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From adversity to prosperity
Towards a ‘new’ governance paradigm for natural resource management in Africa’s conflict zones

**Ufo Okeke-Uzodike, Olumuyiwa Babatunde Amao, Sakiemi Idoniboye-Obu and Ayo Whetho**

This article interrogates the continuing relevance of the contractarian governance paradigm to resource governance and the impact of exploitation on the local population and environment in the Democratic Republic of Congo (DRC), Zimbabwe and Ghana. It highlights the susceptibilities of their governance processes, particularly the roles of the elites of the host communities, the multinational corporations, and the governing authorities in appropriating resources for their personal interests, resulting in tensions and conflicts. This scenario is borne out of inept leadership, as well as the defective and compromised administrative mechanisms operational in these countries. In view of this, the article underscores the need for a ‘new governance management paradigm’ anchored on a communitarian framework, which incorporates all stakeholders, to guarantee sustainable peace and prosperity, particularly in conflict zones. The article therefore concludes that achieving a nexus between forestry, mining activities and economic development in these countries will require a restructuring of the existing governance mechanisms; and advocates for a new governance model capable of curbing the excesses of local and foreign hegemony, including a total overhaul of the seemingly compromised supervising authority.

**Keywords** natural resources, underdevelopment, contractarian theory, communitarianism, capacity building

**Introduction**

Natural resources play a fundamental role in the survival of the human race by providing raw materials for all manufactures; serving as a source of livelihood to peoples and nations; and accounting for about ‘26% of the wealth of low-income countries’, most of them in Africa.¹
Often, the people in resource-bearing communities do not benefit directly from them but rather suffer avoidable hardships and vulnerabilities. The ownership, control and management of natural resources similarly generate conflicts among individuals, communities and nations. The impact of their exploration and exploitation reverberates beyond the territory where they are found. Invariably, the exploration and exploitation of natural resources require collective cooperative efforts, including government regulation. However, rather than cooperation over the management of natural resources, collaborative energies are in fact expended on disputes and conflicts in which the various stakeholders canvass positions and interests that are sometimes exclusionary.

Therefore, the idea of maximising benefits to themselves and denying others their entitlements often underpins the position of stakeholders, thereby leading to an ‘us versus them’ phenomenon. This scenario is often attributable to the capitalist framework for the exploration and exploitation processes of natural resources, which exacerbates conflicts over their ownership, control and management, especially mineral resources requiring sophisticated and advanced technologies and huge capital investment for exploitation. Nevertheless, conflicts over ownership, control and management of natural resources are also embedded in the idea within the broader framework of liberal political theory, which views private property rights as fundamental. This idea is strongly linked to that of the ‘Incorporated Corporation’ or ‘Limited Liability Company’ – the main vehicle of capitalism and the associated notion of the shareholder as owner.

This capitalist mode of production and its ideological correlate, liberalism or liberal democratic theory, is often antagonistic and conflictual, thus leading to struggles among the various factors of production – for instance between capital and labour. The same way the commodification of land and the attempts by governments to separate the ownership of land from the natural resources found in and on it through legislation have added to both the character and the parties involved in this struggle. Capitalism and liberal political theory have also set the individual in opposition to the community. In addition, the primary mechanism for community participation as agent in liberal political theory – popular representation – has created a new piece in the puzzle, with professional politicians organised into political parties and owing allegiance to their party machines rather than the constituency and the voters they are supposed to represent.

Arising from the foregoing, and taking into cognisance the inertia of natural resource governance structures in Africa, this article revisits the continuing undesirability of the contractarian paradigm in the management of natural resources in Africa. Indeed, the seeming contradiction between natural resource abundance and development pathologies in Africa underscores the need for a rethink of natural resource governance mechanisms in Africa. The article draws references from the exploitative leanings of the contractarian model of natural resources management in the forestry and mining sectors in the Democratic Republic of Congo (DRC), Zimbabwe and, to a lesser degree, Ghana. This is achieved through an interrogation of the basic issues embedded in the Mineral and Mining Acts of Zimbabwe and Ghana, and the Mining Code of the DRC. It argues that the adoption of a communitarian-based natural resources management approach is sine qua non to the enthronement of peace and even economic development in these countries, particularly in conflict-prone environments (such as the DRC and Zimbabwe).

The article also identifies the impediments to transforming Africa’s natural resource abundance into an improvement in the standard of living of the people and makes
recommendations to arrest the undesirable trend of poor management of natural resources in Africa. To achieve these, the article uses the forestry activities in the DRC and the mining sectors of both Zimbabwe and Ghana as illustrations. Together with this introduction, the article has four main parts. The second section appraises the main issues encapsulated in the extant contractarian model of natural resources governance, the composition of the governing structures, and the factors contributing to the decline in productivity of the forestry and mining sectors in selected countries. The third section presents an overview of the forestry and mining sectors in the selected countries with a view to illustrating the processes associated with natural resource management in these countries. It thereafter situates its conclusion within the framework of a new governance model anchored on communitarianism with suggestions on how it can be employed to confront this conundrum of ineffectual management of natural resources in Africa.

Explicating the contractarian model of natural resource governance

The logical model for natural resource management under capitalism is contractarianism. Contractarianism ‘emphasizes the primacy of laws in protecting and enforcing contracts’ at the same time as it recognises only ‘bargained rights’. The incorporated corporation, which is the agency for organising production under capitalism and which promotes the interests of its owners and agents, is also the organisational basis of contractarianism. The incorporated corporation in the natural resource sector is generally a multinational entity headquartered in sovereign jurisdictions different from most of its operational bases. Generally, its ownership is also external to the resource territory. The essence of the incorporated corporation is to make profit for its shareholders no matter the costs to others.

As observed by Amao, ‘shareholders can choose to depart’ from the rules set by the state to regulate corporate governance and ‘the few mandatory legal rules that do exist to restrain corporate behaviour are subject to evasion by choice of form’. Contractarianism only protects shareholder interests while the state itself inadvertently serves the end of shareholders – particularly capital. Contractarianism, as the capitalist mode it epitomises, assumes the existence of the rule of law over the rule of men and formal equality among materially and inherently unequal entities.

