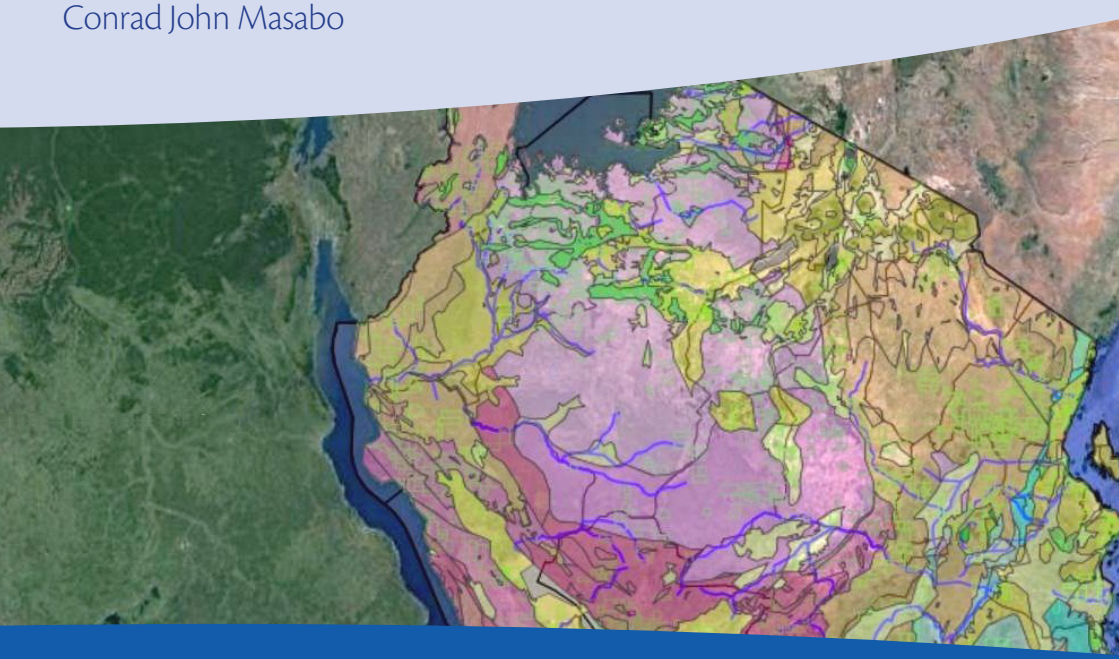
Focus 37

Regional Organisations and Sustainable Governance of Mineral Resources in Tanzania

Conrad John Masabo



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To my brothers
James John Masabo,
Moses John Masabo
and
Leopold John Masabo.

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ABSTRACT

Regional organisations are increasingly playing a role in promoting governance reforms. They are rapidly acquiring more power that has positioned them to prescribe, promote and protect standards of governance in different sectors including mining sectors in member states, irrespective of their original purposes. However, the extent to which these organisations have contributed to the sustainable governance of the mineral sector in Tanzania is still underexplored. This study investigated the extent to which regional integration schemes, particularly the African Union (AU), the East African Community (EAC) and the Southern African Development Community (SADC) through their vision and protocols relating to mining, have contributed to the sustainable governance of mineral resources in Tanzania. The study was informed by the constructivist perspective both as a theoretical framework and as a methodological tool. A qualitative case study research design was used. Purposeful sampling, interviews and documentary review were used as techniques for sampling and collecting data. A sample size of 14 was used for the study. 14 single semi-structured in-depths interviews were conducted with stakeholders from institutions and organisations that have a stake in the Tanzanian mineral sector, comprising of government ministries, civil societies, mining companies and regional organisations or bodies that are headquartered in Dar es Salaam and Arusha. The study findings have revealed that, though regional approaches or initiatives to mineral resources governance remain important, there is no concrete evidence to suggest that regional structures can bring about important policy changes in Tanzania. The study recommends that for regional organisations to play an effective role in promoting the sustainable governance of mineral resources in member states, approaches that

transcend the usual procedures of signing and ratifying of treaties and protocols should be adopted. That is to say, there is a need to create concrete structures at the continental, sub-regional and country levels that will always be in constant engagement and dialogue to enhance the implementation of approved regional mineral resources governance policies. These should, among others, aim at strengthening coordination, supervising implementation and evaluating progress in order to make both sides accountable and faithful to agreed treaties and protocols.

Keywords: Regional organisations, regional integration, governance, mineral resources, natural resources, Tanzania and Africa.

RESUMÉ FRANÇAIS

Les organisations régionales jouent un rôle croissant dans la promotion des réformes dans la gouvernance. Elles ont acquis plus de ressources pour prescrire, promouvoir et protéger les normes de gouvernance dans différents secteurs, y compris celui de l'exploitation minière dans les États membres. Toutefois, la contribution des organisations régionales à la gouvernance durable du secteur minier en Tanzanie reste sous-explorée. Cette étude examine la contribution des organisations d'intégration régionale, en particulier l'Union africaine (UA), la Communauté de l'Afrique de l'Est (EAC) et la Communauté pour le Développement de l'Afrique Australe (SADC) dans la gouvernance du secteur minier en Tanzanie. L'étude s'appuie sur le constructivisme comme cadre théorique et comme un outil méthodologique. La méthode se fonde sur l'étude des cas et la méthode qualitative. En termes de collecte des données, les entrevues et l'analyse documentaire ont été mobilisés. Des entretiens semi-directifs avec les intervenants des institutions et organisations du secteur minier tanzanien ont été menées ; ceux-ci comprenaient des cadres des ministères, des membres de la société civile, des employés des compagnies minières et des organisations régionales ou leurs organes basés à Dar es Salaam et Arusha. Les résultats de l'étude montrent que, bien que les approches ou les initiatives régionales de gouvernance des ressources minières restent importantes, leur contribution à la gouvernance du secteur minier en Tanzanie reste mitigée. Il est recommandé que soient adoptées des approches qui transcendent les procédures habituelles de signature et de ratification des traités et protocoles afin que l'intégration régionale puisse jouer un rôle important dans la promotion de la gestion durable des ressources minières dans les États

membres. Précisément, il est recommandé que des structures d'implémentation des politiques régionales en matière de gouvernance des ressources minières soient créées. Celles-ci devraient, entre autres, accentuer le renforcement de la coordination, de la supervision, de la mise en œuvre et de l'évaluation des progrès accomplis, afin d'assurer le respect des traités et protocoles adoptés.

Mots clés : Les organisations régionales, intégration régionale, gouvernance, ressources minérales, des ressources naturelles Tanzanie and Afrique.

ABBREVIATIONS/ACRONYMS

ADPC :	Association of Diamond Producing Countries
AEC :	African Economic Community
AfDB :	African Development Bank
AMDC :	African Minerals Development Centre
AMGC :	African Minerals and Geosciences Centre
AMP :	African Mining Partnership
AMV :	African Mining Vision
ANGONET :	Arusha Non-Government Organisations Network
APRM :	African Peer Review Mechanism
ASM :	Artisanal and Small Scale Mining
AU :	The African Union
AUC :	African Union Commission
CAN :	Calcium Ammonium Nitrate
CARPE :	Central Africa Region Programme for Environment
CMV :	Country Mining Vision
COMIFAC :	Commission des Forêts d'Afrique Centrale/ Central African Forests Commission
COMSEC :	Commonwealth Secretariat Consultants
CREMP :	Centre for Research in Energy and Mineral Policies
CRR :	Country Review Report
CSAR :	Country Self-Assessment Report
CSR :	Corporate Social Responsibility
CT :	Constructivism Theory
DAP :	Diammonium Phosphate
DfID :	Department for International Development
DRC :	The Democratic Republic of Congo
DUCE :	Dar es Salaam University College of Education
EAC :	The East African Community
ECOWAS :	The Economic Community of West African States

EIR : Extractive Industries Review
EITI : Extractive Industries Transparency Initiatives
EU : The European Union
FDI : Foreign Direct Investment
GDP : Gross Domestic Product
GGM : Geita Gold Mine
GRI : Global Reporting Initiatives
HDI : Human Development Index
HVM : High Value Minerals
ICGLR : The International Conference on Great Lakes Region
ICMM : International Council on Mining and Minerals
IDA : International Development Association
IFC : International Finance Corporation
IG : Inter-Governmentalism Theory
IMF : International Monetary Fund
KPC/S : Kimberly Process Certification/ Scheme
LHRC : Legal and Human Rights Centre
LVFO : Lake Victoria Fisheries Organisation
MEAC : Ministry of East African Cooperation (Tanzania)
MEI : Mineral Extractive Industries
MEM : Ministry of Energy and Minerals (Tanzania)
MENA : Middle East and North Africa
MFAIC : Ministry of Foreign Affairs and International Co-operation (Tanzania)
MIGA : Multilateral Investment Guarantee Agency
MMSD : The Mining, Minerals and Sustainability Development
MRG : Mineral Resources Governance
MRs : Mineral Resources
MSc : Masters of Science

MTI : Ministry of Trade and Industries (Tanzania)
MVA : Mineral Value Addition
NDC : National Development Corporation (Tanzania)
NEPAD : New Partnership for Africa's Development
NORAD : Norwegian Agency for Development Cooperation
NPoAs : National Plan of Actions
NRA : New Regionalism Approach
NRG : Natural Resources Governance
NRGI : Natural Resource Governance Institute
NRM : Natural Resources Management
NT : Neo-Functionalism Theory
NTNU : Norwegian University of Science and Technology
OAU : The Organisation of African Unity
OECD : The Organisation for Economic Co-operation and Development
PAFTA : The Pan-Arab Free Trade Area
PAU : The Pan African University
PAUGHSS : Pan African University Institute for Governance, Humanities and Social Sciences
PGMs : Platinum Group Metals
RECs : Regional Economic Communities
RGI : Resource Governance Index
RIA : Regional Integration Arrangements
RIOs : Regional Integration Organisations
RISDP : Regional Indicative Strategic Development Plan
RMV : Regional Mining Vision
RO : Regional Organisation
RWI : Revenue Watch Institute
SADC : The Southern Africa Development Community
SAPs : Structural Adjustment Programmes
SEAMIC : Southern and Eastern Africa Mineral Centre

SIDA : Swedish International Development (Cooperation) Agency
SSA : Sub-Saharan Africa
STAMICO : State Mining Corporation (Tanzania)
TANU : Tanganyika African National Union
TCME : Tanzania Chamber of Minerals and Energy
TDV : Tanzania Development Vision
TEITI : Tanzania Extractive Industries Transparency Initiatives
TGI : Tanzania Gemstones Industries Company
TMAA : Tanzania Mineral Audit Agency
TRALAC : Trade Law Centre
UDSM : The University of Dar es Salaam
UEMOA : Union Economique et Monétaire Quest Africane
UNDP : United Nations Development Programme
UNDPA : United Nations Department of Political Affairs
UNECA : United Nations Economic Commission for Africa
UNEP : United Nations Environment Programme
URT : The United Republic of Tanzania
US : The United States (of America)
USAID : The United States Agency for International Development
UYII : The University of Yaoundé II
WAEMU : The West African Economic and Monetary Union
WTO : The World Trade Organisation
ZLSC : Zanzibar Legal Service Centre

1

GENERAL INTRODUCTION

1.1. Background

Regional organisations are increasingly playing a role in promoting efforts to improve standards of governance. This study examines the nexus between regional integration and natural resources governance. The objective is to investigate the extent to which African regional organisations or institutions have contributed to the mineral resources governance in Tanzania. Interest in this topic was stimulated by reading articles from two authors writing during two different centuries and whose time difference spans almost fifty years, namely Kwame Nkrumah and Sebastian Gatimu. From Gatimu it was a newspaper article, 'Let's rethink the governance of our countries' natural resources' published in *The Citizen* of Thursday 16th, October 2014, one of the daily newspapers in Tanzania while those of Nkrumah were the book chapters 'Africa's Resources' and 'Primary Resources and Foreign Interests' in his 1965 publication—*Neo-Colonialism: The Last Stage of Imperialism.* While Gatimu's article centres its argument on the implication of governance of natural resources in promoting growth, peace and stability and a call for maximum beneficiation of natural resources as one of the

important things to accelerate economic growth[1]; Nkrumah on his part argued that if Africa were to harness her natural resources, she could be one of the leading continents not in poverty and wars, but in wealth and prosperity. He, for example, contends that: "Africa has failed to make much headway on the road to … development because her natural resources have not been employed for that end…. If Africa's multiple resources were used in her own development, they could place her among the modernised continents of the world."[2]

Though writing during two different eras, these authors share similar position in respect to governance of natural resources since they have underscored the primacy for harnessing or better governance of natural resources if they are to contribute to the development of the African continent. They have shown that the governance of natural resources is imperative for enhancing human lives and development as well as the lives of generations to come. To them, natural resources promise a critical contribution to Africa's development initiatives. Recently, a similar position has been expressed by Kesselman who succinctly underscored that:

> "[the] critical importance of natural resources to Africa's development is undeniable. The abundance of natural resources—including minerals, forests, agricultural land, marine resources, oil and vast rivers—holds the potential to unlock Africa's socio-economic potential and accelerate the achievement of the continent's vision of renewal and growth."[3]

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[1] S. Gatimu, 'Let's rethink the governance of our countries natural resources', *The Citizen*, 16 October 2014, p. 8.

[2] K. Nkrumah, *Neo-Colonialism: The Last Stage of Imperialism*, (London: Thomson Nelson and Sons Limited, 1965), pp. 84; 2.

[3] B. Kesselman, 'Introduction' in B. Kesselman (ed.), *Pax Africa Research Report – Natural Resources Governance and Human Security in Africa: Emerging Issues*, (Pretoria: Pax Africa, 2010), pp. 1-3, p. 1.

In that respect, it is no wonder that following the discovery of large deposits of natural resources in Africa, a phenomenon that has been described as a resource boom, there have been noticeable trends towards recognising the role of regional integration schemes in the governance of natural resources. It suffices to say, then, that from the "1980s, African leaders had gradually come to accept that in the emerging global economic and political system, they were in a weak position to put up and maintain barriers against external political pressures."[4] These forces have superseded the previously embraced territorial integrity that characterised the immediate post-colonial independent Africa in general and the Charter of the Organisation of African Unity (OAU) in particular. For example, "the beginning of the last decade of twentieth century, development in other regions of the world, especially the collapse of the Soviet Union, and the end of the Cold War and the relentless advance of globalisation and global capitalism had begun to impact upon the continent in ways that had not been anticipated."[5] Some of these impacts have resulted into loss of Africa's Cold War geopolitical importance to superpowers, popularisation of liberal democracy, and less interest by Western powers in African affairs[6], liberalisation of economies, decline of foreign aid and forceful and stiff scramble for Africa's natural resources both by the North and East emerging economies. As the result, several initiates attempting to restore or revitalise the 1960s missed opportunity towards continental integration under the rubrics of 'the

[4] E. Kannyo, 'The New Partnership for Africa's Development' in A. A. Yusuf and F. Ouguergouz (eds*.), The African Union Legal and Institutional Framework: A Manual on the Pan-African Organization*, (Dar es Salaam: Mkuki na Nyota Publishers Ltd., 2013), pp. 203-229, p. 204.

[5] T. Maluwa, 'The Transition from the Organisation of African Unity to the African Union', in A. A. Yusuf and F. Ouguergouz (eds*.), The African Union Legal and Institutional Framework: A Manual on the Pan-African Organization*, (Dar es Salaam: Mkuki na Nyota Publishers Ltd., 2013), pp. 25-52, p. 30.

[6] K. J. Kewir, 'Sub-regional Integration and Conflict Resolution in Central Africa', (D.Phil. thesis, University of Yaoundé II, 2012), p. 33.

United States of Africa' for the social, cultural, political and economic well-being of Africans.

Today, the difference is that the spirit for the creation of the continental unity or United States of Africa is pursued under the banner of 'Africa regional integration'. Partly, this is the realisation of the fact that the forces and impacts of globalisation are beyond the inherited territories and as the affirmation of what Nyerere once said: "without unity, Africa will not be able to defend its independence."[7] Or due to the realisation by African leaders that in their countries "their lives and economic options are being determined not only by themselves, but by an international environment over which they have little control, and that the inherent risks are being minimised through group and not individual country action."[8]

Since the coining of the term 'natural resource curse'[9] to explain the divergent experience that was facing resource-rich countries in their endeavour to transforming such endowments into tangible and concrete social goods, it has grabbed the attention of many scholars, institutions and governments in the developed as well as developing world both resource-rich and resource-poor countries respectively. While many scholars are in support with the resource curse hypothesis; in their survey of resource curse literature, Torres, Afonso and Soares[10] have found that the arguments and propositions of a resource curse thesis by Auty

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[7] I. G. Shivji, 'Nyerere's nationalist legacy'. From http://www.firstmagazine.com/ DownloadSpecialistPublicationDetail.395.ashx, (accessed on 25/03/2015).

[8] J. M. Biswaro, '*The Quest for Regional Integration in the Twenty First Century: Rhetoric Versus Reality-A Comparative Study*, (Dar es Salaam: Mkuki na Nyota Publishers Ltd., 2012), p. xxii.

[9] R. M. Auty, *Sustaining Development in Mineral Economies: The Resource Curse Thesis*, (London and New York: Routledge, 1993).

[10] N. Torres, Ó. Afonso and I. Soares, 'A Survey of the Literature on the Resource Curse: Critical Analysis of the Main Explanation, Empirical Tests and Resource Proxies', *CEF. UP Working Paper 2013-02*, (Centro de Economia e Finanças da UP, 2013). From: http://cefup.fep.up.pt/uploads/WorkingPapers/2013_02_wp.pdf, (accessed on 12/04/2015).

and other resource curse scholars was just a popularisation of the 1950s phenomenon. Similar arguments have been advanced by Algoed[11], who equated the resource curse debates of the post 1990s to what he classified as early theories of Prebisch and Singer in 1950 and Hirchman in 1958. These theories were all projecting the poor performance of the natural resource sector in the face of the growing industrialisation initiatives.

Though not static in its postulation, such scepticism especially the resource curse hypothesis had for quite long dominated the thinking and policy towards mineral resources governance. However, as studies and findings continue to unfold, there has been a new development towards looking at natural resources and mineral resources in particular from a different angle. For example, in their studies Torres, Afonso and Soares, after labouring to capture the historical development of the resource discourse to the present day, they have concluded that "the resource curse literature has been progressing, especially in the estimation methods, and closer to provide a more comprehensive and accurate answer to the curse paradox."[12] Algoed's conclusions of his findings almost tally with that of Torres, Afonso and Soares. He is of the view that, "research should continue to challenge itself by exploring new channels, most notably the effect of resource on welfare and whether international reserves play a role in diverting the resource curse."[13]

In today's global scene, there are obvious manifests of the changing perceptions and views over resource discourse. "The negative vision of resource as 'a curse' is giving way to a more positive approach, stressing on the potential transformational role that resources can play in the pro-

[11] C. Algoed, 'Addressing the natural Resource curse: Evidence from Africa', (Master thesis, Ghent University, 2014).
[12] Torres, Afonso and Soares, Op. Cit., p. 14.
[13] C. Algoed, Op. Cit., pp. 81-82.

cesses of development."[14] For sure, the last fifteen years, several changes have been underway that have become important characteristics of the mineral sector plus an experience of export boom following the stabilisation and increase in mineral prices in the world. In addition, the emergence of new players in the world's economy—the emerging economises which are also seeking for sources of raw materials including mineral resources has made the sector to experience unprecedented development. As the result, the boom in the export of fossil fuels (oil and gas) and other primary commodities has renewed the debate about the potential contribution of the extractive industries to economic development in both global North and South.[15] This has influenced the prominence of governance agenda and mineral resources governance among the world's financial institutions and the donor community such as the World Bank, International Monetary Fund (IMF), European Union (EU), Organisation for Economic Cooperation and Development (OECD) and the Department for International Development (DfID) to mention but only a few.

Amidst their deliberation on governance potentials; the "quality of governance has come to be viewed as a key factor influencing the ability of countries to use mineral resources revenues for development."[16] A range of multi-stakeholder initiatives are also ongoing (with mixed results), designed to mitigate the negative impact of natural resource revenues.[17] It has as well been a coincidence with the move towards recon-

[14] A. E. Bastida, 'From *extractive* to *transformative* industries: paths for linkage and diversification for resource driven development', *Mineral Economics*, 27 (November 2014), pp. 73-87, p. 82.

[15] H. Velmeyer, 'The political economy of natural resources extraction: a new model or extractive imperialism?', *Canadian Journal of Development Studies*, 34:1 (March 2013), pp. 79-95, p. 79. From: http://dx.doi.org/10.1080/02255189.2013.764850 , (accessed on 04/04/2015).

[16] UNECA, *Harnessing the African Peer Review Mechanism (APRM) Potentials to Advance Mineral Resources Governance in Africa*, (Addis Ababa: UNECA, 2012), p. 11.

[17] Institute of Development Studies (IDS), *An Upside-down View of Governance*, (Brighton: IDS, 2010), p. 20.

sideration of the role of the states in the economy after they were criminated during sector reform programmes that began by mid 1980s. It is reported that "OECD governments are now spending over US$10 billion a year on governance interventions."[18] In addition to all these initiatives; in the recent past, there has been growing concern of self-criticism among the major world institutions such as the World Bank. For example,

> "Growing condemnation of the involvement of the World Bank in extractive industries—particularly the International Finance Corporation (IFC), its financial arm led the former president James Wolfensohn to commission the Extractive Industries Review (EIR)… that was conceived to solicit feedback on the organisation's involvement in extractive industries."[19]

Its findings and recommendations were bitter to the bank officials. Although they were not willing to accept them; it had forced the bank to take several considerations in its operation, especially in the developing world.

Such self-criticism has set the fire burning and as the result from 2000, there are many other initiatives launched globally and regionally championing for a better governed mineral resource sector that are not limited to: The Extractive Industries Transparency Initiative (EITI), The Kimberley Process Certification Scheme (KPCS), The Dodd Frank Act, OECD Due Diligence Guidance, The Certified Trading Chains Scheme, The EITI++ or Extractive Industries Value Chain, The Equator Principles, The Global Reporting Initiative (GRI), The International Council on Mining and Minerals (ICMM), Sustainable Development Framework

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[18] *Ibid*., p. 5.

[19] Extractive Industries Review (EIR) 2004, as quoted by G. Hilson and R. Maconachie, '"Good Governance" and the Extractive Industries in Sub-Saharan Africa', *Mineral Processing & Extractive Metallurgy Review*, 30:1 (December, 2008), pp. 50-100, p. 54. From: http://dx.doi.org/10.1080/08827500802045511, (accessed on 04/04/2015).

and The Mining, Minerals and Sustainable Development (MMSD) report.[20] All these have been put in place to enhance governance of mineral resources. More specifically, this is the result of the changing perception over the role of natural resources from being a curse to being recognised as one of the driving forces for human development in the world in general and Africa in particular. Initiatives such as "Kimberley Process to prevent trading in conflict diamonds; the Extractive Industries Transparency Initiative (EITI) to encourage transparency about revenues paid by oil companies to producer governments; and international action to control illegal logging"[21] are of greater significance to bring about a U-turn in the extractive industries and, more particularly, to escape from the resource curse and its associated consequences.

The impetus of such and many other initiatives has partly been the result of continued identification of extractive industries or the mineral resource sector as key among other sectors that are looked at to bring about enhanced human development in the world and Africa in particular. In its Agenda 2063 for example, the AU has endorsed "development ambition and the expected role of partnership in extractive governance in the next phase of the continent's development."[22] Similar intentions have been endorsed by sub-regional organisations such as SADC and EAC. For example, in its Regional Indicative Strategic Development Plan (RISDP), SADC intends to enhance "interlink of mineral policies and other sectors in the realisation of the intended goals of acceleration of poverty reduction and attainment of other economic and non-economic development goals."[23] At the national level, the Tanzania

[20] See UNECA, Harnessing African Peer Review Mechanism (APRM)…, pp. 4-10.
[21] IDS, Op. Cit., p. 20.
[22] O. Bello, 'Towards Agenda 2063: Re-Inventing Partnership on Extractive Governance', *SAIIA Policy Briefing*, 123, January 2015; p. 1.
[23] UNECA, *Harmonization of Mining Policies, Standards, Legislative and Regulatory Frameworks in the Southern Africa*, (Lusaka: UNECA Southern Africa Office, 2004), p. 5.

Development Vision (TDV) 2025 "foresees the mineral sector contributing approximately 10 per cent of the national GDP by 2025"[24] if Tanzania is to be a medium income country by 2025 as TDV 2025 envisages.

Mining is among the oldest economic activities that were undertaken by different people of the present day Tanzania. Among the major and popular mining activities, though not limited to these, were salt, iron ore and clay soil. Nevertheless, serious commercial and large scale mining began during the German colonial period. Following the "gold discovery in 1894, the first gold mine was opened at Sekenke in Iramba district in 1909, followed by mines at Mwanza and Musoma in 1913, when the country was the colony of the German East Africa."[25] Further discoveries were made after the First World War when the country was brought under the British administration with gold production shooting in "1938 and 1939 at more than 100,000 oz. annually."[26]

However, after independence in 1961, unification of Tanganyika and Zanzibar to form Tanzania in 1964 and proclamation of *Ujamaa* policies in the Arusha Declaration in 1967; there was a significant decline in mining activities. Prior to the adoption of *Ujamaa* policies in 1967, mining operations were guided by the 1965 Mineral Trading Ordinance and Gold Ordnance. The latter "policies of state intervention, trading monopolies and nationalisation of foreign interests - in keeping with the broader vision of [the Arusha Declaration on the building of] 'African

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[24] R. Lokina and A. Leiman, 'Managing Natural Resources for Sustainable Growth and Human Development in Tanzania: The Case of Extractive Industry', *ESRF Discussion Paper No. 57*, (Dar es Salaam: The Economic and Social Research Foundation (ESRF), 2014), p. 1.

