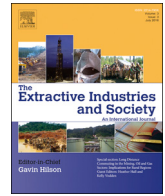




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Political settlements, the mining industry and corporate social responsibility in developing countries

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ABSTRACT

In this paper I take a 'political settlements' approach to examining the political effects of corporate social responsibility (CSR) in developing countries. The political settlements approach uses an integrated understanding of politics, power and institutional forms to explain how, given different political processes and incentives, the same institutional forms can produce different economic and developmental outcomes. I apply this lens to the CSR practices of large mining companies in developing countries, examining their impacts on local and national political settlements using the Zambian metals mining sector as a case study. Directly, CSR features little in the national debate on natural resource governance in Zambia but local CSR activity is considerable. I find that the CSR practices of large metals mining companies influence the governance of extraction and the possibility of inclusive development with notable consequences for institutions of traditional leadership. The resulting pattern of inclusion and development is argued to result from the interaction of two processes - elite bargaining and coalitions within exclusionary political settlements on the one hand, and CSR practices shaped by risk management on the other. I conclude by arguing that political settlements literature offers a rich seam for future research in the extractive sector if its limitations are addressed.

1. Introduction

The local development impacts of large scale mining have been long argued to be poor. One strategy to improve local development outcomes has been to adopt corporate social responsibility (CSR) programmes for community development by mining companies. The literature on these is ambivalent about their development impacts (Campbell, 2009; Gardner, 2016; Hilson, 2012; McEwan et al., 2017; Rajak, 2011; Sharp, 2006; Slack, 2012; Van Teijlingen, 2016). One under-explored aspect of this is the political impacts of CSR programmes; the effect they have on local and national political configurations. This has been a growing concern in critical social sciences, particularly anthropology (Banks et al., 2013; Gardner, 2016; Rajak, 2011). While in management and business studies there have been recent high-profile moves to examine 'political CSR' (Frynas and Stephens, 2014), little of this is based on empirical work and, I would argue, often retains an anaemic understanding of politics centred on institutions rather than power relations and struggle. In this paper I take a different approach to explore the politics of corporate social responsibility in the mining sector in Zambia, drawing on literature on 'political settlements'. A series of high-profile books by respected authors in politics and economics on the political settlements approach, has brought ideas of the politics of development in the longue-durée to

the forefront of contemporary development thinking (Acemoglu and Robinson, 2012; Fukuyama, 2011; North et al., 2013). These books, each with their own lexicon and specificities of argument, all share "one common proposition: that politics and institutions are the crucial determinants of developmental outcomes" (Laws and Leftwich, 2012, p. 20). They argue that development outcomes are not a function of institutional performance per se, but of the deeper political struggles and configurations which shape how institutions perform.

In this paper I use ideas from this recent literature to examine the role of corporate social responsibility in the extractive industry in promoting inclusive development in Zambia. I address two main questions: (1) How do the CSR practices of large metals mining companies affect local and national political settlements? And, (2) How do political settlements help us understand the politics of CSR? This includes exploring how CSR initiatives affect the discursive framing of political settlements in the extractive sector and how CSR initiatives shape local political settlements with important institutional and development consequences. In the Zambian case, I show that the CSR practices of large metals mining companies impacted the governance of extraction; while they have limited national impact, they do have important local impacts. The resulting pattern of inclusion and development, I suggest, results from the interaction of two main processes - elite bargaining and coalitions within exclusionary political settlements

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on the one hand, and CSR practices driven by risk management on the other. Understanding political settlements, I propose, helps us understand the development and governance impacts of CSR initiatives. Drawing on the political settlements literature to answer these questions, despite some limitations, can generate useful insights through its focus on elite bargaining, rent flows, coalitions, holding power, and the politics of stability - all key features of extractive sector CSR. In what follows, I begin by setting out some tenets of the political settlements approach and then articulate this with the politics of natural resource extraction and the literature on CSR in the large scale metals mining sector. The Zambian case is used to 'road test' this approach to examining the impact of the CSR practices of large metals mining companies on the political settlement in Zambia at the national and local levels. I then discuss what this means for natural resource governance and inclusive development before concluding and reflecting on the potential for future research using a political settlements approach.

2. The political settlements approach

The political settlements approach argues that macroeconomic performance can be predicted by examining macro-political and macro-institutional performance. This represents an attempt to move beyond previous institutionalist approaches for which the root of (almost exclusively, economic) development performance lay in the institutional forms of poorer countries (North et al., 2007; Poteete, 2009). Institutions, through their impact on transaction costs and the security of property rights, were understood to explain the differential experience of developing countries (Kahn, 2010; North, 1990). The political settlements approach extends this argument while accounting for many of the criticisms levelled against institutional approaches. Given different political processes and incentives, the same institutional forms will produce very different economic and developmental outcomes (Kahn, 2010; North et al., 2007). By providing institutional analyses "a political anchor" in intra-elite bargaining, the political settlements approach thus attempts to explain these varying outcomes through an integrated understanding of both politics and power and institutional forms (Poteete, 2009, p. 556). Without space to go into detail,¹ in this section I elaborate the definition of political settlements put forward by Mushtaq Kahn: "a political settlement is a combination of power and institutions that is mutually compatible and also sustainable in terms of economic and political viability" (Kahn, 2010, p. 4). Beyond an understanding that political settlements are political, this definition points us to key concepts that structure the rest of this review: settlement, compatible and sustainable.

