basic services closer to people.

Therefore, if LGAs successfully served their intended purpose, which is to bring power to the people in terms of determining a developmental and political path for their area, the current SLO challenges which result from the top-down governance system would have been largely avoided. However, there have been historical systemic challenges in Tanzania's inter-governmental relationships. This has hindered efforts to give more decision-making powers to LGAs and empower citizens to be more involved in decision-making processes. Below I briefly analyze this challenge and its effect on SLO processes.

Systemic Challenges to Empower Local Governments

Intergovernmental relationships (relations that exist between the central government and sub-units of the government) play a significant role for governments in supporting an environment that is conducive for SLOs. This is because participatory decision-making processes need to be in place between all levels of governments to ultimately ensure that the needs and concerns of citizens are being heard and acted upon. Recognizing the importance of a participatory decision-making model, the government of Tanzania has undergone several changes in its inter-governmental structure in attempts to bring public services and decision-making closer to citizens (Mniwasa and Shauri 2001). Strategies such as *decentralization*, *de-concentration* and the current *decentralization by devolution (D by D)* have both been about seeking to integrate decisions of local communities into policy-making processes nationwide (Mollel 2010; 36). However, local governments (which are meant to directly represent local communities) have continued to be seen as implementers of policies that are set by the central government, rather than being representatives of the wider Tanzanian population.

One of the ways through which the central government has managed to keep decision-making powers centralized is through the appointment of powerful officials working in local governments. For example, the positions of Regional Commissioners (RC) and District Commissioners (DC), who retain the most authority in local governments, are appointed by the central government. Since these high level public official positions in local governments are centrally-appointed, an hierarchy is maintained. In other words, these officials are unlikely to defend views that are in opposition of their bosses at the central government.

A study by Massoi and Norman (2009) in Tanzania found that a tremendous amount of power still resides within the central government as central government bureaucrats, economists, and government planners continue to set development agendas. Massoi and Norman (2009) found that a lack of involvement in planning processes at a local level prevailed. Their study revealed that local government authorities were asked to implement centrally-made plans, which lacked reflection of local priorities. This is concerning for an SLO process because when local concerns and

priorities are not acted upon, it is unlikely that the community will trust and support the government or a company invited by the government to invest in their community.

Furthermore, Mollel (2010) conducted a study that analyzed community planning and decision making only to discover that villagers were unaware of what is included in the ward/village plan. Instead, Mollel (2010) discovered a lack of clear links between the district plan and the ward plan. He concluded that “the planning process [was] not used to bring the local needs to the attention of the district council and the decisions of the district council [were] taken without considering the wishes of the local people” (Mollel, 2010; 151). Figure 3.2 below depict the top-down nature of Tanzania’s institutional arrangements. It demonstrates how administrative controls lie with central government bodies and are passed down to LGAs. This affects the influence of citizens in decision-making processes and negatively affects SLO processes as citizens’ voices can be easily suppressed.

As a result of these cumulative weaknesses, large-scale mining companies operating in Tanzania and other developing countries have found themselves as *de facto* governments (Hilson, 2012) in order to manage expectations of community members where they operate. Through their community relations offices, companies design and run social programs and provide services such as education, health and infrastructure building (albeit these services are still inadequate, as they are provided based on the company’s interests). As a result, the search for an SLO is often regarded as an extension of (voluntary) Corporate Social Responsibility (CSR) programs, rather than a means of building equal relationships through negotiating the interests between stakeholders impacted by the mining industry.

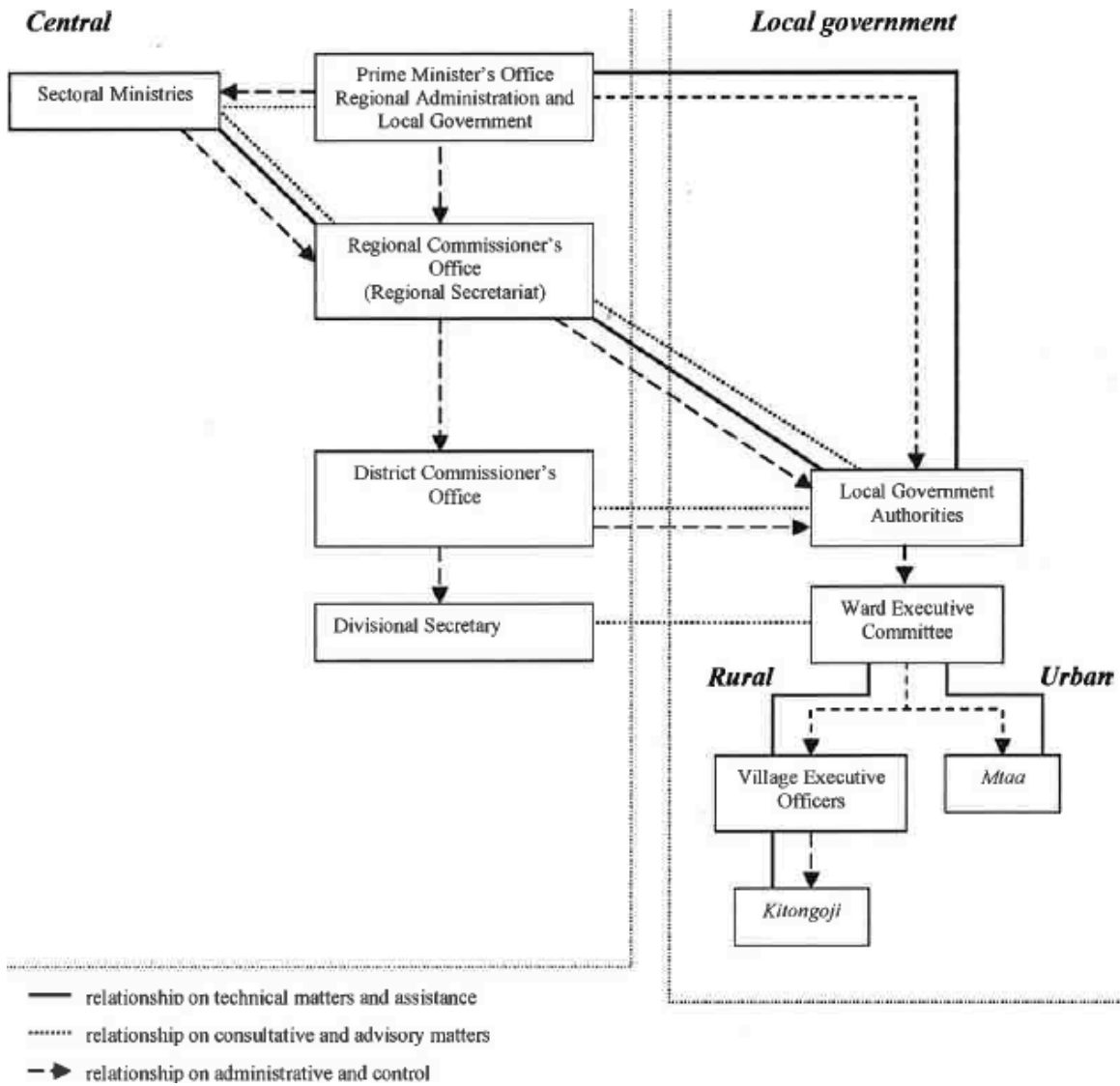


Figure 3.2. Interlinks between central and local governments structure
 Source: Mollel 2010: 18

Chapter 4.

Answering the Research Questions

Policy Challenges

Does the government have socially inclusive policies in place?