[25] A. J. I. Shwilima and H. Konishi, 'The impact of tax concessions on extraction of non-renewable resources: an application to gold mining in Tanzania', *Journal of Natural Resources Policy Research*, 6: 4 (July 2014), pp. 221-232, p. 221. From: http://dx.doi.org/10.1080/19390459.2014.935281, (accessed on 03/04/2015).

[26] Macdonald and Roe, 2007, as quoted by Shwilima and Konishi, *ibid*.

socialism' - proclaimed by prevented continuing foreign investment"[27] in the sector. The mining legal provisions during this era following were in consonance with the famous statement made by Mwalimu Julius K. Nyerere, the first President of Tanzania over the prospects of mining. He is reported to have said: "We will leave our mineral wealth in the ground until we manage to develop our own geologists and mining engineers."[28]

Later as from 1972 provision to regulate the mining sector were put in place. For example, in 1972 the Tanzania Gemstones Industries Company (TGI) was established while in 1973 the State Mining Corporation (STAMICO) was formed in as an oversight body including exploration and operation of nationalised mines.[29] During 1979 and 1997 period the sector was administered under the Mining Act, 1979, an act that has been criticised of having "insufficient incentives to attract foreign and local investment"[30] in the mineral sector. Under this Act, mining and exploration operations continued to be the remit of the state under the National Development Corporation (NDC) and STAMICO.[31] As such, the period stretching between 1967 and 1995, the mineral sector and mining activities remained rudimentary with only some artisanal and small scale mining (ASM) using rudimentary tools and technology.

The liberalisation wind did not spare the sector as it was among the sectors with the highest priority for the reform agenda. Its reform aimed at revamping and instilling confidence in investors with the major focus

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[27] E. Fisher, 'Artisanal gold mining at the margins of mineral resource governance: a case from Tanzania', *Development Southern Africa*, 25:2 (May 2008), pp. 199-213, p. 201. From: http://dx.doi.org/10.1080/0376835080290592, (accessed on 04/04/2015).

[28] C. Chachage and A. Cassam (eds.), *Africa's Liberation: The Legacy of Nyerere*, (Oxford, Nairobi, Cape Town and Dakar: Fahamu Books & Pambazuka Press, 2010), p. 4.

[29] T. K. Muganyizi, *Mining Sector Taxation in Tanzania: ICTD Research Report 1*, (Brighton: Institute of Development Studies, 2012), p. 7.

[30] Tanzania Minerals Audit Agency (TMAA): History of the Agency. From http://www.tmaa.go.tz/tmaa/about/category/history, (accessed on 04/04/2015).

[31] Muganyizi, Mining Sector Taxation in Tanzania…, p. 7.

on attracting foreign direct investment.[32]This era culminated in the adoption of the Mineral Policy 1997 that set the tides for the establishment of the legal, fiscal and institutional framework that could guide the implementation of the reforms that was grounded since the beginning of 1993. Such reforms were needed to attract and accommodate foreign direct investment (FDI). Following the policy adoption in October 1997; Financial Laws (Miscellaneous Amendments) Act, 1997, Mining Act, 1998 and Mining Act Regulation Act, 1999, were enacted. These together formed the policy, legal and fiscal framework. What remained was the institutional framework which began with the transformation of the Geological Survey of Tanzania in 2004 into an autonomous government agency charged with the responsibilities of carrying out basic geological mapping of the country and maintaining an up-to-date inventory of mineral resources for promotion and development.[33]

With the 1990s reforms manifesting in the creation of the policy, legal, fiscal, institutional and regulatory framework, the sector experienced tremendous expansion, especially in gold mining. "Gold production increased from 222 kg in 1995 to 48,047 kg in 2004 [while diamond production rose from] 44,491 carats in 1995 to 303,920 carats in 2004."[34] Though this period enjoyed both the expansion of the sector and resource boom, as Campbell recently argued, it has revealed that "mining boom will not lead a process of economic diversification capable of generating long term sustainable development in the absence of public policies which encourage such process."[35] As Maliyamkono and

[32]E. Dietsche, 'Diversifying mineral economies: conceptualising the debate on building linkages', *Mineral Economics*, 27 (September, 2014), pp 87-102, p. 96. From: http://link.springer.com/article/10.1007/s13563-014-0058-4, (accessed on 02/04/2015)

[33] T. L. Maliyamkono and H. Mason, *The Promise*, (Dar es Salaam: TEMA Publishers Ltd, 2006), p. 301.

[34] *Ibid*. p. 309.

[35] B. Campbell, 'Factoring in Governance is Not Enough. Mining Codes in Africa, Policy Reform and Cooperate Responsibility', *Minerals & Energy*, 18:3

Mason succinctly put it; "while the mineral sector registered tremendous achievements in terms of FDI, mineral production and exports, and employment creation, the sector still faces an number of challenges and bottlenecks"[36] in terms of contribution to national development as its GDP contribution has been reported at 4 per cent. In addition, there is a general public remorse over the sector that has forced the government to commission committees[37] to investigate the sector which recommendations seem to remain at policy level without a tangible realisation of people's concerns and addressing the complaints of the entire sector.

Tanzania can be generally categorised as a mineral[38] economy with the mining sector accounting for approximately 4 per cent of the GDP and close to half of the country's export.[39] Many studies have underscored this for quite long. For example, P. P. Jourdan (1990) did document that despite withstanding the history of mining in Tanzania, which dates back to over two million years, between 1970 and 1989 the country was producing several minerals ranging from calcite, coal, diamond, steel, gemstones, gold, gypsum, kaolin, limestone, cement, tin and salt to mention but only a few that were contributing 0.5 to the country's

(2003), pp. 2-13, p. 10. From: DOI 10.1080/14041040310019129 (accessed on 04/04/2015).

[36] Maliyamkono and Mason, Op. Cit., p. 319.

[37] Among the committees set to investigate the public complains about the mining sector performance include Kipokola's Committee, 2004, Masha's Committee, 2006 and Bomani, Committee, 2008. Some of the outcome from these committees has been the uplifting royalty rates, repealing of 1997 Mineral Policy, 1998 Mining Act and enacting of The Mineral Policy of Tanzania, 2009 and Mining Act 2010.

[38] With recent gross natural gas discovery in Tanzania, the 'mineral resource' concept is likely to be replaced by a more accommodating term of natural resources and more specifically extractive industry sector.

[39] UNECA, *Promoting Mineral Cluster: The Case of Tanzania* (Addis Ababa: UNECA, 2008), p. 7.

GDP.[40] Further to that and about the country's natural resources endowment, the African Development Bank (AfDB) in its report, *African Development Report 2007 — Natural Resources for Sustainable Development in Africa*, classified Tanzania as the third major producer of gold after South Africa and Ghana and ahead of Mali accounting for 30.0, 43.2, 48.0, 48.1 and 45.4 tonnes in 2001, 2002, 2003, 2004, and 2005 respectively.[41] This image remains *mutatis mutandis* in the eyes of the IMF which in its 2013 study on Africa classified the country among the major exporters of non-renewable exports (gold) in Sub-Saharan Africa (SSA). In short, the country is endowed with rich mineral and energy resources ranging from metallic mineral deposits, gemstone and industrial minerals to fossil fuels including coal and natural gas.[42] This is in consonance with earlier classification which ranked Tanzania 4th in terms of diversity and richness of mineral resources in Africa, trailing only South Africa, the Democratic Republic of Congo and Nigeria.[43]

Regrettably, these endowments have not been in tandem to what was expected. The sector continues to contribute less to the country's GDP. Though there is slight increase as compared to 1980; again it is not reflecting the actual riches the country is endowed with. For example, the *UNDP Human Development Report 2014* reported poor performance of the country in terms of HDI of which the country is reported at 0.488 performances, which falls within the category of low human development and as a result positioning Tanzania at the159th position out of 187

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[40] See P. P. Jourdan, 'Strategies for the Regional Planning of Mineral Industry in Southern Africa: The Case of the SADC', (D.Phil. thesis, University of Leeds, 1990), pp. 146-162.

[41] See AfDB, *African Development Report 2007 — Natural Resources for Sustainable Development in Africa*, (Oxford: Oxford University Press, 2007), p. 66.

[42] UNECA, *Promoting Mineral Cluster*, p. 7; and UNECA, *Mineral and Africa's Development: The International Study Group Report on Africa's Mineral Regimes* (Addis Ababa: UNECA, 2011), p.185.

[43] Maliyamkono and Mason, *Op. Cit.*, p. 295.

countries and territories rated.[44] One would not understand that a country like Rwanda which is just recovering from genocide and with fewer natural resources have bypassed and performed better in the socio-economic development of her people than Tanzania. One of the variables to explain this phenomenon commonly classified as 'resource curse' or 'paradox of plenty' is miss-governance of the mineral sector. Emphatically, it has been argued that, among many factors contributing to the poor performance of the mineral sector in Tanzania are the loopholes in the Acts regulating the mining sector, which have undermined fiscal gains and as such few people only accord the positive spill-over effects of the sector.[45]

To advance, Tanzania has to devise various means to curb the adversities facing this sector one of which is strengthening the legal and regulatory framework; a move which has to reflect the external environment and role of regional organisations in particular. In its 2009 Mineral Policy, the country has recognised the imperative of enhancing solidarity among and with African states through the regional and sub-regional institutions, especially the AU, EAC and SADC. This opportunity is still underutilised by the Tanzanian government decision-makers and the acknowledged need for reaping and expecting more from the regional integration schemes which may compel improved sustainable governance of mineral resources.

The coincidence between the adoption of the Mineral Policy in Tanzania and the signing of the SADC Mining Protocol in 1997 and adoption of the current Mineral Policy of Tanzania and African Mining Vision (AMV) in 2009 was very significant to mineral governance in Tanzania. These sets of policy framework — national and regional poli-

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[44] Cf: UNDP, *Human Development Report 2014-Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience* (New York: UNDP, 2014).

[45] AfDB, OECD, UNDP and ECA, *African Economic Outlook 2013-Structural Transformation and Natural Resources* (Moulineaux: OECD, 2013), pp. 185-186.

cies promised positive changes towards revitalising the poor performing mineral sector towards significant contribution to national development. While the SADC Mining Protocol and African Mining Vision (AMV) vindicated the imperative of the regional approach or policy to sustainable governance of mineral resources; the 1997 Mineral Policy targeted among others the liberalisation of the mineral sector, attracting FDI while the Mineral Policy of Tanzania of 2009 aims among many to strengthen

> "integration of the mineral sector with other sectors of the economy; maximising benefits from mining; improving the legal environment; strengthening capacity for administration of the mineral sector; developing small scale miners; promoting and facilitating value addition to minerals; and strengthening environmental management"[46] respectively.

In other words, having a national and regional mineral policy framework at her disposal, the expectation is that the Tanzanian mining sector is expected to live its expectations of generating up to 10% of the national GDP towards the realisation of the Tanzania Development Vision (TDV).

However, this coincidence has become euphoric. The performance of the Tanzanian mining sector continues to be characterised by disappointing stories. For example, while it has registered tremendous growth in the last twenty years or so, with remarkable increase in mineral production and export now accounting for more than 50 per cent of Tanzania's total export value[47]; the sector is yet to be fully integrated with other sectors of the economy, low capacity of the government to administer the sector, low level of value addition of minerals, environmental degra-

[46] URT, *The Mineral Policy of Tanzania*, (Dar es Salaam: Ministry of Energy and Minerals, 2009), p. 2.
[47] Maliyamkono and Mason, Op. Cit., p. 309.

dation and low contribution to the GDP compared to the sector growth[48] at the rate of 3.7 and 3.8 per cent only in 2008 and 2012.[49]

It is true that in Tanzania, like many other African countries,

> "issues that extractives raise and the developmental challenges the sector poses have been approached from a wide range of perspectives, from local-level, in-depth anthropological studies of community impacts, and econometric surveys that explore the links between national economic resource dependence and developmental progress, to more recent institutional and political science concerns with the links between resources, governance and conflict"[50].

The area is still underexplored. Hardly one could find studies interrogating the extent to which regional organisations have contributed to the governance of mineral resources in Tanzania. This study therefore aims at taking the debate further by examining the nexus between regional organisations and governance of mineral resources in Africa through Tanzania as a case study.

1.2 Statement of the Problem

The focus of many studies and researches on the role of or regional organisations (ROs) for quite long have been the role of ROs in trade integration, poverty reduction, conflict resolutions, promotion of human rights and democracy and promotion of governance standards. Those focusing on the role of ROs in the governance of mineral resources in particular; are hardly found. For example, although in its fifth, ninth and

[48] URT, The Mineral Policy of Tanzania, ibid.
[49] P. Charle, R. Dhliwayo and J. Loening, 'Tanzania 2014' in AfDB, OECD, and UNDP, *African Economic Outlook 2014 - Regional Edition: East Africa*, (Moulineaux: OECD, 2014), pp. 151-166, p. 154.
[50] G. Banks, 'Drilling and Digging: Extractives, Institutions and Development', *Development and Change*, 45:1 (2014), pp. 191-204, p. 191. From: DOI: 10.1111/dech.12071, (accessed on 19/03/2015).

sixth year, the SADC Mining Protocol, the EAC Environmental and Natural Resources Management Protocol and the African Mining Vision (AMV) respectively; little or no study or research has investigated the role of these regional initiatives in enhancing quality of mineral sector governance in Tanzania which is a member and signatory to two of them (SADC Mining Protocol and AMV).

Nevertheless, though Tanzanian "mineral sector registered tremendous achievements in terms of FDI, mineral production and exports, and employment creation, the sector still faces a number of challenges and bottlenecks"[51] Among these has been the low contribution to the GDP compared to the sector growth at the rate of 3.7 and 3.8 per cent only in 2008 and 2012[52] respectively thus constraining the sector to contribute its projected threshold to the country's GDP of 10 percent by 2025. For example, in the 2013 Revenue Watch Institute (RWI) Resource Governance Index (RGI), Tanzania received a 'weak' score of 50, ranking 27th out of 58 countries[53]; poor mineral sector growth at the rate of 0.6 percent for 2014/2015 as compared to 19.7 percent for the period of 2013/2014[54] and the general public complains about the sector performance that for several instances have forced the government to set committees[55] to probe the ills in the sector. Some studies have attempted to explain such divergence. Yona has indicated that there has been continued exportation of gemstones in raw form estimated to about 98 per

[51] Maliyamkono and Mason, Op. Cit., p. 319.
[52] *Ibid*.
[53]http://www.resourcegovernance.org/sites/default/files/country_pdfs/tanzaniaRGI2013.pdf (accessed on 13/08/2015). The Resource Governance Index (RGI) measures the quality of governance in the oil, gas and mining sector of 58 countries.
[54] N. Dausen, 'Ukuaji wa uchumi nchini washuka kwa asilimia 2.1', Mwananchi, August 14, 2015. From: http://www.mwananchi.co.tz/habari/Kitaifa/Ukuaji-wa-uchumi-nchini-washuka-kwa-asilimia-2-1/-/1597296/2832288/-/o4402d/-/index.html, (accessed on 14/08/2015).
[55] See footnote 37 on p. 9 in this study.

cent of country's gemstone[56] while Lyakurwa and Aikaeli study point out the government's inability to diversify the mineral sector.[57] Related divergence is also expressed by the general public and members of parliament (MPs) who have voiced serious concerns about how little the country is benefitting from large-scale mining operations, particularly gold mining.

Thus, since the new Tanzanian Mineral Policy, 2009[58] and AMV has explicitly recognised the opportunities of the regional policies in enhancing governance of mineral resources in Tanzania; it is imperative to investigate how the country can best benefit from such opportunities. This is as Ramdoo puts it, "if national strategies for mineral resources governance are to be pursued successfully; then it is vital that they be substantiated and complemented by strong *regional* policies."[59] As such, the study intends to investigate the extent to which African regional and sub-regional schemes, policies and protocols and organisations or institutions have contributed to the governance of mineral resources in Tanzania.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of the study is to investigate the extent to which regional organisations have contributed to the sustainable governance of mineral resources in Tanzania.

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[56] Maliyamkono and Mason, Op. Cit., p. ibid.
[57] Kyakurwa, W. and J. Aikaeli, 'Tanzania Reflections on Economic Growth' in E. Aryeetey *et al.* (eds.), *The Oxford Champion to the Economics of Africa*, (Oxford: Oxford University Press, 2012), pp. 605-610.
[58] URT, The Mineral Policy of Tanzania, pp. 7; 20; 22.
[59] I. Ramdoo, 'Developing Value Chains: What Role for Regional Integration?', *Great Insights*, 3:7 (July/August 2014), pp. 12-15, p. 12. From: http://www.ecdpm.org/GREAT, (accessed on 28/01/2015).

1.3.2 Specific Objectives

The study has three specific objectives:

- To assess the importance of regional policies to the sustainable governance of mineral resources in Tanzania.
- To examine stakeholders' perception of the role of regional policies on the sustainable governance of mineral resources in Tanzania.
- To identify the major challenges faced in the implementation of regional policies to the sustainable governance of mineral resources in Tanzania.

1.4 Research Questions

The main research question of the study is:

To what extent has regional integration contributed to the sustainable governance of mineral resources in Tanzania?

To answer this question, the study has three specific questions:

- Are regional policies necessary for the sustainable governance of mineral resources in Tanzania?
- How do stakeholders perceive the role of regional policies on sustainable governance of mineral resources in Tanzania?
- What are the challenges faced in implementing the regional policies on sustainable governance of mineral resources in Tanzania?

1.5 Study Propositions

The following hypotheses were tested in the study:

- Tanzania has benefited from the adoption of regional policies on mineral resources governance.

- The role of regional organisations on the sustainable governance of mineral resources is viewed favourably by stakeholders.
- The implementation of regional policies on governance of mineral resources faces many challenges.

1.6 Significance of the Study

This study adds to the literature on the role of regional organisations in the sustainable governance of mineral resources. By understanding the synergy between regional integration and mineral resource governance in Africa, the study contributes to debugging the 'resource curse' hypothesis that continues to perpetrate the impossibility of Africa to develop by using her natural endowment while the same resource continues to grease the development of other Western countries. Also, the study provides African leaders with the strategies to manage the resource boom and its aftermath *Dutch disease*. Finally, the study is useful for Africans, Africanists, policy and decision makers, politicians, RECs, environmentalists and other community workers who will have to consider including regional integration in enhancing sustainable natural resources governance in their educational curriculum and approach when solving developmental challenges in Africa.

1.7 Scope and Limitation of the Study

The study is delimited to the implication of the African regional organisations initiatives in enhancing the sustainable governance of mineral resources in Tanzania. Being an active member of the AU, EAC and SADC and a signatory to the SADC and AU's mining governance initiatives, the study investigates the extent to which these regional institutions have influenced or contributed to the governance of mineral resources and mineral governance mechanisms and machinery in Tanzania

from 1997 when the SADC Mining Protocol was signed to the present day of the post African Mining Vision 2009 and African Union Agenda 2063 of 2014. The influence of the treaties, vision protocols and declarations related to mining are given attention since they are the basis to which continental and sub-regional mechanisms can influence mineral laws and policy agenda in Tanzania. As such, it targeted the views mainly from stakeholders (elite) in organisations with a stake in the Tanzanian mining sector from government, civil societies, business and regional bodies in Arusha and Dar es Salaam in Tanzania.

There are some limitations that were encountered in undertaking this study both logistical and methodological. Logistical challenges were the timing of the study which collided with the beginning of the financial year and general election that constrained the availability of some of the respondents for interviews; limited funding which constrained the researcher from travelling to the AU and SADC headquarters to interview some key officials who were quite relevant to the study and the bureaucracy to solicit stakeholders in some decision-making positions, especially from government ministries and agencies. Methodological limitations included the availability of secondary data and permission to tape record. Limited secondary data compelled dependency on field interviews. And since participants were unwilling to be tape recorded, the researcher has to solely depend on the field notes taken during the interview. This has its challenges, though steps such as rewriting the notes and instant data analysis immediately or shortly after interviews were taken to minimize them.

1.8 Definitions and Operationalisation of Key Concepts

1.8.1 Pan-Africanism

Pan-Africanism in the context of this study can be understood as both, an "ideology and movement that attempt to concretise and sensitise Africans *inter alia*, against foreign domination, exploitation and racial discrimination within and outside the continent Africa".[60] Broadly conceived, pan-Africanism is an ideal and movement designed to regroup and mobilise Africans in Africa and the Diaspora against racial discrimination, foreign domination and oppression, and economic exploitation.[61] From these definitions the three dimensions of pan-Africanism may be analysed, namely cultural, political and economic such as regional economic communities or integration.

1.8.2. State Sovereignty

The view that integration creates some new form of political power, which limits the state authority has been a subject of integration theorising for almost fifty years now.[62] Since integration processes affect states in many ways, understanding this handing over of states' power to a kind of supranational authority is imperative. Since the most affected quality of state is state sovereignty, then an explanation of what is 'sovereignty' is indispensable. As a core concept of international relations and law, sovereignty is a brainchild of the 1648 Treaty of Westphalia which marked the advent of the contemporary 'Doctrine of State Sover-

[60] Biswaro, Op. Cit., p. 192.
[61] G. Martin, *African Political Thought*, (New York: Palgrave Macmillan, 2012), p. 57.
[62] H. Heinonen, 'Regional Integration and the State: The Changing Nature of Sovereignty in Southern Africa and Europe', (D.Phil. thesis, University of Helsinki, 2006), p. 8.

eignty'.[63] Since then, its meaning has been experiencing stretching to fit the changing state of internal and international politics. In the process of integration then, and more specifically the regional political integration, the state limits its sovereignty by handing over part of it in certain fields to a supranational organisation permanently, which at times makes the states to gain dual roles; acting as the national authorities as well as supranational authorities.[64]

1.8.3 Regional Organisations (ROs)

Understanding what a regional organisation is entails understanding what regional integration is. Regional integration may be defined as "the process or situation where countries in a defined geographical area voluntarily surrender their sovereignty in one or more areas to carry out specific transactions, in view of achieving a goal(s) or enjoying specific benefits to a higher degree than they would individually."[65]But for the purpose of this work, this concept is defined as **"**the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over pre-existing national states."[66] In that respect the end result in the process of integration is the establishment of a new political community, superimposed over the pre-existing ones—regional organisation. As such regional organisation are the organisations formed as the outcome of integration initiatives charged with the duty to spearhead the implementation of agreed upon policies and regulation to realise the objectives of its estab-

[63] See Biswaro, Op. Cit., p. p. 42.
[64] See, Heinonen, Op. Cit., pp. 215-218.
[65] K. J. Kewir, 'Leadership and economic Integration: The case of the Cameroon-Gabon couple', *Journal of Conflict Transformation & Security*, 4: 1-2, (April-October 2014), pp. 25-40, p. 28.
[66] Biswaro, Op. Cit., p. 16.

lishment. However, it should be noted that, although some authors distinguish between regional and sub-regional integration schemes, such distinction is not made here. Regional integration is used to refer to those schemes that are very distinctive in membership such as the EAC and SADC and to the AU that is more inclusive.

1.8.4 Sustainability

The concept of sustainability was originally coined in forestry, where it meant never harvesting more than what the forest yields in new growth.[67] But sustainability as a policy concept has gained popularity with the publication of World Commission on Environment and Development, 1987, *Our Common Future* famously known as Brundtland Report. But, while the Brundtland report speaks of two concerns that should be reconciled: development and the environment; the contemporary usage of the concept goes beyond this report by focusing on triadic dimensions namely: social, economic and environment.[68] As far as this study is concerned, though not far from the above explanations, whenever it is mentioned or referred to, unless elaborated, the term 'sustainability' is used to mean the generation of "optimal economic and social returns without impairing the long-term life-supporting capacities of ecosystems or reducing the chances of future generations to satisfy their own needs"[69] or "as being able to meet present needs without compro-

[67] Wiersum, 1995 as quoted by T. Kuhlman and J. Farrington, 'What is Sustainability?', *Sustainability* 2 (2010), pp. 3436-3448., p. 3437. From: www.mdpi.com/journal/sustainability; doi: 10.3390/su2113436, (accessed on 23/03/ 2015).

[68] See, E. Giovannon and G. Fabietti, 'What is Sustainability? A review of the Concept and Its Application', in C. Busco et al. (eds.), *Integrated Reporting: Concepts and Cases that Redefine Corporate Accountability*, (London/New York: Springer International Publishing, 2013), pp. 21-40, pp. 23-28. From: DOI 10.1007/978-3-319-02168-3_2, (accessed on 23/03/2015).

