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In the Political Trenches: Exploring Governance Arrangements for Local Community Participation in Malawi's Mining Communities

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Abstract

This study explores the complex governance issues present within Malawi's mining sector for community participation by various stakeholders, including government bodies, mining companies, local authorities, mining communities, and other non-state actors. The study also assessed the effectiveness of existing regulatory frameworks, institutional capacities, and mechanisms for revenue distribution, corporate social responsibility, and information dissemination. From a sample of 371 respondents across 5 districts, the findings of this study show that 72.8% of community members are not aware of policies or regulations that govern the mining sector. The policies are also inadequately enforced to safeguard communities. On transparency of decision-making processes, 52.3% perceived that decisions within the mining sector are not transparent. On community involvement in decision-making, results indicate that 44.5% of other members of the community are involved, and 41.5 said no community member was involved. On the community member's opportunity to express themselves, the study shows that 57.1% were never accorded the opportunity while 3% were very frequently given the opportunity. On representation in decision making processes, 59.0% said they are not represented at all. On social impacts, 19.4% indicated the destruction of houses/structures as the main impact. On environmental impact experienced as a result of mining, the weighted proportion of impacts was 27.8% for air pollution. The study concludes that while the legal framework provides a platform for governance arrangement for community participation, implementation of the same is weak and thus renders it ineffective. Actors in mining must ensure that governance arrangements are triggered for community participation because obtaining a mining license alone may not guarantee the successful implementation of a project; a social license is just as essential. Further, a mining project is of no use if the mining community is disenfranchised and obtains no tangible benefits locally. The study recommends that the legal framework regulating mining must be explicit on the participation of communities and that regularization of all these processes must be driven by the state to ensure transparency, accountability, participation, information access, labor market segmentation, reforms, and sector alignment.

Keywords

Governance, Mining, Community Participation, Transparency, Stakeholder Engagement, Economic Growth

1. Background

In the past decade, in spite of the sector not being organized, Malawi has experienced an unprecedented increase in exploration, the discovery of rare minerals, and an increase in foreign companies expressing interest to invest and with some actually investing in mining, e.g., Kayerekera Uranium and Chimwadzulu Ruby companies. Malawi is currently known to have considerable deposits of gold, diamonds, bauxite, rubies, uranium, graphite, titanium, limestone, glass sand, monzonite, and recently rutile, according to the Kauniuni Report of 2013. Kamlongera (2013) argues that Malawi's mining regulations are inadequate and do not provide participation of civil society and communities themselves in mining decisions. As a result, the country has not really benefited that much from the mining sector; the need to grow and diversify exports in the country cannot be overemphasized. An interview with a key informant revealed that Malawi is not ready to exploit its extractive sector because there are a lot of necessary conditions that must be satisfied before the country moves forward to maximize the benefits thereof. Firstly, Malawi does not have a critical mass of people who know enough about the science of mining. This can be attributed to the fact that for a long time, Malawi was not associated with mining, and its economic growth was pegged to agriculture alone. The lack of development in the mining sector is, therefore, not strange in view of the ignorance that existed and continues to exist in the country (Hajat, 2008). Secondly, Malawi does not have an appropriate mining fiscal regime to ensure that the government gets the best from any deals in the sector. Thirdly, ordinary people derive satisfaction from very small payments, do not know the value of the commodity they are trading in, and thus, end up being ripped off massively. The fourth is that Malawi does not have the capacity to police what is happening both inside the sector locally and outside the sector globally and regionally. The problem of achieving adherence to or enforcement of rules or policies is that these have differential effects on the costs and benefits of different people and organizations affected by those rules (Khan, 2018b). Thus, rules or policies in the mining sector are easily skewed to benefit the ones that already have an advantage. The fifth reason is that Malawi has not drawn lessons from our previous mining experiences, such as Kayelekela in Karonga; not much has been documented so far, nor have lessons from other countries in the region. The country's archaic laws then failed to hold the mining companies accountable to pay taxes and remit profits in Malawi and, coupled with a poorly negotiated contract and capacity challenges which resulted in the provision of unreasonable and disadvantageous incentives as was the case with Paladin Company for Kayerekela uranium mine project, Malawi lost billions in royalties, taxes, and rents and only received a meager MK5.35 Billion in the three years the mine was operational (CHRR, 2021). Additionally, the mining sector in Malawi is characterized by little short-term but not yet specified medium-long-term potential for revenues and economic development (Neumann and Kumwenda, 2016). Lastly, there is rampant corruption, which is enabling the country to benefit from its natural endowments at the moment. As observed by Malunga (2021), low-income countries can reduce poverty if they properly understand and link national fiscal policy and wise revenue management with proper planning, development, and utilisation of revenue into programmes that grow the economy, such as vocational entrepreneurship, infrastructure development, and rule of law. He adds that taxation and rents are not significant channels for economic development and that attracting foreign investment and generating export earnings strengthen national economies. For such to happen, the government needs to have a proper plan for not only receiving natural resources revenue, but also for investments in the industry that address sections of the entire mining value chain.

2. Introduction

Governance in mining operates within different and complex interactions of political-institutional that combine the state, markets, and civil society. The form of governance is guided by the principles of participation, transparency, and accountability in public management, such as co-management, public-private partnerships, and private-social partnerships (Lemos & Agrawal, 2006). A participatory approach in mining helps to address local needs and foster community-driven socio-economic development (Erwin, 2022). However, this provisioning of social services can complicate governance by fostering authoritarianism between communities and companies and deepening power differences between them (Cheshire, 2010). Lack of community participation disrupts local livelihoods, weakens democratic institutions, and creates negative views on government performance (Erwin, 2022). Community participation must be intentional; that is to say, there must be a framework that will not only encourage it but also enforce and monitor it. Community participation must have an end goal with specific desired outcomes and strategies on how each can be achieved, detailing who will be involved, at what stage, and resources that may be required. If communities can work with mining companies to identify points of intersection between the needs of the regions that host mining operations and the needs of the company, there may be opportunities for both parties to benefit; communities can access mining's financial resources, convening power and technical expertise to advance progress on important sustainable development priorities that are difficult to fund or execute on their own; mining companies can mitigate operational and social risk (Fraser, 2018). It is, therefore, against this background that this paper will discuss the governance arrangements that exist within Malawi's mining sector to encourage local participation of communities.

3. Theory of Participation

Participation is a process where public or stakeholder individuals, groups and/or organizations are involved in making decisions that affect them, whether passively via consultation or actively via two-way engagement (Reed et al., 2017). Citizen participation is an omnipotent mechanism for developing grassroots capacities toward community development, poverty eradication, and wealth creation. In the extractive sector specifically, participation is indispensable in addressing concerns of mining communities that revolve around community share ownership, local content development, shared infrastructure, employment for locals, and environmental management (Chikova & Chilunjika, 2021). They add that participation is one of the major mainstays of democracy, and it inevitably influences the goals of public policy. It can either be from an advocacy perspective or through participation in the value chain.

4. Effective Mining Governance

Mining governance involves intricate interactions between political and institutional entities, including the state, markets, and civil society. The guiding principles of governance include participation, transparency, and accountability in public management, with co-management, public-private partnerships, and private-social partnerships being common forms (Lemos & Agrawal, 2006). The participatory approach to mining can help address local needs and promote community-driven socio-economic development (Erwin, 2022). However, this provision of social services can also complicate governance by creating authoritarianism between communities and companies, thus exacerbating power imbalances between them (Cheshire, 2010). Insufficient community participation can disrupt local livelihoods, weaken democratic institutions, and breed negative perceptions of government performance (Erwin, 2022). The lack of human capacity, skills, and knowledge in mineral mining, processing, and marketing can also undermine governance. Poor governance in the mining sector can lead to harmful practices, social unrest, and economic inequalities. Transparency and accountability are crucial for building public trust and ensuring sustainable development. Weak governance can also discourage foreign investment and lead to political instability.