Capitalism requires the state form of organisation in which there is an autonomisation of domination whereby ‘all those involved in exchange relations are dependent on a situation they have created’. However, ‘dependence becomes a compulsion’, with an independent existence of its own as market forces. Ake underscores the point:

Behind this common subordination of all by what looks like a natural force is the domination of man by man, particularly the domination of labour by capital. The impartial market forces express and permit the exploitation of labour by capital and reproduce the inequalities of power and the domination of capital more or less automatically.

This autonomisation of domination is made possible by commodification and is ‘reproduced in the political sphere in the way in which the state is constituted’. Under conditions of pervasive commodification, as evident in capitalism, ‘society is a market’ in which the elements are ‘highly atomized … commodity bearers’ who ‘act self-interestedly and are
formally free and equal’. According to Ake, these conditions activate the law of value and engender the institutionalisation of political domination as a largely autonomous force:

Being formally free, equal and self-interested proprietors, the community of commodity bearers will necessarily evolve executive power (or government) as an independent public force administered in strict conformity to the rule of law … The rule of law expresses the disembodiment of political domination just as the laws of demand and supply do in the economic sphere.

Above all, autonomisation ‘institutionalizes the equal treatment of the unequal’ and ‘reproduces the rules of capital over labour by the very rules it guarantees’, including the right to enter into contracts and own private property. The essence of the foregoing paragraphs is to illustrate the difficulty capitalism faces in addressing shared interests in ways that are fair and ethical. The primary ethic of capitalism is self-interest, represented in private property. Given unequal power and property relations, conflict is inevitable, and in the mining sector, it is usually over beneficiation and impact/cost-bearing. It is perhaps the desire to minimise the conflict-inducing character of mineral production on the continent that motivated the African Union to process and adopt the African Mining Vision (AMV) in 2008, under the charge of its ministers responsible for minerals development, including the formulation of an action plan to oversee its implementation.

This vision, therefore, seeks to, among other things, achieve a ‘[t]ransparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development’. A key component of the AMV is

a knowledge-driven African mining sector that catalyses and contributes to the broad-based growth & development of, and is fully integrated into, a single African market through: …
Mutually beneficial partnerships between the state, the private sector, civil society, local communities and other stakeholders.

The positioning of local communities in the partnerships for the exploitation of mineral resources and the distribution of benefits highlights the degree of importance attached to natural owners of mineral resources. Quite aside from the emphasis on the need to adapt technologies to African conditions and demands for the use of mineral resources to achieve the millennium development goals (MDGs) – eradicate poverty, and promote sustainable economic growth and broad-based development – the focus of both the AMV and the Action Plan for implementing it remains essentially external to the mineral-producing communities. The incorporated corporation and its state-owned variant, public corporations, are still seen as the key mechanisms for the exploitation of mineral resources. There is more concern over the market demand for minerals as a determinant of production than over the needs and legitimate concerns of the host communities. The AMV document speaks about experimenting with ‘tri-sector partnerships involving government, private sector and local communities’ in order ‘to improve government, private sector and local community relations and the social and development outcomes of mining at local levels’.

However, there is obvious inequality among the three supposed partners. Government wields the coercive instruments of the state and resorts easily to the use of force to secure community compliance to corporate agendas. The private sector has the power of capital and technology in addition to home government support. The local communities have only their
nuisance value and a few non-governmental organisations (NGOs) to rely on. The 2012 Marikana/Lonmin miners’ strike in South Africa and the associated mining sector issues show how voiceless mineral-producing communities can be in the governance structures of mineral-producing countries. If an organised sector like labour can be put down in one of Africa’s most democratic nations, it does not require much imagination to see what would happen to unorganised mineral-producing communities elsewhere on the continent.

The motive for investing in mineral resources is the same for governments and the private sector: profitability; and reforms – actual and proposed – aim for increased and sustained revenue for government. In the calculus of profit and sustained revenue, costs to local communities are not usually counted as economic and social imperatives. Rather, local communities are regarded as moral hazards for both the government and their corporate partners. As such, they are treated as cost elements and expenditures that are tagged on through corporate social responsibility programmes. (It is instructive that expenditures on corporate social responsibility are tax deductible.) This is especially so because of the command and control approach of the contractarian paradigm of national resource management. In addition, the key interests promoted and protected by the contractarian paradigm of natural resource management are those of shareholders.

Shareholding, we may note, is based on money invested in a business. Local communities are not normally regarded as shareholders because what they bring to the activities of the mining companies – including their land, their environmental resources, their livelihoods, and their health – are not considered investments by the mineral-exploiting companies operating in their areas. Bearing all this mind, the next section focuses on the effects that this contractarian model of natural resource management has had on the mining and forestry sectors in the DRC, Zimbabwe and Ghana. The situations in these countries (which we use to illustrate the implications of contractarianism) serve as the backdrop upon which we premise our argument for a shift in the natural resource management mechanism in Africa.

The DRC and its resource governance crisis

Following the 1996 overthrow (and later death) of its longest-serving ruler, Mobutu Sese-Seko, and the subsequent assassination of the latter’s successor (Laurent-Désiré Kabila) in 2001, the DRC has been engulfed in a plethora of civil wars occasioned by the battle for control of its vast natural resources. These wars have claimed over 3 million lives. The DRC conflicts have attracted a great deal of international attention and interventions because of the complexity and the protracted nature of the crises. In addition, international interventions have been predicated on the seeming inability of the government to put an end to the activities of insurgents and different militias, who have been motivated by the need to have absolute monopoly over the control of the resources in their area.