[69] AfDB, Op. Cit., p. 9.

mising the ability of future generations to meet their needs."[70] In that respect, sustainable natural resource governance entails optimal utilisation of natural resources mindful of other lives to come. It is therefore interesting to find out that within the debates on sustainability, governance issues have acquired increasing relevance. As such, the need to align the governance system to sustainability is also acknowledged.[71]

1.8.5 Natural Resources

Today defining the phrase 'natural resource(s)' is difficult as the phrase is a sleepy and contested one. For the purpose of this study, whenever the phrase is used unless specified, I shall reckon to Abiodun's conceptualisation of natural resources who defines the phrase to mean "all non-artificial products situated [above], on or beneath the soil, which can be extracted, harvested or used, and whose extraction, harvest, or usage generates income or serves other purposes benefiting [humankind]".[72] Alao's definition of natural resource is closer to the official definition of natural resources by the United Nations Environment Programme (UNEP) which underscores that the term 'natural resources' refers to oil, minerals, forests, water and fertile land that occur in nature and can be exploited for economic gain. These resources

[70] UNDP, *Regional Integration and Human Development: A Pathway for Africa*, (New York: UNDP Bureau for Development Policy, 2011), p. 14. From: http://www.undp.org/content/dam/undp/library/Poverty%20Reduction/Trade,%20Intellectual%20Property%20and%20Migration/RIR%20English-web.pdf, (accessed on 20/03/2015).

[71] Giovannon and Fabietti, Op. Cit., p. 31.

[72] A. Alao, *Natural Resources and Conflict in Africa: The Tragedy of Endowment*, (New York: University of Rochester Press, 2007), p. 16.

frequently represent an important source of income and power; land, in particular, is essential to the livelihoods of millions of people".[73]

1.8.6 Natural Resource Management (NRM)

Some studies tend to use the concepts Natural Resource Management (NRM) and Natural Resources Governance (NRG) interchangeably to mean the same thing. In this study however, a distinction is made. The concept 'management' was used by Urwick in 1974 to refer to the process of planning, organizing and directing, coordinating and therefore controlling of people over resources. As such NRM can simply mean the process of planning, organizing and directing, coordinating and therefore controlling people over the use of natural resources. Thus, NRM will be used in the context expressed by the definition given in the AfDB *African Development Report 2007* which underscores NRM as "a broad concept that involves integrating efficient resource use and preventing adverse environment impacts or it is concerned with questions about the use and distribution of resources for sustainable development of all levels of government and for the benefit of the citizenry."[74]

1.8.7 Governance

Governance has two entirely different purposes. Governance is a means to achieve collective benefits by coordinating human activity. Given the variety of public goods and their varying externalities, efficient governance will be multi-level. But governance is also an expression of community. Citizens care – passionately – about who exercises

[73] UNEP, *Natural Resources and Conflict: A Guide to Mediation Practitioners*, (New York and Nairobi: United Nations Department of Political Affairs (UN DPA) and UNEP, 2015), p. 11.
[74] AfDB, Op. Cit., p. 8.

authority over them.[75] Broadly speaking, governance refers to the process of decision-making by different stakeholders (including politicians as well as ordinary citizens) on issues that affect their lives.[76] The concept is however understood and applied differently. The most popularly used definition of governance is that from the UNDP which defines governance as "the complex ensemble of mechanisms processes and institutions through which citizens and social groupings manage their interests and conflicts".[77] This is the context in which the concept is used in this study. In this perspective, governance comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.[78] As such, "it entails a more devolved system of governance as opposed to a centralised one, which opens the door for common people to participate in the governing of their own affairs and creating a sense of ownership."[79]

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[75] L. Hooghe and G. Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus', *British Journal of Political Sciences*, 39: 1 (January 2009), pp. 1-23, p.2. From: doi: 10.1017/S0007123408000409, (accessed on 12/03/2015).

[76] J. A Fonjock and J. B. Endeley, 'Women Substantive Representation in Local Governance in Cameroon', in S. K. Ewusi and J. B. Bbutera (eds.), *Beyond State-Building: Confronting Africa's Governance and Socio-economic Challenges in the 21st Century*, (Addis Ababa: University for Peace African Programme, 2014), pp. 277-302, p. 278.

[77] A. Chaligha *et al*., *Local Governance in Tanzania: Observation from six councils 2002-2003. REPOA Special Paper 07:22* (Dar es Salaam: Mkuki na Nyota Publishers, 2007), p. 3.

[78] E. Braathen, A. Chaligha and O. Fjeldstad, *Local Governance, finances and service delivery in Tanzania: A summary of findings from six councils: 2005 NIBR/CMI/REPOA Joint Working Paper*, (Blindern: NIBR, 2005), p. 9.

[79] C. J. Masabo, 'Discerning for Peace in Africa: The Sudan Civil Wars and Peace Processes, 1955-2013', *Hekima Review*, *49*, (December 2013), pp. 137-150, p. 144.

1.8.8 Natural Resource Governance (NRG)

The proliferation of global initiatives to oversee the transparent management of natural resources in Africa has raised issues of natural resource governance—the framework of rules, institutions and practices regulating the natural resource value chain and the extent to which key principles of transparency, openness, accountability, fairness and environmental sustainability are observed in the extraction, movement, and revenue from natural resources.[80] As such, NRG is preferred over NRM. That is to say, unlike NRM, the concept of natural resource governance (NRG) is more inclusive of stakeholders, as it seeks to promote a state–society dialogue and aims to accommodate voices from all levels of society, while engaging with different types of knowledge – such as expertise from environmental scientists, bureaucrats, traditional authorities, local community leaders, development practitioners, lawyers, activists, economists and politicians.[81] Resulting from taking central position in policy and research the concept has been defined differently by different authors as well used differently depending on the definition adopted by different users. In this study the definition by Alao suffices the purpose. Thus, natural resources governance is taken to mean all the internal and external considerations that come to play in the management of natural resources. These include domestic laws, constitutional provisions, cultural practices, customary laws, neo-patrimonial practices and all the international treaties and obligations that govern issues of ownership, management, extraction, revenue sharing, enforcement ca-

[80] O. Ismail and J. Martyns, 'Criminality in the Natural Resource Management Value/Supply Chain', in K. T. Hanson, C. D'Alessandro, and F. Owusu (eds.) *Managing Africa's Natural Resources: Capacities for Development* (Hampshire/New York: Palgrave Macmillan, 2014), pp. 66-90, p. 66.

[81] J, A. Grant et al., 'Prospects and Trends in the Governance of Africa's Natural Resources: Reflections on the Role of External and Internal Actors', in J. A. Grant, W.R. N. Compaoré, and M. I. Mitchell (eds.) *New Approaches to the Governance of Natural Resources: Insights from Africa* (Hampshire/New York: Palgrave Macmillan, 2015), pp. 267-284, p. 279.

pacity and the procedures for addressing concerns and grievances over natural resources.[82] With such understanding, all actors and their roles can easily be investigated with ease.

1.8.9 Mineral Resources

Mineral resources like any other resources have been defined differently by different people depending on their professional backgrounds, academic background and the kind of encounter one had over what is minerals. In spite of all these variations, there is one overriding binding aspect, that, minerals are among the most significant natural resources for the human mastery of their environment. The commonly used definitions are those of geologists, governments, lawyers and economists. Geologists tend to prefer restricting their definition to five key concepts that they cherish more as basic for understanding what minerals are, namely: naturally occurring, inorganic, solid; definite chemical composition and ordered internal arrangement. Thus, minerals are defined as "a naturally occurring inorganic element or compound having an orderly internal structure and characteristic chemical composition, crystal form, and physical properties."[83] In this understanding, minerals are clearly differentiated from the rocks.

Another definition of the minerals worth of considering is that found in the 1968 Revised 4th Edition of *Black Law Dictionary*. In this dictionary the understanding of what minerals are is given a wider context. First it defines minerals as "any valuable inert or lifeless substance formed or deposited in its present position through natural agencies alone, and which is found either in or upon the soil of the earth or in the

[82] Alao, Op. Cit., p. 31.

[83] As quoted in Kentucky University, 'Many Definitions of Minerals, Rocks and Minerals,' *Kentucky Geological Survey 2012*. From: https://www.uky.edu/KGS/rocksmn/definition.htm, (accessed on 30/08/2015)

rocks beneath the soil."[84] Then after it delineates that "the word is not a definite term and is susceptible of limitations or extensions according to intention with which it is used."[85] This means that even the legal definition is subject to different meanings for different uses. It is in that context that we find the difference with the US Federal Government which contends minerals to "include all minerals and mineral fuels including some non-solid substances such as petroleum and natural gas."[86] This understanding however is problematic, especially when things such as gas and petroleum are included.

Lastly, according to economists, minerals "refer to the occurrence of any mineral commodity (as defined above) that could be removed from the ground. There are three categories of mineral resources: fuel minerals, metallic minerals (also called ore minerals), and industrial or construction minerals."[87] The influx of definitions calls for operationalising what minerals or mineral resources mean in this study. In the context of this study, minerals or mineral resources are understood as solid commodities which can be obtained from or extracted from the earth's surface and are valuable for human use. This is closer to the legal understanding of the concept.

1.8.10 Mineral Resources Governance (MRG)

The concept of Mineral Resource Governance entails mineral and governance in interplay. Its understanding calls for understanding what

[84] As quoted in Kentucky University, 'Many Definitions of Minerals, Rocks and Minerals', Kentucky *Geological Survey 2012*. From: https://www.uky.edu/KGS/rocksmn/definition.htm, (accessed on 30/08/2015)
[85] *Ibid*.
[86] The Legal Information Institute, US Code Title 30 - Mineral Lands and Mining—Mineral Lands and Regulations in General. From: https://www.law.cornell.edu/uscode/pdf/lii_usc_TI_30_CH_2.pdf,
[87] Kentucky University, 'Many Definitions of Minerals, Rocks and Minerals,' *Kentucky Geological Survey 2012*. From: https://www.uky.edu/KGS/rocksmn/definition.htm, (accessed on 30/08/2015)

mineral resources are and what governance is which have been well-defined in the concepts before MRG. In respect to what mineral and governance have been defined, in this study, MRG is understood as the process of making, implementing and evaluating the optimal decisions, policies, laws and guidelines that aim at informing the best practice to extract, process, market and use the returns from mining activities. Like governance, MRG is people-centred and encompasses high level of participation by people and actors with a stake in the mineral sector.

1.9 Structure of the Thesis

This chapter has given the general background to the study, problem statement, objectives, questions, propositions, significance, scope and limitation of the study and operationalisation of key concepts in the study. Chapter two presents the evolution of regional approaches to governance of mineral resources in Africa, theoretical framework that informs the study, a critique to some related literature and research gap in the literature. The third chapter is on the research methodology while chapter four is for data presentation and discussion. This forms the major study chapter building on the foundations laid in chapter one and chapter two. Lastly is chapter five, which presents the study summary, conclusions, and recommendations for mineral governance policy makers both at national and regional levels and proposes areas of further research.

2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

This chapter focuses on a number of aspects. It begins with the review of literature on the evolution of regional approaches to governance of mineral resources, then a theoretical exposé of the deep-seated issues that are raised in two important integration theories: neo-functionalism and inter-governmentalism and lastly the tenets of constructivism theory and how it can explain the nexus between regional organisations and sustainable governance of mineral resources in Tanzania. These serve as the foundation for critiquing and delineating research gaps that the study sets out to fill that follows immediately after the theoretical exposé. This study, though, adopts the constructivism theory as the most feasible theory to explain how regional integration schemes as social constructs can influence legal and policy changes in the domestic affairs of member states. It is purposely chosen as it will be the basis for data analysis where interpretative constructivism serves as a theoretical framework for analysis. Thus, as constructivists would succinctly put it, regional integration schemes are "social constructions, which means that to ob-

serve and describe regionalisation or regional integration schemes is also to participate in the construction [these] regions.[88]

2.2 Evolution of Regional Approaches to the Governance of Mineral Resources in Africa

2.2.1 The Importance of Regional Integration in Africa

The *African Development Report, 2014*, has underscored that "regional integration is not an end in itself, but rather a tool for enhancing economic growth and fostering inclusion – within and between countries."[89] However, this is true only if Africa succeeds in identifying a successful formula to counter challenges confronting the project of regional integration.[90] That is to say, integration is not an easy undertaking, but a project involving

> "a complex combination of formal interstate processes with myriad in-country measures relating to formal trade agreements, formal and informal trade practices, regulatory mechanisms, macroeconomic policies, industrial and agricultural policies and many more infrastructure and other projects and processes with cross-border implications."[91]

[88] B. Hettne and F. Söderbaum, 'Theorising the Rise of Regionness', *New Political Economy*, 5:3, (2000), 457-472; p. 460. From: http://dx.doi.org/10.1080/713687778, (accessed on 21/08/2015).
[89] D. Kaberuka, 'Foreword', in AfDB, *African Development Report 2014: Regional Integration for Inclusive Growth*, (Abidjan: AfDB, 2014), p. v.
[90] B. Althusimann, 'Foreword', in A. du Pisani *et al*. (eds.), *Monitoring Regional Integration in Southern Africa: Yearbook 2013/2014*, (Stellenbosch: TRALAC, 2014), pp. iii-iv; p. iii.
[91] B. Byiers and J. Vanheukelom, 'Political drivers of Africa's regional economic integration: Lessons from the Maputo and North-South Corridors', in A. du Pisani *et al*. (eds.), *Monitoring Regional Integration in Southern Africa: Yearbook 2013/2014*, (Stellenbosch: TRALAC, 2014), pp. 164-200; p. 165.

Thus, like any other socio-cultural, political and economic undertakings, regional integration initiatives needs to reflect its careful approach to make sense of it as the most utilized frameworks seem not to be providing right answers. Cementing on this, it is worth quoting at length from the conference concept note for the Trade Law Centre (TRALAC) Annual Conference 2015 with "Towards a continental integration agenda" as conference theme which partly stated that:

> "Integration remains a priority for African countries. While in some respects it may seem as if the integration debate has not evolved to meet the demands of the 21st century; closer scrutiny reveals some emerging shifts and developments in the integration agenda. It may be premature to celebrate a new African integration paradigm, but there is some evidence that investment, production and trade realities are shaping thinking about the regional integration agenda. There are also signs that regional integration initiatives need a firmer legal basis. In short, new thinking on African integration is required. While it is possible to consolidate and build on some of the emerging realistic initiatives, the key question is whether Africa is prepared to shape new policy and governance trajectories for its development in the 21st century?"[92]

That is to say, "the defining features of the 21st century geopolitical, political-economy and broad economic landscape provide new challenges and require new policy approaches to achieve development outcomes."[93] Mineral resources governance is one of the many African challenges of 21st century that calls for regional organisations to address. This is so since it is imperative to respond to such questions with fresh

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[92] TRALAC, 'Concept Note-tralac Annual Conference', from: http://www.tralac.org/images/docs/7098/tralac-annual-conference-2015-concept-note.pdf, (accessed on 02/04/2015).

[93] T. Hartzenberg, 'Introduction', in A. du Pisani *et al*. (eds.), *Monitoring Regional Integration in Southern Africa: Yearbook 2013/2014*, (Stellenbosch: TRALAC, 2014), pp. 1-9; p.1.

and new answers that can inform both integration policy formulation and implementation.

2.2.2 Evolution of Continental Approaches to the Governance of Mineral Resources

One of the purposes of establishing the Organisation of African Unity (OAU) expressed under Article II (1) (b) of the OAU Charter was "to coordinate and intensify their cooperation and efforts to achieve better life for the people of Africa." To fulfil this desire, the OAU Charter under Article XX (1) created a specialised commission—The Economic and Social Commission. In spite of this, the OAU was criticised for lacking elaborative and focused programme to realise this form of economic liberation. In order to fill the void on economic cooperation in the OAU Charter, African States had to establish the African Economic Community (AEC) in the hope that this new institution would assist them to achieve integration and overcome their economic underdevelopment.[94]

The creation of AEC was "in anticipation of disengaging from the old order and taking control of the development of Africa. African leaders, at the request of the Secretary General of the OAU, met in Monrovia in February 1979 in a symposium whose purpose was to outline the foundation for growth and development of Africa by the year 2000."[95] The aim was to address the global challenges facing Africa in attaining economic decolonisation since the state of African economies was discouraging the euphoria of independence. This era characterised by economic and political failures of most development projects, increasing dependence by African states and ascendance of global capitalism fol-

[94] M. M. Mbengue and O. Illy, 'The African Economic Community' in A. A. Yusuf and F. Ouguergouz (eds.), *The African Union Legal and Institutional Framework: A Manual on the Pan-African Organization*, (Dar es Salaam: Mkuki na Nyota Publishers Ltd., 2013), pp.187-202; 191.
[95] *Ibid*., p. 189.

lowing the collapse of the Soviet Bloc left African economies wounded and calling for healing.[96]

The creation of AEC in Abuja on the 3rd June 1991 came as a response to the challenges faced by African countries in different areas including sustainable governance of natural resources. In its preamble, it explicitly endorsed the desire to mainstream the natural resources at the service of the African people. It recalled the responsibility of the states "to develop and utilise the human and natural resources of the continent for the general well-being of our peoples in all fields of human endeavour."[97] The importance given to this is reflected in the details given on measures to be taken to promote the sustainable governance of mineral resources in Articles 54 (2) and 56 of Chapter IX of the Abuja Treaty.

Such commitment towards regional mineral resource governance was further sanctified by the Constitutive Act of the African Union adopted in Lomé Togo on 11 July 2000 followed by the declaration of the establishment of AU, in Sirte, Libya on 2 March 2001. Though blamed for embracing the OAU Charter ethos, the AU has through the Constitutive Act Articles 14 and 15 provided for the established and functioning of the specialised technical committees including 'The Committee on Industry, Science and Technology, Energy, Natural Resources and Environment'. It's established in cognizant with Article 14 (1) (d), which is responsible for harnessing African resources to overcome their economic underdevelopment.

While this has not been robust in terms of mineral resources governance, the AU African Mining Vision 2009 was put in place as a regional policy for better governance of mineral resources. As Bastida contends, "the *African Mining Vision* (AMV) is perhaps the first regional and policy document that looks beyond the mining sector and places the mining in the context of broader development plans at local, national

[96] Cf. *Ibid.*, p. 228.
[97] See OAU, Treaty Establishing the African Economic Community, 1991.

and regional levels."[98] Its major aim is to enhance "transparent, equitable and optimal exploitation of minerals to underpin broad-based sustainable growth and socio-economic development."[99] Among its six shared visions, two are directly linked to this study. The first is the vision that envisages for "a knowledge-driven African mining sector that catalyses and contributes to the broad-based growth and development and is fully integrated into a single African market"[100] and the second targets "a sustainable and well-governed mining sector that effectively garners and deploys resource rents and that is safe, healthy and ethnically inclusive, environmentally friendly, socially responsible and appreciated by surrounding communities."[101] It is an initiative "informed by the outcomes of several initiatives and efforts made at sub-regional, continental and global levels to formulate policy and regulatory frameworks to maximise the development outcome of the mineral resources exploitation."[102] To enhance sustainable governance of the member states' mineral sectors, the AMV will be mainstreamed at domestic levels through Country Mining Visions (CMVs), an effort to ensure that key tenets of AMV finds expression into national policies, legal and regulatory frameworks as well as to align mining with other national policies through multi-stakeholder participation processes.[103]

Mainstreaming and adopting a chapter on natural resource governance in the New Partnership for Africa's Development's (NEPAD's), the African Peer Review Mechanism (APRM) marked another milestone in the development of the regional approaches to the sustainable governance of mineral resources. The APRM constitutes one of the most ambitious and innovative governance exercises undertaken in Africa and that provides important opportunities for public policy dialogue. Its approach

[98] Bastida, Op. Cit., p. 76.
[99] African Union (AU), African Mining Vision, 2009, p. v.
[100] *Ibid.*
[101] *Ibid.*
[102] *Ibid*, p.1.
[103] Bastida, Op. Cit., p. 76.

is unique in both its scope and breadth because the comparable approach of the Organisation for Economic Cooperation and Development (OECD) is limited to a sectoral review of member States and the consultation process involved is technical but not political in nature.[104] It represents the new way Africa is determined to police itself and reap from its endowments. In addition to Democracy and Political Governance, Economic Governance and Management; Corporate Governance and Socio-economic Development, APRM has conducted studies in four countries; Nigeria, Algeria, South Africa and Uganda with the aim of attesting the state of mineral resources governance. In these selected case studies, it was revealed that there is a need for:

> "… clear, transparent, predictable and efficient legal and regulatory frameworks; the significance of having a fair and equitable fiscal regime with an adequate formula for sharing revenue and the participation of local communities in the management of the resources; developing transparent budgetary practices supported an overall strong administration and formed the basis for building strong institutions; the enforcement of a credible public participation; and the need for transformational leadership and followership as well as the concern about the level of public participation at all levels and about consultations with the private sector in Nigeria, Algeria , South Africa and Uganda respectively."[105]

In respect to mineral resources governance, the APRM approach is creative and equipped enough to provide a robust and relevant approach to the realisation of a well governed mineral sector. Its building blocks centres on four major aspects namely: multi-sector approach, creating

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[104] UNECA, *Harnessing the African Peer Review Mechanism (APRM) Potentials to Advance Mineral Resources Governance in Africa*, (Addis Ababa: UNECA, 2012), p. 23.

[105] See, UNECA, *Harnessing the African Peer Review Mechanism (APRM)*, p. 62.

supply and demand for good governance, drawing its approach from first hand empirical data from the ground mission as well as being country specific, and using the National Plan of Actions (NPoAs) to provide frameworks to turn investments in minerals into sustainable development.[106] Determined to provide solutions based on facts on ground, APRM exploits data from the Country Self-Assessment Report (CSAR) and Country Review Report (CRR) in the production of NPoAs to provide solution to what has been found. Through such building blocks, the APRM, as a home-grown and African-owned mechanism unlike the many other externally designed governance initiatives, offers a great opportunity to improve Africa's governance standards in the extractive sector and the management of Africa's mineral resources.[107]

2.2.3 Evolution of the Sub-Regional Approaches to the Governance of Mineral Resources

Apart from the continental approaches to mineral resources governance, there are Regional Economic Communities (RECs) or sub-regional initiatives in enhancing sustainable governance of mineral resources and natural resources in general. Concerned sub-regional initiatives are those of the Southern African Development Community (SADC) and East African Community (EAC).

Under Article 21(2) and (3) of the Treaty of the SADC, member states commit themselves to "coordinate, rationalise and harmonise their overall macro-economic policies and strategies, programmes and projects and agree to cooperate in trade, industry, finance, investment and mining as well as natural resources and environment."[108] This formed the basis of evolution of more elaborated sub-regional mineral resources

[106] Cf. *ibid*. pp. 45-46.
[107] *Ibid.*, p. 33.
[108]SADC, *Consolidated Text of the Treaty of the Southern African Development Community*, (Gaborone: SADC Secretariat, 2014), pp. 18-19.

governance. Entering into force in 2000 after it was ratified and the subsequent development of other sub-regional mineral resources governance directives; SADC Protocol on Mining, 1997 was determined to guarantee the sustainable governance of mineral resources in the region. For example, in the protocol preamble, it is explicitly stated that "we recognise the priority and importance of a comprehensive regional strategy and plan for development of the mining sector"[109]; an intention which is further elaborated by the articles of the protocol.

The ratification of the protocol led to further concrete sub-regional commitments to enhancing sustainable governance of the mineral sector. Remarkable progress shortly followed after the ratification of the protocol when "in August 2001 the SADC Mining Ministers approved the Mining Strategy Plan (MSP)… [which] is the operational instrument of the Mining Protocol."[110] Further to that, in realising the benefits of this sub-regional approach to mining, the Regional Indicative Strategic Plan (RISP) of the SADC has incorporated tenets of the SADC Mining Strategic Plan. Since harmonisation promises possibilities of countries working together, more efforts are now devoted in the harmonisation of mineral policies. Members are supposed to follow the SADC template to formulate their mineral policies that are in harmony with the regional initiatives and regulations guiding the mineral sector.

Though mineral resources promise positive progress, minerals such as gold and diamond have been reported to fuel conflicts. Cognizant of that and with the fact that illegal mineral business is widely spread in the region and causing countries to lose a significant amount of revenue that would have been collected, in 2010 SADC Secretariat and UNECA Southern African Office "commissioned a study to recommend a

[109] SADC, Protocol on Mining in the Southern African Development Community (SADC), 1997, p. 1.
[110] UNECA, *Harmonization of Mining Policies, Standards, Legislative and Regulatory Frameworks in the Southern Africa*, (Lusaka: UNECA Southern Africa Office, 2004), p. 4-5.

framework for tracking and certifying mineral products produced and /or transiting through the member countries of the SADC."[111] This was another important component for enhancing regional approaches to mineral governance since it aimed at "strengthening integration and ensuring that benefits of mineral exploration and exploitation are captured in the formal national channels and ensure that the mineral sector contributes to sustainable socio-economic development."[112]

In the East African Community (EAC), sub-regional natural resources and mineral resources governance initiatives have as well been underway. From its re-establishment in 1999, EAC under Article 5 of the Treaty for the Establishment of the East African Community has expressed it desire to develop policies and programmes that aim at widening and deepening co-operation among Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs for mutual benefit. Sub-article 3 (c) of Article 5 of the Treaty under review presents the thrust of the EAC sub-regional approach to natural resources governance; mineral resources governance included. Its legal force is further elaborated by Article 114. In respect to mineral resources management, Article 114, (2) (c) provides for areas of cooperation. Of interest as far as governance of mineral resources is concerned, are minor sections (c), (i, ii and iv) of Article 114, (2). They clarify areas of interest in respect to cooperation in mineral sector management by vindicating Partner states agreement

> "(i) to promote joint exploration, efficient exploitation and sustainable utilisation of shared mineral resources; (ii) to pursue the creation of an enabling environment for investment in the mining sector; and (iv) to harmonise mining regulations to ensure environmentally friendly and sound mining practices."