Political settlements, as the term suggests, 'settle'. Here, one of their key aspects is that they have solved 'the problem of violence'. North et al.'s move to develop a framework for understanding the role of institutions and politics in development centres on this key problem of "providing powerful individuals with an incentive to be peaceful" (North et al., 2007, p. 3). For North and his colleagues, the world can be divided into three types of social order - hunter/gatherer societies, limited access orders and open access orders (North et al., 2007). Limited access orders have limitations being placed on economic and political freedom while open access orders are characterised by open economic and political competition. Limited access orders are seen as the "natural state" of societies, where elites (for example, ruling politicians and leading domestic entrepreneurs) distribute benefits (for example government contracts, bribes) between themselves in ways which secure their continued supremacy and disincentivise the outbreak of violence (North:2009te p.30). The costs of violence to elite groups outweighs the potential benefits and thus a 'settlement' is achieved as all limited access orders "share the basic principle of

manipulating the economy to produce rents stability and prevent violence" (North et al., 2007, p. 9). Open access orders achieve the same result through free economic and political competition, large formal economies that produce large rents and impersonal institutions that distribute these rents along lines which have been agreed. Political settlements are thus relatively stable expressions of the distribution of power and rents within a society in which large-scale widespread conflict is not prevalent.

Key to this stability is the compatibility between the distribution of power and the institutional structure of benefit or rent distribution as, "if powerful groups are not getting an acceptable distribution of benefits from an institutional structure they will strive to change it" (Kahn, 2010, p. 4). In most developing countries the formal productive sector is too small to provide enough rents that match the broader distribution of power (Kahn, 2010). This means that rents are distributed through informal institutions that "structurally operate on a different scale in all developing countries" (Kahn, 2010, p. 5). Widespread patron-client relationships come to characterise the political settlement in many developing countries as "the logic of the limited access order takes any institutional form or mechanism and bends it to the purpose of rent-creation to sustain the existing dominant coalition" (North et al., 2007, p. 29). Informal institutions arise to distribute rents and benefits in line with the balance of political interests and power. If the institutional structure does not distribute rents in accordance with the wider distribution of power, conflict can emerge. Kahn sees the role of power in these conflicts in terms of what he calls 'holding power', that is "the capability of an individual or group to engage and survive in conflicts," understood as the individual or group's ability to impose costs on others and to absorb costs (Kahn, 2010, p. 5). If excluded groups have sufficient holding power they can, through their ability to contest, obstruct and oppose rules, undermine the enforceability of institutions. Thus a certain level of compatibility between the distribution of power and institutional structure and rent distribution is required to sustain a political settlement. This compatibility is both horizontal and vertical - it must reflect the balance of intra-elite competition but also enable the vertical distribution of rents to sustain patron-client relationships {Laws:2012wn}. There a range of types of political settlements which can tend towards more authoritarian or more 'competitive clientalist' modes of operating. In the latter, political elites "compete for control of the country's political and economic resources through periodic elections in which the strongest political group takes power, rather than through repression of opponents or violent conflict" sustaining coalitions through rents distribution (Hinfelaar and Achberger, 2017, p. 24).

For political settlements to be sustainable these institutions "have to achieve the minimum levels of economic performance and political stability that are required for the reproduction of particular societies" (Kahn, 2010, p. 4). Thus political settlements cannot be entirely dysfunctional, though they have often been seen as such to outside observers. They do, in important ways, work. Superficially 'dysfunctional' institutions persist because they play an important role in maintaining the political settlement. They enable political stability, reduced violence and sustain elite dominance. The problem here is two-fold. First, this very sustainability can obstruct moves toward more equitable or progressive social orders. Interventions are likely to be co-opted as transplanted institutional forms from developed countries or resisted if it looks like it may undermine the settlement that has reduced violence in the society (North et al., 2007). Second, the sustainability or resilience of the settlement and its frequently informal nature makes policy prescription and intervention challenging.

The political settlements approach is open to a range of criticisms. First, given that much of the analysis seeks to explain the developmental performance of countries over decades and centuries, it is frequently abstract and its tendency to describe settlement, stability, balance and sustainability over decades produces an analysis which often reads as rather static, despite pleas to always describe political settlements as dynamic (Kahn, 2010). Second, this abstract nature

¹ For useful reviews of this literature see Laws and Leftwich (2012) and Hickey (2013).

makes policy prescription difficult and confident assessment of current political settlements problematic (Hickey, 2013). Given that much of the action in a political settlement occurs 'off stage', the challenges for analysis and intervention are substantial. Third, none of the analyses of political settlements offer significant engagement with the role of ideas in politics. This, combined with a wider rational-actor bias, produces a 'thin' and slightly anaemic analysis of politics. As Hickey argues, "to posit a politics without ideas or vision is to offer a reductionist account not only of what drives elites but also of their use of discourse within their strategies of rule and institution-building" (Hickey, 2013, p. 18). Fourth, political settlements are almost exclusively examined as national phenomena. In what follows I seek to address these limitations, following Hickey (2013) and Bebbington (2013), by remaining alive to the instability and dynamism of political settlements (analysing CSR as a way of managing the instability that extraction produces), examining the role of ideas and discourse and exploring the linkages between international process and national and local political settlements.