The mineral sector in Tanzania is guided by national and sectoral policies, and international conventions and agreements. The Mineral Policy of Tanzania of 2009 provides the overall guidance of the mineral sector. However, many other policies and legislation affect how the mineral sector is managed. These include the National Environmental Policy 1997, National Land Policy 1995, National Water Policy 2002, Agriculture Policy 1997, Health Policy 1998, to name a few. These policies impact how decisions are made in regard with natural resource management as they determine how resources are exploited and how the negative externalities from the exploitation can be limited. Moreover, even the Constitution of Tanzania (1997) requires that any power that the government might have must come directly from the citizens. The effectiveness or lack thereof of Tanzania's legislation in promoting SLOs is further explored below.

Public Engagement According to Tanzania's Legislation

Tanzania's Constitution (1977) shows that the power that the government has comes from its citizens. Specifically, Article 8 (1) sections A, C and D of this Constitution state that:

- (a) Sovereignty resides in the people and it is from the people that the government through this Constitution shall derive all its power and authority;
- (c) "the government shall be accountable to the people" and
- (d) "the people shall participate in the affairs of their Government in accordance with the provisions of this Constitution.

Moreover, Article 146 (1) of Tanzania's Constitution (1977) does not only mandate decision-making powers to local governments but also directly to citizens. This Article states that

Local government authorities shall have the right and power to participate, and to involve the people in the planning and implementation of development programmes within their respective areas and generally throughout the country.

These sections suggest that it is unconstitutional for the government to not involve citizens in decision-making processes, which is key to achieving SLOs.

Moreover, the Environmental Management Act (EMA) of 2004 highlights crucial aspects of environmental and social governing including administrative structures. It defines participation as being the "opportunity and ability to influence the outcome of a decision-making process." This definition of *participation* by the EMA is the quintessence of an SLO. This is because an SLO is a result of citizens having the ability to influence decision-making. Section 7(3) of the EMA (parts E, F and G) further instruct every person who exercises power under the Act to observe principles of public participations, which (e) "require the involvement of the people in the development of policies, plans and processes for the management of the environment." It further states that (f) "access to environmental information must be provided to enable citizens to make informed personal choices." Lastly, it states that there should be (g) "access to justice, which gives individuals, the public, and interest groups the opportunity to protect their rights to participation and to contest decisions that do not take their interest into account." These clauses embody what SLO processes require. That is ensuring public participation and seeing that opinions of the citizens influence final decisions, and ensuring access to justice for all citizens.

The EMA goes further in addressing justice in environmental practices. For example, section 7(4) of the EMA requires the Minister to be a liaison through fostering co-ordination between the Government, local government authorities and other bodies. It also states that the Minister shall maintain a system of collaboration, consultation and co-operation with any person that has functions provided under this Act. If abided by, these principles can create an environment where SLOs can flourish.

However, in spite of all the principles listed in the EMA, there is a policy coordination problem in ensuring that these principles indeed have any real influence in the management of natural resources in Tanzania. For example, the Mining Act of 2010 gives the final word to the Minister of Energy and Minerals. Specifically, Part VII of this Mining Act which is concerned with “*restrictions, reports and the right to entry,*” gives the Minister authority to dismiss any withholding of consent by a community member. For example, in regards to citizens giving consent for a mining operation to operate in their area, while the Act states that consent is needed from the “lawful occupier” of land for any mining activities to commence, the need for this consent can be “dispensed with” if the Minister deems its withholding “unreasonable.” However, the term “unreasonable” is not expanded upon. What this means is that the Minister of MEM at his/her discretion can deem a communities’ opposition to a project unreasonable and order that the operator be given permission to proceed. Through an interview with a representative of Policy Forum, I learned that civil society organizations (CSOs) such as Policy Forum, Rights and Legal Groups including Legal and Human Rights Centre (LHRC) and Lawyers Environmental Action Team (LEAT), have each warned and protested against the excessive powers given to the Minister and the Commissioner, yet despite their warnings, there has been no change to this legislation.

Exacerbating these power imbalances is the fact that the Land Act of 1999 and Village Act of 1999 are only valid for surface land (Land Act No. 4 of 1999 and Village Land Act No. 5 of 1999). These Acts are meant to provide citizens with means to contest invasion of their land and resources but since they only apply to surface land, mining contracts often bypass these regulations. In other words, community members cannot challenge a mineral license even if the license was issued for land already occupied by community members. Moreover, the Mining Act of 2010, No. 14, stipulates that once a piece of land has been identified as containing mineral deposits, the entire property and control over the minerals on, in, or under that land is vested in the United Republic of Tanzania; moreover, the Minister is thereafter responsible for mandating land-use decisions for that piece of that land. As a result, mining licenses have often been granted for areas of land where people live; thus, the civilians have no basis of defending their rights.

Another example of lack of policy coordination and the resulting contradictions between policies relates to the process for compensations. While the 1999 Land Act instructs that land dispute resolutions are to be independent of all level of government and can only be settled in courts (Lange, 2011), the Mining Act of 2010 gives power in resolving these disputes solely to the Commissioner of Minerals. Part VIII, section 102(1) of the Mining Act of 2010 states that “The Commissioner may inquire and decide all disputes between persons engaged in prospecting or mining operations.” The Mining Act of 2010 does not only give the Commissioner power to decide on settlement disputes, but it also gives the Commissioner power to instruct the court to “cause the order [given by the Commissioner] to be enforced as if that order was made by the court (Section 103-(2)). This in effect puts the Commissioner even above the court.

Moreover, Article 11 of Tanzania’s Mining Development Agreement Model (MDA Model 2014: Article 11 (11.2)) model demonstrates extreme favouritism to mining companies. This article states that:

If the Company finds it necessary, for the purpose of building the Project and relevant infrastructure, to make use of land which is lawfully owned, occupied or under care and charge of other persons, the Government shall, upon the request of the Company, assist the Company in its effort to agree with such persons in obtaining their permission or renting or purchasing such land, and if the Company is unable to come to an agreement with such persons, the Government shall assist the Company subject to the provisions of the Act or any amendments or re-enactment thereof *in order to enable the Company to make use of such land*” (emphasis added by italicizing the text)

This Article clearly shows that the government will do whatever is necessary to make sure the company proceeds with the project. Legislation such as this indicates apparent favouritism for investors and neglect for the citizen.

A report by the Society for International Development (SID) pointed out the concerns that “The legislative and legal regimes around the mining sector [...] seem to lean more towards encouraging foreign investment than to promoting and safeguarding the interests of the wider Tanzanian population” (SID, 2009:6). This policy weakness is damaging to SLO processes, as it makes it almost impossible to build trust amongst stakeholders when one side is institutionally favoured.

Implementation Challenges

While this study found policy weaknesses to be a hindrance to successfully reaching SLOs, perhaps one of the most significant findings of this research is the clear failure on the government's part to implement its policies and plans. Even the well-intended policies may not yield the desired outcomes if proper mechanisms are not put in place for them. For example, the Environmental Impact Assessment (EIA) Guidelines of 2014 stipulate several guidelines regarding how stakeholders should engage the public in project development. The EIA identifies 5 specific steps for public involvement, including screening, scoping, impact analysis, prediction and mitigation, EIA review, and monitoring. Furthermore, the EIA describes tangible methods for public participation such as public notice, public hearings, and community meetings.

However, no matter how good the policies and regulations may be on paper, without proper and effective implementation plans these policies can be considered useless. In this section I analyse whether the government of Tanzania has been successful in implementing processes that could help in reaching SLOs. This study found the implementation processes to be particularly weak in grievance mechanisms, compensation processes, and accountability mechanisms.