5. Legal Instruments Guiding the Mining Sector

The Mines and Minerals Act, 2023 (MMA) regulates mining law in Malawi. The MMA provides for the mining of minerals with the objective of regulating the development of Malawi's mineral resources through adherence to sustainable development principles. This law still gives powers to the Minister of mining to make determinations regarding critical mining decisions and provisions therein are not subject to parliamentary approval. Adherence and enforcement of the Act, however, will somewhat guarantee that mining benefits the Malawian people in the long run.

The MMA is further regulated by the following subsidiary legislation:

- the Mines and Minerals (Disputes) Regulations;
- the Mines and Minerals (Miscellaneous Fees) Regulations;
- the Mines and Minerals (Claims) Regulations;
- the Mining (Safety) Regulations;
- the Mines and Minerals (Non-Exclusive Prospecting License) Regulations;
- the Mines and Minerals (Royalty) Regulations;
- the Minerals Permits (Prescribed) Regulations;
- the Mines and Minerals (Prescribed Operations) Regulations;
- the Mines and Minerals (Public Purposes) (Prescription) Regulations;
- the Mines and Minerals (Reserved Minerals) Regulations;
- the Mines and Minerals (Reserved Minerals License) Regulations.

Section 164 (1) of the Mines and Minerals Act of 2023 makes provisions for the responsibilities of a large-scale mining license holder on community development and compels them to assist in the sustainable development of mining communities under its jurisdiction. Small- to medium-scale license holders do not have to sign community development agreements with mining communities by law regardless of the impact of their work on the socio-economic welfare of the communities, but they are encouraged to engage in corporate social responsibility initiatives. Sections 261 to 273 of the Act Discuss Protection of the environment and make reference to the Environmental Management Act under Natural Resources/Ministry responsible for the environment. It also refers to the Atomic Energy Act under the Ministry of Energy, and both of these require the approval of the line ministry before the Ministry of Mining can issue a license to an applicant. The MMA, however, does not in itself stipulate specific environmental management issues.

6. Mining and Social Licensing

The extractive sector is by nature exploitative based on the severity of resources involved, and so it is absolutely important that the regularization of the same is championed by the state to ensure that there is transparency from the negotiation stages of contracts and concessions to resource distribution for the benefit of the public. Mining usually takes place in remote rural areas, and prospects of such places having such resources raise expectations naturally. Various physical, human rights, social, environmental, and economic issues must be considered before a project can commence. Additionally, globalization has further complexified mining operations within a state's borders (Muhammad et al., 2024). They add that products produced from mining are not solely made to meet the needs of the community but become commodities that are sold globally.

The discovery of natural resources should be a blessing to a country's national growth and development prospects (Markowitz, 2020). He adds that from an ethical standpoint, the benefits of natural resources should extend to future generations. However, natural endowment alone does not mean much if the country is unable to translate the same into sustainable economic development for its people, especially those in surrounding communities. Often times, designing policy solutions that are practically implementable, especially for countries such as Malawi, with fragile institutions and weak public financial management practices, remains a persistent challenge (Markowitz, 2020).

If communities are disconnected from a project and unfairly treated, it may lead to violence and conflict. It is, therefore, imperative and in the best interest of all involved to ensure that communities are adequately involved in decision-making processes throughout the mining value chain. Turok (2012) argues that the key to maximizing benefits in the national interest lies in the conditions attached to mining licenses, including a proportion allocated to historically disadvantaged companies and communities. He adds that these should specify all necessary requirements, including quantities allowed for export, prices for domestic users, environmental concerns, and socio-economic aspects. There must also be a full acceptance that minerals are a depleting resource, so industrial capabilities must be built to ensure a sustainable future for the country's economy. It is now a critical time to consider how mining companies implement corporate social responsibility (CSR) programs that converge to the needs of locals in affected areas (Muhammad et al., 2024). It is, therefore, the interest of this study to analyze the governance arrangements for local community participation in the mining sector. The study advances the notion that natural endowments belong to the people; if something goes wrong, they bear the consequences. It is, therefore, sensible that their engagement in the mining value chain goes beyond the rhetoric.

Most organizations working in rural communities work with local authorities who have structures for community engagement that get down to the village level. Working with community leaders, traditional authorities, and other groups, communities are said to be represented when they are available and invited to meetings to discuss various social and economic issues or projects. Fundamentally, however, mining not only disrupts communities as existing entities; the effects get down to the individual level, especially in cases of human rights abuses, exploitation, and unfair labour practices. Given that there is a lot of information asymmetry in the sector, communities operate from a place of mistrust against mining companies and other stakeholders. It is the responsibility of the government to safeguard the welfare of its people. To achieve this, the government must develop tools and instruments for effective community participation. Power is always relational (Khan, 2018a). He adds that the power of any individual group thus depends not only on its internal economic, political, or military characteristics and its success in solving its collective action problems, but also (and critically) on the networks and coalitions they can form and the responses of other groups. This is why it is imperative that mining stakeholders consider significant partnerships with mining communities throughout the mining lifecycle. Against this background, we will show in this study how the prevailing legal instruments provide for community participation. We will discuss whether or not the institutions involved, both at central and local government, have the capacity to promote and monitor local participation. Defining what local participation should be in the case of mining, we shall provide evidence from existing mining community members on how they rate their participation in decision-making processes in the mining value chain and whether or not they have received any tangible benefits from mining activities, whether or not corporate social responsibility initiatives are locally defined and aligned with community aspirations.

7. Governance Arrangements for Local Community Participation in Mining

Governance arrangements in the mining sector are critical for ensuring that local communities have a say in decision-making processes that affect their lives. However, across Africa, the effectiveness of these governance systems is often questioned. As noted by Asefa and Huang (2015), governance structures in mining countries are often characterized by inefficiencies, lack of transparency, and the exclusion of local stakeholders from critical decision-making. In Malawi, as in other African nations, mining governance structures often fail to provide meaningful avenues for community participation, with decisions made by the government and mining companies without sufficient consultation with affected populations (Erwin, 2022). This lack of inclusivity in decision-making is compounded by a weak regulatory framework, which does not hold mining companies accountable for the socio-economic and environmental consequences of their operations.

Effective governance in mining must involve multiple stakeholders, including local communities, government bodies, and the private sector (Zanini et al., 2023). The African Mining Vision (AMV, 2019) advocates for a participatory approach to mining governance, where local communities are empowered to contribute to decisions about how resources are extracted and how benefits are distributed. However, as Fraser (2018) argues, the process of community engagement is often superficial, with mining companies only paying lip service to participation. In the context of Malawi, the Mines and Minerals Act (2023) mandates that large-scale mining companies must sign community development agreements (CDAs) with local communities. However, the implementation of these agreements has been inconsistent, and in many cases, they do not go far enough to address the concerns of local people (Signe & Johnson, 2021). This gap in governance results in dissatisfaction among communities, who feel excluded from the benefits of mining despite being directly affected by its social and environmental consequences (Erwin, 2022).

8. Impact of Governance Arrangements for Local Community Participation in Mining in Africa

Governance arrangements for local community participation in the mining sector are essential for ensuring that the extraction of natural resources contributes to sustainable development and equitable growth. However, across Africa, governance structures in the mining sector often fail to achieve these objectives, resulting in communities remaining marginalized despite being directly impacted by mining activities. As noted by Zanini et al. (2023), the governance of natural resources in many African countries has been plagued by inefficiencies, lack of transparency, and the exclusion of local stakeholders from decision-making processes. These issues hinder the capacity of mining to benefit local communities and exacerbate existing social inequalities.