In terms of natural resources endowment, the DRC is home to at least a quarter of the world’s remaining tropical forest. Its main mineral-producing area is Katanga province, which is reported to be host to an estimated 10 per cent of the world’s reserves of copper and 34 per cent of the world’s reserves of cobalt, while a sizeable quantity of zinc, manganese, aluminium and uranium deposits are also available in commercial quantities. The Kasai and north-eastern provinces are home to diamonds, South and North Kivu provinces are endowed with coltan-cassiterite in commercial quantities, while the Ituri district is host to a large deposit
of gold. The quest for the control of these natural resources has seen the country metamorphose into a crisis-ridden state. Not even the presence of a United Nations (UN) peacekeeping force, MONUSCO, and a combination of military contingents from at least nine African countries, including Zimbabwe, Namibia, Chad, Angola, Uganda, Burundi, Libya, Sudan and Rwanda, could help guarantee the protection of the lives and properties of the people in whose regions these resources are largely domiciled. The resultant effect is obvious state incapacitation and a near collapse of all known semblance of governmental structures.¹⁵

Due to the huge prevalence of political and economic instability in the DRC, and its inability to effectively manage its multiplicity of natural resources, a large percentage of its citizenry (more than 75 per cent) are reported not only to be living on less than one US dollar per day, but also lack access to potable drinking water and other basic social amenities such as hospitals and schools. Also, the average life expectancy of its people has shrunk to between 42 and 45 years for men and women respectively, while its gross domestic product (GDP) per capita fell from about $240 million in 1994 to $85 million in 2000.¹⁶

The forestry sector in the DRC is reputed to have suffered from outright plunder and mismanagement. This is due to the activities of persons involved in timber logging for firewood purposes, those who clear forests for agricultural purposes, and individuals who have turned wildlife poaching into another source of livelihood either for subsistence purposes or for other larger economic purposes. It has been noted that unregulated mining activities are also degrading the forest at the rate of 2 million acres every year.¹⁷

Although both state and non-state actors have put a number of measures in place to arrest the trend of illegal exploitation and deforestation, a large majority of Congolese are still living in fear, particularly in the mineral-rich regions where their daily existence is often plagued by violence and insecurity. This frequency of violence is most dominant in areas such as the Kivu provinces and Province Orientale, all of which are synonymous with large deposits of coltan-cassiterite, gold and diamonds. There are still periodic outbreaks of heavy fighting around key mining towns in North Kivu. The unending nature of the DRC conflicts is partly a reflection of the complexity of the country and partly a result of identity politics. According to Reuters: ‘The latest bout of violence in eastern Congo, where fighting [is going on] is fuelled by a mix of local and regional politics, ethnic rifts and competition for large reserves of gold, tin and coltan.’¹⁸ Of the now disbanded M23, Nick Long of the Voice of America reported similarly that:

Goma was effectively controlled by a rebel movement until 2004, when the rebels were loosely integrated into the Congolese army. Most members of M23 [were] former soldiers who defected in April 2012 claiming discrimination and poor treatment by the government.¹⁹

The roles of Rwanda and Uganda in the conflicts are also not unconnected with seeking control of the mines and their revenues. The foreign rebels and militia groups still operating in the eastern DRC remain motivated by the money to be gained from exploiting natural resources.

Zimbabwe and its natural resources debacle

Zimbabwe, which is located in southern Africa, is home to about 13 million people.²⁰ There are about ‘500 individual deposits of base metal and industrial minerals in Zimbabwe’, of which over 40 are being exploited commercially.²¹ Gold, chrome, lithium, asbestos, caesium
and high quality emeralds have been the major mineral deposits, until recently when nickel, ferrochrome, platinum, palladium and rhodium assumed centre stage in mineral exports. In terms of location, most mineral deposits are concentrated in the green stone belts and the Great Dyke region of the country. The region contains ‘inexhaustible deposits of chrome, copper, and platinum estimated to be worth over US$500 billion’, while the main institutional architecture that regulates mining is the Ministry of Environment and Natural Resources. The ministry also oversees the state-owned Zimbabwean Iron and Steel Company (ZISCO). ZISCO has as its subsidiaries Zimbabwean Alloys, which produces low-carbon ferrochrome, and ZIMASCO, which manufactures high-carbon ferrochrome.

ZISCO also supervises the ammonium nitrate plant, which produces oxygen-refined steel, and the large open-cast coal mine located at Hwange. It is also responsible for the production of cooking coal and steam coal used to power the Hwange Thermal Power Station. As of 2000, the major mineral exports of Zimbabwe were gold, asbestos, platinum group metals (PGMs), nickel and ferrochrome. Ferrochrome alone accounted for 24 per cent of total exports, while by 2008 the share of the remaining four minerals had doubled to 49 per cent. However, due to the economic crisis that engulfed Zimbabwe in 1997, activities in the mining and exploration sector nosedived, a development that further worsened the already crumbling economy.

The above lends credence to the argument advanced by resource-curse theorists, which suggests that most developing resource-rich countries are consistently unable to maximise these potentials in the areas of growth performance, income equality and good governance. The nexus between this argument and the Zimbabwean debacle, as explicated by Hawkins, is such that:

Export-driven natural resource sectors such as oil, gas, minerals, precious metals and gemstones generate substantial revenues both for the state and foreign-owned multinational businesses [but] do not usually translate into broad based economic development benefiting all sectors of the population and especially the poor.

Hawkins further notes that the main explanation for this paradox is the failure (or inability) of the government to mobilise non-renewable natural resource revenues and reinvest them efficiently in physical and human capital, diversification of the economy and poverty reduction. A further analysis of the natural resource crisis in Zimbabwe, according to a United Nations Conference on Trade and Development (UNCTAD) comprehensive report carried out in 2008, reveals the following as the main constraints inhibiting the effective transformation of these resources for the development of the economy and the improvement in the standard of living of the people:

- Policy uncertainty and unpredictability owing to political instability and crisis of governance
- Scarcity of skills in the mining sector
- Inadequate social and physical infrastructure
- Poor implementation of meaningful macro-economic policies capable of regulating the exchange rate and curbing inflation
- Dictatorial tendencies of the existing government
- The politicisation and enforcement of investment-threatening policies such as placing restrictions on foreign ownership of industries and governmental interference in operational decisions of the companies
The enactment of policies that seem to favour resource exploitation by the government.