Poor Grievance Mechanisms

In terms of directly handling conflicts between mining companies and communities, a leader from Bulyanhulu explained that there is indeed a system currently in place. More specifically, a citizen can report a complaint to the development officer at their local government offices. Thereafter, the local government official must communicate the complaint with the involved mining company in order to have the grievances addressed. However, some members of the communities suspected "foul-play" in the grievance mechanism. One participant was still trying to make sense of the inaction of the government when complaints are filed against the mining companies. She said "*wakati mwingine tunahisi kama wanapewa 'kitu kidogo' ili wasifuatilie shida zetu*" meaning "sometimes we feel like they receive 'a little something' so that they won't follow through with our problems". Another member alleged that "*mi nadhani wakubwa wana share humo mgodini ndo maana hawafanyi kitu hata wanapopata malalamiko*" meaning

“I think the bosses [referring to high-ranking government officials] own shares in the mine that’s why they don’t do anything even when they get our complaints.” This dissatisfaction in the grievance mechanisms indicates a weakness in the way the government of Tanzania deals with citizens’ complaints.

Unfair Compensation Processes

Although the Village Land Act of 1999 lays out how ordinary people should be compensated for their land, implementation tools for this process are very weak. For example, many people live on land that has not been registered or surveyed (Lange, 2008) thus making it difficult to account for the value of the land and property. Moreover, the lack of information on land has also resulted into plots of land being licensed to companies with the assumption that nobody occupied the piece of land even when the land is indeed occupied. While this problem exists even in urban centers, it is more widespread in rural areas where mining projects take place. I delve into more concrete examples of unfair compensations in Chapter 5 of this study.

Weak Accountability Mechanisms

One of the biggest factors that hinder Tanzania from being able to foster an environment where SLOs can thrive is the country’s lack of a strong accountability mechanism. To expand, lack of accountability in an environment where corruption is rampant makes it nearly impossible for good governance to thrive (Chapter 3 of this study gives a deeper analysis of Tanzania’s weak governance). Many studies on corruption in Tanzania have in fact indicated that many officials are cognizant of the government’s inability to hold them to account; thus, breaking laws and regulations is commonplace in Tanzania, as government officials know they can get away with taking part in such actions (Lange, 2008;).

In one of the FGDs for this study, a local government official articulated that central government officials hold onto the decision-making powers for corrupt purposes. He explained that it is to the benefits of these central government officials that the decision-making powers are not with local government officials because the power allows them to easily solicit bribes from mining companies. He stated “*kama mimi nikipewa mandate, aliyeko juu hawezi kunenepa*” meaning, “if I am given the mandate

[to make decisions as agreed by the local community], the one above would not flourish⁵” And since the mechanisms to hold higher level officials accountable for their decisions or lack thereof are weak, these corrupt practices persist.

Regardless of how good policies, regulations and strategic plans may appear on paper, if a strong accountability mechanism is not there to enforce them, the chances that these rules will indeed be followed are extremely slim. Tanzania’s Ministry of Energy and Mineral (MEM) has not only been weak in demanding accountability from private companies, but it has performed subpar in managing its state-owned companies. For example, the MEM-owned mining company (STAMICO) does not publish reports on its operations or revenues (Revenue Watch Institute Report, 2013), which are key aspects to promote transparency and accountability within the sector. This issue indicates a serious weakness in the government’s ability to improve the management of the extractive industry.

Capacity Challenges

Does the government have the capacity to implement the policies and plans?

In order for any policies and plans to be implemented, the capacity for governments to execute them must be there. Tanzania’s Ministry of Energy and Mineral in its Strategic Plan (2011/12 – 2015/2016) admits that the government is faced with capacity challenges in terms of planning, budgeting, organizing, directing and controlling finances. These capacity challenges can hinder the government’s ability to fulfill its responsibilities, which results in poor management of natural resources. This can in turn lead to the government losing its credibility and hence the ability to support SLO processes. However, to better examine capacity and to understand what might be hindering the government from implementing mechanisms that can support SLO

⁵ “*flourish*” is used here to translate “*kunenepa*” however, *kunenepa* translates as “*to thicken/gain weight*” as a result of being well fed. In this case “*kunenepa*” is used as a figurative language.

processes, I look at two elements of capacity which are 1) normative dimensions and 2) empirical dimensions (Englehart, 2009)

Normatively, and in the context of natural resources and SLOs, it is evident that the government of Tanzania recognizes its responsibility to promote and maintain a system of collaboration, consultation and co-operation amongst stakeholders (EMA, 2004). However, empirically, it is a question of whether the government actually has the ability to do so. In the Mineral Policy of 2009, the MEM acknowledges that the mineral sector is faced with “low capacity of the Government to administer the sector” (Tanzania Mineral policy, 2009; 5). In fact, a top objective for Tanzania’s multi-million dollar project known as the Sustainable Management of Mineral Resources Project (SMMRP) has been to “strengthen the government’s capacity to manage the mineral sector” (SMMRP Report, 2015)

This section of this study looks at the *empirical* dimensions of the government to promote an SLO-friendly environment (as the normative aspect has been addressed in the *policy* question of this study). This section considers the capacity of the Tanzanian government and its institutions to implement the mineral policy and the regulations that accompany it. In this study, the term capacity is loosely defined as the ability for an institution or individual to perform a certain function. Aspects or characteristics used to determine capacity in this study include: 1) knowledge and skills on how to promote public participation in decision-making processes, 2) the availability of resources (including financial and human resources) and 3) administrative capacity.

Knowledge and Skills

This study found that at the village level, skills and knowledge of the industry were very limited. Particularly, technical skills and knowledge about mining regulations and laws were lacking. Due to lack of knowledge and skills, many participants (particularly officials from local governments) explained that they felt like they were not empowered enough to partake in the development of the mining sector. One participant in Mwendakulima went as far as to quoting the First President of Tanzania, who is also regarded as the father of the nation, who preferred to not open up the mining industry to foreign investors until the Tanzanians were educated enough to know what they were

getting into. The participant stated *“ndio maana Mwalimu Nyerere alisema tuyaache ardhini mpaka tupate wasomi wetu kwani madini hayaozi”* meaning “that’s why Mwalimu Nyerere suggested that we should leave them [the minerals] in the ground until we had our own experts, after all minerals don’t rot.”

One local government leader in Kakola, further exemplified the challenge of limited knowledge in performing public awareness in relation to mining activities. He explained how officials from the Bulyanhulu mining company have frequently dropped off brochures at his office and expected him to disseminate them to the public. Pulling out a brochure on how to deal with cyanide spills, which he had recently been asked to share with members of the public, he explained that along with budgetary constraints, he did not know enough about the subject matter to educate anyone. He further explained that he did not have anyone on his team who knew enough about the cyanide topic.

Availability of Resources

Although efforts have been made to resolve mining conflicts, especially between large-scale mining companies and artisanal miners, the government of Tanzania has not seen much success partly due to lack of resources to address the needs of these parties. In Mwadui Lohumbo and Maganzo, participants of FGDs who were also involved in artisanal mining explained that there had been a few projects by the government to help them but have all failed. The participants were referring to attempts by the government to formalize artisanal mining in efforts to reduce incidences of them going into areas licenced to large-scale companies.

Part of the reason these attempts have failed is because the number of artisanal miners has grown rapidly and the government does not have resources (both human resource and financially) to keep up with the growth. For example, it was reported that in 1999 there were only 35 registered artisanal miners. However, by 2013, that number had increased to 26000 and was expected to reach 35000 by 2014 (SMMRP, 2015). This struggle for the government to formalize artisanal mining has also negatively impacted other areas in the sector. For example, due to staff and resources being spent on the formalization process (i.e. registering artisanal miners and surveying land), less resources are allocated to matters like quality public consultation and awareness

campaigns. Instead, staff tend to only get involved in public issues only when a serious problem around law and order or an outbreak arises (Fisher, 2007).

In interviews with local government officials in Mwadui Lohumbo and Kakola, this study found that, the local government leaders were mostly consumed with trying to resolve mining conflicts instead of engaging in constructive discussions with the public and other levels of government about the industry. In fact, when asked about their responsibility in regard to the mining projects, these leaders' typical responses were that their job was simply to maintain law and order.