Many African nations, despite their vast mineral wealth, continue to experience weak governance systems that concentrate decision-making power in the hands of national elites and multinational corporations (MNCs). The "resource curse," a phenomenon where resource-rich countries experience negative outcomes such as corruption, inequality, and social unrest, is particularly prevalent in countries with centralized and opaque mining governance systems (Barma et al., 2012; Auty, 1993). In many instances, the governance structures are shaped by powerful transactional actors such as foreign investors and multinational mining companies that have the financial and political resources to influence mining laws and policies. This influence often results in policies that prioritize the economic interests of multinational corporations over those of local communities (Hausmann & Rigobon, 2003).

The African Mining Vision (AMV, 2019) advocates for participatory governance in the mining sector, where local communities are empowered to actively participate in the decision-making processes related to how resources are extracted and how the benefits are distributed. Despite these calls for reform, Fraser (2018) argues that the actual engagement of communities in mining projects often remains superficial. Mining companies frequently conduct consultations with local communities, but these engagements often serve as a formality, with limited or no impact on actual decisions regarding mining activities. In this context, local communities may feel excluded from the mining benefits, which perpetuates feelings of frustration and injustice, particularly when the environmental and social impacts of mining activities are not addressed.

In the case of community development agreements (CDAs), which are a common regulatory requirement for large-scale mining projects, their implementation is often inconsistent and insufficient. In many African countries, including Zambia and South Africa, CDAs have been seen as a way to formalize the relationship between mining companies and local communities. However, as Signe and Johnson (2021) have noted, the lack of effective enforcement and monitoring of these agreements has resulted in failures to meet the expectations of local communities. The agreements, while well-intentioned, often fail to deliver meaningful benefits, such as improved infrastructure, social services, and job opportunities for the affected populations.

Moreover, local communities in many African countries remain highly vulnerable to the negative social and environmental impacts of mining, including displacement, loss of agricultural land, and contamination of water sources. The lack of adequate governance mechanisms to address these concerns has led to numerous conflicts between mining companies, local communities, and governments. According to Fadli et al. (2022), without meaningful community participation and transparent governance, mining projects can become flashpoints for conflict and social unrest, undermining the potential benefits of resource extraction. The question remains as to who the communities can rely on to protect their interests and welfare. What is, however, clear is that neither the state nor the market is uniformly successful in enabling individuals to sustain long-term, productive use of natural resource systems; and that communities of individuals have relied on institutions resembling neither the state nor the market to govern some resource systems with reasonable degrees of success over long periods of time (Ostrom, 1990).

9. Research Gap in Malawi's Mining Sector

Despite the global recognition of the need for effective governance arrangements for local community participation in mining, there remains a significant research gap regarding the specific dynamics of power relations, governance frameworks, and community participation in the context of Malawi's mining sector. While global research on mining governance has extensively studied countries with established mining industries, such as South Africa, Ghana, and Zambia, there has been limited focus on Malawi, which has a relatively underdeveloped mining sector.

One of the major gaps in the literature is the lack of research on how power dynamics between transactional actors and national actors influence community participation and benefit-sharing in Malawi's mining sector. While much of the existing literature on mining governance focuses on the influence of multinational corporations and their impact on national policy, there is limited research that specifically examines how these power dynamics affect local communities and governance in Malawi. Research that explores the role of local actors, including community leaders and civil society organizations, in the mining governance process is scarce. Additionally, there is little research on how political culture and regional loyalties, such as the "wakwithu syndrome" described by Akwei & Damoah (2020), affect mining governance in Malawi.

Further, although Malawi has legal frameworks such as the Mines and Minerals Act (2023), which requires mining companies to sign CDAs with local communities, the implementation of these frameworks remains weak. There is a need for more research on the actual implementation of CDAs and other mining governance mechanisms in Malawi. This would help assess whether these agreements are effective in ensuring that mining benefits local communities and whether they are adequately enforced by the government. Furthermore, the role of local government institutions in managing the mining sector and ensuring the equitable distribution of mining benefits has not been adequately explored.

Another critical research gap is the understanding of how Malawi can overcome the resource curse and use its mineral wealth for sustainable development. While the country has vast mineral resources, these have not translated into significant improvements in local development or poverty reduction. Research is needed to understand the structural reforms required to create more inclusive mining governance systems and ensure that mining benefits are equitably shared among all stakeholders, including local communities.

Finally, there is a need for research focused on strengthening the institutional capacity of the Malawian government to regulate mining activities effectively. This includes improving the transparency of decision-making processes, ensuring the enforcement of environmental regulations, and fostering greater community participation in mining governance. Such research could provide valuable insights that would help close the research gap in Malawi's mining sector and contribute to more effective governance in the sector.

In summary, while much has been written about governance arrangements for local community participation in mining in Africa, there remains a significant research gap regarding the dynamics of power relations, governance frameworks, and community participation in Malawi's mining sector. Addressing these gaps through further research will provide valuable insights into the challenges and opportunities for improving governance and ensuring that the benefits of mining are more equitably distributed in Malawi. This research can help policymakers develop better regulatory frameworks, promote transparency, and empower local communities to participate more effectively in decision-making processes related to mining.

10. Theoretic and Conceptual Framework

10.1. Resource Curse Theory

Malunga (2021) has argued that resource-rich and mineral-producing countries need to ensure that there is a fair benefit sharing with resource companies and that the benefits so realised are used for the benefit of its people and future generations. Resource curse comes in if these countries have their people continue living in abject poverty, illiteracy, and poor health services. He adds that this is worsened by the existence of a poor and weak institutional set-up that manages the resource sectors. Poor accountability and politically driven development agendas lead to misallocation of revenues.

Economists like Adam Smith and David Ricardo commonly believed that countries with abundant natural resources, such as oil and gas, can rely on them to drive their economic development and achieve sustained growth. However, other scholars, such as Auty (1993), have theorized that countries with plentiful mineral resources often face adverse economic and social outcomes due to poor governance, corruption, and economic instability. Ross (1999) and Deacon (2011) also support this theory. The "resource curse" suggests that mineral abundance in less developed countries tends to generate adverse developmental outcomes, including poor economic performance, growth collapses, high levels of corruption, ineffective governance, and greater political violence. In Mozambique, for example, mega-projects account for most of the overall growth in industrial manufacturing and exports, this has however been growth with little sustained formal employment creation or broad-based poverty reduction, as investments have led to little or no development of national entrepreneurialism or capabilities of substance in the productive sectors of the economy (Burr & Monjane, 2017). This is a problem, and the situation is the same in many mineral-endowed developing countries across the African continent. Malawi needs to learn from such experiences, and this is why this study analyzed the country's mining governance.

10.2. Institutional Theory

The theory of historical institutionalism, as developed by Steinmo et al. (1992), highlights the importance of incentives and how established structures can become self-perpetuating and mutually reinforcing. This can result in practices that are not collectively optimal persisting over time. Within this broader approach, arguments about "path dependence" (Pierson, 2000) and "institutional complementarities" (Hall & Soskice, 2001) are essential. The concept of institutional complementarities draws attention to how institutional arrangements in one arena can reinforce those in another, leading to sets of rules clustering together within a given system.

The Institutional theory centers on the regulations, formal and informal rules, and organizations that influence the governance structures of a country. The political settlement framework addresses the issues of how institutions work by arguing that it very much depends on the responses of the organizations operating under the institutions (Khan, 2018b). He adds that the relative power and capabilities of organizations are, therefore, important determinants of how institutions work.

To examine mining governance in Malawi through this theory, we scrutinized governmental and non-governmental institutions' (at central and local levels) roles in supervising the mining industry, guaranteeing transparency, accountability, and sustainability. Institutional arrangements and quality are essential for effective governance. However, "getting the institutions right" is a difficult, time-consuming, conflict-invoking process (Ostrom, 1990). He adds that it is a process that requires reliable information about time and place variables as well as a broad repertoire of culturally acceptable rules and that new institutional arrangements do not work in the field as they do in abstract models unless the models are well specified and empirically valid and the participants in a field setting understand how to make the new rules work.