2.1. The challenge of extraction to political settlements

The term 'settlement' is perhaps deceptive in the extractive sector. In developing countries with large extractive sectors, the scalar and spatial politics of extractive industry profoundly shapes political settlements. This goes beyond what is commonly understood as the 'resource curse'. A deeply spatial and disruptive form of production, large-scale metals mining has historically created environmental, social and economic waves in areas of operations with important political consequences (Bebbington, 2013). Four facets of this that shape political settlements in countries with large extractive sectors are worth mentioning: distribution of 'externalities', rent generation and distribution, transnational linkages and changing class dynamics. Communities living adjacent to or relocated by mining operations often bear the highest costs and frequently see the fewest benefits from extractive enterprise which accrue nationally and internationally (Campbell, 2009; Hilson, 2012). This, when combined with mining's need for exclusive access to land, often produces a scalar politics of contest around mining activity where local communities contest the imposition of these 'externalities' and national-level elites resist these contestations (Bebbington, 2013). Large scale extraction in many developing countries is, as Hilson (forthcoming p.[1]) argues, "a coveted platform for revenue extraction" from which "taxes, payments and duties... can be levied and collected with relative ease." These "relatively easy-to-capture 'super-rents'", as has been noted in the literature, combined with its specific geographical and scalar nature, produce a range of incentives which can promote competition around rent distribution, economic mismanagement and violence and other aspects of the 'resource curse' (Bebbington et al., 2018, p. 220). Further, tensions in national-subnational political settlements around the institutional governance of mining and the distribution of rents have historically produced instability in resource-rich countries (Bebbington, 2013). Large scale mining operates in a dynamic international context, only tangentially concerned with maintaining the stability of national political settlements. The commodity markets multinational mining companies produce for are international, meaning that production levels and commodity prices - and thus rent flows - are primarily beholden to international markets. Ideationally, large metals mines are internationally oriented. Frequently headquartered outside centres of production, serving international shareholders and competing for investment on international capital markets, large metals mining companies' frameworks for understanding and representing their activities and impacts are only partly derived from countries of operation. Put another way, how international metals mining companies understand the purpose of mining and how national elites understand the same, can differ widely. This discursive conflict over the extractive sector is often high profile in producing countries as ideas of resource nationalism, equity and economic efficiency clash. Finally, the economic

development that mining produces with multiple opportunities for rent capture in areas distant from centres of power gives scope for new groups to emerge with significant holding power (Bebbington et al., 2017).

2.2. Political settlements and corporate social responsibility

A key mechanism mining companies use to navigate the complex political waters they operate in are their CSR programmes.² In the last decade, CSR has come to the forefront of discussions of regulating the extractive sector with community development programmes increasing in size and scope (Dashwood, 2012; Franks, 2015). Having faced heavy criticism in the 1980s, large scale mining became emblematic of environmental destruction, pollution and rampant capitalism imposing negative environmental effects on poor countries to sustain lifestyles in wealthier ones (Bridge, 2004; Moody, 2007). Part of the industry response to this sustained criticism and the rising sustainable development agenda post-Rio 1992 was to try to rethink and re-brand the industry in terms of 'sustainable mining' (Dashwood, 2012). A central element of this is the CSR practices of mining companies. The financial flows associated with CSR programmes of large metals mining companies can be substantial and in many of the peripheral areas in which they operate are one of the largest flows of development assistance. CSR programmes, while of smaller economic scale than official rent flows from large-scale metals mining, can have political significance. There are two main ways in which this can occur and influence the political settlement. First, CSR can play a discursive role in national debates on natural resource governance. Second, CSR initiatives can help shape and stabilise political settlements at the local level which may have national implications.

National debates around natural resource governance frequently focus on three key issues - size and flows of rents, the environmental impacts of extraction and extent of companies' wider responsibility to society. Across the developing world, a prolonged spell of high commodity prices has led to renewed scrutiny of taxation and rent flows from extraction (Humphreys, 2015). By pointing out that they are contributing to national and local development beyond their legal obligations, large mining companies use their CSR activities to deflect criticism. CSR, then, is part of the battleground in which political settlements in resource-rich developing countries are forged with consequences for policy and governance. As I show in what follows, CSR programmes can have an important impact on local political settlements. As institutions which can be quickly produced in response to the holding power of particular groups, CSR initiatives offer an important vector for gaining support from local elites and can help "glue" a political settlement together, improving operational security for large metals mines (North et al., 2007, p. 8). I next summarise social sciences literature on CSR in the extractive sector and its political effects before outlining the argument and the rest of the paper.

2.3. Debating CSR in the extractive sector

While current research on CSR and mining only "scratch[es] the surface," CSR in the extractive sector has seen growing debate (Hilson, 2012, p. 136). Business and management studies have focussed on exploring the 'business case' for social action or encouraging business to

² For this paper, CSR is an "umbrella term" taking in the voluntary and quasi-voluntary actions undertaken by mining companies to mitigate their environmental or social impacts or improve the social or environmental wellbeing of the areas in which they operate (e.g. community investment, CSR programmes, mitigation and compliance programmes); the extent and manner in which companies engage local, national and international stakeholders (e.g. corporate-community relations and shareholder or stakeholder relations); and the actions taken by companies to either live up to or shape expectations society has of them (Blowfield and Frynas, 2005, p. 503; Carroll, 1979).