Administrative Limitations

This study found that, the capacity of local governments to implement policies, which would support SLOs was also hindered by the structure of the government's administration. This study further discovered that, local authorities in Tanzania still experience nearly all four forms of institutional limits identified by Mollell (2010). These limitations are: 1) legal and obligations limitations, 2) fiscal strings, 3) oversight arrangements, and 4) personnel appointed by central government. Most notably, these institutional limitations restrict the capacity of local institutions to freely make important decisions regarding the representation of the needs and concerns of local communities.

As a result of how the government is structured, local government administrators who are in charge of implementing policies and regulations are directly answerable to central government officials other than to citizens (Chapter 3 delves deeper into Tanzania's government structure). Since these administrators are in-effect answerable to the central government, priorities and their implementation are decided at the central government level. At most, the village leaders were usually on "damage-control" duties but had little-to-no capacity to implement locally-driven changes that could potentially bring lasting stability within the sector or at least in their jurisdictions. This therefore hinders members of local communities impacted by mining operations from having their concerns fully addressed.

In addition to the apparent capacity challenges described above, a majority of participants in this study believed that the issue of corruption played a big role in

hindering the government from enforcing mining laws. One interviewee explained that corruption causes the government to not practice transparency or carry out its obligations to its full capacity. He explained that by government officials accepting bribes, they give away their capacity to perform their duties to the people.

Government Willingness and Interest

Has the government demonstrated willingness and interest to implement the policies?

Without a genuine interest and willingness from the government to implement the aforementioned policies, it would be difficult if not impossible, for these policies to have the intended impact within the society and industry to which they pertain. If there is indeed no interest or willingness on the government's part to implement the policies, even the best structural, institutional and capacity become void. Below I discuss three factors that indicate weak or complete lack of interest for the government or its officials to implement measures which could support the SLO process. These are; 1) self-interested officials, 2) conflict of interest, and 3) divisive politics.

Many participants in this study believed that the government was capable of addressing all of the issues raised, albeit it lacked the willingness to do so. One participant in Maganzo went as far as to saying that "*Serikali ndio kila kitu*" meaning "the government is everything" as she believed that the government has the authority and means to implement laws and regulations but it just did not want to. One participant who identified as artisanal miner recalled how quickly the government reacts when the rights of the foreign investor are 'violated' by the people. For example, he explained that it never takes long for the police to show up when the mining officials call them in when citizens block roads in protest of injustices (such as abuse by mining guards). However, he further explained that it can take a long time for the police to even start investigating a case reported against the company. This lack of willingness, it was argued, arises from a multitude of reasons. These specifically included self-interested and corrupt officials, lack of a strict accountability mechanism being established, and the tendency to prioritize attracting and keeping private investors at all costs.

Self-Interested Officials

Participants in this study indicated that self-interest among government officials which manifested in the form of corruption is perhaps the greatest problem in Tanzania's natural resource sector, as it undermines political will to address issues that are arising within the sector. Corruption was reported even at village levels. Participants argued that village leadership often "eats" with the mining officials. In other words corrupt village leaders wanted to personally "share the cake" with investors through kickbacks. Moreover, villagers articulated that they have heard reports of government officials embezzling funds (especially the service levy), which the companies give to them to be used in communities. At Mwadui Lohumbo for example, community members reported that they only started seeing the impact of the service levy less than two years ago; however, the company supposedly had been providing the funds for at least five years. Secrecy in government-company agreements therefore exacerbates this form of corruption, as citizens can often be unaware of what service or benefit has been provided to them.

Government's Conflict of Interest

This study also found that there is a degree of conflict of interest within the government as it seeks to please investors but at the same time wanting to fulfill its obligation to serve the people. In a phone interview with a central government official who works with the MEM in Dar es Salaam, it became clear that the interests of the government in addressing the needs of citizens are limited at best. The government foremost prioritizes enabling an environment where it is possible for investors to easily invest in the nation's extractive industry (Chapter 3 of this study under "External Challenges" can help shade light on this problem). However this central government official highlighted that a conflict of interest can sometimes occur between the state and investors, as the state has been caught between attracting investment and protecting the needs of the communities. She further explained that the government finds it difficult to resolve all issues in the industry especially when the public's expectations do not align with the reality of the sector.

She went on to elucidate how sometimes the expectations of citizens can be simply unrealistic. Using an example of the 2013 riots in Mtwara, which followed gas discoveries, she explained how some citizens expected to see changes overnight. She stated that everyone, even individuals without skills, hoped to get a job at the operations and for new roads and public services to be improved immediately. However, she explained that these expectations are unrealistic and the government is studying how to manage citizen expectations. What this participant indicated was that there were unmatched expectations and interests that make it challenging for the needs of all stakeholders to be fully met and for SLOs to be achieved.

Divisive Politics

In Tanzania, politics play a large role in the natural resource sector. It not only impacts how resources are managed, but it further affects every aspect of leadership and management within the industry. Participants in this study argued that politics in Tanzania has an impact on how the government treats its citizens. Three different ways through which politics can affect good governance and public engagement in decision-making processes within Tanzania's natural resource sector were identified.

The first way through which politics affects the management of natural resources occurs when elected representatives of one political party ignores the suggestions of another political party merely because they are on the opposite side. This form of partisanship affects the industry and the country as a whole as important policies or processes may fail to pass simply because of this division. Likewise, unsatisfactory Bills may also pass simply because one party has the number of votes needed. This is particularly an issue of concern in Tanzania because the ruling party Chama Cha Mapinduzi (CCM) commands the majority government and has in many occasions passed legislation that opposition party members and CSOs have disagreed with. A recent example of this was when the parliament passed a number of Bills related to the extractive industry despite there being procedural challenges from opposition parties (Reuters, July 6 2015). This is further discussed in the *procedural injustices* section in Chapter 5 of this study.

Secondly, politicians are often accused of using natural resources to instigate hatred against the other party or candidate in a bid to win voters. To expand, politicians are known for giving false promises to communities regarding what they are able to deliver through the natural resources should they be voted into a position of leadership. The central government official interviewed for this study expanded on this issue. She explained that politicians in general play a large role in negatively sensitizing the citizens through spreading rumours of how the government is selling the country to investors. Using the example of conflicts that arose following discoveries of large gas reserves in the Mtwara region, she explained that some politicians from opposition parties went around telling members of local communities that they would not benefit from the projects at all and that all the benefits would go to Dar es Salaam (the economic and political hub of the country). She explained that this behaviour can instigate anger amongst citizens and jeopardize the relationship with investors and the government as citizens feel cheated and mistreated.

A third way by which politics hinders improved public participation in the natural resource sector is when the government in power neglects the voices of a certain community because that community elected a member of the opposition as their representative. This issue was specifically highlighted during the FGDs in Maganzo and Kakola. The participants in these communities complained of being mistreated or neglected by the government because they had chosen political leaders from the opposition. Participants in Kakola explained that this made them feel as if the government neglected them after they chose a member of an opposition party as their MP (Member of Parliament).

Moreover, FGD participants from Mwendakulima explained that they believed it was in the government's interest for citizens to remain uneducated regarding their mining rights. They argued that this lack of education and understanding can help to ensure that civilians would not demand for their rights. Participants drew from other successful awareness campaigns including ones used for HIV/AIDS and malaria, and they questioned why mining education is not included in such campaigns considering the health, economic and social impacts it has on people's lives. Here participants were

alleging that the government officials willingly keep citizens “in the dark” so that they can embezzle the revenues reaped from this sector without being held accountable.

Generally, this study found that willingness and interest to implement policies, which could create an environment that allows for SLOs to exist is also weak in Tanzania. To summarize, this lack of willingness to fully engage the public in decision-making processes and to respect the voices of the community is partly hindered by the presence of self-interested officials, divisive politics and governmental conflict of interest.

