POLICY POINTS

Reduce barriers to accessing workplace remedies, which would allow for stronger mechanisms to report rights abuses and better government protection and legal mechanisms for mediation.

Boost workers voice by using SMS based self-reporting of labor violations. Data can inform future studies and analyses of mapping violence towards workers.

Increase transparency of company ownership. Source countries should adopt industry transparency measures to help bolster the voice of civil society.

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Disasters While Digging: Rates of Violence Against Mine Workers in Democratic Republic of Congo, South Africa, and Zambia

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IN 2010, SOUTHERN ZAMBIA'S COLLUM COAL MINE MADE international headlines for all the wrong reasons. Disgruntled about a pay increase they say never materialized, a group of miners took their complaints to management. Tensions escalated, exacerbated by language barriers, and the situation culminated with managers firing into the crowd of workers, injuring thirteen. The case cast a spotlight on the Zambian mining industry – outlets that didn't often report on the sector, from CNN to *New Yorker* magazine covered the incident. The most interesting element was the fact that the event seemed to catalyze a broader framing of Chinese companies as exceedingly hostile towards local workers. This framing occurred despite the fact that the owner of the mine was a naturalized Australian citizen and the company in question was registered in Zambia, with no parent company in China.[1]

Long marked by hyperbole, criticism of Chinese activity in Africa is not new. Criticism is often rooted in a genuine lack of transparency surrounding Chinese loans and development initiatives on the continent. However, the notion that violence against workers takes place disproportionately in Chinese-owned and operated mines continues to persist without real evidence based, comparative research. Given the wide array of information—and at times gossip—on the subject, the aim of this policy brief is to analyze instances of violence against mine workers in the Democratic Republic of Congo (DRC), South Africa, and Zambia, tracking mine ownership in each case. By tracking ownership of mines where violent incidents against workers have occurred, this research is a useful input into the overall China-in-Africa debate. The study provides a window into whether Chinese mines are actually more violent or are simply victim to heightened narratives in media and policy circles.

IDENTIFYING OWNERS AND DEFINING VIOLENCE

AS EVIDENCED BY THE MEDIA NARRATIVE THAT CAME out in the wake of the Collum Coal Mine incident, sometimes fact can give way to overgeneralizations. Although it is true that some Chinese companies have poor track records on labor conditions and worker treatment, often a single bad Chinese actor is used to characterize the whole industry. This begs a simple, albeit important, question: Do instances of violence against

workers occur with more frequency at Chinese-owned mines in the DRC, South Africa, and Zambia than they do at other foreign owned mines?

Comprehensive and centralized data on mining operations is hard to come by. There are often broad statistics on things like number of deaths and injuries due to workplace accidents, but they are usually underreported due to employer concerns about government fines or other punitive measures. Statistics on violence against workers are even harder to find. The data that does exist is spotty and decentralized. Due to a lack of media coverage and suppression of the event in question by the perpetrators—whether it be local police, mine management, or security—there is no single database tracking these types of incidents or analyzing their frequency based on mine ownership. In order to bridge this knowledge gap, this research was based on media articles, government press releases, and reports from non-governmental organizations to track instances of violence committed against mine workers in DRC, South Africa, and Zambia.

The study covers incidents from January 1, 2005 through April 1, 2018. These data points were supplemented with information from two existing conflict databases, the Armed Conflict Location and Event Data Project (ACLED) and the Social Conflict Analysis Database (SCAD), a project of the University of Denver Korbel School of International Studies. The question of how to classify mines' country of ownership is central to analyzing violence in this study. As the Collum Coal Mine case displayed, company ownership is not always straightforward. Ownership can become murkier given that mining subsidiaries are sometimes registered in offshore jurisdictions. To overcome these hurdles, the country where the company is headquartered

and/or registered was utilized. If the company is a subsidiary, the parent company's registration or headquarters was used instead. This method was used in all but one of the research findings, where a wealth of evidence showed a company had deep ties to Kazakhstan, despite the parent company being registered in Luxembourg, a well-known tax haven.