think about their wider role in society and how they can ‘create shared value’ through both their business and social activity (Crane, 2008; Kramer and Porter, 2007). Other social sciences have been more critical of efforts to create a normative basis for CSR. The aims, role and limits of corporate responsibility in the sector have seen a lively debate in this journal for example (Harvey, 2017, 2014; Kemp and Owen, 2016). The contrast between the anecdotal and rhetorical claims of CSR programmes and their unclear development impacts draws scorn, with studies decrying CSR as ‘greenwash’ or even ‘legitimizing plunder’ (Claasen and Roloff, 2011; Jenkins and Yakovleva, 2006; Kirsch, 2014; Kuyek, 2006; Slack, 2012; Watts, 2005). At the local level, the picture of the links between mining, CSR and development is discouraging (Banks et al., 2013). The development impacts of CSR programmes are frequently contested and their extent seen as insufficient by local communities (Gardner, 2016). On the part of mining companies, there are telling silences with public reporting avoiding systematic measurement of the economic and social impacts of their operations on local communities. Reporting on CSR tends to measure outputs rather than outcomes and focus on anecdotal evidence (Harvey, 2014; Jenkins, 2004). Critics therefore see CSR as a public relations exercise empty of content (Kuyek, 2006; Slack, 2012).

The political impacts of CSR in the extractive sector have caught the attention of researchers. Indeed, take up of the ubiquitous concept of ‘social licence to operate’ can be read as industry interest in managing the political impacts of extractive enterprise (Morrison, 2014). While none of this literature has taken up the political settlements framework, it has addressed related questions. There has been a recent growth of research on ‘political CSR’ within management studies, for example, though little of this is empirically based and has “been dominated by institutional theory and stakeholder theory” (Frynas and Stephens, 2014, p. 483; Scherer and Palazzo, 2011). Several researchers in the critical social sciences have examined how mining companies use CSR to influence their areas of operation. For Rajak (2011, p. 13), mining company CSR is “a moral mechanism through which their authority is extended over the social order.” For many, CSR activities are primarily aimed at generating social stability in the face of the profound disruption that extractive industry often creates. Brock and Dunlap (2018, p. 38) see mining companies’ strategies as taking their cues from counterinsurgency playbook in which CSR is understood as “Integrated Monetary Shaping Operations” that distribute “money to ‘socially engineer’ the political terrain to garner legitimacy.” CSR programmes are often seen to elide the political changes wrought by extractive industry - both intentionally and unintentionally - and the power asymmetries between companies and communities (Gardner, 2016; Idemudia, 2014; Sharp, 2006). The literature also notes how CSR programmes often end up choosing from a limited array of practices and privilege elites in both consultation and distribution of benefits (Banks et al., 2016; Gardner, 2016). Many of these themes are taken up below.

This paper analyses the relationship between political settlements and corporate social responsibility addressing two main questions: (1) How do the CSR practices of large metals mining companies affect local and national political settlements? And, (2) How do political settlements help us understand the politics of CSR? To answer these, I explore the impact of CSR practices in the mining sector at the local and national levels in Zambia. The research described in this paper was conducted between 2014 and 2015. The research project encompassed case studies of Zambia, Ghana and Peru, though the empirical sections of this paper focus entirely on Zambia. 47 confidential semi-structured interviews were conducted in Zambia (240 interviewees across all countries). This included actors from industry bodies, mining companies, government and regulatory agencies and civil society. Two mines were chosen in each country for further research; a company or operation that had a reputation for difficult community relations and one which had a better reputation. In all cases both mines were operated by international companies headquartered overseas. Company anonymity was granted as a condition of access. Further interviews were

conducted with companies, consultancies, industry bodies and finance institutions in USA, UK and Canada to understand the global drivers and pressures on mining companies and corporate-level perspectives on these.

In Section 3 I explore the CSR practices of large metals mining companies in Zambia against the backdrop of the wider politics of natural resource extraction. The aim here is to bring the literature on political settlements into dialogue with the practice of mining companies in developing countries. I begin with a brief background and overview of the political settlements and their link to the natural resource sector before exploring the CSR activities of mining companies and their impact on national (Section 3.1) and then local (Section 3.2) political settlements. Following this, in Section 4, I reflect on the aspects of CSR that this approach highlights and what this means for natural resource governance and inclusive development before concluding in Section 5.

3. Zambia

Discovered in the late 1800s, large-scale copper mining became an economic success in the mid-1930s and has dominated Zambia ever since (Frederiksen, 2010). Zambia’s attempts to develop through natural resource extraction have been repeatedly thwarted by economic mismanagement and countervailing global minerals prices. When the industry has been in private hands, rents have flowed freely out of the country, and moves to nationalise and raise taxation have coincided with drops in metals prices. The period leading up to privatisation saw the wider economy in free-fall and the industry at historically low productivity after being starved of investment.³ The mode, method and results of the late 90s privatisation of the nationalised copper mining company, Zambia Consolidated Copper Mines (ZCCM), has been a recurring theme: a privatisation forced by international organisations as part of debt forgiveness programme and plagued by corruption (Lungu, 2009). To attract investment at a time of low copper prices, the mines were sold cheaply under secretive Development Agreements with tax holidays. Operators payed little tax in the first 10 years of their operation despite buoyant global metals prices. The revelations of these tax waivers in 2007 caused a political storm (Fraser and Lungu, 2007). Since then, debate has raged around increasing tax revenues from mining companies with successive governments taking different approaches but each asking the mining sector to pay more taxes and behave more like ZCCM in terms of local investment. Expectations, mining companies argue, that are not compatible with sustainable extraction and a fair return on substantial investments made. Since 2000, the focus of mining has increasingly shifted from the Copperbelt with new, large, highly profitable mines located the North-Western Province - an area with little previous experience of mining. Successive efforts towards economic diversification have stumbled and 2012 figures show the Zambian government remains dependent on mining for over 25% of its revenue with copper providing 80% of export earnings and 86% of foreign direct investment (ICMM, 2014).