Chapter 5.

Analysis of Findings based on The Taxonomy of Injustices

The aforementioned findings can be best explained through the use of the Taxonomy of Injustices model, which is defined in the “Methods” section of this study. Below I revisit the taxonomy of injustices in order to identify how these injustices are present in this study. Understanding the presence of these injustices in this study is important because these injustices impact the three core components of SLOs (trust, credibility and legitimacy). Specifically, the presence of these injustices can make it difficult, if not impossible for an SLO to be achieved.

Evidence of Procedural Injustices

Procedural injustice is defined as political injustice, which ignores inclusiveness, fairness, representation, parity, and communication regarding how decisions impacting communities are made. Inadequate public consultations, lack of transparency, and corruption found in this study reflect procedural injustices in the management of natural resources in Tanzania.

Inadequate Public Consultations

This study discovered that there is a shortfall in government procedures when it comes to ensuring that the public is properly consulted before a mining project gets underway. When both community members and leaders of local governments were asked if they felt like they are always consulted especially when a new project (often in a form of expansion of an existing operation or an introduction of a new investor), nearly all responded that they did not feel properly consulted. Specifically, community members

in Maganzo explained that other than receiving some updates during regular village meetings of what the mining company was doing, they never got a chance to give their inputs before projects started.

Similarly, local government officials in Mwadui Lohumbo expressed their displeasure for lack of involvement by higher government authorities in terms of what was being planned for their area. A chairperson for one of the villages explained that early last year they were surprised to see machinery being set up in a new area without them being notified. The village leadership managed to halt the project until it was explained to them who was the investor and how big the project was going to be.

These incidences indicate the government's disregard for the community's (and its local leadership) voice when it comes to the management of natural resources. The representative of Policy Forum who was interviewed for this study explained that he believed that the government sometimes ignores the people because it believes that "these people are not educated" and that the central government officials are experts who do not need input from the ordinary citizens. This participant said that he hopes the violent protests against the gas project in Mtwara in 2013 would serve as a wake-up call for the government to realize that "these people can think and can be violent."

In Kakola, one resident explained that he feels like there is a *missing bridge* between residents and the central government. This participant went on to explain that he feels as if the local government either never presents their concerns to the central government (which he believed has the power to resolve their issues) or that the central government just does not bother to listen to their concerns. Whatever the reason may be, the government has never addressed the concerns. He went on to explain that although many citizens have presented their concerns and complaints to the government and mine's grievance offices, there is often no proper follow-up by the government to find resolutions. This type of complaints of lack of proper consultations or response for citizens' concerns tarnishes the possibility of SLOs being achieved.

Lack of Transparency and Corruption

Lack of transparency and corrupt practices further inhibit procedural justice from being realized as these issues cause escalation of tensions between the government, investors and the public. In Tanzania's extractive industry, secrecy and corruption has come to be regarded as a norm. One of the biggest cases of secrecy came to light in 2007 when it was revealed that the Minister of Energy and Mineral at the time, Nazir Karamagi, signed a secretive mining contract with African Barrick Gold, now Acacia Mining Inc. This agreement was signed in a hotel in London (Makene, 2012). The contract was for the newest large-scale mine and the largest open-pit mine in Tanzania, known as the Buzwagi Gold Mine. It was claimed that even the Tanzania's legislative body, the parliament, never got to see the contract before it was signed. This kind of practice indicates violation of procedural justice and provides loopholes for corrupt practices. Although the former Minister was later implicated on charges over energy contracts and forced to resign as minister, many officials still get away with abusing procedural justice.

Secrecy in mining agreements was also witnessed in this study at an open public meeting for the signing of a Memorandum of Agreement (MOA) between Acacia Mining Plc and Kahama and Msalala District Councils. While the District Commissioner (DC) and Acacia Vice President praised the meeting for being transparent and open, a noticeable tension was present among the councillors. In fact, one of the councillors in attendance said "*ngojeni tu tuje tuwabane*" meaning, "just wait until we pressure you." Intrigued by the councillor's statement, I made a follow-up inquiry. When I asked about the meaning of his comment, the councillor stated that there was a lot of fraud going on in regards to the money being discussed at the meeting (the MOA was apparently stating that Acacia Mining Plc had committed to providing the local government more than the required service levy of 0.3% which is capped at US\$200,000 per year). When I further asked whether any of the councillors had seen the MOA, he stated that none of them had indeed seen it; they would instead see it once it was signed and available online. Even the councillor who had been called by the DC to shake hands with Acacia's VP Corporate Affairs when the MOA was being exchanged in public had not seen this agreement.

When asked what would happen if the councillors did not agree with some content in the MOA, the councillor replied, they have “their ways of protesting it.” I was told by one of the councillors that only the District Executive Director (DED), the government lawyer, and people from the mining company knew about the specific content of the MOA. But when I approached the DED of Kahama and asked if the MOA was going to be shared with members of the public. He insisted that it was impossible to “just hand it to anyone.” He explained that if someone was interested in any information contained in the MOA, he/she could go to his office where he could answer any questions. He insisted that the MOA cannot be published in order to protect the interests of the company and to protect the company from disclosing information which could disadvantage it against other competitors. When asked about transparency, which was spoken about by the DC, the DED responded that the DC “was just talking politics” and that it was impossible to publish the MOA.

The secrecy highlighted in this case epitomizes procedural injustice taking place in Tanzania’s extractive industry. It may be understandable that not all documents which impact the public can be made public, but the fact that even the councillors had not seen a document they supposedly passed is alarming. Acacia’s communications manager initially mentioned that anyone could see the MOA, but when she asked her boss about this, he said it was impossible for the MOA to be shared at that time and that one should wait to read it until it was published on the company’s website. While there is no reason to challenge the authorities in how they choose to disclose or conceal their agreements, this case epitomizes how community members are frequently left out of decision-making processes regarding issues of development and resource extraction that affect them directly.

If transparent procedures are not employed in decision-making processes, achieving SLOs becomes very difficult if not impossible. Since SLO also refers to community’s consent of a project, it is hard to acquire this consent as one cannot agree to something they have not seen. Likewise, it is inappropriate and unjust if community members are only informed of decisions which have already been made but lack influence in those decisions.

Evidence of Corrective Injustices

Corrective justice is concerned with minimizing the negative impacts or externalities a community might face as a result of a certain activity. Corrective justice also involves how compensations and punitive measures are carried out. This study found that corrective justice impacts the level of trust citizens have in their government. It also impacts whether the community members will be willing to “issue” an SLO or not.

Unfairness in Compensations

Participants in all the FGDs conducted for this study identified issues of unfair compensations and human displacements. Although the source of this unfairness was contested, virtually all participants who contributed on this topic accounted for some sort of unfair practices when it came to administration of compensations. Only in the Mwendakulima FGD two participants disagreed on the compensation process. Both of these participants were local government officials. One participant argued that the process was unfair and mostly corrupt and that the government and the investor had a role to play in it. Meanwhile the other participant disagreed with this claim arguing that the process was fair and that in cases where the government and investor were unable to resolve compensation issues related to land and property was often because of personal or family disputes amongst people seeking to be compensated. He went on to give examples of family disputes where compensations were contested. He specifically gave an example of a family where one individual had already received compensation for a house but another individual from the same family was seeking compensation for the same house. He argued that, in such cases the government or the investor could not be blamed.

Despite instances of citizens' dishonesty in attempts to get money from the investor, the compensation process was largely unfair. Instances of people being significantly undercompensated or refused compensations were raised in all communities involved in this study. In one incident, a resident had been approved to receive a compensation of Tsh351,224.75 (less than \$200CAN) for 11 houses he owned. This was a gross undervaluation even for the poor quality and standard of

houses that are commonly found in this village. Calculating rental compensation alone, which was estimated at Tsh50,000 per months for the required 36 months (Village Land Act, 1999), suggests that this owner was eligible to receive Tsh19.8million in rent compensations alone.