In this study, an instance of violence was defined as an event in which at least one worker was injured or killed by members of a company's management, the company's private security force, or local police. Police forces were included due to the fact that many foreign mining companies contract local police for additional security. Even when formal relationships don't exist, evidence suggests police will act on behalf of mining companies when called upon.[2]
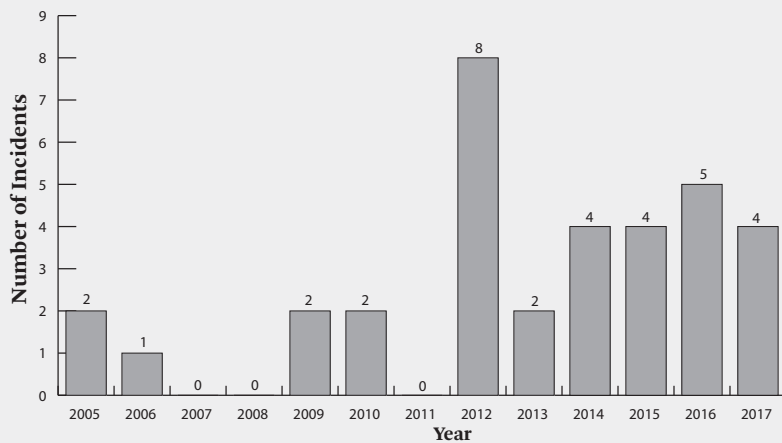
THE DATA: WHERE'S THE VIOLENCE?

In the time period analyzed, this study identified 35 separate instances of violence against miners in the three target countries. Mining companies from a wide variety of countries were involved in the 35 violent incidents. Contrary to the perception that Chinese mines are more prone to worker-based violence, mining companies from South Africa and the United Kingdom were at the top of the list, with eight instances each. These were followed by China (5), Australia (4), Switzerland (2) and Canada (2). The United States, Germany, and Kazakhstan each had one incident in the findings.

RESULTS BY COUNTRY

LOOKING AT INCIDENTS THAT TOOK PLACE in South Africa, UK-based companies had the highest number of events, with seven, while South African companies followed with six incidents.

Results from the Democratic Republic of Congo were far more evenly distributed, with South Africa and Canada leading the way, albeit with just two incidents each, while firms from several other countries had one incident attributed to them. The amount of data from Zambia was far smaller, and far less equal. Only six incidents were identified in this study, three of which involved Chinese-owned firms. Two of the three involved China Nonferrous Metal Mining Ltd., one of the biggest Chinese mining companies operating in the country, while the third concerned a subsidiary of Anhui Foreign Economic Construction Co., Ltd. The other three incidents are marked as "unclear" as they all relate to Collum Coal Mining Industries, Ltd,

Figure 1: Incidents of Violence Against Mine Workers by Country of Mine Ownership (2005-2017)

Source: Compiled by Author (includes incidents in DRC, South Africa, and Zambia)

Figure 2: Incidents of Violence Against Mine Workers Over Time (2005-2017)

Source: Compiled by Author (includes incidents in DRC, South Africa, and Zambia)

which has proved difficult to classify. Despite its owner being a naturalized Australian citizen of Chinese descent—and that Collum Coal Mine was registered in Zambia, with no parent company in China—there was still an overwhelming perception that it was a 'Chinese' firm run by Chinese individuals. However, due to these important distinctions, this report did not classify it as a 'Chinese' mine.

There was a fairly consistent trend of incidents chronologically, with a slight increase in more recent years, and a spike in 2012, with eight events recorded. Apart from 2012, in most years there were between one and five incidents, with 2007, 2008, and 2011 registering zero.