Perhaps another explanation for this seeming paradox is the telling import of the Chinese grip on Zimbabwe’s economy. As noted in a commentary on the existing Chino-Zimbabwe economic relationship, Eisenman observed that:

Perhaps most appealing to Beijing are Zimbabwe’s vast mineral and precious metal deposits and its inability to unearth these assets due to the nation’s vast poverty and estrangement from the West. Zimbabwe has the second largest deposits of platinum in the world, estimated at over $500 billion, but due to resource limitations that wealth remains untapped. In all, the country has deposits of more than 40 minerals including ferrochrome, gold, silver, and copper. Nor have Zimbabwe’s leaders hesitated to use natural resources as a lure.

Eisenman further argues that large state-owned firms, like the Zimbabwe Iron and Steel Company, which is presently being refurbished, also receive Chinese assistance, while China also builds person-to-person contacts through what is termed ‘soft’ economic approaches. China’s domineering presence in, and control of, Zimbabwe’s natural resources sector could be situated within the open invitation extended to the Chinese government by the Zimbabwean leadership. A further testimony to this assertion is evidenced in the remark credited to Dr Gideon Gono, Governor of the Reserve Bank of Zimbabwe, in a meeting with the Deputy Governor of the People’s Bank of China: ‘I would like to unveil to the Chinese people the vast investment opportunities that … abound in Zimbabwe, including our natural resource endowments.’ Eisenman also reported that Beijing already has deals in place for coal and coke concessions in return for financing and mining equipment. In return for Harare’s guarantees, China’s National Aero-Technology Import and Export Corporation (CATIC) and China North Industries Corporation (NORINCO) have agreed to finance multi-billion dollar expansion projects by the Zimbabwe Electricity Supply Authority (ZESA) and Hwange Colliery Company, respectively. It is imperative to note that on several occasions the United States (US) government has sanctioned NORINCO for its proliferation-related activities. Similarly, and according to reports made available by the Zimbabwe Investment Agency between January and May 2013, China was the country’s undisputed largest investor, accounting for 74 per cent of the $134 million of foreign direct investments. During the same period, Chinese businesses invested $81.2 million in the manufacturing sector, and another $16 million in mining between January and May 2013.

Indeed, most of these connections are linked to Zimbabwe’s natural resource endowment. Furthermore, they highlight the exploitative nature of the existing contractarian system of natural resources governance approach operational in the country.

Towards an understanding of Ghana’s gold mining industry

Ghana, a nation of over 20 million people, is endowed with an assortment of mineral resources, including bauxite, manganese, diamonds, gold and, very recently, crude oil. The country is the second-largest gold producer on the continent after South Africa. Its gold
deposits are found mainly in the Ashanti, Western, Central, and Brong-Ahafo regions. The mining sector contributes about 41 per cent of the country’s total exports earnings, 14 per cent of total tax revenues, and 5.5 per cent of Ghana’s GDP.³⁶ The mining industry in Ghana has been marred by political instability attributable mainly to the power tussle witnessed in the early years of the country’s independence, particularly from 1957 to 1972. This continued until the early 1980s, thus contributing to a stunted entrepreneurship and economic decline, the resultant effect of which was a neglect of local industries and a steady waning of the industrial contribution to real GDP between 1975 and 1982. This contributed in no small measure to the crippling of the export, investment and mineral sectors of the country’s economy.³⁷

In spite of these challenges, the mining sector in Ghana has undergone a number of reforms. Worthy of particular mention is the Economic Recovery Programme (ERP) introduced in 1983 under the administration of former President Jerry Rawlings. The focus of the initiative was to design policies capable of speeding up the industrial recovery process.³⁸ This was to be achieved through restructuring and adequate financing, increasing the opportunities for imports, and rehabilitating industries that were crucial to the mining sector. The reform also encouraged investments in industries considered to be of comparative cost advantage to Ghana.³⁹ The high points of the reform included the reorganisation of the regulatory framework governing the mining sector, facilitating easy access to critical inputs through export rehabilitation credits, and providing operators in the mining sector with access to foreign exchange retention accounts. Others included the provision of substantial recapitalisation funding for the gold mines, ensuring the reorganisation of the marketing arrangements for diamonds, and the legalisation of small-scale gold and diamond mining.⁴⁰ These reforms were further strengthened with the enactment of the Minerals and Mining Act of 1986. This law provided for the establishment of the Minerals Commission (MC), which was saddled with the responsibility to oversee the regulation and liberalisation of the sector, including extending significant benefits to investors in the sector. This, together with the rise in the price of gold at the international market, contributed quite significantly to the renewed interest shown by international investors in Ghana’s mining industry.⁴¹

In terms of the impact of these reforms on Ghana’s mining sector, the country was voted among the top 10 emerging markets for mining in the world in a 1995 survey carried out by a group of international mining analysts.⁴² Although some observers are of the opinion that the mining industry in Ghana is seen to be benefiting multinational corporations and the ruling elites primarily, the industry appears to have contributed significantly to the country’s overall development. The Ghana Chamber of Mines argues that ‘these contributions cannot be measured in terms of revenues only, but also by the impacts of the mining companies’ very existence in the rural communities’.⁴³ The presence of mining corporations is said to have ‘contributed to better communication technology, banking, electricity, health, education, human resource development, and technology transfers in general’.⁴⁴ For instance, in 2008, the Ghana Chamber of Mines spent over $12 million on voluntary social responsibility projects and was instrumental in the establishment of the University of Mines and Technology in Tarkwa.⁴⁵ Similarly, the operators in the industry have undertaken a series of corporate social responsibility commitments. This has further improved the standard of living of the people, encouraged some form of respect for cultural differences, and improved human capacity building for the employees, community and the government.
The gold-mining industry in Ghana has been a major source of revenue for the government since 1999, but its full potential has not been brought to bear when considered in terms of its overall contribution to Ghana’s development. In addition, operators have discretion over whether and on what terms and conditions to involve communities in their operations. Community concerns may be ignored, or given minimal consideration. This is a major drawback of the contractarian approach. Contractarianism fosters a sense of alienation or exclusion on the part of resource-bearing communities.