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[111] UNECA-SAO, *Tracking and Certification of Minerals Output in Southern Africa*, (Lusaka: UNECA Southern Africa Office, 2010), p. vi.
[112] *Ibid.*, p. 32.

In realising the intentions expressed under Article 114, on 03 April 2006; the EAC Protocol on Environment and Natural Resources Management was concluded in respect to Articles 111 -114 of the EAC Treaty. Its conclusion expressed the Partner States' determination to enhance cooperation in the areas concerned. Meanwhile, Protocol's Article 5 (1, 3, 5 and 6) expresses the commitment of Partner States to the harmonisation of polices, laws and strategies for access to and exploitation of mineral resources; developing strategies and programmes for restoration and rehabilitation of mines and quarries; developing strategies on sustainable production, value addition and marketing of minerals and their products; and putting in place effective measures to regulate mineral resources trading in the community for the socio-economic development of the community. Explicitly, approach to sub-regional mineral resources governance is expressed under Article 18 of the Protocol. However, it is regretting that to this date, only two Partner States, Uganda and Kenya out of the five member states have ratified the protocol as per March 2013[113].

2.3 Theoretical Framework

To theoretically capture the ongoing integration dynamics and investigate the extent to which regional organisations have contributed to the sustainable governance of mineral resources in Tanzania; constructivism (C) is adopted as the main theory to guide the study. For a better understanding of the choice of theory, a synoptic presentation and critical analysis of other integration theories and more specifically those explaining ongoing integration processes—neo-functionalism (NF) and inter-governmentalism (IG) will be made. However, for any healthy theoretical debate on Africa's ongoing integration processes, what might

[113] EAC Secretariat, EAC Protocols Update. From: http://www.eac.int/~eacint/index.php?option=com_docman&task=doc_details&gid=936&tmpl=component&Itemid=226, (accessed on 18/04/2015).

be deemed *en vogue* approaches is not explored here owing to study scope and space constraints. This is also because it is assumed that the starting point for any theoretical debate about the dynamics of African integration like EU integration should commence with the recognition of the 'two families of integration theories' literature namely inter-governmentalism and supranationalism.[114] The latter being a neo-functionalist view of the 1990s and the former representing the re-emergence of realist view on integration.

Consideration of NF, IG and C, however, is not meant to suggest discarding the implication of earlier integration schools of thought that were concerned mainly with how to avoid war or how to initiate an integration venture such as federalism, functionalism and transactionalism. Neither is it an attempt to be blind to latter schools of thought concerned with how integrated polity works such as multi-level governance, neo-institutionalism, political system and consociationalism but rather it is the scope of the subject matter under study which is a concern about ongoing integration processes in Africa that have determined the choice of these theories.

Having said that, it is evident therefore that understanding the nexus between regional organisations and governance of mineral resources calls for all a variable inclusive theory. Since none is in existence that can in its original form help the understanding of the matter, borrowing tenets from NF and IG promises the possibilities of capturing the trends of the phenomenon under study that can be further refined by the C. But still one may query, why theory? Answers to such a question may vary. But in respect to the present pre-occupation, the first is that theory is for "framing research agendas, to direct empirical research to interesting developments, to find and solve empirical puzzles, as well as to general-

[114] L. McGowan, 'Theorising European integration: Revisiting neofunctionalism and testing its suitability for explaining the development of EC competition policy?', *European Integration Online Papers (EIoP),* 11:3 (2007). From: http://eiop.or.at/eiop/texte/2007-003a.htm, (accessed on 28/06/2015).

ize."[115] And secondly is the fact that, always a "theory is grounded on a set of assumptions—intellectual short cuts that reduce complexity and direct our attention to causally powerful factors."[116]

However, as far as regional integration is concerned, there has been a claim among many scholars[117] that most of the theories developed to capture for example European integration are at most times limited to adequately capture the integration dynamics in Africa. In that respect, C is best fitting to serve as theoretical framework and a tool for analysis of the phenomena—research methodological theory.[118] However, the weakness of the mainstream integration theories in capturing African integration realities, should not limit the use of the theories since "at certain times in the history of a discipline, theories extend beyond the empirical facts that have been discovered to test them; and at other times, new facts come to light that cannot be comprehended in terms of the theories available."[119]

As such, in regard to the study of African regional organisations and sustainable governance of mineral resources in Tanzania, this summarises rationale for borrowing theories from elsewhere and using them in this study.

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[115] I. Lakatos, 1970 as quoted by L. Hooghe and G. Marks, 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus', *British Journal of Political Sciences*, 39: 1 (January 2009), pp. 1-23, p.1. From: doi: 10.1017/S0007123408000409, (accessed on 12/03/2015).

[116] Hooghe and Marks, Op. Cit., p. 2.

[117] See, T. Østergaard, 'Classical Models of Regional Integration—what Relevance for Southern Africa' in B. Oden (ed.), *Southern Africa After Apartheid: Regional Integration and External Resources*, (Uppsala: The Scandinavian Institute of African Studies, 1993), pp.27-47; p. 27; Biswaro, The Quest for Regional Integration…, Op. Cit., pp. 22-23; and Heinonen, Op. Cit., p. 50.

[118] L. M. Given, *The SAGE Encyclopedia of Qualitative Research Methods-Volumes 1 & 2*, (Los Angeles-California: SAGE Publication Inc., 2008), pp. 116-119.

[119] Hooghe and Marks, Op. Cit. p. 1.

2.3.1 Neo-Functionalism (NF)

Neo-Functionalism is "a theory of regional integration that places major emphasis on the role of non-state actors—especially, the 'secretariat' of the regional organisation involved and those interest associations and social movements that are formed at the level of the region—in providing the dynamics for further integration."[120] NF was initially developed by Ernst Hass in *The Uniting of Europe* (1958) and applied by Leon Lindberg in *The Political Dynamics of European Integration* (1963). It is generally recognised as a theoretical approach to study regional integration. As such, among all integration theories, this is probably the most famous; and that has affected the process and the study of regional integration and regional organisations. In the history of theory development, neo-functionalism:

> "has gone through various stages of development, and comes in a number of varieties. After the 1958 initial formulation of the theory, a series of reformulations and qualifications, and sceptical assessment of the 'obsolescence of integration theory', neo-functionalism re-emerged in the 1990s under the heading of 'supra-nationalism' together with the dynamic growth."[121]

Shaped in 1958 after Ernst Haas published *The Uniting of Europe*, which was a theoretically oriented case study on the European Coal and Steel Community (ECSC)[122]; it was followed by several other publica-

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[120] A. Wiener and T. Diez, (eds), *European Integration Theory*, (Oxford: Oxford University Press, 2003).

[121] F. Schimmelfennig, 'European Integration in the Euro Crisis: The Limits of Postfunctionalism', *Journal of European Integration*, 36:3, (February 2014), pp. 321-337; pp. 326-327. From: DOI:10.1080/07036337.2014.886399, (accessed on 12/03/2015).

[122] B. Rosamond, 'The uniting of Europe and the foundation of EU studies: Revisiting the neofunctionalism of Ernst B. Haas', *Journal of European Public Policy*, 12:2, (2005), pp. 237-254, p. 240. From: DOI: 10.1080/13501760500043928, (accessed on 30/06/2015).

tions (articles and books) by Haas[123] himself and other neo-functionalist theorists. Leon Lindberg's *The Political Dynamics of European Economic Integration* in 1963[124]was another important milestone to the development of NF. As a theory that has attracted many, there have been many interpretations but all united by central neo-functionalist themes: the idea of a dynamic and progressive integration process that transcends its intergovernmental origins as a result of endogenous interdependencies, spill over and path-dependencies.[125]

Schmitter, has observed that "once agreement is reached and made operative on a policy or set of policies pertaining to inter-member or intraregional relations, participants will find themselves compelled—regardless of their original intentions—to adopt common policies vis-à-vis nonparticipant third parties."[126] This is the principle of externalisation. Given a minimal threshold of initial commitment and joint policy-making, regional actors, for a variety of voluntary and involuntary motives, will find themselves engaged in the elaboration of a common foreign policy where none existed previously.[127]And lastly is politicisa-

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[123] See E.B. Haas, 'International integration: the European and the universal process', *International Organization*, 15(3) (1961), pp. 366–92; E.B. Haas, *Beyond the Nation State: Functionalism and International Organization*, (Stanford: Stanford University Press, 1964); E.B. Haas, 'The Uniting of Europe and the "Uniting of Latin America"', *Journal of Common Market Studies* 5(4) (1967), pp. 315–43; E.B. Haas, 'The Study of Regional Integration: Reflections on the Joy and Anguish of Pre theorizing', *International Organization*, 24: 4 (1970), pp. 606-646; E.B. Haas, 'The Obsolescence of Regional Integration Theory', *Working Paper*, (Berkeley: Institute of International Studies, 1975); E.B. Haas, 'Turbulent fields and the study of international integration', *International Organization*, 30(2) (1976), pp. 173–212; and E.B. Haas, 'Does constructivism subsume neo-functionalism?' in T. Christiansen, K.E. Jørgensen and A. Wiener (eds.), *The Social Construction of Europe*, London: Sage, 2001), pp. 22–3.

[124] Heinonen, Op. Cit., p. 56.

[125] Schimmelfennig, European Integration in the Euro Crisis..., p. 327.

[126] P. C. Schmitter, 'Three Neo-Functional Hypotheses About International Integration', International Organisation, 23:1 (1969), pp. 161-166, p. 165. From: DOI: 10.1017/S0020818300025601, (accessed on 12/03/2015).

[127] *Ibid*.

tion! Politicisation thus refers initially to a process whereby the *controversialist* of joint decision-making goes up. This in turn is likely to lead to *a widening of the audience or clientele* interested and active in integration. As integration deepened and supranational institutions gained power, so more transnational interests would be drawn to the supranational level. Supranational actors would themselves demand more authority. Progress in one area would give rise to pressures for integration in other areas.[128]

Having surveyed the key NF building blocks, then what are the main assumptions of neo-factionalist theory? Literatures on NF address this concern with varying degrees depending on the focus or the scholar. Haas in 1970 underscored that: "neo-functionalism stresses the instrumental motives of actors; it looks for the adaptability of elites in line with specialisation of roles; and rely on the primacy of incremental decision-making over grand designs."[129] From a different stand point, Biswaro has argues that:

> "unintended consequence of previous integration efforts—spill-over; economic cooperation will lead to political integration; economic and welfare have become, or at least, are becoming more important that such traditional concerns as national security; and that the experience of regional integration leads to the redefinition of national interests and eventual transfer of loyalty from National-State to emerging regional or global entities".[130]

Put in another way, neo-functionalists argue that "pareto-improving economic gains lie behind demands for regional integration. Transnational interest groups and supranational actors pursue incremental eco-

[128] Hooghe and Marks, Op. Cit., p. 3.
[129] E. B. Haas, 'The Study of Regional Integration: Reflections on the Joy and Anguish of Pre-theorizing', *International Organization*, 24: 4 (1970), pp. 606-646, p. 624. From: doi:10.1017/S0020818300017495, (accessed on 12/03/2015)
[130] Biwaro, Op. Cit., p. 21.

nomic reform along the line of least resistance. [They then] hypothesise that such groups would operate at the supranational as well as national levels."[131]These thus inform the driving forces toward integration under neo-functionalism theory. Thus, in regard to regional organisations and sustainable governance of mineral resources, this is very important. Although were originally not established for the purpose of dealing with issues related to mineral governance, over years, the AU, EAC and SADC have for example been significant in enhancing governance of the mineral sector among the member states. To date each of these organisations has developed a protocol or vision to guide the mineral sector regulations and policies that are in various levels of implementations

2.3.2 Inter-governmentalism (IG)

With the opposition to supra-nationalism and the empty chair crisis of 1965–66, neo-functionalist predictions appeared too rosy; the new realities could not be explained by neo-functionalist, hence a need for new theories. One of the most popular theories that emerged was intergovernmentalism – of the family of theories that conceive regional integration as an outcome of bargaining among national states.[132] This approach, derived from neo-functionalism, neo-institutionalism and other earlier theories of political integration, shares with neo-functionalism an emphasis on economic interest as the principal driving forces of regional integration and, like neo-institutionalism, stresses on the importance of regional institutions as necessary means of facilitating and securing the integration process.[133]

The constitutions of intergovermentalist scholars had two implications. On the one hand, since the intergovernmental view is very close to the realist worldview dominant in mainstream international relations,

[131] Hooghe and Marks, Op. Cit., p. 4
[132] *Ibid.*
[133] Biswaro, Op. Cit., p. 24.

intergovernmentalism brought integration studies closer to mainstream International Relations. On the other hand, it implied that the integration process could not be as automatic as neo-functionalists had assumed.[134] The puzzle was not the speed or breadth of regional integration, but the decision of national states to create an international regime in the first place. Given their power and resources, why should states pool authority?[135] Robert Keohane's answer was that international regimes provide states with the functional benefit of facilitating mutually advantageous co-ordination.[136] As such, it distinguished itself from its predecessors on its reinvigorated "concentration on the central role of national governments, on the importance of powerful domestic economic interests and on the bargaining among national government over distributive and institutional issues."[137] That is to say, integration preferences are reflected in the distribution of economic gains among states or business groups, major treaties and interest groups within the discrete national arenas. Later, there was some modification of theory into what has come to be known as liberal intergovernmentalism. According to liberal intergovernmentalism, national governments pool their national sovereignty rights to achieve more efficient policy outcomes that satisfy their domestic (mostly economic) constituencies.[138] From this footing, IG promises better possibilities of understanding the dilemma facing the ratification of EAC Protocol on Environment and Natural Resources Management as well as the mainstreaming of the AMV into member states' mineral policies.

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[134] Heinonen, Op. Cit., p. 61.
[135] Hooghe and Marks, Op. Cit., p. 4.
[136] See Robert O. Keohane, 1982 as quoted in *ibid*
[137] Hooghe and Marks, 'Op. Cit., p. 4.
[138] A. S. Milward, 1992 as quoted by T. A. Börzel and Thomas Risse, 'Revisiting the Nature of the Beast – Politicization, European Identity, and Postfunctionalism: A Comment on Hooghe and Marks', British *Journal of Political Science*, 39:1, (2009), pp 217-220, p. 217. doi:10.1017/S000712340800046X, (accessed on 12/03/2015)

The emergence of the intergovernmentalism theory was an attempt by Stanley Hoffmann to interpret the impact of Charles de Gaulle's opposition to supra-nationalism and empty chair decision on European integration and neo-functionalist theory of integration before it was further given its most elaborate form: liberal-intergovernmentalism. According to Hoffmann, the transnational logic of integration had not replaced nation states and national interests in Europe, even if the first years of integration had been promising from a neo-functionalist perspective.[139] These views are in tune with the basic premises of the realist schools of international politics, which centre their arguments on the premise that states are basic units of the international system and their main objective is to promote their national interests thinking. However, Hoffmann did not want to dismiss the neo-factional nature of integration but he wanted to put it in place. Thus, his major critique to neo-factionalist was that "the emphasis on the *process* led to a certain neglect of the *context*, or at least to a view of the context that may have been too selective."[140] In other words, if the process had in the first place been initiated by states, it was unlikely that they would step down from the driver's seat, only because they had started the process, which was novel.[141]

Influenced by Robert Putnam's model[142], Andrew Moravcsik's in *The Choice for Europe* (1998) postulates his liberal-intergovernmentalism theory. It was however much in line with Hoffmann's 'traditional intergovernmentalism theory'. As stated earlier in his other publications, Moravcsik confirms that

> "liberal intergovernmentalism builds on an earlier approach, 'intergovernmental institutionalism', by refining its theory of interstate

[139] Heinonen, Op. Cit., p. 61.
[140] Hoffmann, 1964 as quoted by Heinonen, Op. Cit., p. 61
[141] Heinonen, Op. Cit., p. 61
[142] See R. Putnam, 'Diplomacy and Domestic Politics: The Logic of Two-level Games', *International Organization*, 42:3, (1988), pp. 427-460.

> bargaining and institutional compliance, and by adding an explicit theory of national preference formation grounded in liberal theories of international interdependence."[143]

To him the history of European integration can be explained by three main factors: "patterns of commercial advantages, the relative bargaining power of important governments, and the incentive to enhance credibility of interstate commitments, but with the fundamental factor being the commercial interests."[144] In his *The Choice for Europe*, liberal-intergovernmentalism classical book, Moravcsik contends that "governments transfer sovereignty to international institutions where potential joint gains are large, but efforts to secure compliance by foreign governments through decentralised or domestic means are likely to be ineffective."[145] This cements on the worries many nation states have whenever they think of transferring their sovereignty.

Though neo-functionalist and liberal-intergovernmentalism stand as two distinct theories, they have a lot in common that makes them powerful to explain the phenomenon under study. First, these two theories have always been in debate on "whether the impetus for regional integration comes from national governments or from supranational or transnational actors, whether supranational institutions such as the European Commission are autonomous from national governments, and whether regional integration transforms national states."[146]As such interrogating who influences who is helpful in understanding the role of regional organisations in the sustainable governance of mineral resources in Tanzania. Second, both liberal intergovernmentalism and neo-functionalism conceived European integration as a process driven

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[143] A. Moravcsik, 'Preferences and Power in the European Community: A Liberal Intergovernmental Approach', *Journal of Common Market Studies,* 31: 4, (December 1993) pp. 473-524, p. 480.
[144] Biswaro, Op. Cit., p. 24
[145] Moravcsik, 1998 as quoted by Heinonen, Op. Cit., p. 66.
[146] Hooghe and Marks, Op. Cit., p. 4.

by the quest for effectively solving socio-economic problems.[147] This is probably identical in the subject under investigation as the driving force is to harness minerals to champion poverty reduction among many socio-economic problems as well as help in escaping from resource curse and *Dutch disease,* is among central concerns of these regional organisation. Third, both theories assume European integration to be an elite-driven process and largely neglect the role of the public.

This is also typical in Africa, where, integration has been conceived as the work and responsibility of the top leaders such as the heads of state and government, ministers and ambassadors with little or no citizen involvement in the process except when dragged in to finance the integration process through taxation and by any other form of involvement. Since this limits the realisation of the contribution of regional integration in the governance of mineral resources, it acts as a warning and a challenge to adopt best practices. And lastly, it is that they all "retained the functionalist insight that regional integration is a response to the collective benefits of extending the territorial scope of jurisdictions, but they were well aware that the mismatch between collective welfare and the structure of authority does not speak for itself."[148] This explains then why after dealing with issues of conflicts, human rights, trade and democracy, regional organisations are going further to considering the imperative of mineral resources governance.

2.3.3 Constructivism (C)

Constructivism (C) can be said to be a reflection of the self-definitions of the people within a particular social context. As a social theory, C claims that social ideas and discourses matter for regional integration and regional organisations. On the one hand, ideas and dis-

[147] Börzel and Risse, 'Revisiting the Nature of the Beast…, p. 217.
[148] Hooghe and Marks, Op. Cit., p. 3.

courses regarding regional integration and regional organisations are considered relevant objects of study in their own right and may constitute important *explananda* or 'dependent variables' neglected in rationalist accounts.[149] As such it "investigates the processes by which both actors' interests and identities emerge and evolve, and demonstrates how interpretive practices shape actors' identities, interests, and behaviour"[150] which are important to understanding the extent to which and regional organisations have contributed to the governance of mineral resources in Tanzania. "On the other hand, ideas and discourses are 'independent variables' without which we cannot (sufficiently) explain important outcomes of regional integration and integration politics."[151]

Constructivists hold the view that the building blocks of international reality are ideational as well as material; that ideational factors have normative as well as instrumental dimensions. That is to say, they express not only individual but also collective intentionality; and that the meaning and significance of ideational factors are not independent of time and place. In that respect C can be defined as:

> "a structural theory of the international system that makes the following core claims: (1) states are the principal units of analysis for international political theory; (2) the key structures in the states system are intersubjective, rather than material; and (3) state identities and interests are an important part constructed by these social

[149] F. Schimmelfennig, 'Constructivist Perspectives' in E. Jones, A. Menon, and S. Weatherill (eds.), *The Oxford Handbook of the European Union*, (Oxford: Oxford Handbooks Online, 2013), pp. 1-11; p. 2. From: DOI: 10.1093/oxfordhb/9780199546282.013.0003, (accessed on 15/06/2015).
[150] C. M. Fabbri, 'The Constructivist Promise and Regional Integration: An Answer to 'Old' and 'New' Puzzles-The South American Case', *CSGR Working Paper No. 182/05*, (Department of Politics and International Studies, University of Warwick, 2005), p. 6.
[151] Schimmelfennig, Constructivist Perspectives, p. 2.

> structures, rather than given exogenously to the system by human nature or domestic politics."[152]

For instance, Diez (1999) has identified two kinds of constructivist approaches[153]— social and theoretical constructivism. While the latter asks for the condition and the status of our knowledge of reality the former asks for the character or quality of social reality. However, as the theoretical approach in International Relations theory (IR) is interested in integration theory, constructivism has only started recently.

As a social theory, C has two main theoretical foundations—one relating to structure, the other to agency. The first, assumes the primacy of intersubjective ideational structures such as collective identities, knowledge, culture, values, and norms in politics.[154] That is to say, ideas and discourses shape social preferences, interactions and outcomes, and they do so in ways that cannot be reduced to material structures and interests. And secondly, rather than behaving instrumentally or strategically, actors follow the 'logic of appropriateness 'or the 'logic of arguing.'[155] Within it, there are three variants namely:

> "*Conventional constructivism*, which is the school dominant in the US and examines the role of norms and, in fewer cases, identity in shaping international political outcomes; *Interpretative constructivism*, which enjoys greater popularity in Europe, which explores the role of language in mediating and constructing social reality; and *Critical/radical constructivists* which maintain the linguistic focus, but add an explicitly normative dimension by probing a researcher's

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[152] A. Wendt, 'Collective Identity Formation and the International State', *The American Political Science Review*, 88: 2 (Jun., 1994), pp. 384-396, p. 385. From: http://www.jstor.org/stable/2944711, (accessed on 30/06/2015).
[153] T. Diez, 'Speaking 'Europe': the politics of integration discourse', *Journal of European Public Policy*, 6:4, (1999), pp. 598-613, DOI:10.1080/135017699343496, (accessed on 15/06/2015).
[154] Schimmelfennig, Constructivist Perspectives, p. 2.
[155] Schimmelfennig, *ibid.*

> own implication in the reproduction of the identities and world he/she is studying."[156]

In the context of European integration, constructivist research has been focusing on four main questions. These are (a) consequences of social interaction of states on the inter-national system, (b) consequences of national norms on international politics, (c) Impact of European norms on changes in domestic politics, and (d) relevance of images of governance. These are as well of greater importance to understanding integration processes in Africa and the extent to which and regional organisations have contributed to the sustainable governance of mineral resources in Tanzania.

But, "although constructivism does not represent a theory of integration on *per se* with conventional theories of regional integration such as neo-functionalism or liberal inter-governmentalism, it has nevertheless shown to be particularly suited for research on regional integration."[157] The link between Wendt's constructivism and regional integration theory becomes real in his understanding of regionalism as a paradigmatic case of structural change in international relations "not capable of being explained by material aspects, but by ideational ones."[158] That is to say, ideas can operate at the level of governments, society, and supranational organisations.[159] Hence "it suffices to state that one of the major contributions of constructivist approaches is to include the impact of norms

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[156] J. T. Checkel, 'Constructivist Approaches to European Integration' in K.E. Jørgensen, M.A. Pollack and B. Rosamond (eds.), *Handbook of European Union Politics*, (London: Sage Publications, 2007), pp. 1-20, pp. 2-3. [ital. added.]
[157] *Ibid.*, pp. 6-7.
[158] S. C. Santos, 'Regional Integration Theories: The Suitability of a Constructivist Approach', Paper 383, Panel 230, Session RC-17, *Globalisation and Governance*, IPSA-Chile, July 2009, pp. 1-29, p. 22. From: www.paperroom.ipsa.org/papers/paper_3083.pdf, (accessed on 24/06/2015).
[159] Schimmelfennig, 'Constructivist Perspectives…, p. 2.

and ideas on the construction of identities and behaviour."[160] The role of norms and ideas in constructivism as well is appealing in the sense that norms are not just a way to regulate state behaviour, but a way to redefine national interests and to develop collective—the promotion of a cognitive regionalism.[161] As A. Hurrell, puts it:

> "Constructivist theories focus on *regional awareness* and regional identity, on the shared sense of belonging to a particular regional community, and on what has been called 'cognitive regionalism'. They stress the extent to which *regional cohesion* depends on a sustained and durable sense of community based on mutual responsiveness, trust, and high levels of what might be called 'cognitive interdependence'.[162]"

Thus, there is a need for recognising the added value of constructivist claims which have emerged from the study of European integration and, in an attempt to deepen the understanding of regional integration beyond the European case, such as in Africa.[163] In that respect, applying of the C in investigating the role of and regional organisations on the sustainable governance of mineral resources in Tanzania is an attempt to overcome the inherent weaknesses within the mainstream theories of regional integration. Closer to the New Regionalism Approach (NRA), which aims at transcending the theories of regional integration and providing an interdisciplinary and comparative analytical framework, C central argument is that "there is nothing 'natural' or 'objective' about regions *per se* but rather regions should be studied as socially constructed"[164]in that particular region

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[160] T. Christiansen, K. E. Jørgensen and A. Wiener, 'Introduction' in T. Christiansen, Knud E. Jørgensen, and A. Wiener (eds.), *The Social Construction of Europe*, (London: SAGE Publications Ltd, 2001), pp. 1-19, p. 5.
[161] Santos, Op. Cit., pp. 20-21.
[162] A. Hurrell as quoted in *ibid*, p. 21.
[163] Fabbri, Op. Cit., p. 11.
[164] *Ibid*., p. 4.