10.3. Political Ecology

The field of political ecology focuses on the political factors that shape environmental struggles in developing countries, as Bryant (1998) explored. A key theme is the impact of power imbalances on creating a politicized environment. Specifically, the focus is on how conflicts over access to environmental resources are tied to the political and economic control systems established during the colonial era. Studies highlight how this results in increased marginalization and vulnerability of poorer communities. Additionally, the role of perceptions and discourses in defining environmental problems and potential solutions is examined, leading to debates about the value of indigenous versus Western scientific knowledge.

According to a study conducted by Spiegel in 2017, a common misconception about Environmental Impact Assessments (EIAs) is that their primary focus is to catch those who violate environmental laws by engaging in illegal mining or illicit trading. However, small-scale mining groups have pointed out that the enforcement of EIA regulations often works against them, preventing them from earning a living while allowing others to profit from their difficulties during challenging economic times. This is partly due to how the enforcement is handled and how they are targeted.

Using a political ecology approach, this paper examined how power dynamics, economic interests, and environmental considerations impact mining policies and practices in Malawi.

10.4. Conceptual Framework

The political economy of mining, as presented in the conceptual framework in **Figure 1**, highlights the interplay between various actors, institutions, and governance structures that shape the mining sector in Malawi. At the heart of the framework are the natural resource endowments, which serve as the foundation for the mining sector and their potential to drive the country's economic growth, social development, and industrialization.

Key to this framework is the role of the State, which plays a pivotal role in regulating and managing the mining sector. The state influences various aspects, such as political, economic, and social dimensions, where its actions can significantly impact sustainable development. The state's motivations and incentives shape its policies, including the establishment of the Mining Vision and the Industrialization and Mining Policies (MIP 1), which aim to guide the sector toward growth. However, the balance between these motivations often creates conflicts driven by power relations between formal and informal structures in mining governance.

A significant theme in the framework is the regulatory framework that governs mining activities. Effective regulations are essential for the proper management of natural resources, ensuring transparency and accountability within the sector. This includes having institutional arrangements, fiscal regimes, and partnerships that align with the rule of law. The presence of political will and the enforcement of the rule of law are critical to ensuring that the benefits of mining are equitably distributed among stakeholders, especially local communities.

Local governance (LG) alignment with national mining policies, community engagement, and environmental protection are also important components of the framework. The mining sector's ability to contribute to national development is hindered if community engagement is insufficient or if environmental protection mechanisms are weak. Moreover, skills development and capacity building are necessary to equip the workforce with the knowledge needed to support sustainable mining operations. Effective revenue collection and equitable rent distribution, which come about as a result of a transparent, intentional, flexible, prudent, and properly curated fiscal regime, are vital for ensuring that mining revenues are used for the development of the local economy and infrastructure but at the same time, be able to incorporate changes when the need arises.

Ultimately, the framework emphasizes that collective action and partnerships between the state, local communities, private investors, and civil society are essential to achieving the mining sector's full potential for contributing to Malawi's long-term development. However, the political economy is often influenced by power relations that may skew benefits in favor of a small elite rather than supporting broad-based, equitable development. This highlights the need for reforms that balance these power dynamics, ensuring that mining wealth contributes to sustainable, inclusive growth. The success of this framework is contingent upon the collaboration of all critical actors working jointly to ensure not only responsible mineral extraction but also the same benefits for Malawians in the long run. No single actor can manage to satisfy the conditions required to turn the country's natural endowment into sustainable development.

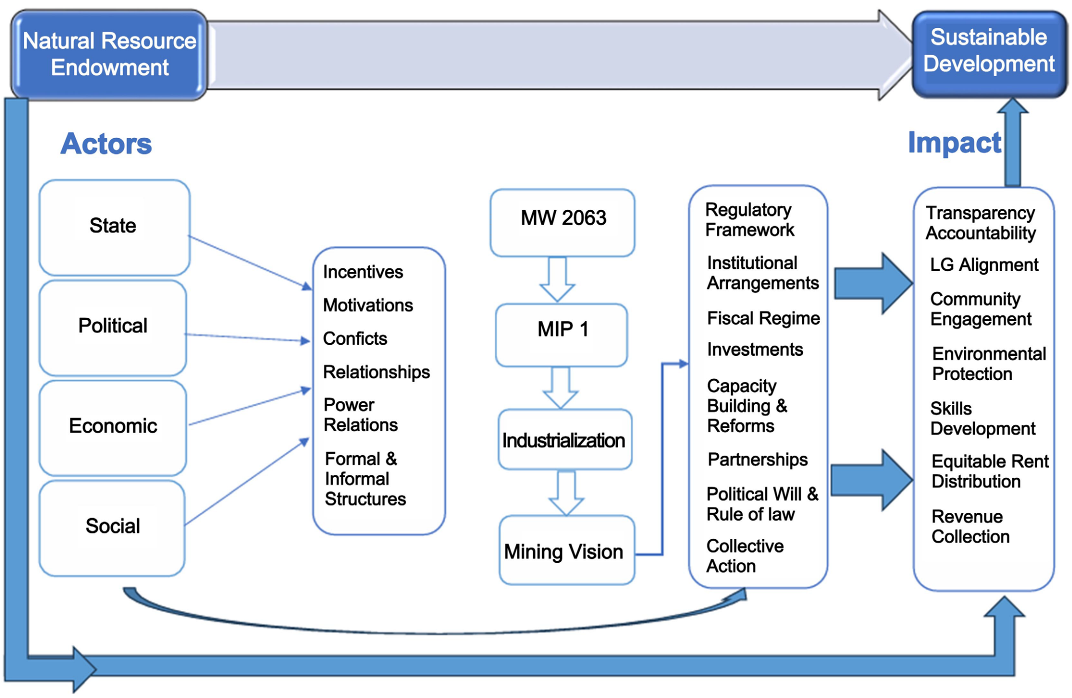

Figure 1. Conceptual framework of the political economy of mining (own compilation).

11. Methodology

The research utilized a mixed methods approach, which involved the collection of both quantitative and qualitative data. As Creswell defined, this approach uses different designs based on philosophical assumptions and theoretical frameworks.

Combining both approaches provided a more comprehensive understanding of a research problem than using either approach alone, as stated by George (2022). Data was gathered from multiple mining areas across Malawi, representing all four administrative regions of the country. The following locations were visited: Zako Lime mine in Zalewa (Southern Region), Rubies and Sapphire mine in Ntcheu (Central Region), Gold mine in Nathenje and Nkhotakota (both in the Central Region), Akatswiri Quarry mine in Lilongwe (Central Region), Alluvial gold mine along Unga, lugola and litisa rivers in Mangochi (Eastern Region), and Mchenga Coal mine in Rumphi (Northern Region). A total of 371 respondents were engaged in this study.

Data Collection Methods

Data was collected in June, July, and August of 2023, and various qualitative data collection methods were utilized. All data was collected through face-to-face interviews. The field data collection involved in-depth semi-structured and key informant interviews. Participants in this study were purposefully selected based on their roles in the mining sector. Purposive sampling was used for this study based on the nature of the subject matter. However, snowballing sampling was the most critical method.

12. Results

Governance Arrangements for Local Community Participation in the Mining Sector

As shown in Table 1 below, 72.8% of the community members were not aware of policies or regulations that govern community participation in the mining sector, but 27.2% were aware of these policies and regulations.

Table 1. Policy or regulation awareness.

Aware of Policies and Regulations	Frequency	Percent
No	270	72.8
Yes	101	27.2
Total	**371**	**100.0**

Developing a legal instrument is one thing, but ensuring that it works for the people is another. People must not only be aware of the laws; the law must actually work to protect the people. In Table 1 above, we present our findings, which indicate that 72.8% of the people interviewed for this study were not aware of existing policies that guide community participation in the mining sector. For medium to large-scale mining, companies are expected to sign a community development agreement with the mining communities as stipulated in the Mining and Minerals Act. A sample of agreements seen in this study shows that the same is not conclusive regarding the responsibilities of a mining company towards a community.