In view of the foregoing, this article proposes a new natural resource management paradigm that is capable of creating a sense of belonging in resource-bearing communities. This alternative paradigm promotes collaborative engagements among stakeholders, which also creates employment and wealth-generation avenues for the people in whose domain the resources are being extracted. The following section explains this task.

Rethinking the utility of the communitarian paradigm

It is against the background of the conflict-inducing nature of natural resource management based on liberal political ideologies that we want to set out a communitarian paradigm of natural resource management. According to the *Merriam-Webster Dictionary*, the word ‘communitarian’ relates ‘to social organization in small cooperative, partially collectivist communities’. Communitarianism entails the community as a mode of social organisation. The *Merriam-Webster Dictionary* registers three broad sets of meanings for community. First, a community is said to be ‘a unified body of individuals’ – ‘the people with common interests living in a particular area; broadly: the area itself; … a group of people with a common characteristic or interest living together within a larger society …’.

Second, a community is a society at large. Third, a community could refer to the concept of joint ownership; participation; common character; social activity and fellowship.

Based on the foregoing, it can thus be inferred that a community involves shared or common characteristics and interests, lived experiences that differentiate one community from identifiable others, and fellowship. Put differently, a community could also imply a shared responsibility about the continued existence of a group, including its territory and the well-being of its members. More often than not, it encompasses a coherent body of individuals who are so bonded as to be virtually indistinguishable from one another but are easily distinguishable from others. This, according to Crook, may include not only human elements but also ‘soils, waters, plants, and animals, or collectively: the land’. The products and the resources of the land, as the land itself (including its constituent parts or features), thus become members of the community and are to be regarded as interest-bearing. Moreover, in a sense, land has a stronger voice than most human elements of a community when it comes to the determination of what interests to serve.

The members of a community share in a common culture and worldview, which also serve as community identifiers. Culture comprises all the shared values and knowledge in a society, which may be manifested in the behaviours and attitudes of the individual members of such society. It ‘consists of language, ideas, beliefs, customs, taboos, codes, institutions, tools, techniques, works of art, rituals, ceremonies, and symbols’. Culture comprises many aspects: the product of differing physical habitats and resources; the range of possibilities inherent in
areas such as language, ritual and social organisation; and the embodiment of historical phenomena such as the development of links with other cultures.\textsuperscript{51}

A very important component of culture is technology. This often defines and reflects the capacity of a people to control their natural habitat. The technologies that a people develop to deal with their environment also often depend on their need for basic survival. Where their livelihood does not require the exploitation of particular resources in their physical habitat, no capabilities are developed to tap such resources. This is the case with the mineral and forestry resources of most developing countries, including those in Africa. In the period before contact with Europe, only the minerals with ornamental value and those needed in tool-making were exploited. In particular, their natural owners, the indigenous or local inhabitants of the territories in which they are found, did not exploit energy and high-technology industry minerals. At that time, the minerals were of little use to their natural owners.

In other words, there was a disarticulation of ownership and use. In the course of colonial and later phases of imperialism, the demand structure for minerals and other raw materials by European, American and Asian industries informed, and continue to inform, the pattern of exploitation of such resources. The technology and the capital for the exploitation also came and continue to come from the industrialised countries. The agency for this mechanism of exploitation of the natural resources of the developing countries of Africa was and remains the limited liability corporation, widely known in the colonial era as chartered companies. It is worth recalling with particular reference to former British colonies that such chartered companies established the first colonial governance structures. This arrangement for the exploitation of mineral resources further exacerbates not just the disarticulation and disconnect but also the alienation of the natural owners from their resources given the overriding concern of the owners of capital and technology with profit maximisation.

Therefore, the model of governance of such resources had to be derived from the core values of the capitalist mode of production and its ideological correlate, liberalism or liberal political theory. The emergent governance structure was thus based on the concept of private property and contract. These came to be underpinned by deceit, exploitation, oppression, and repression against the natural owners of the resources. Contract-based governance structures were (and are) mediated through the instrumentality of the coercive authority of the state – first, it was the colonial state; later, the onus fell on the post-independence state. The roles of the state involve appropriating the ownership rights over land; selling the ownership rights of mineral resources to foreign corporations; entering into joint ventures with foreign corporations for the exploitation of mineral resources; directly engaging in the exploration and exploitation of such resources; and ensuring the maintenance of law and order and the provision of security for life and private property. For example, Ghana’s Minerals and Mining Act 703 of 2006 vests the ownership of every mineral in the country in the Republic. Section 1 of Act 703 provides that:

\begin{quote}
Every mineral in its natural state in, under or upon land in Ghana, rivers, streams, water-courses throughout the country, the exclusive economic zone and an area covered by the territorial sea or continental shelf is the property of the Republic and is vested in the President in trust for the people of Ghana.\textsuperscript{52}
\end{quote}

This is the case irrespective of any legal title any person may have to any mineral-bearing land. Section 14 bars the owners of mineral-bearing land from doing anything on such land.
The same law (in Section 2) empowers the Republic to compulsorily acquire any land ‘required to secure the development or utilization of a mineral resource’. The landlord in all cases of mineral-bearing land thus becomes the state, which as presently constituted in most countries, is dominated by capital. While the government holds the land and its resources legally in trust for the people, it is in fact – socially, politically and economically – the private property of capitalists and their collaborators. This is especially so because unlike the developed capitalist societies of Europe and North America, the state in most African countries does not stand above society as an arbiter of social struggles but is deeply immersed in the struggle for accumulation by different economic strata within society. In other words, the state is not truly autonomous but is dominated by capitalist elements and their collaborators and therefore unable to arbitrate even-handedly between the various contending classes in the society.