The rationale or imperative for considering C in investigating the extent to which and regional organisations have contributed to the sustainable governance of mineral resources in Tanzania roots from the fact that there has been a lot of weaknesses and constraints in studying regional integration initiatives in Africa and Tanzania in particular using for example Europe specific theories such as NF and IG. As such, the theory which is context-specific is better in understanding how the ROs can influence the country's policy agenda and the way the country can use the context to define their agenda as well. Thus, increasingly dissatisfied with the explanations of the mainstream integration theories, trends among many scholars have been to reckoning C especially for explaining the ongoing integration processes in Africa, hence its preference as the main theory for guiding the analysis in this work. It is within the context of understanding integration from ideational aspects; integration as a project through which common history and shared values impulse and motivate the expectation of a future together can be pursued. With C, it becomes easier to understand the context in which Tanzania finds herself: that is, she has entered into mineral resources governance agreements with SADC and AU and at the same time she is to enter into similar agreements but defined differently in the EAC.

2.4 Regional Organisations and Mineral Resources in Africa

Though hard to find, there are some authors who have engaged themselves in analysing the relationship between regional organisations and natural resources and some have directly focused on the implications of resource boom on integration schemes and initiatives in Africa in particular. The focus has been to assess the extent to which resource-abundance countries champion for 'shallow' or 'deep' integration. The former involves the removal of barriers to trade in goods, i.e. forming a free-trade area or a customs union. The latter moves beyond this form of

simple economic integration by removing internal barriers that distort the allocation of international production within the region – e.g. fair treatment of foreign direct investment (FDI) and the protection of intellectual property.[165] As such, some have concluded that resource-abundance frustrates deep integration while others argue for deep integration as the only way to make the natural resources benefit the citizens, especially in Africa in the era of globalisation, and the continued balkanization of the continent that aim at entertaining deep exploitation of the continent's resources.

Approaches to mineral resources governance in Africa have been classified differently by different authors. In analysing the context of mineral resources governance in Tanzania, Emel, Huber and Makene in their article 'Extracting sovereignty: Capital, Territory and Mining in Tanzania' identify resources sovereignty as key to governance of mineral resources which has historically revolved on two approaches to the controlling of minerals— *domanial* and *regalian*. The latter is a mineral rights system based on the principle that mineral resources belong to no one until they are discovered as opposed to former which is a mineral rights system in which mineral resources are the domain or property of the state. These two have influenced both the colonial state's and post-colonial state's approaches to governance of minerals and specifically they represent the post-Cold War mining approaches in Tanzania as reflected in the 1998 and 2010 Mining Acts. The 1998 Mining Act largely supported *regalian* while the 2010 Mining Act seems to align with *domanial* and the nationalisation of resources an element that attracted a lot of criticisms. But, to them, although 'resource nationalism' can surely pose barriers to foreign capital; their analysis reveals that this is not always the case. In fact, they argue: it is hard to imagine the notion of foreign direct investment existing at all without the geographical

[165] WTO, Op. Cit., p. 141.

presupposition of national sovereignty.[166] Their observation is critical as without the state as the intergovernmentalist theorists have observed there can be no stable mineral governance machinery. Their hindsight is that, they seem not to consider other influencing factors such as the role of the regional integration schemes that Tanzania is a member to and which might be influencing the country from behind the scene such as the binding forces of the regional protocols on mineral governance.

Closer to this line of thought are the arguments presented in 'From Adversity to Prosperity: Towards a 'New' Governance Paradigm for Natural Resources Management in Africa's Conflict Zones', the article by Okeke-Uzodike *et al*. In this article, the authors advocate moving from contractarian (*regalian*) to communitarian (more or less *domanial*) natural resources governance. To them, "the seeming contradiction between natural resource abundance and development pathologies in Africa underscores the need for a rethink of natural resource governance mechanisms in Africa."[167]They seem to suggest that, partly, it is the contractarian model of resource governance because it "cannot incorporate adequately the interests of mining communities because they are generally not shareholders."[168] This is so since "the logical model for natural resource management under capitalism is contractarianism. Contractarianism 'emphasises the primacy of laws in protecting and enforcing contracts' at the same time as it recognises only 'bargained rights'."[169]Having surveyed the implication of this model of natural resources governance in Ghana, DRC and Zimbabwe, they then advocate the communitarian model of natural resource governance arguing

[166] J. Emel, M. T. Huber and M. H. Makene, 'Extracting sovereignty: Capital, Territory, and Gold Mining in Tanzania', *Political Geography*, 30 (2011), pp. 70-79, p. 77. From: doi: 10.1016/j.polgeo.2010.12.007, (accessed on 20/08/2015).
[167] U. Okeke-Uzodike, *et al*. 'From adversity to prosperity', *African Security Review*, 23:3, (July, 2014), pp. 243-263; p. 244. From: http://dx.doi.org/10.1080/10246029.2014.924021, (accessed on 15/06/2015).
[168] Okeke-Uzodike, *et al*. Op. Cit., p. 260.
[169] *Ibid*., p. 245.

that, "It is against the background of the conflict-inducing nature of natural resource management based on liberal political ideologies that we want to set out a communitarian paradigm of natural resource management."[170] Their argument is worthwhile though it put more emphasis on the trend toward nationalisation of resources. However, they again fail to demonstrate how achieving a nexus between forestry, mining activities and economic development in these countries will well be gained by their preferred model and whether this is what they meant by "restructuring or total overhaul of the seemingly compromised supervising authority."[171] Also, they still confine governance of natural resources within the parameter of individual countries and not giving a leaf to the evolving regional approaches to mineral resources governance.

In 'Movement Towards Regional Governments in Africa: Prospects and Challenges' Alwanga and Nyanchoga historicise the evolution of regional governance in Africa. In their historicity they dock their argument in 1957 and take their stronghold for integration in Africa in 1974, the post New International Economic Order as the U-turn for the developing countries to develop an alternative route to development from that of Bretton Woods' system. They survey a great deal of history about regional integration in Africa. Central to their analysis is a call to policy harmonisation which is quite needed for mineral resources governance though they do not explain how it will come about. Their view of the "unification of social as well as economic policies and all members will be bound by the decisions of a supra-national authority consisting of executive, judicial and legislative branches"[172] is recommendable as far

[170] *Ibid., Op*. Cit., p. 252.
[171] *Ibid*., Op. Cit., p. 243.
[172] M. U. Alwanga and S. A. Nyanchoga, 'Movement Towards Regional Governments in Africa: Prospects and Challenges', in S. A. Nyanchoga, F. M. Muchoki and P. O. Ogula (eds.), *Governance in Africa: Historical and Contemporary Perspective*, (Nairobi: CUEA Press, 2010), pp. 241-264, p. 250.

as regional organisations and governance of mineral resources is concerned. Further to that, they hint on legitimacy or lack of it, competence, capacity and competing political, social and economic interests plus the top-down approach of the supra-national as among the deficiencies of the feasible regional government. The work lacks the actual focus on how to go about establishing these forms of government and how it will work among its members.

The WTO *'World Trade Report, 2010: Trade in Natural Resources'* provides one of the finest analyses of the resource implications on regional integration and regional organisations. One of the major observations in this report is that natural resource-rich "countries have neither been driving forces for establishing regional integration schemes nor facilitators of deeper integration once they are part of such schemes."[173] This entails then, that, countries are more concerned with internal issues first before considering the avenues provided by the regional integrating schemes. In that case:

> "to address natural resource problems, two broad conclusions are suggested. First, trade measures are often a second-best policy to address problems associated with natural resources. Second, given the geographical concentration of natural resources, domestic measures are close substitutes for trade measures. Finally, the value of regional integration schemes for natural resource-abundant economies appears ambiguous."[174]

From the report findings it can be argued that, the trade creation and trade diversion trends of regional economic integration are antithesis to economic diversification of resource economies that aim at addressing the symptoms of *Dutch disease*. As such, "to understand incentives for a resource-abundant country to enter into a regional integration agree-

[173] WTO, Op. Cit., p. 142.
[174] *Ibid*., p. 147.

ment, issues of trade creation and trade diversion, potential responses to asymmetric shocks, diversification of production and export structures, and the importance of a remote location"[175] are central when the country determines whether to join or deepen her involvement into the integration schemes. In that case, natural resources have been detrimental to regional integration.

Venables in 'Economic Integration in Remote Resource-Rich Regions' almost takes from where the WTO reports ends and attempts a theory to explain the resource incompatibility with regional integration. While underscoring the power of regional integration in spreading the benefits of resources widely, he concludes that "if countries have unequal natural resource endowments, then the gains from non-preferential trade liberalisation accrue largely to more resource-rich economies, while the opposite is true for regional integration."[176] Like the finding of WTO reports, he also finds that resource-rich countries are likely to discourage deep regional integration and seem not to be in favour of many measures taken to address the adverse of resource curse such as economic diversification. Therefore, it can be concluded that:

> "better integration with a resource-rich economy is extremely valuable for the resource-poor [as it] enables them to earn foreign exchange via their exports to the resource-rich country. However, resource-rich economies lose (or at best have very modest gains) from regional integration. Because of this, resource poor will tend towards deep integration while resource rich will prefer no or at least shallow integration."[177]

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[175] *Ibid.*, p. 141.
[176] Anthony J. Venables, 'Economic Integration in Remote Resource-Rich Regions', in R. J. BARRO and J-W. LEE (eds), *Costs and Benefits of Economic Integration in Asia*, (Oxford: Oxford Scholarship Online, 2014), 1-16, p.1. From: DOI:10.1093/acprof: oso/97801997533987.003.0007, (accessed 0n 06/03/2015).
[177] Venables, 'Economic Integration in Remote Resource-Rich Regions, p. 15.

Carrère, Gourdon, and Olarreaga attempt to test Venables' theory to see what it yields in another region. In their Working paper, 'Natural Resources: A Key Challenge to Regional Integration of the Middle East and North Africa (MENA)' they test Venables' postulations and have proved the extent to which are really in the region. First they have found a general perception among the MENA members that "natural resources are often viewed as a natural and strategic capital stock, which should be at the exclusive disposal of national purposes and not be opened to access for member countries in an integration scheme."[178] As such, they have, like the proponent of the theory, found that:

> "resource-rich countries have hardly ever been driving forces for establishing regional integration nor facilitators of deeper integration once they are part of such schemes [despite the fact that] regional integration may help resource abundant countries diversifying their export basket and break into the chain of global manufacturing production"[179]

Such findings vindicate that:

> "the increase in intra-regional trade in PAFTA and in other agreements signed between MENA countries and partners in the rest of the world, such as Euro med. However, evidence of trade diversion was only found in PAFTA [as well as] significantly increased exports of non-oil goods to resource poor countries, but these increases were not accompanied by trade diversion in resource poor countries."[180]

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[178] C. Carrère, J. Gourdon and M. Olarreaga, 'Regional Integration and Natural Resources: Who benefits? Evidence from MENA', *CEPII Working Paper No. 2012-09*, pp.1-4, p. 2. From: www.cepii.fr/anglaisgraph/workpap/pdf/2012/wp201209.pdf, (accessed on 10/03/2015).
[179] *Ibid.* p. 3.
[180] *Ibid.*

They thus conclude that "while further intra-regional trade integration is an important avenue for enhancing the diversification of resource-poor MENA countries, resource-rich countries have no strong incentive for further preferential regional integration from a purely economic standpoint."[181]

Ramdoo in 'Developing Value Chains: What Role for Regional Integration' underscores the trends in emerging regional and sub-regional approaches to natural resources governance. She argues that "since the turn of the century, many African resource-rich countries have embraced a fundamental shift in their policies regarding the management of their extractive resources in an attempt to finally reap the benefits from the current resource boom."[182] She attempts to present the trends toward regional natural resource governance in three sub-regions: ECOWAS/ UEMOA/WAEMU, SADC and EAC. She characterises ECOWAS/ UEMOA/WAEMU as the oil resources giant region, and SADC is as the mineral economies giant region. EAC misses her characterisation. Further to that she then critiques the state of mineral governance structures saying, on the one hand in the ECOWAS, UEMOA/WAEMU region "passive participation in regional integration processes is reflected in the low level of coordination around the extractive sector at the regional level, despite widely recognised efforts by regional organisations to harmonise policies and put in place regional strategies."[183] On the other hand, she finds that the SADC mechanism in place in the "region lack the necessary 'teeth', not only in terms of binding legal instruments, to ensure that national initiatives are coherent and in line with regional plans but more importantly, in terms of creating the necessary conditions

[181] Carrère, Gourdon and Olarreaga, 'Regional Integration and Natural Resources…, Op. Cit., p. 3
[182] I. Ramdoo, 'Developing Value Chains: What Role for Regional Integration?', *Great Insights*, 3:7 (July/August 2014), pp. 12-15, p. 12. From: http://www.ecdpm.org/GREAT, (accessed on 28/01/2015).
[183] *Ibid.*, p. 13

to create regional incubators for product value chains."[184] As such, for Africa to secure maximum benefits from it, its natural resources endowments, governance of these resources still need to be addressed, including a proper regional framework that includes steps to increase productive capacity in the region, to upgrade infrastructure, human and technical capabilities and provide an enabling investment framework for extractive industries and mineral value chains.[185]

The Central Africa Forests Commission (COMIFAC) stands as the successive and progressive regional organisation in Congo Basin forest conservation initiatives. It was established in 2000 as part of the Central Africa Region Program for Environment (CARPE) of the USAID Central Africa Region Program. It evolved as a 10-country treaty organisation with the aim of harmonising regional policies on forestry and biodiversity.[186] The basis for COMIFAC success is its belief that effective, efficient and equitable forest management strategies will rely on a combination of national and regional policy framework that increases transparency and enable empowered participation of local communities and private actors.[187] To COMIFAC, given that most of the regional wealth is derived from either extracting non-renewable resources such as minerals and petroleum or renewable resources such as timber and hydroelectric power, then, natural governance is fundamentally a question of the equitable and transparent management of these wealth for both current and future generations.[188] Another crucial component for COMIFAC is that it has identified the strengthening of institutional and human capacity at the regional, national and local level as the best means to achieving COMIFAC's development objectives. Such realisation for the need for sustainability, the power for the synergy between

[184] *Ibid*, p. 14.
[185] *Ibid*., p. 15.
[186] USAID/CARPE, Regional Development Cooperation Strategy, 2012-2020, p. 2.
[187] *Ibid*., p. 5.
[188] *Ibid.*, p. 3.

regional efforts, strengthening institutional and human capacity at national and regional levels is as well vital for all other natural resources minerals included. However, COMIFAC heavily depends on foreign assistance and that makes it one of the weaknesses for this programme since the USAID sets the agenda for what is to be done. The effects of being externally funded are reflected in its CAPRE Phase III which has cut down the countries to support to six[189] instead of extending the number. The other challenge facing COMIFAC is that forests, unlike non-renewable resources, are in most cases are not politically charged and their vitality in terms of affecting African economies are not as cobalt, gold, PMGs and diamonds. Also COMIFAC targets conservation and little is said about utilisation. As such, there are still some limitations. But, it still stands as an organisation formed as a result of the felt need to have a regional approach to the governance of natural resources in which countries are committed to implementing the regional agreed decisions.

In their edited book *Governance Transfer by Regional Organizations: Patching Together a Global Script*, Börzel and van Hüllen advocate for 'governance transfer by regional organisation' to explaining how regional organisations influence member states domestic policies. Governance transfer is said to have taken place "if regional organisations explicitly prescribe and/or intentionally and actively promote and protect the building, modification, and respect of governance institutions in their member states or countries."[190] To capture such dynamics they have developed a systematic analytical framework to understand how regional organisations (ROs) influence policies in their member states. This framework is called 'Governance Transfer Data Set' and is based

[189] *Ibid.*

[190] T. A. Börzel and V. van Hüllen, 'Towards a Global Script? Governance Transfer by Regional Organizations', in T. A. Börzel and V. van Hüllen (eds.), *Governance Transfer by Regional Organizations: Patching Together a Global Script*, (Hampshire: Palgrave Macmillan, 2015), pp. 3-21; p.5.

on three components of governance: actors, standards and mechanisms. *Actors* include national and/or sub-national governments, as well as the judiciary and legislative, but potentially also non-state actors, for example civil society, business, or community-based organisations at the national level and intergovernmental bodies such as ministerial councils, allowing member states to act collectively, but possibly also its secretariat, parliamentary assembly or agencies as regional or supranational' actors.[191] The contents of the *standards* in their case constitute democracy, human rights, the rule of law and the fight against tion.[192]The mechanisms which entail the *instruments* for influence are: litigation and military force (*coercion*), sanctions and rewards (*incentives*), assistance (*capacity-building*), dialogue and exchange (*persuasion and socialisation*).[193]

Using their framework, they interrogate the interplay of the data set components in 12 ROs worldwide of which three are from Africa and two of interest in this study, the AU and SADC. At the end they have found that "in many cases, standards that were once established by regional organisations are only broadened and made more precise over time." [As such they] conclude that "governance transfer can be a rational choice for solving problems, even for states that have no interest in protecting their own domestic governance institutions and that institutional design of governance transfer, however, is often shaped by transnational or regional actors."[194]

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[191] Börzel and V. van Hüllen, 'Towards a Global Script?', p. 5.

[192] T. A. Börzel and S. Stapel, Mapping Governance Transfer by 12 Regional Organizations: A Global Script in Regional Colors', in T. A. Börzel and V. van Hüllen (eds.), *Governance Transfer by Regional Organizations: Patching Together a Global Script*, (Hampshire: Palgrave Macmillan, 2015), pp. 22-48; 24.

[193] Börzel and Risse 2009 and 2012 as quoted by Börzel and S. Stapel, Mapping Governance Transfer by 12 Regional Organizations…, p. 27.

[194]T. A. Börzel and V. van Hüllen, 'Patching Together a Global Script: The Demand for and Supply of Governance Transfer by Regional Organizations', in T. A. Börzel and V. van Hüllen (eds.), *Governance Transfer by Regional Organizations: Patching Together a Global Script*, (Hampshire: Palgrave Macmillan, 2015), pp. 245-259; pp. 249; 250; 251 and 254.

Though their proposed governance data set framework and findings promise a lot in understanding how regional organisations can influence the domestic policy of the member states, the selection of the standard contents limits its plausibility and their conclusions when it comes to regional organisations and mineral resources governance. Throughout their book, economic governance is not addressed and it is not known whether the exclusion is because it is not possible for regional organisations to influence economic policy or not. If so, then this will be the major weakness of the framework as economic forces are among the key driving forces for integration. However, by considering actors, contents and instruments as key to ROs governance transfer in member states, the data set provides a starting point to understand the extent to which ROs have been influencing the governance of the mineral sector. Here a modification will be needed by replacing or adding mineral governance to test its feasibility.

2.5 Research Gaps

Literature on mineral resource governance in Africa and Tanzania in particular reveals that "the concomitant surge in demand for mineral commodities driven by emerging economies prompted a renewed interest on the African continent."[195] Also, the resource curse ghost seems to be fading away and promises for new horizons and opportunities for mineral economies in Africa are as well evolving. But again, there is continued reporting on the dark side of natural resource governance which has been reflected in the failures of governments to exert their power to be the custodian of people's natural assets and reap significantly from the mineral resources.

[195] A. C. Alves, 'China's Economic Statecraft and African Mineral Resources: Changing Modes of Engagement', *SAIIA Occasional Paper No. 131*, January 2013, p. 6.

Studies focusing on examining the performance by several regional and sub-regional initiatives put in place to enhance better mineral governance in Africa seem to be a grey area for research. More specific is the lack of studies investigating the extent to which Tanzania has benefitted from her membership to several regional and sub-regional arrangements targeting improving governance of natural resources and mineral resources in particular. The voluminous studies commissioned by the international financial institutions such as the World Bank, IMF, IFC, IDA, DfID, USAID, NORAD, SIDA and those by institutions in Africa have tended to be more prescriptive in the form of scenario-thinking prospecting the possible future mineral resources endeavour. Rarely, if any that squarely interrogates the link between regional organisations and the sustainable governance of mineral resources in Africa and Tanzania in particular.

Thus, the fruits of the decades of continental and sub-regional initiatives existence have escaped scrutiny and as such Africa has missed great lessons she could learn from her past experience. As such, the extent to which continental and sub-regional mineral governments' charters, treaties, protocols and visions have been instrumental to enhancing mineral resources governance is underexplored though imperative for informing regional integration bodies and countries' leadership. To get where we intend, there is a need as Kolstad and Wiig contended, "to look into the details of institutional designs in order to find the institutions we need to know more about and which specific institutions to support at a detailed level"[196] to guarantee our safety voyage to prospected society with a well-governed mineral sector.

In spite of being a member and a signatory to regional mineral resource governance protocols, there is yet to be a rigorous and detailed study interrogating the nexus between regional organisations and the

[196] I. Kolstad and A. Wiig, Political Economy Models of the Resource Curse Implication for Policy and Research', *SAIIA Occasional Paper no. 40*, September 2009, p. 16.

sustainable governance of mineral resources in Tanzania. Studies examining the extent to which the country has benefited or is benefiting from its membership to such schemes are rarely available and thus calling for critical interrogation of the matter. That is to say; since minerals and African approaches to mineral governance promises a feasible future of the well-governed mineral sector; there is a need to know exactly what has been is going on and how to progress. This can be done by first investigating the progress made to get to know the depth and widths we have gone so far and then use these lessons to guide our future prospects.

2.6 Chapter Summary

This chapter opened up with the general introduction capturing what will be discussed in the chapter. Then before reviewing the evolution of regional approaches to the sustainable governance of mineral resources in Africa, it presented the imperative of regional integration in Africa in the 21st century. Thereafter, it presented the theoretical framework that guides the study. A critique on the literature on mineral resources and regional integration and regional organisations in Africa followed and lastly research gaps have been identified. Then it closes with the summary giving a recap of the major concerns of the chapter and introduces the subject of the next chapter. The next chapter details on how the study was undertaken and especially on the methods and tools for data collection/gathering and analysis.

3

METHODOLOGY

3.1. Introduction

The intent of this study was to investigate the extent to which regional organisations in African has contributed to sustainable the governance of mineral resources in Tanzania. To undertake this task, there was a need to adopt a research approach that could capture various claims and views by stakeholders about the state of affairs. To capture and analyse these views to answer the research questions and accomplish that goal, the study has adopted a qualitative case study design. This design was adopted in order to investigate the subject through the use of interviews and documentary review as data collection methods. The choice of this methodological approach was buttressed by the strength of the interpretive philosophy that informs it. This philosophy locates an individual in a socio–cultural context, given the conviction that reality is complex, subjective and also socially constructed.[197] Also, since "a case study (configurative-ideographic) is a systematic description of the phenomena with no explicit theoretical intention"[198]; then it

[197] See D. Matungwa, 'Poverty Amidst Plenty: Institutions and Social Construction of Scarcity in the Use and Benefit from Marine Fisheries Resources-A Case Study of Kisiju Pwani Village, Mkuranga District, Tanzania', (MA Dissertation, University of Dar es Salaam, 2012), p. 62.

[198] P. Vennesson, 'Case studies and process tracing: theories and practices' in: D. D. Porta and M. Keating (eds.), *Approaches and Methodologies in the Social*

was the most suitable research design since the study too has no theory formulation intention but rather gaining an understanding of the contribution of regional organisation for the mining sector governance in Tanzania. That is to say, qualitative case studies are normally "conducted within communities to establish the extent of a range of problems, issues or concerns that have not been previously explored in depth."[199] In that respect, this methodological approach was of greater use in realising the intended study objectives.

This chapter presents the research design, the study population, sample frame, sampling procedures and techniques, and the study sample. It as well present the methods for data processing, analysis and interpretation or discussion, the study setting, data validity and reliability as well as ethical considerations in the study.

3.2 Research Design

The selection of a relevant research design is important for undertaking any successful research project. Research design can be understood as "the way in which a research idea is transformed into a research project or plan that can be carried out in practice by a researcher or research team."[200] In the context of this work, research design is understood as "the conceptual structure within which research is conducted that constitutes the blueprint for collection, measurement and analysis of data … so that desired information can be obtained with sufficient precision or so that a hypothesis can be tested properly."[201] In this understanding, then, it is evident that the selection of the research design to be used in

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Sciences: A Pluralist Perspective, (Cambridge and New York: Cambridge University Press, 2008), pp. 223-239, p. 227.