An INGO with interest in mining had this to say:

"*Currently, there are no comprehensive mechanisms in place to empower the mining communities to know about policies and regulations guiding the industry or to actively participate in the decision-making processes in the sector and this is also exacerbated by limited consultations by the government and the transactional actors*"

This suggests that policy development processes in the mining sector do not take into account the needs of the communities or that they are only implied. The 27.2% who indicated that they were aware of the policy failed dismally to articulate specific provisions therein. A community has often been envisioned as a small group of people bound by a common cause. This perception of the community, however, fails to acknowledge the fact that communities are made up of individuals with varying interests and motivations, and it ignores how these differences affect resource management outcomes, local politics, and strategic interactions within communities; paying attention to these is critical if policy changes on behalf of the community are to lead to outcomes that are sustainable and equitable (Agrawal & Gibson, 1999). It is thus imperative to ensure that communities are treated as complex and fluid organs of society, thus making policy sensitization an integral part of governance.

Transparency of decisions making processes regarding mining

As illustrated in **Table 2** below, 52.3% perceive that the decision-making processes regarding mining activities are not transparent at all.

Table 2. Transparency of decisions making processes regarding mining.

Transparency of decisions	Frequency	Percent
Neutral	15	4.0
Not transparent at all	194	52.3
Partially transparent	81	21.8
Transparent	56	15.1
Very transparent	25	6.7
Total	**371**	**100.0**

Transparency is one of the most critical pillars of good governance. Inclusive development would be impossible without transparency of processes. Sanborn & Rammrez (2017) have argued that inclusive development refers to an equitable distribution of social and material benefits across groups within a given society. They add that these benefits go beyond material and economic gains; they also enhance the well-being and capabilities of people and empower them both socially and economically. One cannot achieve all of this if processes leading to critical decision-making are not transparent. At the centre of transparency tenets in the mining sector should be the realization that once mines are extracted, they will never come back and, therefore, consideration of the environment and the welfare of future generations must guide all operations. When it comes to transparency in mining, coupled with information asymmetry, information is normally shared on a need-to-know basis.

A member of parliament who sits in the natural resources committee had this to say:

"*On the onset, there is need for adequate awareness and transparency to the community on the benefits as well as the negative impacts of mining operations. Mining companies must also be bound to take responsibility of giving back to the surrounding communities to compensate for the social and environmental impacts of mining activities*"

Community members' involvement in decision-making

Table 3 shows that 44.5% of other community members are involved in decision-making, and 41.5% are not involved in decision-making processes regarding mining activities.

Table 3. Community members' involvement in decision-making.

Community members involvement	Frequency	Percent
I don't know	16	4.3
No, none of community members have been involved	154	41.5
Yes, all community members are involved	20	5.4
Yes, I have personally been involved	16	4.3
Yes, other community members have been involved	165	44.5
Total	**371**	**100.0**

Chikova and Chilunjika (2021) define participation as the redistribution of power that enables the have-nots citizens presently excluded from the political and economic processes to be deliberately included in the future. They add that community participation in the mining sector is indispensable in addressing concerns of mining communities that revolve around community share ownership, local content development, shared infrastructure, employment for locals, and environmental management. Given that description, the importance of community participation in decision-making processes in the mining sector cannot be overemphasized. The complexity of the extractive sector requires industry and non-industry-specific initiatives with participation by affected actors (Auld et al., 2018). Peredo and Chrisman (2006) propose a transformative perception of communities in development in their theory of community-based enterprises (CBE), in which the community is both an entrepreneur and an enterprise. Based on that, community exploitation in natural resource extraction will be inherently managed as communities themselves will engage in the same both as business partners and as interested stakeholders. It is, therefore, not enough for communities to be invited to a community meeting at which a mining project would be announced; it is imperative that communities be taken through a process within which they will understand what they are dealing with as well as consequences thereof both for the short, medium and long term and use that information to make informed decisions. The success of community participation lies in the local deliberations that can identify development needs and cultural preferences rather than the application of the same technologies or assumptions about livelihoods in different places (Ayers & Forsyth, 2009).

Table 3 indicates that 44.5% of community members are involved in decision-making; we contend, however, that it is important to note who is actually engaged, at what level, and most importantly, what sort of decisions they make. The involvement in this regard referred to their participation in meetings at which the chiefs would announce an impending mining project. For some, however, the involvement entailed membership in a community development committee or local political grouping. The study was, however, unable to ascertain their level of participation in such meetings nor the influence they made. While a legal license issuance is a matter between the government and mining companies, the communities issue a social license for the same, and it is imperative that the decisions made by the community represent the aspirations of the majority. It is this social license that sometimes fuels political settlements where powerful opinion leaders are roped in to influence others deemed "uncooperative" within the community.

Action Aid, an INGO working in Malawi on social justice, gender quality, and poverty eradication issues, had this to say:

"*The mining communities are merely at the receiving end of mining activities and are left alone to deal with mining impacts. There is also limited transparency and accountability; the sector is shrouded with secrecy on the part of duty bearers and investors and this puts the communities at a disadvantage in active participation and monitoring*".

A sharp contrast to this view came from the Ministry of Finance, which stated that:

"*Communities are largely involved in decision making processes through chiefs or members of parliament or CSO engagements where environmental and corporate social responsibility issues are negotiated and agreed*"

The ministry, however, could not state the evidence they had to support this assertion, and neither could they provide the results thereof.

Community members have the opportunity to express their own opinions and concerns regarding mining operations

As shown in Table 4, 57.1% have never been given an opportunity to express their opinions and concerns regarding mining operations, with only 0.3% being contacted frequently.

It is not enough to engage communities; the level of participation also matters. When a subject matter is complex, as in mining, community members may be present but not contribute anything, a factor that may be abused by mining companies who will record that their presence alone meant that they were adequately consulted or engaged. Mining is a deeply divisive issue, and mining communities are often split into pro and anti-extractive camps (Brown, 2018). It is, however, imperative that both camps have the opportunity to express their opinions.

Table 4. Community members have the opportunity to express their own opinions and concerns regarding mining operations

Opportunity to express own opinions and concerns	Frequency	Percent
Never	212	57.1
Occasionally	69	18.6
Rarely	89	24.0
Very frequently	1	0.3
Total	**371**	**100.0**

As per **Table 4** above, 57.1% of respondents stated that they were never given an opportunity to express their opinions and concerns, with only 18.6% saying they were occasionally allowed to express themselves and 24.0 percent stating that they were rarely allowed to express themselves and only a 0.3% stating they were frequently given the opportunity to express themselves. It also matters greatly who makes up the 0.3% that's frequently engaged and given opportunities to express themselves. The frequency of engagement could also point to political settlement tenets that may be individualistic in nature. In an interview with a key informant, the study found out that to manage the community problems, they just had to buy one chief a solar power set, and the situation was decisively dealt with.

A member of the natural resource committee of parliament explained why communities do not get opportunities to express their opinions regarding mining activities when they stated that:

"*The communities are supposed to benefit from mining by all means and it is the responsibility of government to ensure that companies have agreed with the communities on what they will benefit; this is clear in the Mines and minerals Act* (2023). *The ministry of mining was supposed to come up with subsidiary legislation or guidelines on how communities will benefit from mining activities; however, these have not yet been developed and companies act as they see fit.*

Having an agreement between two parties, in this case, mining companies and the community, does not guarantee results. As argued by Khan (2018a), in the absence of an enforcement agency for policing agreements between groups, the actual outcome at a systemic level is an interactive one that depends on the responses of all organizations to each other's plans and actions. He adds that social orders, therefore, have rigidity; they usually change relatively slowly, and their characteristics are stable enough in most cases to be an object of study, but they are not fixed by an agreement.