This data puts Chinese mines in the middle of the pack when it comes to instances of violence against workers. Aside from Zambia, Chinese firms encountered far fewer incidents than their western counterparts. The UK's high level of incidents, most of which occurred in South Africa, are likely due in part to the fact that three of the largest mining companies operating in the country are headquartered in the UK. South African firms are also heavily involved in incidents within South Africa, where domestic firms are quite prevalent, in part, due to indigenous ownership requirements. Surprisingly, Australia and Switzerland, two countries that are home to some of the biggest mining companies in the world, didn't see nearly as many events.

FREE PRESS & LIMITS TO HUMAN RIGHTS

FROM A MACRO-LEVEL, THE COUNTRY with the highest total incidents was South Africa, with 19, followed by DRC with 10, and Zambia with 6. The high rate in South Africa is likely due to a number of factors. First of all, South Africa's mining industry simply dwarfs that of DRC or Zambia. In gross terms, South

Africa exported nearly US$ 46 billion in precious and other metals in 2015, while DRC exported roughly US$ 5.2 billion and Zambia exported just US$ 4.5 billion.[3] In terms of the free press, South Africa's vibrant media industry and active civil society dwarf those of Zambia or DRC. Countless local and regional publications exist that report on daily events, which may not make larger newspapers. Lastly, it's important to mention the Marikana killings, the most deadly use of force by South African security forces since 1960. The spike in incidents in 2012 can be attributed to Marikana and the subsequent mobilization of miners as a result of the massacre.

While there isn't a direct comparison to the data compiled in this study, it may be useful to investigate the findings of *CSR: Movements and Footprints*, a report that showed a high conflict rate at Canadian-owned mines around the world. Over the ten-year period analyzed, the authors found 171 individual incidents. Although their findings examined mining operations around the globe, one quarter involved sub-Saharan Africa, with nearly ten percent in the DRC alone. These statistics give weight to the accuracy of this study's findings. Christensen (2016) found similar trends when examining the relationship between FDI and incitement of protests in Africa, showing there is no greater probability of protest in Chinese-owned mines when compared to other mines owned by firms in Western countries.[4] As protests often lead to violent conflicts, this is another useful proximate data point to support this small study's findings.

MISSING NUMBERS, BETTER DATA, AND REFORM

THERE ARE SOME LIMITATIONS TO THE DATA in this study. Incidents of violence must meet a high threshold in order to be deemed worthy of a news article or NGO report. While it is likely that lower-level violence, including beatings or other types of abuse, occurs with more frequency, there is simply no way to systematically catalogue it without better methods for workers to self-report incidents.

While this research is revealing, due to a vast array of circumstances including non-reporting in the media, suppression of incidents by the perpetrators, remoteness of mine sites, and inability of employees to report a violation most incidents go unrecorded. More information is needed to assess numbers across Africa, but this study's findings shouldn't be surprising. While China is becoming a more important player in natural resource extraction in sub-Saharan Africa, only one

Chinese company makes the list of the twenty largest mining companies in the world. Western companies have an outsized footprint, more workers, and ultimately higher risk of violent incidents.

Regardless of mine ownership, governments and civil society organizations should ensure better reporting standards of human rights and labor violations. Governments should strive towards increased transparency to bolster civil society and other voices often left out of natural resource discussions.

POLICY RECOMMENDATIONS

1. **Reduce barriers to accessing workplace remedies, as stated by the UN Guiding Principles on Business and Human Rights.** This would allow for stronger mechanisms to report rights abuses and better government protection and legal mechanisms to reach mediation.

2. **Take advantage of the technology revolution to craft solutions to boost worker's voice.** Labor organizations in other industries have experimented with SMS based self-reporting of labor violations. The results of these programs should be used to inform action in the mining sector. This data can inform future studies and analyses of mapping violence towards workers.

3. **Increased transparency of company ownership.** Stronger beneficial ownership transparency laws in mining source countries would make it easier to identify the real owners of local subsidiaries, which

sometimes commit violations. Source countries should also adopt industry transparency measures, including the Extractive Industry Transparency Initiative to help bolster the voice of civil society in the natural resource extraction process. ★

ENDNOTES

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