Hinfelaar and Achberger (2017, p. 4) argue Zambia’s political settlement has maintained core characteristics for over a century, a meta-settlement “founded on a long lineage of the power of foreign influence in shaping economic and social policies.”⁴ This is seen in the centrality of negotiations over extractive wealth, ownership and taxation in political life in Zambia. In both the colonial and post-colonial period, attempts to increase taxation revenue were met with strong pushback by mining companies (Frederiksen, 2010). In 2008, President Mwansa’s response to this was to push through a new mining law

³ The unrealised expectations of progress and modernity in this period were memorably captured in Ferguson (1999).

⁴ For an in depth analysis of the political settlements surrounding mining in Zambia see Hinfelaar and Achberger (2017) which I draw on here.

unilaterally abolishing the Development Agreements, imposing a new tax and regulation regime. After this law was made public, and following the president's untimely death, key elements of the new regime were quickly reversed. The reliance of the state on mining industry has repeatedly undermined efforts to regulate the industry and harness its benefits. Distribution of benefits from mining has played a central role in Zambia's national political settlement. In the 1980s, Zambia became a case study for corruption and 'spoils politics' (Szeftel, 1982) and more recently elections have centred on mining taxation. As the economy was liberalised, opportunities for rents (such as through parastatals) have reduced, increasing the importance of controlling tax revenues distribution (Hinfelaar and Achberger, 2017). Since 2001 elections have become more competitive leading to a shift towards a competitive clientelist political settlement. This has increased turnover and insecurity amongst a narrow political elite but patterns of authoritarianism - notable from the colonial period onwards - remain (ibid.; Fraser and Larmer, 2010). Opposition parties are subject to state harassment and coercion, particularly during election campaigns. Zambia's political settlement at the time of research is best understood as a limited access order, in which economic and political competition are restricted, characterised by competitive clientelism.

3.1. CSR and the national political settlement

Resource nationalism holds powerful sway in Zambia drawing on nostalgia for ZCCM when the company dominated the economy and invested in numerous national development projects. Countering this, internationally owned mining corporations, in the main, offered an alternative discourse of how taxation discourages investment and companies should be given fewer restraints.⁵ Public discussions of rents distribution focussed on the proportion of rents yielded from extraction that should accrue to the national state rather than how they should be distributed.

Directly, CSR featured little in the national debate on natural resource governance in Zambia at the time of research. Times when the local practices of mining companies boiled onto the national debate were few and saw action from national government. For example in 2012, the government shut down a Mopani (majority owned by Glencore) site on the Copperbelt for a month when acid mists from the plant reportedly affected nearby populations (Reuters, 2012). Though respondents noted multiple areas where government regulators had avoided direct conflict with mining companies. National government officials dismissed mining companies' CSR programmes, seeing them as a means to lower national tax payments (Interviews 2, 9, 36). As CSR spending could be written off against tax contributions as an operational expense, money spent on local CSR programmes represented a reduced tax contribution to the central state.⁶ The lack of transparency of this spending was a particular focus, with critics arguing that the expenditures claimed are out of proportion to the level of activity on the ground; as one respondent put it, if a company spends millions of dollars in a community you should be able to "touch it" (Interview 36). Here then, CSR spending at the national level was seen as a vehicle for both moral and financial fraud. The 2008 mining law contained a provision for the subnational division of rents which remained unimplemented. Instead, this occurs extralegally. By directing funds to support local political settlements and reducing national tax contributions, companies implicitly mediated between pressures from local and national coalitions for rents and development.

⁵ The notable exception from this is the Chinese owned enterprises which are absent in national debates. As Lee argues, these companies primarily aim to secure maximum and consistent mineral supply rather than short- to medium-term profits (Lee, 2014).

⁶ Conrad (2014, p. 97) argues that application of the tax code is not clear cut with "significant discretion about how tax provisions are applied."

The mining industry sought to use CSR activities to sway national debate, push back against expanded conceptions of their responsibilities and generate political capital (Interview 2). Adverts in national newspapers proclaimed the good being carried out by mining companies with First Quantum highlighting how they were the country's largest taxpayer. In response to a speech by the then First Lady, Christine Kaseba, Mopani opened two cervical cancer screening clinics and named them after her (ZANIS, 2012). The mining industry has repeatedly argued that it makes a substantial contribution to development. In 2014 the Zambia Chamber of Mines and ICMM published a report which pointed to how the mining industry supports the Zambian economy, in 2012, employing over 56,000 directly, with four companies spending \$2.7 billion on procurement within Zambia and \$70 million on social investment (ICMM, 2014). These efforts failed to shift the long running perception of mining not paying its way. The national debate on mining was focussed on taxation and rents with environmental and social impacts a sideshow.