[199] A. G. Mgenda, *Social Science Research: Theory and Principles*, (Nairobi: Applied Research and Training Services, 2008), p. 88.

[200] Given, Op. Cit., p. 761.

[201] A. Gimbi, 'Research Design', in S. Mbogo, *et al*., *Research Methodology*, (Dar es Salaam: The Open University of Tanzania, 2012), pp. 71-90; p. 71

the study goes beyond convention selection of methods and techniques of data collection by involving "theoretical, methodological and ethical considerations that shape both the design and what the research is aiming to achieve."[202]

With regard to the purpose of this study; qualitative design is selected because it can "afford researchers opportunities to explore or describe a phenomenon in context using a variety of data sources [and that] it allows the researcher to explore individuals or organisations, relationships, communities or programs and supports the deconstruction and the subsequent reconstruction of various phenomena."[203] Within qualitative research design, qualitative case study design was in particular chosen. "Qualitative case study is an approach to research that facilitates exploration of a phenomenon within its context using a variety of data sources."[204] This design was adopted to facilitate collection of some socio-political and political economy perceptions from stakeholders—elites to gauge the extent to which regional organisations in Africa as a whole and in the sub-regions has contributed to the governance of the mineral sector in Tanzania. It was within Yin's line of thinking who is of the view that,

> "a case study design should be considered when: (a) the focus of the study is to answer 'how' and 'why' questions; (b) you cannot manipulate the behaviour of those involved in the study; (c) you want to cover contextual conditions because you believe they are relevant to the phenomenon under study; or (d) the boundaries are not clear between the phenomenon and context."[205]

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[202] Given, Op. Cit., p. 763.
[203] P. Baxter and S. Jack, 'Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers', *The Qualitative Report*, 13:4, (December, 2008), pp. 544-559, p. 544. From: http://www.nova.edu/ssss/QR/QR13-4/baxter.pdf (accessed on 12/06/2015)
[204] *Ibid.*, *p*. 544.
[205] Yin, 2003 as quoted by Baxter and Jack, Op. Cit., p. 544.

Also it was chosen since, as a qualitative researcher, the researcher's interest here is in understanding the meaning people have constructed, that is, how people make sense of their world and the experiences they have in the world in the context of this study, how stakeholders — elites view the contribution of regional organisation to the sustainable governance of mineral resources in Tanzania.

Theoretically, the selection of the research design was informed by interpretative constructivist paradigm. This paradigm "recognizes the importance of the subjective human creation of meaning, but doesn't reject outright some notion of objectivity. Pluralism, not relativism, is stressed with focus on the circular dynamic tension of subject and object."[206] In particular, the study adopted this design to explain how constructivism is used within the study; how data will be analysed as well as how ethical consideration at a critical point of research will be adhered to. In the latter, three ethical issues were central to this study designing. That is to say; in "any research design: scientific responsibility is on the part of the researcher, the relation of the researcher to the participants in the research, and the independence of the researcher when reporting and interpreting the results."[207]

3.3. Study Population, Sampling Frame and Sampling Procedures

3.3.1 Study Population

In research, the term *population* refers to the entire group of individuals, objects, items, cases, articles or things with common attributes or characteristics. But as a key concept in research, *population* can simply "refer to every individual who fits the criteria (broad or narrow) that the

[206] Baxter and Jack, Op. Cit., p. 545.
[207] Given, Op. Cit., p. 763.

researcher has laid out for research participants."[208] However "since research is often carried out in response to a problem in particular populations, it implies that the researcher must be aware of the population in which the problem exists, even before developing the problem statement and the conceptual"[209] or theoretical framework.

The population of this study included both male and female stakeholders—elites with a stake in the Tanzanian mineral sector decision-making and implementation bodies, civil societies, mining companies, organisations, ministries and agencies. The target population was drawn from nine institutions involved in the mining sector in Tanzania and in the regional bodies as presented in table 3. 1. From these population categories, a sample was drawn. In this study, sample is used to refer to "the set of actual data sources that are drawn from a larger population of potential data sources."[210] In this way, the study sample "tends to imply a group selected from a larger population in some way so as to ensure that, for characteristic(s) being investigated the group is typical."[211] In qualitative studies, the imperative of samples cannot be overemphasised since "qualitative researchers tend to study smaller numbers of people in great depth, it is perhaps more common for them to study small samples."[212]

3.3.2 Sampling Frame, Sampling Procedures and the Study Sample

Defining boundaries for sampling processes and sampling process itself is imperative to any rigorous qualitative study. While on the one hand the process of stating boundaries for data sources or samples is referred to as sampling frame; sampling on the other hand entails the

[208] Given, Op. Cit., p. 644.
[209] Mugenda, Op. Cit., p. 181.
[210] Given, Op. Cit., p. 797.
[211] T. R. Black, *Understanding Social Science Research, 2nd*, (London: SAGE Publications Ltd., 2002), p. 48.
[212] Given, Op. Cit., p. 644.

process of choosing which participants to be used in the study. Precisely, sampling "is the process of choosing actual data sources from a larger set of possibilities. This overall process actually consists of two related elements: (1) defining the full set of possible data sources—which is generally termed the *population*, and (2) selecting a specific *sample* of data sources from that population."[213]Though sampling frame and sampling procedures are different; they are related processes; in qualitative research issues related to defining population—sampling frame, are generally treated as part of purposeful sampling, a technique adopted in this study which inherently requires an explicit definition of the kind of data sources that are of interest. Sampling frame was very important to this study, especially in setting criteria for institutions in which the sampling process for the study could focus. The sample frame for this study was made up of the eight institutions with a stake in the mining sector in Tanzania.

For understanding of what sample is and how sampling was carried out in this study; it is advised to contrast and compare between qualitative and quantitative research since each research design orientation tends to "emphasise different sample selection procedures that are specifically adapted to the purposes and goals that guide each kind of research."[214]While the latter:

> "typically includes generalising estimates to populations and conducting statistical tests, this leads to an emphasis on probability-based sampling with large *sample sizes*; [on which the former focuses on] inductive theory building, subjective understanding, and detailed, holistic data, and these goals are often best met through intense investigations of small, systematically selected samples

[213] *Ibid*., p. 799.
[214] Given, Op. Cit., p. 797.

> [preferred in the latter]"[215] hence the rationale behind purposeful sampling techniques used in this study.

Respondents for interview were purposeful sampled "on the basis of what they might know to help the investigator fill in pieces of a puzzle or confirm the proper alignment of pieces already in place."[216] Three cardinal goals guided the sampling process in this study, namely:

> "(1) gathering information from a sample of officials in order to make generalizable claims about all such officials' characteristics or decisions; (2) discovering a particular piece of information or getting hold of a particular document; (3) informing or guiding work that uses other sources of data."[217]

Creswell has recommended a sample size of 3-5 participants for case study.[218] The sample size for this study is fourteen (14), almost three times the maximum sample size proposed by Creswell. The rationale was to make the study yield valid and reliable data. The table below presents the study sample and number of participants by their institutional affiliation.

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[215] *Ibid.*

[216] J. D. Aberbach and B. A. Rockman, 'Conducting and Coding Elite Interviews', *PS: Political Science and Politics*, 35: 4, (December, 2002), pp. 673-676; p. 673. From: http://www.jstor.org/stable/1554807 (accessed on 08/06/2015).

[217] K. Goldstein, 'Getting in the Door: Sampling and Completing Elite Interviews', *PS: Political Science and Politics*, 35: 4, (December, 2002), pp. 669-672; p. 673. From: http://www.jstor.org/stable/1554806 (accessed on 08/06/2015).

[218] Creswell, 2002 as quoted by [218]K. M. T. Collins, A. J. Onwuegbuzie and Q. G. Jiao, 'A Mixed Methods Investigation of Mixed Methods Sampling Designs in Social and Health Science Research', *Journal of Mixed Methods Research*, 1:3, (July, 2007), pp. 267-294; pp. 273. From: DOI: 10.1177/1558689807299526, (accessed on 16/08/2015) and A. J. Onwuegbuzie and K. M. T. Collins, 'A Typology of Mixed Methods Sampling Designs in Social Science Research', *The Qualitative Report*, 12: 2, (June, 2007), pp. 281-316; p. 288. From: http://www.nova.edu/ssss/QR/QR12-2/onwuegbuzie2.pdf , (accessed on 15/08/2015).

Table: 3.1. Study Sample by Participants' Institutional Affiliation

Participants' Institutional Affiliation	**Sampled**
African Minerals and Geosciences Centre (AMGC)	2
Arusha Non-Government Organisation Network (ANGONET)	1
East African Community (EAC)	2
Geita Gold Mine (GGM)	1
Ministry of East African Cooperation (MEAC)	3
Ministry of Energy and Minerals (MEM) and its agencies	2
Ministry of Foreign Affairs and international Cooperation (MFAIC)	2
Natural Resource Governance Institute (NRGI)	1
Study Sample Size	**14**

Source: Field Data 2015

The pattern of sampling procedures was as follows. The EAC and Ministry of East African Cooperation (MEAC) were purposely sampled first by the researcher. MEAC was created in 2006 by upgrading the former department for East African affairs under the Ministry of Foreign Affairs and International Cooperation (MFAIC) into a fully-fledged ministry charged with acting as a link between the government of Tanzania and the East African Community (EAC) sub-region. It is the only ministry in Tanzania that solely deals with regional integration matters and those in the EAC in particular. From EAC and MEAC, a snowballing or referral sampling, one of the purposeful sampling techniques was applied to get all other institutions that were relevant to the study.

Recruitment of participants was done in Dar es Salaam and Arusha in Tanzania. To get these participants, the advice by Goldstein was followed. To get respondents who are elite or key informants from the decision-making clot "it is very important to send advance letters on some sort of official (usually department) stationery. The letter should

clearly spell out the basic outlines of your research and be clear about the amount of time you are requesting. Be sure to provide phone, fax, and email contacts."[219]The cardinal point was to solicit key informants/stakeholders with a stake in the mining industry who could inform this study with rich information by virtue of their training and positions. In that respect, an application dossier for the request to have or conduct interviews was first submitted to MEAC; and then subsequently to all referred institutions or organisations. This interview permission seeking application dossier consisted of a cover letter stating both my institution of study, study topic, study objectives, and which departments the participants for interviews were to be drawn. The attachment to the letter included a copy of research letter from my university, copy of student and national identity cards and a copy of interview guide questions. A span of two weeks was given to allow time for various institutional logistics.

The maximum number of participants was determined by the given authorities as there was no other friendly way to get respondents for the study. Once invited for interview and arranged for it before the interview session, a consent form was served to each participant to have them consented and to insure confidentiality of their responses. This was so, since the sampling procedure for this study, to a large extent, was interested in participants who are involved in decision-making bodies pertaining to the mining sector in Tanzania. Apart from the participants sampled for in-depth interviews, these ministries and institutions were of greater importance since from them accesses to most crucial documents relevant to my study was granted.

[219] Goldstein, Op. Cit., p. 671.

3.4 Methods of Data Collection and Analysis

3.4.1 Methods of Data Collection

Deciding which method to use in data collection is paramount to success in undertaking a qualitative case study research project. This stems from the fact that "a hallmark of case study research is the use of multiple data sources, a strategy which also enhances data credibility. [As such] potential data sources may include, but are not limited to, documentation, archival records, interviews, physical artefacts, direct observations, and participant-observation."[220] These data sources are imperative to undertaking meaningful data collection that can best support the construction of knowledge on a given phenomenon. It is from this footing that constructivist perspective in selection and designing tools for data collection within a case study research design is needed. In methodological orientation, "constructivist qualitative research studies typically emphasise participant observation and interviewing for data generation as the researcher aims to understand a phenomenon from the perspective of those experiencing it."[221]

This study applied qualitative research methods of data collection to collect rich socio-political and socio-economic data from stakeholders—elites in order to gauge the extent to which regional organisations in Africa as a whole and in the East and South African sub-regions has contributed to sustainable governance of the mineral sector in Tanzania. The imperative for using these methods was based on the fact that socio-political and socio-economic phenomena should be studied in their natural settings since people's interpretations of their culture are due to the meanings that they give to them. This was so since, like many other qualitative researchers, the researcher was as well interested in understanding the meaning stakeholders—elites have constructed over the

[220] Baxter and Jack, Op. Cit., p. 544.
[221] Given, Op. Cit., p. 119.

implication of regional efforts in mineral resources governance in Tanzania. That is, how stakeholders—elites in the selected institutions, organisations, ministries and agencies with a stake in the Tanzania mineral sector make sense of their world and the experiences they have in the world about the role of regional integration in the sector.

The rationale for the use of the qualitative methods of data collection in this study is grounded on three basic reasons: interpretivist philosophy, flexibility and sensitivity social context in which data are produced and their orientation toward analysis, explanation and argument building in understanding complexity, details and context— its holistic nature in analysis and explanation.[222] From the qualitative methods of data collection armoury—interview and documentary review were applied in the study.

(a) Interviews

The use of interviews and qualitative research interviews in particular has become one of the most widespread knowledge-producing practices across the social scientific disciplines. In this study, interviewing was one of the two major techniques for data collection. The choice of the interview approach was because it allowed for an exchange of views on issues between the researcher and the interviewee since "interviewing is a conversational practice where knowledge is produced through the interaction between an interviewer and an interviewee or a group of interviewees."[223]

To generate the data needed for answering the study questions, in-depth semi-structured interviews were utilised. These are "interviews in which participants are encouraged and prompted to talk in depth about the topic under investigation without the researcher's use of predetermined, focused, short answer questions."[224] This category of interviews

[222] Ntibagirirwa, Op. Cit., p. 206
[223] Given, Op. Cit., p. 470.
[224] Given, Op. Cit., p. 422.

are "often referred to as semi-structured interviews because the researcher retains some control over the direction and content to be discussed, yet participants are free to elaborate or take the interview in new but related directions."[225]

Epistemologically, the semi-structured interviews assume that "knowledge is situated and contextual to the extent that its purpose is the 'production' and 'construction' of knowledge. The interactional exchange dialogue or conversation between the interviewee and the interviewer makes it possible to achieve this constructed knowledge."[226] In-depth semi-structured interviews were preferred over other forms of the interview since it lies between them and thus can benefit from either form. In that respect and because of this nature, the in-depth semi-structured interviews "borrows from structured interviews in that questions are normally specified; but it is also close to the focused interviews as the interviewer is free to probe beyond the answers."[227] Thus, given this versatility of in-depth interviews, it is no wonder that it is rapidly becoming one of the most common methods of data collection in qualitative research.[228]

The data collection used face-to-face personal interviews. However, where this was not possible at all, the telephone or online Skype interviewing was used. A total 14 single in-depth interviews with stakeholders (respondents) with a stake in the Tanzania mineral sector governance were conducted between 6th July 2015 and 14th August 2015. Securing interviews followed a common pattern. Letters requesting interviews with stakeholders were sent along with necessary attachments. Once interview permission was granted, a face-to-face in-depth interview was carried out at the interviewee's preferred location. A common interview

[225] Given, Op. Cit., p. *Ibid.*
[226] Ntibagirirwa, Op. Cit., p. 207.
[227] *Ibid.*
[228] Given, Op. Cit., p. 423.

guide with three parts was used to ensure that all aspects of the topic were covered during each interview.

The first part of the interview guide constituted introductory preliminaries: self-introduction of the interviewer, the explanation of the research being carried out and also terms and conditions that will apply to the interview (informed consent, confidentiality, duration of the interview and the recording of the interview data). The second part consisted of six interview guiding questions and the third part was the conclusion of the interview. In this part, interviewees were first given the opportunity to make final comments to any important issue that was covered or not covered or to ask questions if they had any. Then it ended by researcher's expression of appreciations to the interviewees. The lengths of interviews were between twenty-five minutes and one hour.

However, the use of in-depth semi-structured interviews is not without criticisms. One of the major criticisms is that "the in-depth interview provides limited opportunity for interpretation by the researcher because recalling an experience in an interview does not replicate actual observation of the experience or provide insight into the intentions or motivations of the various actors involved."[229] Though the study did not intend to use observation as one of its data collection method, this critique is still worthwhile. Three things were done to minimize the possibilities of such faults. First data analysis was consecutive with data collection process in what Kvale (2007) calls "interpreting as you go"[230] or slightly soon after interview was concluded. Second was by member-checking technique. This is "a technique that involves asking participants to check that the interpretation and analysis of data by the researcher reveals an accurate picture of their experience."[231] And third was by re-writing the

[229] Given, Op. Cit., p. 423.
[230] Kvale 1996; 2007, as quoted by Ntibagirirwa, Op. Cit., p. 217.
[231] K. J. Kewir and S. P. Munge, "Gender in the Military: A Phenomenological Study of the Lived experiences of Female Soldiers in Cameroon Army', *Interna-*

field notes as an alternative to tape recording that was declined by participants for further crosschecking in data analysis.

(b) Documentary Reviews

This was the second method of data collection used in this study. The imperative of using this method lied in the fact that "evidence provided by memory, in interviews with different individuals and groups, needs always to be checked, as far as this is possible, against other documentary sources, such as newspapers, and other informants, whether in the same social category or one deliberately contrasting with it."[232] It refers to "the analysis of documents that contain information about the phenomenon under the study."[233] As such, it is commonly argued that documents or documentary review constitute the basis for most qualitative research. A document can be defined as "a text-based file that may include primary data (collected by the researcher) or secondary data (collected and archived or published by others) as well as photographs, charts, and other visual materials."[234] The use of documentary review helped the researcher to avoid repeating or duplicating reflections already expressed.

Both primary and secondary data were collected from the Dr. Wilbert Chagula library of the University of Dar es Salaam (UDSM); the Dar es Salaam University College of Education (DUCE) library; the library of the Norwegian University of Science and Technology (NTNU) at Dragvoll campus; and the resource centres at the Ministry of East African Cooperation (MEAC) in Dar es Salaam and East African

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tional Journal of Social Science Research, 3:1, (February 2015), pp. 100-119; p. 106. From: http://dx.doi.org/10.5296/ijssr.v3i1.7069, (accessed on 31/08/2015).

[232] M. Pickering (ed.), *Research Methods for Cultural Studies*, (Edinburgh: Edinburgh University Press Ltd., 2008), p. 13.

[233] As quoted in J. J. Kayombo, 'Education for All in Tanzania: Achievements and Shortfalls' (Masters Dissertation, East China Normal University, 2011), p. 7.

[234] Given, Op. Cit., p. 232.

Community Headquarters in Arusha in Tanzania were reviewed by means of documentary review. Also relevant documents from electronic data bases such as AfDB, World Bank, www.bookzz.org, www.bookfi.org, Oxford Scholarship Online, AU, EAC, SADC, Government of Tanzania as well as relevant journals from EBSCO-HOST, JSTOR, Muse, Taylor and Francis (tandfonline) and Springer databases were visited and subsequently reviewed to gain the rich data to answer the research questions.

3.4.2 Methods of Data Processing and Analysis

It has been always argued that, regardless of the perspective or paradigm one uses, the analysis of qualitative data involves a number of common features. Kvale (1996) proposed a six step pattern for qualitative data analysis, namely: "bringing the interviewees to describe their lived world; bringing the interviewees to discover and see new meaning in their experience during the interview; condensing and interpreting during the interview; transcription and interpretation of the interview material; re-interview, and action."[235] The last step consists of themes identification, coding and analysis. Similarly, Given argues that:

> "these features include but not limited to simultaneous data collection and analysis, the practice of writing memos during and after data collection, the use of some sort of coding and pseudonyms, the use of writing as a tool for analysis, and the development of concepts and connection of one's analysis to the literature in one's field."[236]

In this study, as in most qualitative studies, data collection and analysis occurred concurrently. In this way, it was possible for the researcher to get answers for the research questions from documents and stakeholders' own feelings and perceptions about the role of regional organi-

[235] Kvale 1996; 2007, as quoted by Ntibagirirwa, Op. Cit., p. 217.
[236] Given, Op. Cit., p. 186.

sation in enhancing sustainable governance of mineral resources in Tanzania. Data collected was then transcribed, interpreted, arranged or presented and analysed or discussed in themes reflecting the objectives and research questions.

(a) Data Processing and Analysis

According to Rubin and Rubin, there are "two major philosophies that inform how research, data analysis and interpretation have to be conducted, namely: positivism and interpretative constructivism."[237] In respect to this study, data analysis was informed by the interpretative constructivism. Constructivists claim that "truth is relative and that it is dependent on one's perception. This paradigm recognises the importance of the subjective human creation of meaning, but doesn't reject outright some notion of objectivity. Pluralism, not relativism, is stressed with focus on the circular dynamic tension of subject and object."[238] That is to say, "ontological and epistemological views in the constructivism paradigm disallow the existence of an external objective reality independent of an individual from which knowledge may be sought or gained. Instead, each individual constructs knowledge in his or her experience through social interaction."[239] Since this research is qualitative with interview and documentary review as the instruments for data collection, it was guided by interpretative constructivism which resonates with the qualitative case design perspective as the research design of the overall research. This is so since "ontologically, reality is relative, multiple, socially constructed and ungoverned by natural laws. It claims a monistic subjectivist epistemology in which knowledge is constructed between inquirer and participant through the inquiry process itself."[240]

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[237] H. J. Rubin, and I. S. Rubin, *Qualitative Interviewing: The Art of Hearing Data*, 2nd ed., (London: Sage Publications Inc., 2005), p. 19.
[238] Baxter and Jack, Op. Cit., p. 545.
[239] Given, Op. Cit., p. 116.
[240] Given, Op. Cit., p. 117.

(b) Data Processing and Analysis Procedures

Data processing (presentation) and analysis (discussion) are integral parts of qualitative research and constitute essential stepping-stones toward both gathering data and linking one's findings with higher order concepts.[241] In this research, the data collection and analysis of interviews followed the scheme proposed by Kvale (1996 and 2007) who was of the view that "the analysis runs through from description to interpretation. This process is referred to as 'interpreting as you go'."[242] In that respect, one can succinctly contend that in qualitative data analysis, there exist a number of common features in data processing and analysis.

Data analysis in this study followed similar procedures. It should be made clear that: "When analysing qualitative data such as interview transcripts, analyses across the whole set of data typically produce clusters or codes that translate into 'themes'."[243] Themes refer to topics or major subjects that came up in discussions.[244] To do so content analysis was adopted to facilitate the analysis of the data as it was best suiting the constructivism philosophical foundation of data analysis. As a qualitative data analysis method, content analysis is very flexible, providing a systematic way of synthesising a wide range of data. "It is a commonly used method of analysing a wide range of textual data, including interview transcripts, recorded observations, narratives, responses to open-ended questionnaire items, speeches, postings to servers, and media such as drawings, photographs, and video."[245]Content analysis as a technique of qualitative data analysis is understood as "the intellectual process of categorising qualitative textual data into clusters of similar entities, or

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[241] *Ibid.,* p. 186.
[242] Kvale 2007 as quoted by Ntibagirirwa, Op. Cit, p. 217.
[243] Given, Op. Cit., p. 120.
[244] D. K. Kombo and D. L. A. Tromp, *Proposal and Thesis Writing: An Introduction*, (Nairobi: Paulines Publications Africa, 2006), p.119.
[245] Given, Op. Cit., p. 120.

conceptual categories, to identify consistent patterns and relationships between variables or themes."[246]

To benefit from the power of content analysis, the data obtained from interviews and documentary reviews were transcribed in such a way that the original meaning of the information could be maintained. Then, three processes of qualitative data analysis as developed by Miles and Huberman[247] were employed. These processes are data reduction, display and conclusion. Data reduction entailed selecting, focusing, abstracting and transforming the information that was formally in the form of written field notes and transcriptions of in–depth interviews as well as the published and unpublished documents.

On the other hand, data display entailed organising and compressing data while allowing the possibility to make further analysis and draw conclusions. Drawing of conclusions was preceded by a detailed description of the data in connection to the conceptual framework that guided this study. It is here that the power of content analysis was tested and it proved its usefulness since content analysis is useful for identifying both conscious and unconscious messages communicated by text—field interview notes and published and unpublished documents. The data collected especially through semi-structured interviews were instantly analysed qualitatively by the means of content analysis and in line with the study objectives or research question findings were presented into various themes. In using this technique of data analysis major concepts or themes were identified and categorised accordingly.

3.4.3 Limitation in the Data Collection and Analysis

Some problems were faced during the interviews, some respondents were not available on the days agreed for the interviews and some were

[246] Ibid., p. 120.
[247] M. B. Miles, and A.M. Huberman, *Qualitative Data Analysis: An Expanded Sourcebook,* 2nd ed., (London: Sage Publications, 1994).

not willing to share their internal insights, especially those concerning personal views on the subject under interrogation. Some as well shied away from deep sharing of personal experience as well as organisational position as they considered my topic as 'sensitive' and most if not all of the respondents were unwilling to be tape recorded giving the same reason of sensitivity of the topic but allowed me to take notes and seek for further clarification. Three respondents were unavailable for face-to-face interviews but extended the offer of telephone interviews which were fruitful though missing some facial expressions. Specifically, targeting stakeholders for interviews was extremely challenging as some could cancel their appointment late when I was already at the reception. To overcome this, it was imperative to bare some costs and perseverance as well as adopt flexible interviews timetable and plan interview as per interviewee's timetable. In addition to that, I had to rephrase my topic and clarify the objectives to build the confidence in my respondents, especially those who perceived my topic as an investigation topic to win their confidence. I had as well to write extensive field notes during and immediately after interview session to compensate what could be tape recorded.