Representation in the decision-making process regarding mining activities

Table 5 shows that 59% of the community members are not represented at all-in decision-making process regarding mining activities with only 12.1% who feel that they are adequately represented.

Table 5. Representation in the decision-making process regarding mining activities.

Representation in decision-making	Frequency	Percent
I do not know	29	7.8
They are not represented at all	219	59.0
They feel partially represented	78	21.0
Yes, they feel adequately represented	45	12.1
Total	**371**	**100.0**

The mining sector, while vital to society, has been extensively criticized for its practices in labour relations, environmental protection, community relations, marginalization, exploitation, and exclusion of communities from decision-making about how the activities will affect land, livelihoods, and cultures (Starke, 2003). 59% of respondents stated that they don't feel represented at all, against 21% that felt partially represented and 12% that felt adequately represented. This could point to other uncommon dynamics endemic to Malawi that may not have been discussed in the study. Being the stakeholder group most affected by the extractive activities, local communities' capacity to influence policy and governance is currently minimal (Fanthorpe & Gabelle, 2013). It is possible that the 12% that feels adequately represented could be a significant statistic in reflecting power relations within communities that exacerbate poverty by providing a platform on which only a few benefits and that is how things have been for quite some time in Malawi. Cammack (2017) argues that since 1994, at the dawn of multiparty politics and democracy, Malawi's elite have constructed their political settlement in a way that benefits them as a whole and individually. He adds that the elite establish a social contract with the population that mostly maintains enough services to sustain social conciliation, have created a workable though less than democratic governance arrangement, and have done all of this while not establishing a policy environment conducive to national economic development. As a result, therefore, Malawi still lags behind development wise. Collier (2010) argues that one way in which democracy might be undermined by resource rents is when the government uses some of the money to maintain power by means of patronage; this tends to reduce the accountability of government to the electorate because only a few people benefit. When the few "patrons" capture the system, they will work towards ensuring that it remains in power.

A 2014 report by the center for environmental rights conducted by lawyers for human rights in South Africa discussed when and how communities should be represented during mining negotiations. The report states the importance of the mining company consulting with all people who will be affected, allowing them to ask questions, and disclosing everything there is to know about the project. Discussions with members of mining communities in the study areas showed that community members are often represented by local chiefs and other community leaders, but most said that:

"*We know that some chiefs have been having meetings regarding the mining projects taking place in our community but we cannot say that we were consulted as members of the community*"

In December 2023, a video circulated about a company called Sovereign Metals Limited, which had just signed a Mining Development Agreement (MDA) with the government of Malawi. The video shows that Malawi has Rutile/titanium (the largest, cleanest, and purest form in the world) and natural graphite (the second-largest resource in the world), which makes Malawi both the largest producer of these two minerals and the lowest cost producer in the world. The prefeasibility study of 2023 shows that they can generate a revenue of a whooping **US$645 *Million dollars*** a year for 25 years. As one can imagine, for a country reeling in debt, struggling with forex challenges and a stagnated economy, this was exciting; but this was short-lived when people remembered how the Kayerekela Uranium contract was managed by the government, and they became skeptical and to be fair these fears may be justified. The relationship between mining companies and communities is fundamentally problematic because there is a low demand for unskilled labour, now with the introduction of advanced technology and the ever-changing needs of the sector (Fanthorpe & Gabelle, 2013). They add that communities fear that their political representatives are more interested in taking commissions from the mining companies than in championing their interests.

Accessibility of information about mining activities

As illustrated in **Table 6** below, 30.7% do not have access to information about mining activities in their communities, and only 21.6% do not have access to information about mining activities.

Table 6. Accessibility of information about mining activities.

Accessibility of information	Frequency	Percent
Accessible	103	27.8
Highly accessible	80	21.6
I do not know	10	2.7
Moderately accessible	64	17.3
Not accessible at all	114	30.7
Total	**371**	**100.0**

These results agree with the Malawi National Action Plan on Open Governance Partnership document of 2023-2025, which states that citizen engagement in mining is minimal because of the unavailability of information and that it is unclear how citizens can take action to improve the situation (OPC, 2023). The plan attributes this information asymmetry challenge to a lingering culture of secrecy in the public sector as well as in mining specifically. As earlier alluded to, this secrecy syndrome has cost this nation, and, unfortunately, the country has not yet learned from that past mistake. In 2007, when the government signed a contract with Paladin for the Kayerekela Uranium mining project, officials claimed that the same could not be made public, not even to parliament, because there is a confidentiality clause, and yet the said clause did not even exist in the contract (OPC, 2023). Empirical data indicates that the Ministry of Natural resources is mandated to provide policy guidance and regulation of environmental management in mining activities. The ministry has, under its wings, a semi-autonomous institution working under it called the Malawi Environmental Protection Agency (MEPA), which administers environmental social impact assessment (ESIA) processes, conducts regular complaint inspections, and sets standards, among other duties. However, due to capacity challenges, the MEPA is unable to enforce environmental laws adequately and conduct inspections. The MEPA publishes ESIA reports related to mining and other projects, but these are usually in English and can be accessed through their office or website or upon request. Now, given that most mining activities happen in rural areas in which most people are either not educated or are minimally educated, these reports are not easily accessible.

Gibson-Graham (2003) argues that communities have a right to access information before a project begins, a right to seek multiple accounts of the effects of mining, and a right to seek information from various sources. He adds that communication with communities must be ongoing and must commence from exploration all through the mining value chain. Timing, frequency, and type of information shared also matter. This study could not establish the frequency of engagement with communities on access to information. However, **Table 6** above shows that 27.8% of respondents said that the information was accessible, 21.6% said that information was highly accessible, and 17.3% said moderately accessible. This means that, cumulatively, about 66.7% have access to information. However, 30.7% said information was not accessible at all, and that's a significant figure as well. Questions that may arise would be why were they not able to access information? Where are they looking for it?

When we asked the Ministry of Natural Resources to explain its role in ensuring that communities access information on impact, project plans, benefits, and contents of ESIA reports, they had this to say:

"*These are public documents. Those who want reports for good reasons access them. Communities are also engaged during ESIA process through face-to-face consultations, public hearings and other modes of communication to get their views about mining projects*"

We argue that information disclosure and transparency are not only basic rights of mining communities and citizens but are also the bedrock on which better alignment, effective use of resources, and participation can be enhanced. To enhance and measure transparency in the mining sector, therefore, mining companies must be encouraged to publish their data from time to time, and actors must endeavour to provide this in an accessible format to communities (Giusti et al., 2023). Ordinarily, where there is information asymmetry regarding the cash flows, tax payments, profits expenditure, revenues, and losses, it can be challenging to measure transparency. With information sharing and accountability, even when things go wrong, transparency can easily be measured. Additionally, when the government is requested to make sacrifices that are never matched by the investor, this creates a power imbalance, and transparency in that regard may be difficult to measure

Social impacts experienced as a result of mining

The main social impacts experienced by the communities as a result of mining activities were displacement of people, loss of lives, cultural heritage, destruction of houses, spread of diseases, loss of farming land, early pregnancies, and marriage disruption (Table 7). The weighted proportion of social impacts was 19% destruction of houses or infrastructures and 16.7% displacement of people. Other slightest impacts were marriage disruptions and early pregnancies, weighted at 1.1% and 1.0%, respectively.

Table 7. Social impacts experienced as a result of mining.