Moreover, access to the state by all other elements of society is highly limited and undertaken on the bases of the rule of law, which is congenial to capital but antagonistic to labour and the general public. As Adam Smith observed more than two centuries ago:

> As soon as the land of any country has all become private property, the landlords, like all other men, love to reap where they never sowed, and demand a rent even for its natural produce. The wood of the forest, the grass of the field, and all the natural fruits of the earth, which, when land was in common, cost the labourer only the trouble of gathering them, come, even to him, to have an additional price fixed upon them. He must then pay for the licence to gather them, and must give up to the landlord a portion of what his labour either collects or produces. … As soon as land becomes private property, the landlord demands a share of almost all the produce which the labourer can either raise or collect from it.53

With reference to mineral and forestry resources, producing anything from land requires a licence obtained from the government. The requirements for obtaining such licences, even under conditions of utmost transparency, are often beyond the capacity of the natural owners of natural resources to secure. Hence, the beneficiaries of such governance structures are usually the owners of capital and technology of production – the corporation – and the officials of national governments involved with the issuance of licences for the exploration and exploitation of mineral resources.

It is within the above context that we seek to revisit the usefulness of the communitarian paradigm in contemporary global society. Communitarianism is the ‘political and social philosophy that emphasizes the importance of community in the functioning of political life, in the analysis and evaluation of political institutions, and in understanding human identity and well-being’.54 It has also been defined as ‘social philosophy that favors the building of a good society based on core values of justice and compassion, equality of opportunity, partnership and collaboration, self-fulfilment and personal responsibility’.55 Communitarianism is formed from ‘communitarian’, first ‘coined in 1841 by John Goodwyn Barmby, a leader of the British Chartist movement, who used it to refer to utopian socialists and others who experimented with unusual communal lifestyles’.56 Thus, it originally referred to utopian socialism. In the 1980s, it came to signify arguments for the importance and primacy of the common good over individual good. Its origins with reference to utopian socialism continue to create concerns of practicality around communitarianism.
Amitai Etzioni and colleagues founded a third phase of communitarianism – responsive communitarianism, which argued for parity between the common good on the one hand, and the autonomy and rights of individuals on the other. So, rather than being about the opposition of the community and the individual, communitarianism entails efforts to create a mutually beneficial balance between community and man. In essence, it seeks ‘to build a good society based on the desire of human beings to cooperate to achieve community goals based on positive values’. With regard to natural resources management, communitarianism could translate into something close to a stakeholder model of the corporation and has existed in some form in the management of forestry resources as community-based natural resource management (CBNRM) – a term which refers to ‘the management of resources such as land, forests, wildlife and water by collective, local institutions for local benefit’. However, existing concepts of the stakeholder are not completely inclusive of all community members. For example, Bowie defines stakeholders as ‘those groups or individuals “without whose support the organization would cease to exist”’. By such conceptions of stakeholder, the community can be excluded because operators in the mining sector generally exist over the head of their host communities. A stakeholder has also been defined as ‘any naturally occurring entity that is affected by organizational performance’. Within this broader framework, stakeholders would ‘include living and non-living entities’, as well as the beliefs and moral values and past and future human generations of a community. In this way, the land itself could also be regarded as a major stakeholder in mining operations.

Stakeholding is not defined on the basis of rights; rather, it is defined by effect or outcome. The key question in determining who the stakeholders in the mining sector are can only be answered by reference to those on whom mineral prospecting, producing, refining, and marketing activities have an impact. The Minerals and Mining Acts of Ghana and Zimbabwe, as well as the Mining Code of the DRC, are helpful in identifying those involved in mining activities and, tangentially, those affected by mining activities. As used here, mining activity encompasses various activities ranging from prospecting for deposits to the sale of the minerals either in their raw or refined state. With all that in mind, we highlight the various stakeholders in the mining and minerals sector.

**The state**

In all cases, the ownership of the natural resources is vested by formal declaration in the state. In Ghana, Section 1 of the Minerals and Mining Act 703 of 2006 declares all minerals to be the property of the Republic. Section 2 of the same Act empowers the government to compulsorily acquire any land for the purpose of securing ‘the development or utilization of a mineral resource’. In Zimbabwe, the rights to minerals vest in the President (on behalf of all Zimbabweans) according to Section 2 of the Mines and Minerals Act (Chapter 21:05). Ownership of mineral resources in the DRC is vested in the state by mining legislation. In all three countries, the state may grant rights to individuals or groups to explore and mine or exploit mineral resources upon the fulfilment of stipulated legal requirements. However, it is mainly politicians and bureaucrats who are directly involved with the management of mineral resources on behalf of the state. The people invariably lack a voice.

We will illustrate this argument with the administrative machinery of the mining sector in the DRC. The President of the Republic is empowered to
classify, declassify or reclassify mineral substances as mines or as quarry products, or vice-versa; declare, classify or declassify an area as a prohibited area for mining activities or quarry works; declare, classify or declassify a mineral substance as a ‘reserved substance’ (which are subject to special rules, such as radioactive minerals); and confirm the reservation of a deposit which is subject to tender pursuant to a Ministerial Decree.

These enormous powers were exercised by decree at the personal discretion of the President or on the recommendation of the Minister of Mines. Since the introduction of the 2006 Constitution, the President now exercises these powers by means of ordinances countersigned by the Prime Minister. The Minister of Mines is next in the hierarchy of the administrative structure of the minerals sector. The minister has the power to grant, refuse, or cancel mining rights by means of decrees. Next in line is the Governor of the province, who has responsibility for the issuance of permits for ‘work and quarries on public land and for delivery of trader permits’. There is also a Head of Provincial Division of Mines, who is ‘responsible for the delivery of lower level permits (artisans and certain quarries)’. Of these political officials, only the President of the Republic is directly elected by the people; the rest are elected indirectly or appointed and are not accountable to the people. The other agencies involved in the regulation of mines are all bureaucracies that owe no allegiance to the people nor play any representative role. Community involvement with licensing and regulation in the mining sector is largely limited to issues relating to the environmental impact assessment of proposed mining activities.