3.2. CSR and the local political settlement

At the local level, CSR activity in Zambia was considerable at the time of research. The ICMM suggest that spending was higher than the industry norm: "social investment contributions in the Copperbelt are large, representing between 10 and 16 percent of pre-tax profits" with spending between \$2 million (Barrick Gold) and \$30 million (Mopani) per year (ICMM, 2014, p. 9).⁷ My research revealed remarkable levels of activity, the scale of which had not impacted national debate.⁸ From adult literacy to agricultural productivity, mining companies ran large programmes across the Copperbelt and North-Western Province. This spending fell into three main types: infrastructure, livelihoods, and education. Infrastructure provision is a core competency of mining companies. Most prominently, this included road building, one of the most frequent community requests of mining companies. Several major roads on the Copperbelt were maintained by mining companies with some large construction projects undertaken by mining companies including KCM reconstructing 7.5 km of road near Chingola and Mopani paving the Kitwe ring road (Glencore, 2015; KCM, 2018). Beyond this, companies highlighted large-scale WASH projects, HIV and malaria prevention and treatment programmes and clinic and school building in and around affected communities (Glencore, 2015; ICMM, 2014; KCM, 2018). Both case study companies built school buildings in areas surrounding operations, ran private schools and vocational training for adults. Livelihoods programmes focused on rural livelihoods and helping beneficiaries move into higher value areas such as poultry, fisheries or bee keeping or more 'modern' and intensive farming methods. The obstacles for most Zambians to engage in these areas are often capital and skills, with CSR programmes seeking to provide both.

Despite this investment, almost across the board mining companies were seen as shirking their social responsibilities by those that live closest to their operations (Interviews 1, 9, 15, 21, 25, 33, see also Negi, 2011; Van Alstine and Afionis, 2013). The benchmark against which mining companies were measured was ZCCM (cf. Negi, 2011). The new entrants, frequently mid-tier or junior mining companies without wider experience or (initially) a particularly generous approach to local investment, stood in stark contrast to the cradle-to-grave engagement of ZCCM. Both case-study mining companies professed good relationships with the local communities. Local community members and representatives, however, expressed significant dissatisfaction and long-standing grievances. Though to be seen as part of the wider struggle

⁷ These figures should be treated critically as they are open to manipulation. Some companies reported infrastructural spending in this i.e. a road which both the mine and locals can use.

⁸ This is likely in part due to the region's political isolation within Zambia (Hinfelaar and Achberger, 2017).

over the extent of company responsibilities, all communities complained of insufficient action and support from the mining companies (Interviews 15, 21, 22, 25, 33). Here, companies were struggling against the expectations set by ZCCM and its predecessors which became part of the national myths. One community described how, when investments were announced, local politicians toured the area telling communities that all their problems were now over (Interview 22 cf. Negi, 2011). Anything short of provision of entire new serviced company towns and abundant new jobs (something modern techniques of mining minimise) had the potential to disappoint. As one leader put it, “we host these big mines but there is nothing we can point to, to say this... has benefited us” (Interview 22) while another talked of a lack of respect and complained of “being treated like squatters” (Interview 25). Trust in the mining companies was very low (cf. Fraser and Lungu, 2007; Fraser, 2011; Van Alstine and Afonis, 2013). Two key CSR areas impacted on the local political settlement: jobs and local contracting and livelihood programmes.

Key resource flows around mining are jobs and local buying. In both case companies, and more widely, both were treated as partly a CSR issue due to their potential to create both local tensions and benefits (Interview 12 see also Negi, 2010; Van Alstine and Afonis, 2013). Local business elites can do well from the mines and their local purchasing policies. In interviews they were often enthusiastic local supporters of mines describing increased prosperity from trading with the mines (Interview 25).⁹ The wider impact of local employment was more uneven. The Copperbelt has an established pool of local talent from nearly a century of large-scale mining meaning that those employed by mining companies were likely to be local hires. In the North-Western Province, however, many of the skilled jobs were taken by people from the Copperbelt limiting the possibility for local employment and stimulating migration unpopular with local residents. Residents interviewed complained that the “people working in mines are from elsewhere” and of the pressure placed on services such as boreholes and schools (Interview 18). The sense that these immigrants were getting jobs with the mines while locals were not compounded resentment. Despite local frustration, migration could benefit local leaders who control access to land. Members of one community complained about how the headman sold plots of land to migrants to build houses despite local opposition, taking advantage of rising land prices (Interview 18). Around Lumwana, Negi has observed, colonial patterns of using traditional leaders to recruit labour have been resurrected (Negi, 2010).

Alternative livelihoods programmes have a mixed impact with local communities. The success of livelihood programmes is seen as important for mining companies in reducing pressure on them for jobs they do not feel they can provide. A frequent issue reported was that of elite capture, with communities rarely feeling a sense of ownership over the projects done for their benefit; they were “spectators” to their own development in the words of one (cf. Van Alstine and Afonis, 2013). Having designed programmes with limited consultation with community representatives, the resultant programmes were seen to serve the needs of the company and rural elites - frequently Traditional Leaders - who could manipulate the incoming resources to support patronage, rather than the wider populace. In one example 50% of poultry projects were deemed failures as the chickens involved went missing or were stolen (Interview 12). In one memorable interview, a local village sub-chief expressed mystification as to why the project had not worked to the soundtrack of hundreds of clucking chickens which surrounded us (Interview 29). The leader explained that the chickens were being stolen, and that he took them into his compound and shared the rest out (to friends and family) in order to protect them. Whatever the truth, this shows how rural development projects by mining companies can easily be redirected by local leaders to their own ends. Most marked in

isolated rural areas, these programmes enabled rural leaders to both directly capture resources and indirectly extend their influence over populations by controlling who else can access them.