Social Impacts	Percentage
Displacement or relocation	16.7
Loss of lives	12.0
Employment	4.4
Increased Infrastructure	15.9
Cultural disruptions	14.3
Destruction of houses or structures	19.4
Spread of diseases	11.7
Loss of farming land	3.4
Early pregnancies	1.0
Marriage disruption	1.1

While there has been remarkable progress in mining sustainability in the past 15 years, the mining-community conflict is still growing, with water being a frequent trigger of tensions (Fraser, 2018). Fraser adds that the very centre of conflict also presents an opportunity for mining companies to make a significant contribution to the sustainable development of the communities. In this study, however, we found that the main cause of social tension was the destruction of houses/structures, as articulated in Table 7 above, and the study did not establish any efforts by mining companies to rectify the problem. Other social disruptions were displacement or relocation at 16.7%, followed by increased infrastructure at 15.9%, which was positive, cultural disruptions, and the spread of diseases among others at 14.3% and 11.7%, respectively. Other interesting figures were early pregnancies at 1.0% and marriage disruptions at 1.1% mostly due to people earning more money than usual and then opting to go for younger school-going girls or men opting to get more wives. We argue that it is the responsibility of a mining company to engage communities on sensitization campaigns that even include the provision of safe sex materials, sexual and reproductive health education, especially for teens, as well as clinical services for those in need. The study could, however, not establish if these happen as it was beyond the scope of the same.

Many of the mining company-community conflicts recorded in the past decade raise fundamental questions about social responsibility, local rights, governance, and the environment (Fraser, 2018). The Mines and Minerals Act of 2023 does not make corporate social responsibility (CSR) mandatory for mining companies except for those engaged in large-scale mining, and this is a problem. The Act, however, makes a provision for community development agreements to be signed between a mining company and a qualifying community (within a 20 km radius from the actual mine). Provisions of CSR in The Mining Development Agreement, which was signed between Paladin and Malawi are found on pages 45-46, and they only mentioned that the company would train two local doctors, construct a primary school, and build 4 teacher houses. These are good, but what the communities should be asking for are things to do with posterity of the larger community, such as scholarships for their children to study engineering, architecture or other technical and administrative trades, and this cannot be achieved with communities acting alone or mining companies' deciding on their own without a sufficiently knowledgeable and objective advisor.

Fordham et al. (2017) define CSR as a company's commitment to contribute towards the well-being of wider society. Negotiations can be concluded between a mining company and the government, but a social license from the community is just as important, and this must be based on tangible information supplied on a constant basis at every stage of the mining value chain. While a social license is obtained within the confines of the law, it is essential that actors in the mining sector tale time to familiarize themselves with the local needs of the communities themselves. The development agreements for Kayerekela Uranium Mine and Nyala Mines Limited were seen for the purposes of this study; however, they contained no precise record of communities providing their own provisions for community development initiatives. Bebbington (2014) suggests that mining companies finding themselves at the centre of social responsibility and sustainability debates could play a leadership role in developing new and progressive ways of seeking solutions to common problems. Community-Based Conservation (CBC) is based on the idea that if conservation and development could be simultaneously achieved, then both interests could be served (Berkes, 2004). Sadly, however, such is not usually the case in the mining sector.

Globally, one of the responsibilities of a mining company is to ensure that CSR programs are carried out to accommodate the principles of environmental protection and management (Muhammad et al., 2024). They add that, apart from environmental issues, CSR programs have also focused on improving social conditions which pay significant attention to the needs of the surrounding community like the establishment of good relations between companies and interest groups, local recruitment, improving economic conditions, provision of supporting facilities, and various educational scholarship programs. In Malawi, large-scale mining companies are required to sign a community development agreement with qualifying communities, and small to medium-scale companies implement CSR programs that involve the construction of school blocks, clinics, drilling of boreholes, and so on. The contract that the government signed with Paladin Africa for Kayerekela required them to only train local doctors to construct a primary school and 4 houses for teachers. While these are good in their own right, they do nothing to guarantee the prosperity of the next generation and improve the livelihoods of the people in the community. This is so because communities lack the means and the time to take the lead on issues that affect them/their communities, and thus their right to be represented is claimed by local elites (chiefs, traders or locally domiciled government workers), and effectiveness is often undermined by conflict over the right of a particular individual to represent a particular community (Fanthorpe & Gabelle, 2013). The present mining development agreements now have a schedule for community engagement protocol. The protocol makes provisions for the establishment of a community Board to be chaired by an independent person who can be nominated either by the company or the community. The board has the responsibility to oversee the implementation of a community engagement plan that outlines anticipated impacts (both negative and positive) of the proposed mining activities, community plans, and expenditures, among other things. It is, however, too soon at present to ascertain the impact of this protocol, especially considering that no hardcore mining has yet commenced since the development of the new MMA of 2023. Neither does the protocol clearly outline how social, environmental, and economic activities aimed at improving communities will be implemented. The key thing to note, however, is that at least this time around, the communities will have a say in the kind of interventions they need from mining companies, and this will be articulated in the community engagement plan.

The social disruption of communities has long-lasting effects if not taken into account at the beginning of a mining project with clearly outlined mitigation measures. Starke (2003) argues that the outcomes of encounters between mining and indigenous people are uncertain. On the one hand, mining can empower indigenous people by providing opportunities to realize their goals, alleviate poverty, provide community and individual amenities, create training and employment, and provide a share of the project benefits. More commonly, however, on the other hand, mining may threaten the indigenous people's sovereignty and pose multiple impoverishment risks. During this study, we observed that all mining communities had one thing in common: untold poverty compared to other areas without minerals. It is almost like an oxymoron, especially when you consider how they, as indigenous people, ought to be the first ones to benefit from the natural endowment of their land.

A community member living near a quarry mine in Lilongwe had this to say:

"*As you can see, my house and several others in this community have cracks. We believe that these are caused by the blasts at the quarry. We live in fear that one day the houses will crumble down and harm us. There has however been no compensation from the mining company to improve the structure of our homes*".

In the mining community around the cement company in Mangochi, we observed that crops, especially vegetables within the community, were all covered by what looked like cement/quarry dust. The study was however unable to ascertain the extent of the damage to the health of community members.

Community interests are often represented by CSOs. We found out, however, that the CSOs working in mining advocacy have been impeding progress to an extent that the government has failed to close some deals for fear of what CSOs will say. The National Planning Commission had this to say:

"*When doing the Mining Development Agreements (MDAs), Malawi wants to send a signal to the world that it is open for business. When these negotiations take place between government and mining companies, there are several requests that are put on the table e.g., tax incentives. The mining companies want tax holidays, but even when the government may regard such requests as being in order, the diminishing factor would be CSOs reaction; who may oppose it thinking that corruption may have taken place. The Royalty rates within the region is at 3%; but Malawi wants 5%. So, the problem comes in on how communities can be effectively engaged to understand such issues because natural endowment is nothing if not exploited. Malawi needs to allow itself to learn as it advances in the sector and improve along the way*".

We however contend that learning must not happen at the expense of benefits meant for the country. Other countries within the region, such as Zambia and Botswana, are well able to provide Malawi with critical lessons, and there will be no need for the country to reinvent the wheel. It is this failure to learn from its own past mistakes and those of others that caused Malawi to hurriedly sign the agreement with Paladin, which cost the nation greatly, both socially and economically.

Environmental impact experienced as a result of mining

Table 8 shows that air pollution was the most common environmental impact experienced by people in communities surrounding mining sites. The weighted proportion of environmental impacts was 27.8% air pollution, 18.3% noise pollution, and soil degradation. The least experienced environmental impacts were water pollution (12.1%) and wildlife disruption (11.2%).

All actors have a responsibility to ensure that mining is done in a sustainable manner to safeguard the next generation. In Table 8 above, we show that air pollution was the most concerning issue for respondents standing at 27.8%. This was followed by water pollution at 18.3%, soil degradation at 15.2%, water pollution at 12.1%, wildlife disruptions at 11.2%, and river siltation at 2.5%. Malawi has not documented lessons learned from previous mining activities regarding social and environmental impacts. For example, when uranium mining occurs, as was the case in Kayerekela Karonga, uranium ores are brought into the surface and these have a high uranium content and, therefore, emit higher levels of radiation through usual soils and rocks (Chareyron, 2015). Not so many studies have been conducted on uranium emissions in Karonga, and the general impact of mining on the health of mining communities is beyond the scope of this study. Be that as it may, Malawi has also not leveraged the many lessons from across the globe or regionally on the environmental impact of mining activities. Therefore, the long-term social and environmental impacts associated with mining are still unclear.