Fortunately for this individual, one of the ward leaders has chosen to take this case to higher authorities. It is still awaiting a decision. No satisfactory explanation has been given as to why the valuation was so low. However, Tanzania's new Prime Minister, Kassim Majaliwa, may have offered some answer as to why such undervaluations sometimes occur. When addressing a land conflict between Ruangwa Mining company and citizens in the Southern region of Lindi, Majaliwa stated that sometimes land conflicts occur because the valuation process is left to the investor rather than the government (The Citizen, December 24, 2015). This process is likely to result on outcomes, which favour the investor over the citizen and it is likely to lead to resource conflicts which hinder achieving of SLOs.

Local government leaders at Bulyanhulu also explained that lack of proper land survey, poverty and overall power imbalances affect the compensation processes. One of the leaders explained that proper surveys of land are not usually conducted before the investor is given a license to mine. He explained that oftentimes, ownership of bush areas or farmland is undervalued or not assessed for compensation at all. This is partly because some of this land would be characterized as being a "no man's land" since it has not been worked on (farmed or used in other ways) for a period of time. Thus, when people come out to claim ownership of the plots, it causes conflict and disagreement.

Poverty and power relations also exacerbate compensation-related conflicts. For example, in one case of compensation in Bulyanhulu, citizens took their complaints to the DC explaining that the compensations were unfair. In response, the DC stated that if the residents did not feel that the compensations are fair, they should merely not accept the payments and appeal their cases to court instead of settling it out of court. Due to their poverty statuses, the citizens accepted the payments; however, they also proceeded to launching a formal complaint at the court. In spite of these efforts, the court dismissed the case, as they had already accepted the first compensation offer. It was

therefore argued in this case that the mine already paid payments to the people involved. However, poverty had pushed the citizens to take the money.

Lack of Trust

Lack of trust in the government's handling of investments, particularly in developing countries, presents a big challenge for an SLO to be achieved. Trust in the government is crucial, particularly amongst populations with low levels of education, as the majority of large-scale mines exist in rural areas when the majority of the population have low levels of education. Within these populations, citizens need to trust that their government is making decisions that take into account their needs and concerns. This is because these populations may not be capable of accessing and interpreting information about mining laws and regulations and what rights the citizens poses.

However, most participants in this study articulated that they could not trust the government based on its repeated history of taking part in actions that represent a form of betrayal such as forced relocations which take place with very short notice. One leader in Bulyanhulu stated that citizens have given up on the idea that the government is capable of providing and enforcing policies and training that can benefit citizens. He went on to argue that this lack of confidence and trust in the government even affects attendance rates in awareness meetings.

Evidence of Distributive Injustices

Within this study, *distributive injustice* refers to the inadequate levels of fairness in distribution of benefits produced from mining activities. While participants in this study did not demand to receive an absolute equal share of the mining wealth in their area, they had basic expectations and hopes that were based on the promises provided by the government and mining companies. However, promises seemed to commonly disappear and hopes dashed away as time went by. Below I identify the factors that demonstrated distributive injustice in this study.

Revenue Allocation

This study found that Tanzania does not allow for much revenue to remain in the areas that are most impacted by mining activities. In an in-depth interview with a councillor, he explained that the cap of US\$200,000 to be paid to local authorities as service levy is too low. He argued that this amount is inadequate in maintaining the infrastructure needed to support the mining activities and to support needs for other services like schools and hospitals, which tend to increase rapidly due to rapid population growth which happens where large mines open.

Additionally, the citizens' expectations grow significantly when mining operations come to their area. This implies that quality of services also needs to improve in order to reduce grudges and tensions, which can escalate into more damaging forms of conflicts if not adequately addressed. Considering that revenues being given to local communities are inadequate, mining companies often proceed with making other arrangements to provide more to the communities in which they operate. These extra payments do not only come in monetary forms but also through infrastructure such as building schools or providing scholarships, and so forth. The company's actions in providing these extra services point out to a form of distributive injustice that the companies are trying to remedy. However, most of these company contributions are usually based on ad hoc company-based initiatives and are not mandated or monitored by the government.

Furthermore, this study found that the government is directly responsible for ensuring *distributive justice* as the service levies which are intended to ensure some of the mining benefits are shared with local communities, are paid directly to the government. The government is then directly responsible for how these get distributed. However, participants complained about lack of transparency and corruption in how the service levy was being administered. For example, residents of Kakola complained that the service levy was sent directly to the District offices over a long time period but they never saw the benefits being brought into fruition in Kakola. One participant explained that he only received information regarding the money being sent to the government after community members complained to the mining company about lack of services in the area; they were merely told that the company has always paid their dues to the government. To the central government's credit, a crackdown on this issue took place,

which shed light on how some of these funds are reaching the communities surrounding the mines.

However, this crackdown only occurred after many attempts by residents of Kakola to push for delivery of services such as clean water, roads, schools and hospitals which they were promised by the government and the investor. These attempts even involved blockading convoys of central government officials when they visited the community. The fact that it requires protests for the government to do what it has promised to do through its written policies and regulations suggests a lack of willingness on the government's side to follow through with its responsibilities.

Dashed Hopes and Unfulfilled Promises

As Chapter 3 of this study has explained, much of the anticipated positive contributions that the mining sector promised has gone unrealized. Hopes that many citizens have regarding infrastructure, health care, education and employment have not become a reality in the majority of mining communities. Instead, lost lands, disrupted livelihoods, poor health, and abuse under police and mining staff have become part of the narrative of the mining communities in Tanzania.

Throughout discussions with community members, it became clear that there was a big gap between community expectations and what mining projects were actually delivering to the local community. As a result, strong discontent against the mining industry was displayed in every FGD. The root cause of complaints and levels of discontent in nearly all communities was due to the lack of "material" benefits these communities experienced. Jobs, healthcare, schools, water and other forms of infrastructure such as roads were common sources of complaints. When participants were asked if they were holding grudges against the investors, community members were quick to admit that the minerals were on their land and therefore inherently theirs. Coming from this perspective, community members felt as if it was unfair for someone to just come into their areas and take all their riches away without addressing poverty.

However, an official from the central government explained that much of the community expectations are unrealistically high for the government to fulfill. She argued

that citizens expect to get rich quickly from the discoveries of natural resources. She went on to explain that citizens lack awareness of the complexity of investments in natural resources and specifically the different stages of investment and the costs that go into investing in this industry. She pointed out that education is a big issue that is perpetuating this lack of awareness. She argued that politicians tend to take advantage of this knowledge gap by promising great things that large-scale mining can bring, which are simply unrealistic.

Re(Defining) Illegal Activities

Another key source of conflict between community members, the government and investors in the mining sector that concerns distributive justice is the issue over access to mineral resources. In Mwadui Lohumbo for example, there is a widespread culture of pillaging waste rock from mineral dumps. This activity is referred locally as *ubeshi*, which roughly translates as ‘scooping’ of mineral-bearing rocks from areas licensed to large-scale mining companies (see glossary for a better explanation of the term). Essentially, partaking in *ubeshi* is an illegal activity. It was therefore surprising to hear how people openly referred to their livelihoods depending on something that can be officially classified as illegal. For example, one of the motorcyclists around the Mwadui mine stated that "even this bike I got from the pit." In other words, this motorcyclist “trespassed,” into the mining company’s property, stole some mineral-bearing rocks from the dumps, processed the rocks to get the diamond, which he eventually sold to brokers and then used the money to purchase the motorbike with which he started his "*bodaboda*" or motorcycle taxi business. This case was not a secluded occurrence, as many youths in the area are engaged in *ubeshi* practices.