These new coalitions of rural elites and mining companies and institutions produced through CSR programmes can have important consequences for possibilities for inclusive development. There was evidence of multiple exclusions, despite geographical proximity to mining operations and indications of being impacted by them. Some elements of local communities were happy with mining companies but many felt themselves marginalised. A key issue was who was consulted and how. Criticisms of mining companies’ definitions of ‘community’ are longstanding (Kapelus, 2002). The nuance of definitions of community varied between companies and showed signs of changing over time but the chosen targets of consultation and support focussed on local elites. The benefits distributed appeared to be highly gendered - a key perk of wages for labour on the mine or a CSR project, was usually reserved for men and compensation awarded to households was often given to the men rather than the women.¹⁰ The interaction between CSR and the institutions of traditional leadership in Zambia (and Ghana) was striking. One clear consequence of the increased presence of mining companies in rural areas in Zambia was the empowerment of Traditional Leaders as custodians of the land. The Traditional Leaders’ control over access to land and historical role as suppressors of dissent saw them secure a range of benefits from mining in their areas - both formal and informal. Mines maintained budget lines to support local festivals, communication costs, transportation and other perks for Traditional Leaders. If local and traditional leaders play a positive progressive role in their localities, they can be facilitators of inclusive development. As those consulted on behalf of local communities, they were not always, in the cases I saw, inclined to direct resources in ways which further inclusive development.¹¹ The powers that a mineral extractive boom provides to traditional leaders can entrench the patterns of patrimonial power that have long characterised African political life, energising a new territoriality of fiefdoms surrounding mines (Capps and Mwanana, 2015).

4. Political settlements and corporate social responsibility

The CSR practices of large metals mining companies impacted the governance of extraction in Zambia - arguably the most ‘settled’ of the three countries studied. At the national level, for Zambia, this impact appeared to be marginal, despite company efforts to bring their CSR practices into the national debate on resource governance. National political and bureaucratic (civil service) elites resisted such moves. The material impact of mining companies on the national political settlement in Zambia was behind closed doors and public ‘being seen to be doing good’ factored little in a national debate focussed on tax revenues (though it did in Ghana and Peru). As much as anything, CSR factored into the Zambian national political settlement in so far as mining companies reduced rents to the national state to support programmes focussed in their areas operation, effectively creating an extralegal mechanism for subnational rent distribution. At the local level, the impacts on natural resource governance and political settlements were more profound in Zambia. Mining companies wield considerable power through who they chose and chose not to share these resources with. Government oversight of flows of community investment was minimal. Local government was weak, with government capacity dropping off precipitously with distance from the capital. In areas where mining companies engaged with local democratic institutions and their activities, the companies had the possibility of supporting them. In areas

¹⁰ Though some mines run specific programmes to support female empowerment.

¹¹ A pattern also seen in Ghana (Standing and Hilson, 2013) and South Africa (Capps and Mwanana, 2015).

⁹ Though Hilson (2018) notes that much ‘local’ trade goes to locally registered but internationally owned companies.

where the local government was all but absent in local communities' lives, CSR practices had the potential to reinforce disconnection from the state and deepen existing democratic deficits. CSR frequently filled a governance gap where weak state institutions fail to meet the needs and expectations of rural communities. Mining companies then took a proxy state role as local communities directed their demands for basic service provision to the resource-rich mining company rather than cash-starved and unresponsive local governments. Transforming mining company largesse into something quasi-statal offers the possibility to tap greater resource flows than through local governments but potentially holds negative consequences for democracy. The priorities of mining companies may be different to those of elected officials and CSR is a short term solution - the priorities, staff and funding for CSR within mining companies can change frequently (though this was not pronounced in the Zambian case). Mining companies' presence in areas, even if they choose to follow local development priorities with their investments and coordinate with local actors, can still produce 'lopsided development' in the words of one respondent (Interview 104).

More widely, I would contend that the resulting pattern of inclusion and development results from the interaction of two main processes witnessed across all cases in Ghana, Peru and Zambia - elite bargaining and coalitions within exclusionary political settlements on the one hand, and CSR practices driven by risk management on the other. The programmes can be seen as rent flows aimed at those with significant holding power (i.e. groups and individuals that could inflict costs on the mining company) such as local leaders who are in turn enabled to wield greater patrimonial power over their subjects by deciding who is and is not included in the projects and opportunities the mining company provides (cf. [Negi, 2010](#); [Trebeck, 2008](#)). The holding power of different groups shaped the ways they were affected by the ostensibly development-oriented institutions of CSR programmes. Opposing or seeking redress from mining companies presented considerable disincentives: the removal of scarce resource flows and opportunities for both personal and collective advancement. Community political engagement with the mining company, then, straddled a contradiction - the desire to redress grievances and extract resources and support from the mining company but a keen awareness that going 'too far' and being 'unreasonable' could produce a complete cessation of support ([Trebeck, 2008](#)). Community leaders thus often proceed gingerly in their struggles with mining companies. This was a bargaining characterised by dramatic power asymmetries which changed over time. The opportunity to extract the greatest concessions were often around the time of entry as local leaders usually controlled access to land. However, the ability of local groups to impose costs and undermine operational security (e.g. through blockading sites and roads or damaging company property - which all case study companies across Ghana, Peru and Zambia had experienced) remains, which usually translated into a steady flow of rents and benefits.