**Mining companies and host communities**

These are the major shareholders of the minerals sector. It has been suggested that the only players in the mining industries are the mining companies. There are over 100 companies in the Ghanaian mining sector, with six of them – AngloGold Ashanti, Chirano Gold Mines, Gold Fields Ghana, Golden Star, Newmont Ghana Gold, and PMMC (Small-Scale) – dominating the gold-mining industry. Other dominant companies in Ghana’s mining industry are:

- Ghana Bauxite Co. Ltd. (GBC) [which] operates the country’s only bauxite mine at Awaso, just as Ghana Manganese Company Limited’s Nsuta-Wassa open pit mine remains the only significant producer of manganese ore in the country. Ghana Consolidated Diamonds’ Akwatia diamond mine is also the only operating diamond mine in Ghana.

In addition to the major companies, there are about 300,000 people most of whom are stark illiterates’ employed in small-scale/artisanal mining. The mining companies are the owners of capital and technology. They are generally adequately served by existing mining laws and regulations in terms of operating conditions and profit, and enjoy tax and protected investment incentives. States tend to treat them as an indispensable component of the various stakeholders in the mining sector. While the regulations governing the mining sector are open, in principle, to anyone meeting the conditions for exploration and exploitation, they are often too cumbersome and complicated for small-scale mining operations, especially in societies with high illiteracy levels such as Ghana and the DRC. Consequently, large-scale, mechanised operations still dominate the sector. According to Amponsah-Tawiah and Darthey-Baah, foreigners own 85 per cent of the Ghanaian mining industry.
Perhaps it is worth underscoring why we are simultaneously referring to mining companies as shareholders and stakeholders. Based on the fact they are generally foreign-owned, the interest of mining companies in the economies of African countries is based solely on the profitability of their investments. Threats to their investments and the profitability of such investments result in capital flight. Therefore, their shareholding gives them a stake in Africa’s mining sector. Their investments and returns thereon are affected by the operations of their organisations. This is what gives them a stake. However, if we introduce the element of mobility of assets and capacity to escape the negative outcomes of mining activities, they can be said to have far less of a stake than the state or the community. They are capable of taking their investments elsewhere, but neither the state nor the community can change territory. In particular, although the state may attract other investors, even by loosening the regulatory regimes, the communities will stand to lose not only their livelihoods but also their entire habitat and its cultural and historical heritage.

From our point of view, the most critical stakeholders in the mining industry are the communities in which mining operations are located and whose total existence mining affects – not the government representing the state and, certainly, not the mining companies. We consider the host mining communities as the natural owners of natural resources found in their habitat. The community comprises the human elements, plants and wildlife, and the land itself. However, the host communities constitute the most vulnerable stakeholders in terms of both the distribution of power and the capability to escape or contain the adverse consequences of mining operations. Therefore, although from a shareholder perspective communities play the least important role in decision-making, they should have the major say from a stakeholder perspective.

**Non-governmental organisations and international governmental organisations**

NGOs also have stakes in mining operations. Oftentimes, these are good-cause orientated and the NGOs fight on the side of communities. Generally, however, they do not derive any legitimacy from the host communities despite the fact that they often enjoy more voice than most resource-bearing communities, especially where they are well funded. The last group of stakeholders are international governmental organisations. These generally work through governments, even when they are concerned with promoting good causes in communities. They have a voice in a way that communities do not.

In summary, there are five sets of stakeholders: the state, the mining companies, host communities, non-governmental organisations, and international governmental organisations. The state and, to some extent, the international governmental organisations set the parameters for everyone operating in the industry. All the stakeholders, except the host communities, are usually well organised and respected in policy circles.

**Advancing the need for a ‘new’ natural resource governance model for Africa**

Communitarianism holds that communities consist of ‘individuals who have common values and are willing to come together to deliberate and agree on values for their good’.
Communitarian models in the form of community-based natural resources management have been widely embraced in the management of renewable resources such as water, forestry and wildlife resources, but are yet to find a place in the management of mineral resources. In the management of forests, water (including rivers), wildlife and land, CBNRM has entailed collective management of resources by local institutions for local benefits. However, the particular form CBNRM takes depends on ‘socio-political and bio-physical contexts’. It is also dependent on the purpose of the venture: whether it is commerce or subsistence. The various forms which CBNRM has taken include ‘social and community forestry, community wildlife management, cooperative or co-management, buffer zone management, participatory multipurpose community projects, communal area management for indigenous resources’.74

Kellert et al further hold that despite differences in form or context, CBNRM is characterised by:

- A commitment to involve community members and local institutions in the management and conservation of natural resources
- An interest in devolving power and authority from central and/or state government to more local and often indigenous institutions and peoples
- A desire to link and reconcile the objectives of socioeconomic development and environmental conservation and protection
- A tendency to defend and legitimise local and/or indigenous resource and property rights
- A belief in the desirability of including traditional values and ecological knowledge in modern resource management

However, irrespective of the specific forms they may take, CBNRM models are anchored on certain assumptions. According to Lane and Corbett, the key assumptions are that CBNRM:

- Enables sensitivity and development of local experiential knowledge in planning
- Is more responsive to context and local priorities and imperatives
- Provides greater efficiency in plan implementation by recruiting local communities

CBNRM has been credited with some success in the management and effective utilisation of natural resources in countries such as Botswana.77 However, it has been tried out mostly in the area of renewable natural resources. CBNRM’s present operational arrangement in most countries is elitist, as communities are supposed to be able to deliver on scientifically specified Natural Resource Management (NRM) principles, which are by definition seldom, if ever, community-constructed or local.78 Thus, the involvement of communities in the management of their resources is usually on terms developed by ‘outsiders’ who may not be in touch with the needs and experiences of the local people and their land. The communities also remain the junior partner in relation to the other agencies involved in the practice of CBNRM – government, private business, international organisations and NGOs. Blaikie argues that the unequal power relationship among the various parties creates insider-outsider contradictions, which can only be resolved through decentralisation and participation.79 Decentralisation entails moving decision-making powers nearer to the localities of implementation.