While the participants in this study seemed to equate *ubeshi* to artisanal mining and at times even referring to *ubeshi* as small-scale mining "*wachimbaji wadogowadogo*," the three practices are not necessarily the same. These practices can be separated based on the degree of legality and mechanization (Lange 2008; Fisher, 2007; Hinton et al., 2003). Small-scale mining is considered as formal and legal practise with those practising it posing a primary mining licence and use some degree of mechanization. Artisanal mining on the other hand is used to denote a practise carried

out by 'small-scale' miners who may be formal/legal or informal/illegal depending on whether they carry out this practice in a an area dedicated for the activity. Artisanal mining often involve very little to no mechanization and is often carried out without a mining licence. One MEM official described artisanal miners as "informal small-scale miners who hardly ever have a legal right to the mineral deposit they exploit" (Lange 2008:1). *Ubeshi* can therefore be described as a form of artisanal mining that is informal and unregistered and rarely uses any form of mechanization. We can therefore see why *wabeshi* refer to themselves as artisanal miners as they poses no mining licence for where they access the mineral deposits and rarely, if ever have any access to mechanization.

Most young men in this study admitted to relying on "*ubeshi*" to either gain capital to start other businesses or to just meet their daily needs. While *ubeshi* may not fit the conventional definition of "artisanal mining," locally, the terms were used interchangeably. Those who considered themselves as *wabeshi* (plural for *ubeshi*) also identified as being "*wachimbaji wadogowadogo*," which is loosely translated as artisanal miners or small-scale miners. This interchangeable use of the terms was partly due to some artisanal miners turning into *wabeshi* after the areas in which they mined were licensed to large-scale or small-scale mining companies but they kept going back to try to access the minerals in those areas. For example, at Mwadui Lohumbo, it was intriguing to witness young men sitting around doing nothing during the day; however, one of the locals subsequently explained that "they were all waiting for the sun to set down before they can head down to the pit."

The issue of trespassing mining properties was not unique to Mwadui Lohumbo or Maganzo. A local government leader from Bulyanhulu also stated that trespassing was one of his biggest challenges within his responsibilities to maintain peace in his area. He reported having people frequently cutting fences surrounding the mine in an attempt to steal waste rocks, among other things, from the mine.

The perception towards *ubeshi* amongst local communities demonstrates that locals no longer regard trespassing as a criminal act; rather, it is viewed as being a necessary means of survival. In one of the FGDs, it was explained that *ubeshi*

represents a business that has been passed on from generation to generation. A participant from Mwadui Lohumbo elucidated that this occurs for two main reasons. First, mining is what citizens in these areas have known for generations. This is to say that the locals have always mined in the area and this is their way of life. Second, citizens feel as if the land has been taken from them by force and has been given to large-scale mining investors, leaving them with no other ways to meet their needs as they have always relied on this land. The fact that most community members lacked financial capital or knowledge to become licensed small-scale miners meant that many of them have been forced to engage in *ubeshi*, other forms of artisanal mining, or a combination of both. They are trying to survive.

The majority of artisanal mining operations and *ubeshi* are regarded by the government as being criminal, illegitimate and dangerous acts. This is often due to the perceived environmental degradation and disorder they cause. Although many young men in these communities have turned to *ubeshi* engaging in this way of life is a dangerous ordeal. Many *wabeshi* risk their lives every year in pursuit of minerals. In fact, at least eight people lost their lives in the past year alone under the hands of security personnel in Mwadui Lohumbo according to participants from this community. During this study, one participant spoke of a young man who had disappeared less than a year prior to my visit to this community and had not been found yet.

While perceptions of entire populations towards *ubeshi* seemed to shift from it being a wrong and illegal practice to one of necessity, none of the participants in this study admitted to enjoying partaking in this practice due to the life-threatening risks that come with it. It was rather seen as a symbol of defiance and survival. Participants went on to explain how they have repeatedly asked the government to negotiate with the mining company on their behalf to at least truck the waste rocks out of the mine boundary so that they would not have to trespass. This is an initiative by the community to improve the relationship with the investor and their government. However, regardless of repeated promises of the government fulfilling the request of negotiating for waste rocks to be given to *wabeshi*, nothing of that sort has since happened in any of the communities included in this study.

Evidence of Social Injustices

Social injustice can be broadly defined as being the tendency to ignore the responsibility of ensuring that the needs of all members within a society are addressed regardless of their economic, ethnic or political stance. This study discovered that the five communities involved in the study shared two indicators of social injustice. These specifically were 1) a sense of powerlessness and 2) discrimination against communities that were located close to the mines.

Powerlessness

One of the most widespread fears amongst the community members involved in this study has to do with the government favouring companies over its own people. This was alluded to in all eight FGDs. This favouritism is institutionally expressed, as it is clear that much of the legislation gives priority to large-scale investors over the needs of citizens. As demonstrated in Chapters 3 & 4 of this study, it is the government's policy to provide the best possible conditions to attract and keep investors in the country. Thus, not only are generous contracts (such as tax breaks) the norm, but large-scale miners receive a great deal of protection from government's armed forces against disgruntled citizens. These issues create a false sense of security and stability for the industry while posing a barrier to allowing citizens to be involved in mining operation activities, hence jeopardizing the chances to achieve SLOs.

One participant expressed his particular distaste for what was transpiring in and around the Williamson Diamond Mine. He made it clear that people were simply tolerating the injustice because of the government's use of force in situations that involve physical resistance from locals. He referred to a recent incident (that allegedly occurred approximately a month prior to my arrival in Maganzo) where a villager attempted to steal waste rocks from the mine and was shot dead by the security personnel who guards the mine. The participant went on to explain that during subsequent protests, a lot of police force was used to put down the protest. He claimed that one of the ward councillors invited some newspaper agencies to come and witness how community members were being abused; however, none of the media companies came to

investigate the matter. When I asked why he thought that this kind of news is not published in the country's media, he speculated that journalists probably get paid to not investigate these issues or are afraid of the government.

Government officials were also reported to discourage citizens from expecting much from the sector. During one FGD in Mwime, participants explained that they had been previously told by an MP that they should simply accept whatever is offered to them, as they are not entitled to any of the services the mining company was offering. This sense of powerlessness, which might inadvertently give a false sense of agreement and even a misconception that an SLO perhaps exists, can result in more serious resistance if it is not addressed in a timely manner.

Discrimination Against Local Populations

Participants from the communities surrounding the mines frequently expressed feelings of discrimination. For example, participants in Maganzo and Mwadui Lohumbo stated that it was nearly impossible to get a job at the mine if you lived anywhere close to the mine. This was an issue of frustration as community members believed they should receive priority when it comes to employment. Even simple occupations such as security, cleaning and other administrative duties were reportedly given to people from afar. These complaints were raised by both leaders and 'ordinary' villagers especially in communities surrounding Williamson Diamond Mine and Bulyanhulu Mines.

Specifically, participants from Maganzo and Kakola explained that entire communities were being labelled as being communities of thieves and were therefore not viable for employment. As a result, many villagers participate in *ubeshi*. Meanwhile, individuals from these communities who indeed get jobs in the mine receive short-term menial labour contracts such as grass-cutting. Local communities thus believe that most jobs that are given to people from outside can be done by people from the community. Community members argued that although promises have been made when it comes to employment, these promises are far from being a reality. Many participants felt they were being punished for living too close to the mine as they potentially limited the mine from acquiring more land and expanding. In Kakola, community members frequently

mentioned how they have been refused public services such as hospital, water and school benefits while villages located further from the mine have indeed received those same services.