In each of the cases, mining companies were seeking to achieve similar ends though their CSR practices: delimit their social responsibilities, ensure operational stability (or minimise business risks) and minimise the rents they pay (and get the most benefit from the rents they do pay). A central organisational imperative for mining companies is risk management. This, combined with exclusionary political settlements, can produce patterns of CSR spending and programmes which do not support wider development. Mines often focussed the funds they have to invest towards stakeholders most likely to affect mine and away from those least likely to affect the mine (cf. [Trebeck, 2008](#)). Projects and resources were frequently targeted at local elites (sometimes with the assumption they will pass these benefits on to their communities), overlooking other groups such as women and children. These behaviours can support or entrench patterns of clientalist politics. Inclusionary CSR in conditions of exclusive political settlements is clearly a challenging proposition and few mines took this up. Partly, it seems, because it can suit organisational objectives and partly as they understandably saw it as not their role or responsibility to do so. The

organisational imperatives of mining companies can produce CSR spending patterns that often, despite the best wishes of their immediate practitioners, are primarily strategies to reduce risk and rents. Collectively, these constitute a series of internal and external limitations to the ability of CSR to deliver inclusive development. The coalitions which are glued together by CSR flows are unlikely to deliver wider development for communities living near mine sites in countries reliant on natural resource extraction revenues. The internal and external drivers of CSR work to preclude the possibility of CSR programmes producing inclusive development. From a political settlements perspective, this poor development performance is not because these institutions are poorly designed, ineffective or ill-intentioned, instead, it results from the deeper political struggles which shape their aims and activities.

5. Conclusion

This paper has addressed the questions of 1) How do the CSR practices of mining companies affect local and national political settlements? And, (2) How do political settlements help us understand the politics of CSR? The paper began by outlining elements of the political settlements approach and applying this to the mining sector and corporate social responsibility. The framework was then applied to Zambia to describe the CSR activities of mining companies and explore their national and local impacts. The following discussion highlighted the consequences of CSR for governance and inclusion arguing that, within the context of exclusionary political settlements, the practices of mining companies can reduce the potential for change and inclusive development. CSR spending was, in many cases, aimed at maintaining the status quo. Seeking to reduce risk to investments and produce operational stability in a context of considerable economic and environmental upheaval, CSR practices do little to challenge, and can work to entrench, clientalist political settlements. There are many institutional and contextual limitations placed on the ability of CSR programmes to deliver development for affected communities. The opportunities CSR programmes afford are aimed at those with the greatest capacity to disrupt operations rather than those with the greatest need. They can therefore produce new forms of inclusion and exclusion - including those with holding power and excluding others with less holding power. The cases studied were characterised by their exclusive, rather than inclusive, development.

While the political settlements literature does not paint an optimistic picture for development policy it offers a potentially rich seam to engage the politics of CSR in the extractive sector. I see five useful contributions the approach makes: *First*, it offers a single, conceptually-coherent framework for analysing extractive sector CSR in developing countries that usefully foregrounds its central features and with considerable explanatory power as to why CSR programmes take the shape they do, their limited developmental impacts and political consequences. It does this without getting bogged down in a stale debate and language of 'resource curses'. *Second*, quite simply, it places power and politics in CSR in the extractive sector central to analysis. While, as noted above, some literature already does this, much does not. I would argue that discussion of the form, aims and effects of extractive sector CSR which skirt issues of its political impacts are limited. *Third*, examining coalitions can decentre discussion of extractive sector CSR from looking at how mining companies extend their reach, to include how this is received and how local groups use the resources offered for their own ends (cf. [Gardner, 2016](#)). In including both company and community dynamics within a single lens, it places mining companies within local politics as part of coalitions, rather than separate from these, as they often portray themselves. *Fourth*, its focus on elite bargaining, holding power and the politics of stability point to key features of extractive sector CSR. In theorising and problematising this politics of stability, this literature throws light on key dynamics animating CSR discourse and practice. It helps us understand why CSR projects take the

shape they do and why their effects rarely reach wider populations. *Fifth*, A focus on coalitions, informal institutions and the role of rent flows in stabilising these helps clarify the processes of inclusion and exclusion that centrally shape the distribution of benefits from extractive sector CSR. This then gives useful insights into the conditions and capacity for CSR activities to deliver the development they implicitly and explicitly promise. However, the literature also has little to say about key elements of the dynamics discussed in this paper. For example, the existence of local political settlements which have different coalitions and actors to national ones and how histories and memories are articulated. The ideas that animate political debates of natural resource governance in each of the case study countries, needs greater recognition within this literature (Bebbington et al., 2017). As with any framework focussed on the mechanisms generating political stability rather than their dynamism, without careful treatment it can tend towards a static analysis. It is also, as new frameworks are want to, freighted with its own abstractions and jargon which can alienate policy makers without careful explanation. In sum, the literature offers interesting ways forward into researching the politics and governance of natural resource extraction if some of its limitations are constructively engaged.

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