Participation in decision making about the management of natural resources requires a wide range of quite radical reforms, including transparency in transactions, accountability
downwards, the granting of a considerable degree of local discretion over environmental
decision making … and a degree of competence, confidence and political sophistication by
local institutions.80

Both decentralisation and participation require capacity and institution building, and their
absence is responsible for the failure of CBNRM in some places.

Why then do we think that communitarianism will succeed in the management of non-
renewable natural resources, such as minerals, where such success has not been attained in the
renewable resource sector? This is probably borne out of the fact the failures of CBNRM as
currently constituted resides in not only its elitist character and the top-down approach
adopted in policy and decision-making, but also in the lack of authenticity in the communities.
CBNRM in its present forms is based on partial or distorted communities in which there is
lopsidedness in determining and addressing the needs of all its members.81 CBNRM is more a
vehicle for implementing government policies and programmes than for forming and
pursuing joint community interests. This is the reason mining communities are often
immersed in intractable conflict even when there is no recourse to armed violence.

For instance, the lack of agreement among the various stakeholders within the mining
sector is closely linked to the pervasiveness of illegal mining. Of the three countries we are
concerned with in this paper, Ghana does not seem to be suffering from natural-resources-
related conflict. Nonetheless, there are massive illegal mining activities in the country and the
seeming simplification of mining registration procedures has failed to arrest the phenomenon.
Perhaps the absence of armed violence so far may be due to the existence of organised mining
communities, which subsequently provides them with avenues to express their views at the
national level. However, there are demonstrations against mining companies even there. For
example, in March 2012, there were demonstrations involving over 700 people near Prestea
in the Western Region against the operations of Golden Star Resources, one of Ghana’s major
mining companies.82

A core element of communitarianism from our perspective should be the joint authorship
and ownership of policy, processes and procedures with respect to social relations of exchange,
including the use of nature’s endowments on a community. This entails the recognition of the
common humanity of all members of the community by everyone with an interest in such
community and the formation of responsive communities. As Freire argues, all must
participate in the naming of their world, as the denial of voice to any constitutes a denial of
their humanity.83 To attain a voice for communities requires major restructuring, of not only
the mining industry but also the political and constitutional systems of nations.

Therefore, the communitarian model of natural resource management requires constitu-
tional devolution of powers such that decision centres are very close to the communities they
serve. Working within the framework of extant political arrangements known to man, we want
to suggest federalism with substantial residual powers vested in the component units, and the
ownership of land and its resources given to local communities. We recognise that this will
take time even if accepted by all stakeholders, because it requires capacities and attitudes that
may not be currently available. In the interim, we therefore wish to emphasise that there is also
a need to enforce rigorously existing laws on local content and employment of indigenes of
mining communities.
Conclusion

It may be argued that Ghana enjoys relative stability in terms of its social and political structures, and the existence of a framework guiding the management of its natural resources, which are by no means perfect. However, the same cannot be said of Zimbabwe under President Robert Mugabe, whose government has been unable to carry out any reform in the country’s mining sector since the late 1990s. The same policy ineffectiveness applies to the DRC under President Joseph Kabila, who has been faced since 2001 with a series of home-grown rebellions targeted at the control of natural resources. Therefore, we argue that the existing governance structures in the forestry industry in the DRC and the mining industries in Zimbabwe and Ghana generally appear to have excluded the host communities of these resources from the decision-making processes because of the logic of the capitalist mode of production and its political correlate, the liberal state.

Contractarian paradigms cannot incorporate adequately the interests of mining communities because they are generally not shareholders. The communitarian paradigm, which we have proposed, is intended to remedy not only the shortfalls of the contractarian model but also the top-down CBNRM. Its enduring value resides not merely in its inclusiveness and broad recognition of our common humanity, but also in its insistence on the value of the responsive communities in which natural resources are exploited responsibly in the interest of all who have a stake in them. In this way, humanity can avoid creating conditions that encourage and feed the precipice of pervasive conflict and wars from the current contractarian model that pits communities and even whole societies against each other by empowering owners of capital against local communities and workers. Furthermore, adequate attention should also be paid to human and institutional capacity building at the local level for the accrual of optimal benefits from these resources.

Notes

3 Ibid., 314.
5 Ibid.
6 Ibid.
7 Ibid.
8 Ake, Political economy of Nigeria, 2–3.
9 Ake, Political economy of Nigeria, 3.
11 Ibid.
12 Ibid., 16.
16 Murhula, Report from Africa, 12.
23 Ibid.
24 Ibid.
26 Hawkins, The mining sector in Zimbabwe, 1.
27 Ibid.
28 Ibid., 17.
30 Ibid.
31 The extract was culled from an editorial: see ‘Take a cue from China’s transformation, Zim urged’, The Herald (Harare), 25 May 2005.
32 Ibid.
33 The exploitative nature of the Chino-Zimbabwe relations was further brought to relevance in the following article: Chinese demand coal guarantees, Financial Gazette (Harare), 20 May 2005.
37 Ayee et al, Political economy of the mining sector in Ghana.
39 Ayee et al, Political economy of the mining sector in Ghana.
42 Ayee et al, Political economy of the mining sector in Ghana, 9.
44 Ayee et al, Political economy of the mining sector in Ghana, 10.
45 Ibid.


51 Ibid.


58 McCombs, A communitarian paradigm for Christian education, 5.


61 Reed et al, Who’s in and why?, 1934.


65 Ibid.

66 Ibid.


69 Amponsah-Tawiah and Dartey-Baah, The mining industry in Ghana, 63.

70 Ibid.

71 Ibid.


75 Kellert et al, Community natural resource management, 706.


78 Ibid., 1944.

79 Ibid.

80 Ibid.

81 Etzioni, The responsive community.