However, one of the local government officials from Kakola who participated in this study posed a view that some of the employment complaints are impossible to address. He went on to explain that sometimes citizens think they can be given the jobs simply because they live near the mine even if they don't have the required qualifications. However, he proceeded to arguing that there are indeed people from outside the region and even outside the country who were getting training and jobs that the locals could have been given and trained for.

There were also complaints regarding labour relations between races in the mines. Specifically, it was explained that since foreigners often hold most supervisory positions; thus a strain is placed on the relationship between foreign workers, local workers, and the local community as a whole. Although one may think that these relations are only internal issues that can be resolved internally by the company, it was reported that since the abused workers live in the community, they bring their distresses and anger to the community. This tension can have a "multiplier" effect, as those who do not work inside the mine learn about what kind of employer the investor is through their peers who work for the company. Thus, another way that communities perceive the investor is through the eyes of those who work in the mine. If those employed bring a negative message about the employer, it can hurt the relationship between the investor and the community jeopardizing an SLO. One participant summarized it by saying "if those inside are treated badly, how about us on the outside?" This is to say any form of discrimination or disregard of local communities from either the government or the investor can have negative implications on efforts to achieve an SLO.

As this chapter has demonstrated, poor regard for the four types of justice (procedural, corrective distributive and social justices) contribute to the weakening of the relationship between the government, mining company and communities. The findings of the study demonstrate that citizens' lack of trust in their government, or feeling of powerlessness and even discrimination against local populations when it comes to

participating in the industry are indicative of lack of efforts by the government to ensuring a conducive environment for SLOs to exist.

Chapter 6.

Conclusion

Although this study learned about weaknesses in terms of Tanzania's governmental policies, implementation mechanisms and its capacity to implement them, it can be concluded that the government of Tanzania is not playing an active role in supporting SLOs due to weaknesses in the government's accountability mechanisms. For example, corruption and mere negligence of duty to the public were found to be key factors in government officials not carrying out their responsibilities to citizens. These shortcomings jeopardize the public's participation and representation in decision-making and hence hinder the ability for SLOs to be brought into fruition within Tanzania's extractive industry.

Throughout the fieldwork, participants demonstrated overall disappointment and distrust in the government and its handling of their concerns. Participants explained that even when authorities sat with them to discuss their concerns, many promises went unfulfilled. Many participants explained that there is a great leadership vacuum in the entire governance system. Indeed, some community members stated that they did not have a problem with investors coming into their communities; rather, they were frustrated with the government giving power to investors without protecting the rights of the citizens. However, some participants also expressed grudges against the companies, as they found it unfair for resources to be taken from communities without villagers benefiting from this wealth.

It also became apparent that part of the challenge in resolving conflicts was due to decision-making powers being concentrated amongst central government authorities. Local government leaders and lower level officials lack authority in dealing with conflicts, as they often merely carry out orders from above. For example, in terms of land expropriation, local governments have little or no power in objecting decisions made by

higher authorities. Community members therefore reported that they feel as if their local governments are not willing to address local concerns, as the higher authorities are the stumbling block. Through discussions that were had with leaders of one of the communities, it was made clear that there have been incidences where investors began operations without the knowledge or approval of the local government leadership. Moreover, capacity to implement laws and regulations was found to be lacking due to external and internal challenges. These included fiscal, human and structural limitations.

Overall, although the government of Tanzania may have a good set of policies and regulations established to lead to strong SLOs, this study discovered that weak implementation and accountability mechanisms are the biggest stumbling block within this process. With strong implementation and accountability mechanisms, governance aspects such as corruption and lack of transparency can be addressed. This can in turn enhance levels of trust between community members and government officials. Strong political will is also necessary for SLOs to be achieved, as political rivalries which put political interests before the needs and concerns of citizens are commonplace in Tanzania. This further weakens the capacity for the government to support SLO processes. As a result of these weaknesses, this study argues that the government currently falls short in both procedural, corrective, distributive and social justice processes, which are needed for SLOs to be established.

Furthermore, although this study only focused on the mining sector, the concerns and constraints identified in this study also impact other sectors such as agriculture, natural gas, hunting, forestry and tourism (Curtis M., Mbunda R & ActionAid, 2015; Nelson F., Sulle E., and Lekaita E., 2012). Even two of the key informants interviewed for this study, the Policy Forum representative and the MEM official, kept referring to issues of poor public engagement and public expectations in gas projects in Southern Tanzania. Issues of marginalization, unfair compensations and forced relocation in natural gas projects, land grab for large-scale farming or tourism projects across Tanzania are prevalent (most documented in Mtwara, Iringa, Manyara, Morogoro and Dodoma regions). These issues represent SLO challenges very similar to those analysed in this study through an analysis of Tanzania's mining sector.

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Appendix.

Interview and Focus Group Discussion Questions

(Please note that some questions were not asked due to either time limitations or if participants would have addressed the question before it was even asked. This was largely the case in FDGs)

Central Government: Involved The Ministry of Energy and Mineral: Policy and Planning Division

1. What are the challenges/issues that come with the process of maintaining a healthy relationship amongst stakeholders (government, industry, citizens) of natural resources?
2. How does the Mining Policy or Act (or any other Policies and Acts for that matter) address the issue of stakeholder relationships?
3. What implementation mechanisms are in place to ensure the Policies or Acts are implemented?
4. What are the responsibilities of the Ministry of Energy and Minerals in insuring that these policies are implemented?
5. Where do you think the government has been most successful in involving citizens and reducing conflicts which arise from discoveries of natural resources? And where do you think the government could do better?
6. What are the most common/biggest concerns raised by citizens and/or their representatives in regard to the management of natural resources? And how does the government respond to these concerns?
7. Would you say that the government has the right policies, capacity and interest to enhance stakeholder relationships?

Community Members: Included artisanal miners, farmers and other entrepreneurs

1. What has been your experience in regard to the presense of the mining project in your area?
2. Do you know of any government policies or regulations aimed at reducing conflict between your community and the mining company?
3. Do you think the government has the capacity to implement these policies and regulations?
4. Has the government demonstrated interest and willingness to work with communitie to address community needs and concerns?
5. Do you remember there being a meeting in your village called by the government to discuss management of the mining project? Were you invited? (if no why do you think you were not invited)?
6. In case of grievances related to the mining activities, where do you take your complaints regarding the project? Is this process effective and helpful in solving your complaints?

7. Who is most accessible for you to take your concerns or grievances (Government or company)? And who is most responsive?
8. In general, how would you describe the government's effort to include you in managing the resources?

Local government leaders: Included ward officers, village councillors, and village officers

1. What are your responsibilities in relation to the mining project in your area?
2. What challenges do you face in carrying out those responsibilities?
3. How is your relationship with the Central, Regional or District government?
4. What are your expectations of the Central, Regional or District government when it comes to managing natural resources?
5. Is there adequate/consistent communication with the Central, Regional or District government?
6. What are the common issues communicated between the village government and higher leadership?
7. How often are you consulted by the Central, Regional or District government in regard to mining decisions which impact the community?
8. How do you know what to communicate back to the Central, Regional or District government? (i.e. what is the source of your information?, do you call meetings to discuss issues with community members)

Civil Society Organization: Policy Forum.

1. What has your experience been in terms of the government involving community members in decision making processes as a whole?
 - How does this involvement look like in respect to Natural Resource Management?
2. Are you aware of any social-inclusion policies in relation with natural resource management which the government of Tanzania tries to implement?
3. Do you think the government is doing enough to implement these policies?
4. Do you think the government has adequate mechanisms and capacity to implement these policies.
5. Are you aware of any programs or other efforts by the government (at all levels) to involve citizens in the decision-making process when it comes to the management of natural resources?
6. Do you think the government has shown a satisfactory level of interest and willingness to implement these policies
7. In general, what do you think are the government's weaknesses and strengths when it comes to policy implementation as a whole?