3.5 The Study Settings

The study interrogated the role of regional organisations in enhancing sustainable mineral governance with Tanzania as a case study where the field data were collected. Being a case study therefore it is worth having a highlight of some key issues about Tanzania ranging from its political geography, political history and political economy to have a sense of the area on which the field data are based.

3.5.1 Tanzania: The Political Geography

The study has been conducted in the United Republic of Tanzania (URT)—Tanzania. Tanzania is approximately 945,087 square kilometres. As per the 2012[248] National population census; the population stood at 44, 928,923 people with 43,625,354 being the Mainland Tanzania population and 1,303,569 being the population of Tanzania Zanzibar. However, this population has been projected to 47, 421, 786 people in 2014 suggesting an increase of almost 2.5 million people within two years when compared to the 2012 census reports.[249]

Administratively, Tanzania is divided into 30 administrative regions out of which 25 are found in mainland Tanzania and 5 in Tanzania Zanzibar (see figure 3.1). Tanzania is one state and a united republic which its territory consists of the whole area of mainland Tanzania[250] and whole of the area of Tanzania Zanzibar[251], including its territorial waters. It is the Union of two republics namely republic of Zanzibar[252] and republic of Tanganyika. Tanzania is located in East Africa between 29˚ and 40˚ longitude East and 1˚ and 12˚ South. The country borders Kenya, Uganda, Rwanda, Burundi, Democratic Republic of Congo, Zambia, Malawi and Mozambique. To the East, the border is within the Indian Ocean. Its territorial ocean waters have magnificent islands of Unguja and Pemba and small islands including Mafia which has long beautiful

[248] URT, *Tanzania in Figures*, (Dar es Salaam: National Bureau of Statistics, 2012), p. iii.

[249] Data as assessed from the display of National Bureau of Statistics official webpage http://www.nbs.go.tz/ , (accessed on 14/07/2015).

[250]As for the Constitution of the United Republic of Tanzania of 1977 Article 151(1); "Mainland Tanzania" means the whole territory of the United Republic which formerly was the territory of the Republic of Tanganyika.

[251]As for the Constitution of the United Republic of Tanzania of 1977 Article 151(1) "Tanzania Zanzibar" or "Zanzibar" means the whole territory of the United Republic which formerly was the territory of the People's Republic of Zanzibar and which was previously referred to as "Tanzania Visiwani".

[252]The word Zanzibar is of Persian or Arabic origin. Zanzibar consists of two islands; Unguja and Pemba and several smaller adjacent islets and islands with a total area of 2643 $km^{2.}$

beaches.[253] The country experiences a long dry season in most places from May to November. It is located within the world's biggest lakes, and its physical features are made of mountains with Kilimanjaro which is the highest in Africa. Its interior is located within the Great Rift Valley, rich in minerals and wild life.

As of today in Tanzania, there are over 120 tribes with different languages, cultures and customs, many sharing common cultural features. Basing on linguistic classifications of African languages, "the people of Tanzania and the rest of East Africa belong to five major language groups, namely Bantu, Nilotes, Moru-Madi, Cushites and Khoisan."[254] However, over 90 per cent of Tanzanians are Bantu-speaking. Kiswahili, alongside their mother tongues, is spoken as a national language of unity which is also official and administrative language, national language and the medium of instruction in primary education; except for few schools which use English as the medium of instruction while English is an official language for international cooperation and diplomacy and a medium of instruction in secondary schools and for higher and tertiary education.

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[253] LHRC&ZLSC, *Tanzania Human Rights Report 2012*, (Dar es Salaam: LHRC & ZLSC, 2012), p. 1.

[254] A. B. Itandala, *History of Tanzania to 1890*, (Dar es Salaam: Open University of Tanzania, 1997.

Figure: 3.1: Map Tanzania Political



Source: www.mapsofworld.com/tanzania-political-map.html, accessed on 15/08/2015

3.5.2 Tanzania: The Political Economy

To understand why commercial mining in Tanzania and the implication of regional organisations is a concern, one needs to have a highlight of the political economy of the country from 1961 to 1980s under the

leadership of the first President, Julius K. Nyerere. Nyerere's career progressed through three stages of ideological development: conciliatory moderate, economic nationalist and socialist. How they influence the country's politics and economy the last two can be combined and then we can have the third phase reflecting the move to market policies.

Thus, the political economy of the country can be periodised into three phases: 1961 to 1967 first phase; 1967 to 1985 second phase and 1985 to the present third phase. During the first phase, several attempts were made to make the fruits of independence a reality through implementing colonial initiated economic policies and struggle for economic nationalism. However, this was not the case. The struggle for economic nationalism was met with challenges including withdrawal of Britain and West Germany from supporting the 1965-1970 development plans. In response to this, the country adopted the socialist policy envisaged in the ruling party by then, TANU's 1967 Arusha Declaration under which it pursued a nationalisation policy which hampered the development of the private sector in the country. Thus, from 1967 to 1985, the country was pursuing the socialism and socialist/state command economy advocated by this declaration. In this document it was declared that "the state needs effective control of the means of production in order to ensure economic justice and prevent accumulation of wealth in private hands which is inconsistent with a classless society." In that way, injustices inherited from the colonial economic and social system could be addressed and as a political manifesto, the declaration was essentially a reassertion of basic socialist principles and called for self-reliance, frugality and hard work.

At the dawn of the 1980s, the impact of the debt crisis had its most disastrous effects on the African continent[255] which manifested itself in

[255] H. Campbell, 'External Factors on Domestic Politics in Tanzania' *in* W. O. Oyugi, (ed.), *Politics and Administration in East Africa*, (Nairobi: East African Educational Publishers, 1994), pp. 469-501; p. 487.

the rising of fuel prices, severe droughts and other natural calamities as well as man-made catastrophes such as *coup d'État* set the governments in Africa to lack continuity in economic growth, which alternately led Africa to a depended economy. It was these harsh economic realities that called for the adoption of pragmatic/practical solutions that made African leaders to sacrifice the African sovereignty at the capitalist altar on one hand, and by the attraction of carrot and stick motivation approach of loans and aid on the other hand. Hand in hand with the SAPs, was the general desire to overhaul the legal and policy framework as a way to build confidence in donors and re-orient Tanzanians towards new economic principles guided by free market economy policies. Among many other reforms, was the liberalisation of the mining sector with which the 1997 Mineral policy and 1998 Mining Act were all heralding for commercial mining under foreign investors.

Liberalisation of the economy came hand in hand with political liberalisation. Within the same move, as from 1992, Tanzania reintroduced a multiparty political system and maintained its periodic election but with a well-defined presidential term limit of maximum ten years. Politically, Tanzania follows a mix of Westminster and presidential political system under which three arms of the government exist: the executive headed by the President, the legislature by the Speaker and the judiciary by Chief Justice respectively. The executive carries its duties or organises its activities within the ministries, further divided into regions, districts and divisions. The country conducts its general election after every five years and has been since 1995 respecting the 10 years' presidential term limit, a practice that has made it one of the peaceful countries in the region.

3.6 Validity and Reliability

In any research project the questions of validity and reliability of the data and findings cannot be overemphasised when it comes to gauging the credibility of the study or research project and so to this qualitative case study. That is to say: "the methodological issues in [in-depth key informants] elite interviewing are serious and involve both issues of validity—how appropriate is the measuring instrument to the task at hand, and reliability—how consistent are the results of repeated tests with the chosen measuring instrument."[256] It is no wonder then, that, several frameworks have been developed to evaluate the rigour or assess the trustworthiness of qualitative data[257] and strategies for establishing credibility, transferability, dependability and confirmability have been extensively written about across fields.[258] As such, "researchers using this method will want to ensure enough detail is provided so that readers can assess the validity or credibility of the work."[259] To achieve this, the basic foundation is for the researcher to ensure that:

(a) the case study research question or questions are clearly written, propositions (if appropriate to the case study type) are provided, and the question is substantiated;

(b) case study design is appropriate for the research question;

(c) purposeful sampling strategies appropriate for case study have been applied;

(d) data are collected and managed systematically; and

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[256] J. M. Berry, 'Validity and Reliability Issues in Elite Interviewing', *PS: Political Science and Politics*, 35: 4, (December, 2002), pp. 679-682; p. 679. From: http://www.jstor.org/stable/1554809, (accessed on 08/06/2015).
[257] Guba, 1981; Lincoln & Guba, 1985 as quoted in Baxter and Jack, Op. Cit., p. 555
[258] Sandelowskl,1986; 1993 and Krefting, 1991, as quoted by *ibid*.
[259] Baxter and Jack, Op. Cit., p. 556

(e) the data are analysed correctly.[260]

The desire to ensuring qualitative study's findings are valid and reliable has been a concern of many qualitative methodologists: Morse (2015); Guba and Lincoln's (1989); and Russell, Gregory, Ploeg, DiCenso, & Guyatt, (2005). For example "While Guba and Lincoln's (1989) goal was trustworthiness, elsewhere[261], it has been suggested that it is time one returned to the terminology of mainstream social science, using *rigour* (rather than trustworthiness), and replacing dependability, credibility, and transferability with the more generally used *reliability, validity*, and *generalizability*."[262] For J. M. Berry, there are three important issues to be aware of if a researcher wants to enhance the validity and reliability in qualitative research that involves qualitative in-depth or elite interviews: passion, not dispassion in respondents' responses; exaggerated roles of some of the respondents and the question of to probe and not to probe.[263]

To insure validity and reliability in this study, these issues had to be taken seriously. First, mindful of the fact that a respondent was not obliged to be objective and tell the truth; focus was laid on the respondents' point of views specific to the case under study. The use of multiple sources of data (from ministries and their agencies, regional bodies, mining companies and civil society); by asking respondents to critique their own case (e.g. why do you think Tanzania should be part to regional mineral resources governance protocols? and is there anything you would like to tell the researcher about which was not included in the questions?); and using interviews for what it is which was achieved

[260] Russell, Gregory, Ploeg, Dicenso, & Guyatt, 2005 as quoted in Baxter and Jack, Op. Cit., p. 556.
[261] J. M. Morse, (in press-b). Reframing Rigor in Qualitative Inquiry', in N. Denzin & Y. Lincoln (Eds.), *SAGE Handbook of Qualitative Inquiry*, 5th ed., (Thousand Oaks, CA: Sage, (in press).
[262] Morse. 'Critical Analysis of Strategies …, p. 1213.
[263] Berry, 'Validity and Reliability Issues in Elite Interviewing, Op. Cit., pp. 679-682.

through the style of quickly moving to the next question in case the respondents seem not comfortable with the current question. Secondly in dealing with the possibilities of issues of exaggerated roles of the respondents; the researcher had to read thoroughly before undertaking an interview to reduce the possibilities of being misled and by asking participants about others and organisations and moving away from impact questions by asking respondents about their personal role in their organisations. And thirdly, in addressing the question of probe and not to probe the following pattern was followed. Writing probe notes into a copy of a piece of legislation or protocol, and creating a set of decision rules as to what to focus on if time begins to run out. Further to these, "as data are collected and analysed, researchers may also wish to integrate a process of member checking, where the researchers' interpretations of the data are shared with the participants, and the participants have the opportunity to discuss and clarify the interpretation, and contribute new or additional perspectives on the issue under study."[264]

3.7 Some Ethical Issues

Social science research ethical principles were ensured according to the regulations of the Pan African University (PAU); the University of Yaoundé II (UYII), and the Pan African University Institute for Governance, Humanities and Social Sciences (PAUGHSS) as well as the respective institutions in which data were collected through in-depth interviews. This was necessary in order to maintain the integrity of the country under study, institutions, and respondents or research participants. To be able to conduct field study in Tanzania, a formal research permit was sought and granted by both the university and respective institutions such as civil society and government ministries and agencies. In requesting to undertake some interviews, a formal letter was written to request

[264] Baxter and Jack, Op. Cit., p. 556.

permission along with an attachment of the themes/topics or questions of the interview guide. The structure of the interview guide provided and included a section in which a clear self–introduction was made to all the respondents before discussing with them anything related to the study. The purpose and necessity of conducting this study was then explained. The respondents were assured that all the information they provided would remain confidential and used for the purpose of the study only. Furthermore, the principle of requesting permission to tape record the interviews as well as to follow and respect the organisations' norms and values were adhered to.

3.8 Chapter Summary

This chapter has shown how the research was undertaken. Key to this has been the description of the study design and subsequent issues related to the methods and research processes such as definition of population and sampling frame, sampling procedures, sample, data collection, processing and analysis methods and techniques have also been discussed. It has as well presented the description of the study area, validity and reliability, data collection and analysis limitation and ethical consideration of the study. The next chapter presents the research findings and interpretation or discussion.

4

RESEARCH FINDINGS AND DISCUSSION

4.1. Introduction

This chapter presents and discusses the research findings on the role of regional organisations to the sustainable governance of mineral resources in Tanzania. Specifically, it presents and discusses the research findings on the contribution of regional policies; stakeholders' perception on regional approaches and challenges faced in the implementation of regional policies and agreements that aim at enhancing mineral resources governance in Tanzania. The first section highlights some national policies, laws, and regional protocols and vision on mineral resources governance as well as the characterisation of the study participants. The second and third parts present and discuss research findings and end with a chapter summary. The research findings are presented in a manner reflecting specific research objectives and questions so that they will be slightly used in discussing the findings. Under each specific research objective or question several themes will be presented and subsequently discussed. The finding presentation will reflect the following order: contribution of regional policies to sustainable governance of mineral resources; elite (stakeholders) perception of the regional policies on sustainable governance mineral resources; and challenges facing the implementation of the regional policies on the governance of mineral resources in Tanzania.

4.2 Research Respondents

The respondents were composed of four categories. The first comprised of employees from three government ministries who are among the stakeholders involved in regional mineral governance policy implementation framework totalling seven respondents. The second category consisted of four respondents from regional organisations with their offices in Arusha and Dar es Salaam in Tanzania. The third was of the civil society whose programmes are in one way or another inclined with regional organisations and mineral resources and they were two. The last group is of the business community and comprises of one respondent from a mining company in Tanzania. Table 4.1 provides a summary of the research respondents by category and gender.

Table: 4.1 Description of Respondents by Sex and Category

S/N	Pseudonym	Date of Interview	Sex	Institution Category
1.	Asasi	10/07/2015	Female	Civil Society
2.	Kiraia	21/07/2015	Male	Government
3.	Uwekezaji	29/07/2015	Female	Government
4.	Biashara	23/07/2015	Male	Government
5.	Viwanda	28/07/2015	Male	Government
6.	Uchumimadini	22/07/2015	Male	Government
7.	Seramadini	30/07/2015	Male	Government
8.	Idarakanda	03/08/2015	Male	Government
9.	Maendeleoafrika	11/08/2015	Female	Government
10.	Mchimbamadini	20/07/2015	Male	Mining Company
11.	Tabianchi	08/07/2015	Male	Regional Body
12.	Rasilimaliasilia	06/07/2015	Female	Regional Body
13.	Mweledimadini	22/07/2015	Female	Regional Body
14.	Tehamamadini	14/08/2015	Female	Regional Body

Source: Field Data, 2015.

Participants' recruitment followed similar trends and targeted respondents in four categories of institutions or organisations involved in mineral sector governance: government institutions (ministries and their affiliated agencies), regional bodies, civil society and mining companies. From a sample of fourteen participants, fourteen volunteered to participate in the interviews. Eleven were available for face-to-face interviews while two were interviewed via Skype and one via telephone call.

4.3 Research Findings

This research sought to interrogate the extent to which regional organisations have contributed to the sustainable governance of mineral resources in Tanzania. This knowledge is of greater importance to inform stakeholders in the mineral sector both at regional and national levels. Specifically, it was motivated by the scanty knowledge about the progress made so far. The SADC Mining Protocol, 1997, and Africa Mining Vision (AMV), 2009, entered into force in 2000 and 2009 respectively. Also, it was interested in finding out the extent to which the Mineral Policy of Tanzania, 2009, was informed, and incorporated the regional spirit of mineral resources governance.

To understand this trend, it was imperative to streamline policies and protocols as well as select the study participants based on membership in important decision-making and implementation departments of the organisations or institutions involved in the mineral sector governance both at the regional as well as national levels. Important policies and protocols that informed the contents of interview questions as well as documentary review are both regional and national policies, legislation and visions. At the regional level were the African Mining Vision (AMV) 2009, a more inclusive continental scheme; SADC Mining Protocol, 1997; and EAC Protocol on Environment and Natural Resources Management, 2006, both more distinctive sub-regional schemes. At the

national level, focus was slightly put on the Mineral Policy in Tanzania of 1997 and more specific on the current Mineral Policy of Tanzania of 2009.

4.3.1 Contribution of Regional Policies to the Sustainable Governance of Mineral Resources in Tanzania

The first task that this study investigated is the extent to which regional policies or regional mineral governance initiatives have contributed to the sustainable governance of mineral resources in Tanzania. The findings differ from respondent to respondent and from document to document. Here, four themes are drawn from the findings both from the participants' responses and documents reviewed. These are: no concrete evidence and regional policies are silent; regional policies are imperative and member countries add internal conditions; going regionally has increased the bargaining power and accessing international awarding geo-information and laboratory services locally as demonstrated below.

4.3.1.1 No Concrete Evidence and Regional Policies Are Silent

From the field interview responses and documents reviewed, the study has found that there is no concrete evidence so far that one can quickly point as the fruit of the role of regional organisations in mineral sector governance in Tanzania. National policies have remained inward and regional policies are only embraced in case they are in tune with the prevailing domestic legislation. In most cases during the field interviews whenever the question seeking for the role of regional bodies in the mineral sector governance in Tanzania was raised, respondents found it hard to pinpoint concrete contributions and, at the same time, many were afraid of admitting that there is none. Kiraia and Seramadini for example were of the view that:

> *There is no concrete example that I can easily mention or highlight which points out the actual contribution of the regional*

> *integration to governance of the mineral sector in Tanzania. For example, in spite of my position here in the ministry which is a key implementing unit in Tanzania as far as mineral governance is concerned, it has taken me four years to know that there is an African Mining Vision that we are part of since 2009. In short, mineral policies are silent as compared to other regional initiatives and, as for the East African Community; there is no mineral governance regional policy so far, if viewed out of industry and investment strategy.* [265]

Kiraia who was also of the view that:

> *The RECs are responsible for domestication of the African Mining Vision. However, one would wonder how possible this can be while the RECs themselves are yet to have Sub-regional mining visions. This for sure explains why, to the best of my knowledge, it is only Mozambique and Botswana which have country mining visions which again were not written with the RECs assistance or reflecting what has been going on in the region. This suggests then that most of the regional agreements are still foreign in the countries they are to be implemented.* [266]

These two represent only a handful of the responses that reveal the limited evidence of the role of regional organisations in influencing the governance agenda of the mineral sector. Almost nine out of fourteen participants interviewed were not conversant with what was going on in the region as far as minerals are concerned.

[265] All interviews are in italic. Interview with Seramadini, (Dar es Salaam), 30 July 2015.
[266] Interview with Kiraia, (Dar es Salaam), 21 July 2015.

4.3.1.2 Regional Polices Are Imperative, Member Countries Add Internal Conditions

In the documents reviewed, it was evident that policy makers were aware of the regional integration opportunities that the country can seize though no evidence whether the formulation of the Mineral Policy of Tanzania, 2009, was influenced by the regional policies or not. What the researcher found are two different expressions of the same matter. First, the imperative of seizing regional and international cooperation in enhancing the positive contribution of the sector has been institutionalised. For example, the provisions of the Mining Policy of Tanzania, 2009 elaborates that: -

> *Tanzania can realise benefits of being a member of regional and international bodies related to the mining industry by fully utilising opportunities provided by these organisations. Tanzania is a member of the African Union - AU, Southern Africa Development Community - SADC, East African Community - EAC, Southern and Eastern African Mineral Centre - SEAMIC, African Mining Partnership - AMP, Multilateral Investment Guarantee Agency – MIGA, Association of Diamond Producing Countries – ADPC, Kimberly Process Certification – KPC and Extractive Industries Transparency Initiative – EITI.*[267]

This builds further objective 4.0 (p) and policy statement 5.11 (iii) of the same policy. The former states the intention of the government "to strengthen cooperation with regional and international bodies to take advantages of facilities, resources and information provided by the organisations"[268] while the latter identifies key areas and envisages the desire in which "the Government will collaborate with the private sector, regional and international organisations to strategically invest in smelt-

[267] URT, The Mineral Policy…, p. 22.
[268] *Ibid*., p. 7.

ing and refining industries."[269] To realise these, the policy states what the government should do with policy statements expressed under 5.15: (i); and (ii), which state that:

i. The Government will collaborate with regional bodies of which Tanzania is a member to harmonise its mineral policy with other mineral policies; and
ii. The Government will continue to work together with regional and international organisations in research, transfer of technology, training and exchange of information.[270]

When crosschecked with the respondents from the interviews, the responses were closer to what was found in the policy document. It was reported that:

> *Currently, in policy making, we first consider what is available in the region, then best practices from our neighbours and then what is available internationally. The truth is, in today's policy making and 2009 mineral policy in particular, we looked what was available in the region and then adopted and added some aspects that are particular to our country.*[271]

Interested in knowing which particular aspects of the policy that were drawn from which regional documents, the respondents could not make it explicitly. But what was obvious from his talk was that regional organisation documents, both the SADC Mining Protocol and African Mining Vision informed the policy making process of the Mineral Policy of Tanzania, 2009.

Most of the respondents were not in position to freely outline aspects or provisions of the regional documents on mineral government that were incorporated either in total or partial in the formulation of Mineral

[269] *Ibid*., p. 19.
[270] *Ibid*, p. 22.
[271] Interview with Seramadini, (Dar es Salaam), 30 July 2015.

Policy of Tanzania, 2009. They hinted that officials in the Ministry of Energy and Minerals (MEM) are the ones I should be talking to. Their reason was that policy-making in most cases are the responsibilities of the particular ministries, so MEM officials were better positioned to know what was included from the regional mineral governance documents.

4.3.1.3 Going Regionally Has Increased our Bargaining Power

The implication of bargaining power in enhancing the fruitful utilisation of natural resources for the benefit of the country remains one of the cardinal desires of a well-governed mineral sector. Strengthening bargaining power in mineral deals in Tanzania is one of the major concerns that have at some time forced ministers to resign. This is so since there has been a distress by the general public to why the governments cannot provide and negotiate for better mineral investments contracts. Here participants were strongly in support to the regional approaches in mineral resources governance, as they said, could increase the country's bargaining power. It was argued by Uchumimadini that:

> *Tanzania is not an island and as such the role of regional integration cannot be undermined. Once countries adhere to regional policies, there will be able to increase their bargaining power. If we are united and have regional policy and follow similar policies, there shall be minimal competition for FDI among member states and investors will come to invest in the region and not a country. In that way we can negotiate the best investment that we will be able to benefit greatly.*[272]

Similar hopes were made more explicit in Mchimbamadini's account, who was of the view that:

[272] Interview with Uchumimadini, (Dar es Salaam), 22 July 2015.

> *For any mining company of international reputation like ours, the existence of one regional mineral regime could ease our operations and reduce the cost of learning and adjusting to different laws. Also, with regional common regulations in mining regime in the whole of SADC and East Africa, this could help us in expansion. With common mining codes or a regional approach, we will be able to negotiate at one point and operate easily in the whole region. I hope too, that the government may strengthen their capacities and reduce the scepticism they have about us. While this could strengthen government bargaining power; to us it could reduce the level of arbitrariness each government has about our operations.* [273]

However, the review of available literature could not reveal any account demonstrating the real example for the increased and bargaining power within the region. What existed was a proposal on how to enhance investment in regions that could stimulate common investment policy in the region which was also targeted at reducing competition for foreign direct investment and competition for markets of the same products. Respondents mostly from the regional organisations were positive in their responses and highly recommended for the adoption of such regional policies. Doubts were mostly from within the respondents from the ministries. Their major concern was the differences in laws regulating ownership of mineral resources. To them, unlike fossil fuel which its geological nature does not confine it in the defined territorial boundaries, minerals on the other hand are confined in a given territory and as such hard to apply the same law regulating cross border resources.

[273] Interview with Mchimbamadini, (Dar es Salaam), 20 July 2015.

4.3.1.4 We Access International Awarding Geo-information and Laboratory Services Locally

The establishment of the African Minerals and Geosciences Centre (AMGC), formerly known as Southern and Eastern African Mineral Centre (SEAMIC) in Dar es Salaam Tanzania, though not a national organisation; remains one of the key outcomes of the regional initiatives to enhance the governance of mineral resources in Africa and Tanzania in particular. Drawing its members form the SADC and EAC regions, the centre envisages becoming a world class centre with an international rewarding status in geo-information and mineral laboratory services. Its location in Tanzania made Uchumimadini to explicitly declare that:

> *With SEAMIC in Tanzania, the fruits of regional organisations initiatives are evident. It has provided positive contributions to our economy by bringing foreign currency as well as providing some employment opportunities as majority of the operation staff are Tanzanian. Of interest when it comes to governance of mineral resources in Tanzania is that we access locally international awarding geo-information and laboratory services on issues related to value addition of our minerals.* [274]

Tanzania as one of the founding members of AMGC is better positioned and is now accessing various mineral-related laboratory services that could require the sending of samples for further diagnosis and analysis out of the country in the country. This has helped a lot in reducing the cost of mineral samples verification and capacity training to some needed expertise in the mineral sector units. Many respondents were not aware or informed of what AMGC is all about, only those in the MEM, the one from the mining company and one from the civil society in Dar es Salaam.