Table 8. Environmental impact experienced as a result of mining.

Environmental Impacts	Frequency	Percentage
Air pollution	301	27.8
Water pollution	131	12.1
Noise pollution	198	18.3
Deforestation	141	13.0
Soil degradation	165	15.2
Wildlife disruption	121	11.2
River Siltation	27	2.5

The areas in which artisanal small-scale mining takes place are characterised by unemployment and high illiteracy levels, and the miners therein have little or no concern over the environmental degradation emanating from their actions (Haundi et al., 2021). Observations in study areas of this study indicated several environmental degradation evidence, with wanton cutting down of trees, river pollution, especially as can be seen in the photos below for artisanal and small-scale mining, air pollution, especially in areas with medium to large-scale mining and what was disheartening was the disregard of this from the mining companies and no sense of responsibility. People's fields were covered in harmful dust coming from the mines; this may be another study area that needs to look into the health effects of air and water pollution in areas surrounding mines. Even though the responsibility for environmental management falls under the Ministry of Natural Resources and MEPA, these roles are still not clearly delineated or adequately enforced, and affected communities do not have any knowledge regarding who takes care of these (OPC, 2023). Environmental degradation has often been the main reason for nationalization of natural resources. Nationalizing the ownership of forests in Third World countries, for example, was advocated on the grounds that local villagers cannot manage forests so as to sustain their productivity and their value in reducing soil erosion (Ostrom, 1990). He adds that in countries where small villages owned and regulated their local communal forests for generations, nationalization meant expropriation, which was disadvantageous to local communities because, eventually, governments were unable to adequately enforce regulations to achieve sustainability. There can be no single solution to sustainable natural resource management, but whatever measure is employed at any time to attempt this must always consider communities as an integral, invaluable, and critical part of the process. Figure 2 depicts river pollution caused by small-scale mining activities in Nkhotakota. The communities rely on the same water source for daily usage and the area is characterized by no significant agricultural activities.

Figure 2. Pictures depicting river pollution caused by small-scale mining in Nkhotakota (Source: Author during data collection).

13. Conclusion

The responsibility of the state is to provide public services to its people. The state will, therefore, mobilize resources to ensure that they fund the budget through which social services are implemented and funded. One of the ways in which the state raises capital is through taxes from various sources, including mining. At the centre of mineral extraction, however, is the issue of community participation. This study finds that 72.8% of respondents were not aware of policies and regulations guiding the mining sector, while the other 27.2% were aware. Lack of knowledge in a sector has a direct effect on the level of participation. We found that the legal framework is also affected by capacity issues in enforcement. We also found that 52.3% of respondents felt that decision-making processes in the sector were not transparent at all, with 4.0% being neutral, 21.8% saying they were partially transparent, 15.1% saying they were transparent, and 6.7% saying they were very transparent. We also found that 44.5% of respondents stated that other community members were involved in decision-making, while 41.5% said they were not involved. On opportunities for the community to express their opinions, 57.1% indicated that they had never been given the opportunity, while 3% said they were very frequently given. On representation in decision-making, 59.0% said they were not represented at all, while 21.0% said they were partially represented. On access to information, 30.7% said they did not have access to information, while only 21.6% said they had access. On social impacts, the destruction of houses was rated highly at 19.4%, followed by 16.7% for displacement or relocation, 15.9% for increased infrastructure, 14.3% for cultural heritage, and 11.7% for the spread of diseases. On environmental impacts, 27.8% was given to air pollution, 18.3% for noise pollution, and 15.2% for soil degradation. These results expose the negative impacts of mining activities and why it is imperative that governance arrangements be developed for community participation.

We thus conclude that actors in mining must ensure that governance arrangements are triggered for community participation because obtaining a mining license alone may not guarantee the successful implementation of a project; a social license is just as essential. Further, a mining project is of no use if the mining community is disenfranchised and obtains no tangible benefits locally.

14. Recommendations

The study recommends that the regularization of all these processes must be driven by the state to ensure transparency, accountability, participation, labor market segmentation, reforms, and sector alignment.

The study further recommends that:

1) The legal framework regulating the mining sector must be explicit in terms of governance arrangements for community participation in the mining sector.

2) Communities must be left to decide on their own as to who will represent them at community-level decision-making processes in the mining sector.

3) The Ministry of Mining must develop subsidiary legislation or guidelines on how communities will benefit from mining activities.

4) Community development agreements must provide the minimum requirements for corporate social responsibility, and parties must be allowed to enhance the same based on the context.

5) The government must coordinate and work towards formalizing the informal mining sector, recognizing that it does exist and always works alongside the formal sector.

6) The government must keep its ears to the ground regarding where the next rush of mining will come from and already put structures and a framework in place to safeguard communities ahead of time.

7) The government must lobby for meaningful CSR initiatives aimed at addressing some of the social challenges and providing a pathway for the formalization of the informal mining sector.

8) The government must document all lessons from previous mining activities and actively aim at learning from others both regionally and globally.

9) The government must drive the regularization and monitoring of the mining sector and accelerate the establishment of the mining company and mining authority to provide structure and guidance.

10) The people sitting at the pyramid of the mining authority must be those of integrity, with the right mindset to shape the agenda of government as far as mining is concerned.

11) The government must facilitate public debates to alert the public about what is happening in mining, use the same forums to get information about illegal mining,

highlight the consequences thereof, call the public to action regarding their responsibility in the same.

12) The government must limit access to areas with potential sites to safeguard them.

13) Mining stakeholders must work at engaging community advisors who will work with communities to critically define CSR initiatives that go beyond menial jobs, boreholes, classroom blocks, and clinics but those that have an impact on the overall sustainability of communities, such as scholarships for their children to study technical trades.

There are specific lessons that Malawi can learn from the Kayerekela Uranium Mining project as a way of correcting mistakes of the past while looking forward. These include:

1) The culture of secrecy in the mining sector must be broken, and instead, transparency and accountability must be encouraged from contract negotiation and throughout the mining life cycle.

2) Malawi needs to invest heavily in training and production-specific personnel in the areas of mining law, mining engineering, mining economics, chemical engineering, geology, mining financing, accounting, and information technology, among other skills. Their training, which may span a period of five to ten years, will have to be intense and wide, drawing on lessons from global trends. These shall specifically work as negotiators for contracts for the country with a focus on social and economic benefits for the nation.

3) Malawi must make documentation of lessons mandatory for all actors in the mining sector for posterity.

4) Malawians must be encouraged to invest in the mining sector as a way of creating wealth and actively participating in the citizenry.

5) Governments can give out incentives to investors to encourage investments, but these must be commensurate with moves by the investor in terms of tangible jobs and community development projects.

6) Capacity building of law enforcers on social and environmental impacts of mining must never be compromised.

7) The fiscal regime of the mining sector must be reviewed along with guidelines for revenue distribution and utilization.

8) Mining must be aligned with local government structures and the rest of the economy to facilitate transparency, participation, and sustainability.

9) The mining company must be operationalized so that it takes a stake in every mining project on behalf of the people of Malawi. It is only when the country is on the table that it can easily see and appreciate what is going on.

10) Governance and institutional strengthening must be at the core of mining going forward, with quality and well-skilled people at the pyramid of mining institutions.

11) Incentives offered to investors must not be unique to Malawi but should be arrived at after drawing lessons from other countries in the region or those with more experience.

12) The Mining Authority must be capacitated fully to allow it to implement the law effectively.

13) The law must be clear in terms of the utilization of revenue from the mining sector; top on the list should be the improvement of the quality of life, especially for mining communities.

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Conflicts of Interest

The authors declare no conflicts of interest.

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