[274] Interview with Uchumimadini, (Dar es Salaam), 22 July 2015.

4.3.2 Stakeholders' Perceptions of the Roles of Regional Policies on Sustainable Governance of Mineral Resources in Tanzania

Stakeholders' perception of the regional mineral governance policies on governance of mineral resources in Tanzania was the second aspect that the study investigated. Partly, it could help the researcher to verify whether these stakeholders view these regional approaches or policies favourably and why. This focused more on respondents' personal views and an interrogation about the role by regional organisations among the participants of the study. In their views, responses can be presented under four themes: African Mining Vision has remained an Addis Ababa agenda; regional mineral governance policies should be member friendly; harmonisation of policies is important; and dependency on regional approach would not do any good to the sector.

4.3.2.1 African Mining Vision Remains an Addis Ababa Agenda

Since the adoption of the African Mining Vision in 2009, five years have gone and little is felt as far as the implementation strategy of the document is concerned. Countries and regions seem not concerned much about this continental policy. It is amazing that despite the fact that presidents and ministers responsible for minerals agreed and endorsed this document, few countries have managed to develop continental-wise inspired policies and laws. Member states are yet to harmonise it and mainstream it in their mineral policies and have continued to work independently. Conversation with Kiraia and Seramadini are of greater importance to reproduce here. First it was revealed that:

> *Referring to regional mineral governance policy implementing units such as MEM, there are a lot of bottlenecks that makes us not to implement the AMV. Simply put, 'there is no way to implement such regional governance policy in the context of existing national mineral sector policies. For this to work countries have to make and adopt mineral policies similar to the frame-*

> *work of the AMV and for this case there is a need to have an AMV inspired Tanzania Mining Vision.*[275]

Taking it further and in a more elaborative manner, Kiraia argued that:

> *The major concern is how to help countries domesticate the African Mining Vision. The RECs seem to be concerned about other issues. And the most complicated aspect of AMV is when it comes to the implementation of the AMV. There is a need for network of ministries, agencies, ministers and presidents; a framework that currently exists on paper without any practical manifestation of it. This is so since the African Mining Vision had remained an Addis Ababa agenda!*[276]

Regional governance bodies have revealed limited ability to influence the communication between regional authorities and countries authorities. Their relations hardly transcend beyond what is contained in the protocols. As such, countries have continued to follow different mineral policies which are not in the spirit of the regional mineral governance approaches. For example, in the existence of policies that allow state companies to be involved in mining amidst those that bar states from involving themselves with mining activities, then what can we expect?

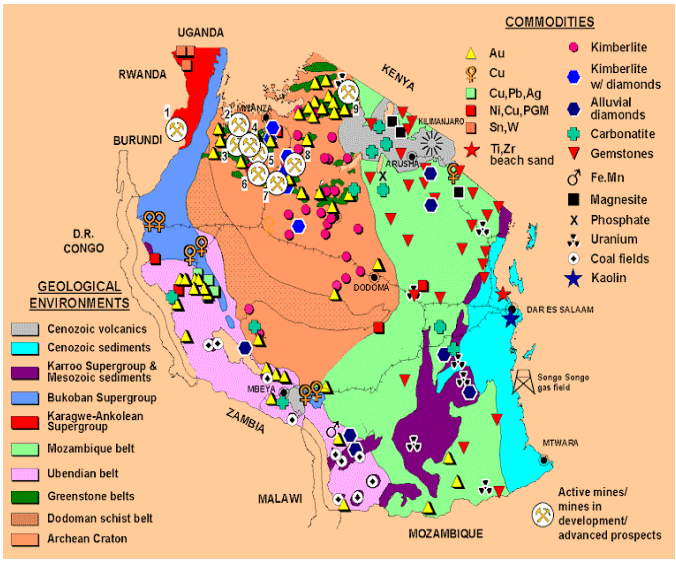
In comparison, the interview responses from the civil society participants and those from regional bodies were rich and could talk much about the documents compared to those in the government and business society. Officials from the MEM were as well slightly versed with the AMV, while those in other ministries acknowledged having heard about it and decline their ability to talk about it in detail.

[275] Interview with Seramadini, (Dar es Salaam), 30 July 2015.
[276] Interview with Kiraia, (Dar es Salaam), 21 July 2015.

4.3.2.2. Regional Mineral Governance Policies Should Be Member Friendly

Regional mineral governance policies ought to be all-members friendly to encourage their implementation and domestication. In a country like Tanzania with dualism in the ratification of foreign and international conventions, if not well thought of, most of these protocols may fail to sail through the parliamentary processes. To avoid this, member states in a given region should not pass the resolution basing on or by taking sides against the other or others. The stalemate facing the ratification of the EAC Protocol on Environment and Natural Resources Management is a shining example on how taking position may hinder the implementation of the proposed regional policies. The researcher found out that some stakeholders were not happy with the trends in regional decision-making processes especially in the mineral sector. Seramadini was very furious on the ongoing trends to side against Tanzania when it comes to regional policies with land and employment implications.

Figure: 4.1. Minerals and Geology of Tanzania



Source: URT (2009:28)

Pointing to the geological map of Tanzania (Figure: 4.1), Seramadini contended that:

> *When it comes to mineral deposits, Tanzania is leading in the East African region. The possession of rich minerals and vast land have led to other members to side together to pass some policies with far-reaching implications beyond the provisions of the EAC treaty. This has been so since decisions are taken by voting, which in a-five member EAC organisation, there is no way one vote can sail through. As a result, Tanzania has been reluctant to endorse some of the agreed regional decisions because their deliberations were largely one-sided, a fact that has led some other members to pinpoint that Tanzania is dragging the region's decision backward. In short, regional mineral governance measures should be made in such way that they are not intimidating to any country at any time.*[277]

Intimidation perception about any regional policy and taking sides against other members in regional decision-making and regional formulation in particular can blind members to come out with policies that contradict or violet previous principles as defined in the treaties establishing various regional bodies. That has been the case in the making of the EAC Protocol on Environment and Natural Resources Management that has gone beyond the limits set in the treaty establishing EAC and hence Tanzania demanded reflection before endorsing it.

4.3.2.3 No Regional Mineral Governance Without Mineral Policies Harmonisation

Harmonisation of mineral policies is the basis for feasible regional mineral resources governance approach without which all remain

[277] Interview with Seramadini, (Dar es Salaam), 30 July 2015.

dreams. In almost all the categories of respondents this opinion was dominant, though with varying degrees of understanding of what harmonisation meant. The imperative for harmonisation lies in the fact that it opens up to understand what each member has on ground, what is missing and how best they can move as a group. Taken from experience of custom union stage in integration, there are a lot of hopes on what it can assist in the regionalisation of mineral resources governance. It is no wonder that most of the respondents were confident in highlighting harmonisation as a key to regional governance of mineral resources.

Here are some of these accounts:

> *Harmonisation is the only way to improve and realise a regional approach to governance of the mineral sector and minerals in particular. Once we have adopted common mineral policies, all investors will come not because 'country A' has better policies than that 'of country D'. They will come because our regional mineral regime is formidable. Since we are confident in ourselves and would like to benefit from our resources harmonisation remains important and the only feasible way out.* [278]

Taking it further, Mchimbamadini observed that:

> *Harmonisation is good and imperative for a vibrant mining sector in Tanzania and Africa at large, but since mining activities are overly regulated, harmonisation should as well target all mining-related sectors and laws, since harmonising mineral policies would not enhance the implementation of regional policies and will cause the conflict of laws.* [279]

Kiraia while in support of harmonisation, he reminded that:

[278] Interview with Rasilimaliasilia, (Arusha), 06 July 2015.
[279] Interview with Mchimbamadini, (Dar es Salaam), 20 July 2015

> *Harmonisation is desirable but moving toward mineral policies harmonisation, we must be aware that till now there is no consensus on how to harmonise pending the fact that member countries in a region have a different intensity of mineral deposits, how to benefit from harmonisation. To succeed there is a need for dealing with existing differences in laws regulating the sector and terms of the standards.* [280]

Though most of the respondents were in favour of harmonisation, it does not make it an easy process to pursue as there are many challenges. If we are to make it feasible; member states should begin to move from inward approaches toward policy-making towards outward approaches to policy processes that will open up and accommodate regional policies making processes. The imperative of harmonisation was shared by almost all the participants responding to this topic except one from the civil society who had a different view. To him, harmonisation was not that simple as we rush to mention it, he instead proposed standardisation of mineral policies as a positive step forward to harmonisation.

4.3.2.4 Regional Mineral Approaches Are Still Externally Driven

Lack of commitment to finance our own developmental endeavours was another thing observed by the respondents. The mineral sector harmonisation in Africa largely suffers from this dependence syndrome. Being externally dependent can hamper most of the positive move toward regional governance of minerals as donors might resist if they discover that a given ongoing regional policy deliberation is going to be of no use to their interests. An account by Kiraia is worth quoting here:

> *For quite long, the financing of African regional policies making processes is mostly externally driven. This proves the extent that African leaders and Africans in general lack commitment to their*

[280] Interview with Kirai, (Dar es Salaam), 21 July 2015.

> *own initiatives. As the result from 2009 when AMV was promulgated to today, there is no significant indicator of success to what was agreed to be implemented by member states. Consequently, countries are still competing for FDI even within their region. I think that once the UNECA stops its funding, AMDC will collapse and that will shut down hopes of many in Africa*[281]

Trends towards lack of commitment to regional approaches on mineral governance have detrimental implications on the sector. As a result, how to integrate the AMV into the Region Infrastructure and Industrialisation Strategy remains a challenge and thus hampers the realisation of AMV desires such as using resources to promote governance strategy.

4.3.3 Challenges Facing the Implementation of Regional Policies on Sustainable Governance of Mineral Resources in Tanzania

Understanding the challenges met in the implementation process of the regional policies towards mineral resources governance was the third specific objective and the subsequent research question 'what are the challenges on the implementation of the regional policies on sustainable governance of mineral resources in Tanzania?' Answers to this question were hoped to help in the icebreaking of one of the proposition puzzles: 'the implementation of regional policies on governance of the mineral resources faces many challenges.' In respect to this objective, four themes were vivid from respondents' views namely: with mineral governance, land is an issue and member countries are sovereign; resource nationalisation is an impediment to integration; regional mineral policies are presidents' and ministers' documents and, Tanzania is not slow but careful about her national interests.

[281] Interview with Kirai, (Dar es Salaam), 21 July 2015.

4.3.3.1 Land is an Issue and Member Countries Are Sovereign

Whenever it comes to mining, land question is critical as some land laws limit a particular depth of land to titled deed owners while other laws such as those of Tanzania limit land ownership and only allow land leasing. The existence of various land laws in a regional community to some extent demonstrates the extent to which member countries continue to enjoy the sovereignty of their countries. In some cases, once land is said to have concentration of minerals its ownership or lease rights automatically is transferred to the state. In the case of the Protocol for the Establishment of the East Africa Community Common Market, Article 15 provides that "the Partner States hereby agree that access to and use of land and premises shall be governed by the national policies and laws of the Partner States", as such making land a non-integration matter. Such provision contradicts the desire for regional mineral governance since mineral development cannot be done without addressing land issues or land questions. The complication of this provision was made explicit by Tabianchi who observed that:

> *Land issues are among the major challenges to regional mineral governance since laws regulating land issues belong to member states. With such land laws, there is nothing a regional body can do, otherwise it will be violating the solemnity of the protocols and violating the principle of territorial integrity and a given country's sovereignty. However, it remains the fact that whenever you speak about minerals you directly touch issues of land and as such there is no such thing called regional policy on mineral governance that will not touch the question of land.*[282]

[282] Interview with Tabianchi, (Arusha), 08 July 2015.

If that is not enough, the position of Uwekezaji on the issue is worth and significant to reproduce here as follows:

> *It must be understood that what is good for the region is not necessarily good to us. For example, land as it is treated in Kenya, Uganda, Burundi and Rwanda is different from the way we treat it in Tanzania. As such we shall be firm on the agreements and in no way shall we open our land for regional exploitation since there are still many ways to go about it such as having common laws on investment as we do in custom union.*[283]

This is further complicated by internal land laws in Tanzania. That is to say, Tanzania is a united republic state formed by Zanzibar and Tanganyika on 26th April 1964. It is interesting to mention that land again is a non-union matter. That is to say, while issues of regional integration are union matters they cannot supersede what is relegated as union matters such as the question of land. Variations of responses were high on this aspect. Admitting the challenges posed by different land laws, respondents from the EAC were in particular distinctive. They were of the views that; since land is a serious challenge to deeper integration and mining projects in particular; governments in the region have to sit; as it was illogical for them leaders to sign legal documents they are sure limit their intended levels of integration.

4.3.3.2 Resource Nationalisation Is an Impediment to Regional Integration

The adoption and the subsequent implementation of the Tanzanian Mineral Policy, 1997, had two far-reaching implications in Tanzania. Above all, it led to the enactment of the Mineral Act of 1998 which had a lot of tax incentives and provisions which favoured much the investors on the expenses of the returns. Specifically, on the one hand it attracted

[283] Interview with Uwekezaji, (Dar es Salaam, 29), July 2015.

and increased FDI, mineral production and exports and employment creation, while on the other it met stiff criticisms from people of different walks of life: politicians and academicians alike because of its bottlenecks in terms of the contribution to national development. As a result, several commissions[284] were formed to investigate the matters some of which their recommendations led to the repealing of 1997 Mineral Policy and its legal framework leading to the adoption of the Tanzania Mineral Policy of 2009 and the subsequent enactment of the Mining Act of 2010. Together, these are praised of having laid the foundation for the country to benefit from the mineral sector but now criticised for limiting FDI and reducing the rate of mineral production. In nutshell, it is labelled as a policy and law toward the nationalisation of resources. From this footing Mchimbamadini could not hesitate to blame it as he openly critiqued it as follows:

> *There are two things I can comment on. One is the language and leaders at the regional organisation level that suggest Africa to be the only area with mineral deposits and which perceive investors as resource rooters. The second is really amazing! While the country is adapting the regional approach to mineral governance, it is playing a mineral nationalisation beat. It is here, as stakeholders in mining that we find ourselves in limbo as there is no possibility of implementing a regional approach to mineral governance within the policy and legal framework that promotes the nationalisation of mineral resources. What I can say is that nationalisation policies and laws are neither health to mining investments nor health to regional integration and is determined based on the goal of governing the mineral sector within the regional perspective.*[285]

[284] See footnote 37 in this study.
[285] Interview with Mchimbamadini, (Dar es Salaam), 20 July 2015.

When interrogated further, it was true that since the adoption of new mineral policy and act in 2009 and 2010 respectively; neither is there major mines opened nor increased in the mineral sector contribution to national development endeavours. These suggest that if such trends persist, the sector contribution to national GDP might lag behind as opposed to 10 per cent expected by 2025. This was another point in which views of the respondents seem to have been divided into two. Observation made mostly those in government authorities tended to support the resource nationalisation policy aspects. However, the business community and the regional bodies were sceptical about such aspects as they could serve as hindrances toward integration and attraction of FDI.

4.3.3.3 Regional Mineral Governance Policies Have Become Presidents' and Ministers' Documents

Communication and information sharing is key to any undertaking and implementation of regional mineral governance policies included. In the context like that of Tanzania, communication is so crucial that lack of it will impend any step forward due to the nature of the ministerial network needed to bring about the implementation of regional mineral governance policies. In any case a minimum of two ministries is required to implement any regional mineral governance directive. In that respect, there is a need for fine-tuning communication between the various authorities and ministries concerned with the implementation of particular regional decisions to improve sharing of decisions and information reached at regional levels. A testimony by one stakeholder in the government ministry is reproduced here. He said:

> *Implementing regional decisions is challenging for many reasons which are not limited to the following: there is no clear communication and implementation follow-up policies to see who and whether a particular decision adhered to at the regional level is*

> *implemented. While it is true that it is officials from the concerned institute, mostly ministers and at times presidents, who do participate in regional decision-making processes, we forget that implementing such decisions will require a well-established network of ministries and departments. Lack of or limited communication among ourselves has ruined us from implementing and benefitting the returns of regional mineral governance policies.*[286]

In most cases, protocols are signed between the representative of the concerned ministries in the case of mineral governance and the minister of mineral energy and minerals. However, the implementation of such decisions would require the collaboration of several ministries; for example, Ministry of Trade, Industry and Investment, Ministry of Natural Resources and Tourism, Ministry of Finance and Economy, Ministry of Infrastructure and Ministry of Foreign Affairs and International Cooperation or Ministry of East African Cooperation to mention but only a few. If not coordinated and if there is no proper communication and sharing of information, the implementation of regional decisions may be frustrated.

4.3.3.4 Tanzania is not Slow but Careful about National Interests

The implementation of regional policies begins with protocol ratification which makes the protocol binding under international law. In ratifications, countries normally weigh out between trade-off and returns from ratifying that given protocol. As such, countries' positions, protection; and defence of their interests at the expense of regional interests has remained another bottleneck that is met when implementing regional policies. This, in particular, has been a stalemate facing the ratification of the EAC Protocol on Environment and Natural Resources Management, 2006. Tanzania's position expressed in response to the 26th meet-

[286] Interview with Viwanda, (Dar es Salaam), 28 July 2015.

ing of the Council of Ministers' directive EAC/CM 26/Directive 10 directing Tanzania to ratify (and deposit the instruments) in respect to the above protocol, among other things, Tanzania's position was explicit and made clear that:

> *During the process of ratification, the United Republic of Tanzania noted some fundamental policy and technical challenges that need to be considered prior to the conclusion of the ratification process. The challenges include some provisions of the Protocol that contradict with other Protocols which have already entered into and some issues are not directly related to environmental and natural resources management.*[287]

In an interview with a ministry stakeholder, a similar and more emphatic position was observed from one respondent who was of the view that:

> *Tanzania is ready to implement agreed regional policies which do not infringe on the country's interests. However, our commitment to respect the principles already in other treaties signed has led us to be defined as in the treaties has been defined as dragging the regional initiatives. I wish to make it clearer to you that we are not opposing adopting regional policies governing the mineral sector but we are only careful about respecting the primary laws and taking Tanzanian interests seriously. Our paramount guiding principles in our dealings are defending national interests and trust or openness in the procedures. For sure, we are trying to be careful in any protocol we are ratifying.*[288]

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[287] URT, Comments on the Ratification Status of the EAC Protocol on Environment and Natural Resources Management', an attachment to MEAC letter the EAC General Secretary Ref. No. CEA. 87/129/06 "B/114, titled: -Ratification of the EAC Protocol on Environment and Natural Resources Management dated, 04/09/2014.

[288] Interview with Biashara, (Dar es Salaam) 23 July 2015.

As such, the Ministry for East African Cooperation for example never mimicked in presenting and pointing out the potholes in the EAC Protocol on Environment and Natural Resources Management, 2006, in respect to regional mineral governance by pointing out that

> *The scope of the protocol in some areas is too wide and has covered issues beyond environment and natural resources management…. The Protocol includes access to and exploitation of minerals, marketing and trading in minerals and their products. However, Article 114 (2) (c) of the Treaty for the establishment of the East African Community (the treaty) provides for the joint exploration, efficient exploitation and sustainable utilisation of shared mineral resources and fossil along the coast and Rift Valley.* [289]

In this context, the regional approach to mineral resources seems to be restricted to shared natural resources and fossil fuel along the coast and Rift Valley and that excluding total and comprehensive regional approaches to mineral resources governance. In this context, mineral resources within the territorial boundaries and not qualifying the above classification are not and should not be a concern of regional mineral governance policies and approaches.

4.4 Discussion of Findings

In contemporary project management practices, monitoring and evaluation are crucial aspects of the project cycle. In research, data presentation without discussion will be like project monitoring without evaluation. It is in discussion that meanings from the data presented are made by drawing on key issues and relating them to the wider context of the existing realities. It entails translating statements by respondents into meanings so as to provide answers to the research questions. There were

[289] URT, Comments…, *ibid.*

threefold research targets that it wanted to bring to light. Namely: the contribution of regional policies to the sustainable governance of mineral resources, stakeholders' perceptions of the role of regional policies on sustainable governance of mineral resources governance in and the challenges facing the implementation of regional policies on sustainable governance of mineral resources in Tanzania. Four policy documents; three regional documents/policies and one national were of greater interest: AU African Mining Vision 2009, EAC Protocol on Environment and Natural Resource Management 2006, and SADC Mining Protocol 1997 and Mining Policy of Tanzania 2009, respectively.

The study results findings suggest that while the imperative for a regional approach towards mineral governance remains to be among the major goals of regional integration organisation (AU, EAC and SADC); there are no concrete structures created to bring about such policy influence at individual, member states, national or sector levels in this case Tanzania. Also, they suggest that to influence mineral governance policy changes and implementation of regional approaches agreed in Tanzania; these organisations require new and practical approaches as opposed to depending on the signing of treaties and protocols. As P. S. Mistry observed, "treaties and regional institutions do not necessarily result in integration. They may be necessary, but they are certainly not sufficient."[290] In that respect, these findings nullify the proposition that Tanzania has benefitted from the adoption of the regional policies on governance of mineral resources as the sector has continued to underperform and is likely to lag behind the TDV 2025 anticipated sector contribution to GDP.

A lot has to be done to bring about policy change and implementation. There is need to learn from other regional projects. Here, the Lake Victoria Fisheries Organisation (LVFO) presents a learning example in

[290] P. S. Mistry, 'Africa's Record of Regional Co-operation and Integration', *African Affairs*, 99:397, (October, 2000), pp. 553-573; p. 561.

making sure agreed regional protocols, treaties and agreements are put into implementation. Unique to LVFO is twofold. First, it has "developed a uniformed protocol and uses this to support member countries when undertaking regular research to monitor the management of fisheries resources and regularly presents this to the member countries to guide the formulation of measures for the sustainable exploitation of the resources."[291]This can significantly contribute to improving the legal and institutional framework for the mining sector. And second, LVFO has a practice of or there "is the requirement that each member institution of the EAC presents progress reports about the implementation of agreed regional actions to the EAC policy organs (the sectoral council, council of ministers and the summit).[292] These systems create a sense of competition among the institutions and as a result, they encourage them to effectively fulfil their roles and responsibilities to present good outcomes and hence influence their findings and policy.

Reading and researching on African regional integration model, what is implied in the Constitutive Acts of the African Union and the Strategic Plan by the AU Commission one among suggestions is that governance at the regional level is "a multi–layered and multi–faceted form of regional integration, incorporating political, economic and social forces, bringing in sub–national, national, sub–regional and regional levels of authority and decision making."[293] In that respect, probably, one of the best ways of understanding the role of regional integration organisations in enhancing sustainable governance of mineral resources in Tanzania is by borrowing the concept 'governance transfer by regional organisa-

[291] B. N., 'Bugembe, 'Influence without Borders: Regional Approaches to Environmental Policy Dialogue' in J. Davies (ed.), *Conservation and Sustainable Development: Linking Practice to Policy in Eastern Africa*, (New York and London: Routledge, 2012), pp. 91-106; p. 99.
[292] Bugembe, *ibid*.
[293] M. Farrell, 'A Triumph of Realism over Idealism? Cooperation Between the European Union and Africa', *Journal of European Integration*, 27:3, (September, 2005), pp. 263-283; p. 274. From:
http://dx.doi.org/10.1080/07036330500190107,(accessed on 21/08/2015).

tion'. It happens "if regional organisations explicitly prescribe and/or intentionally and actively promote and protect the building, modification and respect of governance institutions in their member states."[294] In this context, it can be concluded that, the pressure on regional organisations to "incorporate the interests not only of government representatives, but also those of parliamentarians, political parties, economic actors and civil society representatives"[295] hid our full view of the phenomenon. As such the implications of regional organisations on the sustainable governances of mineral resource in Tanzania may only be implied one as there are no concrete evidences to suggest otherwise.

That is to say "by prescribing, promoting and protecting standards for governance institutions, the regional organisation defines what governance should look like at the national level to be considered legitimate."[296] But what is evident is the resistance by Tanzanian authorities to implement what has been agreed at the continent and sub-regional levels; and the weakness of regional organisations to make their will felt in Tanzania. Thus, "depending on the regional organization's competencies and mandate, these include first of all intergovernmental bodies such as ministerial councils, allowing member states to act collectively, but possibly also its secretariat, parliamentary assembly, or agencies as truly 'regional', 'supranational' actors"[297] then its implication is evident. Both at the AU, EAC and SADC most of these bodies exists, and representatives from Tanzania are actively involved. So the problem might probably be the level of coordination of the various governance units in the government and in the regional organisation.

The implication of regional policies on sustainable governance of the mineral sector in Tanzania seems to be silenced by both the tendency toward state-centric integration and loyalty to national policies which

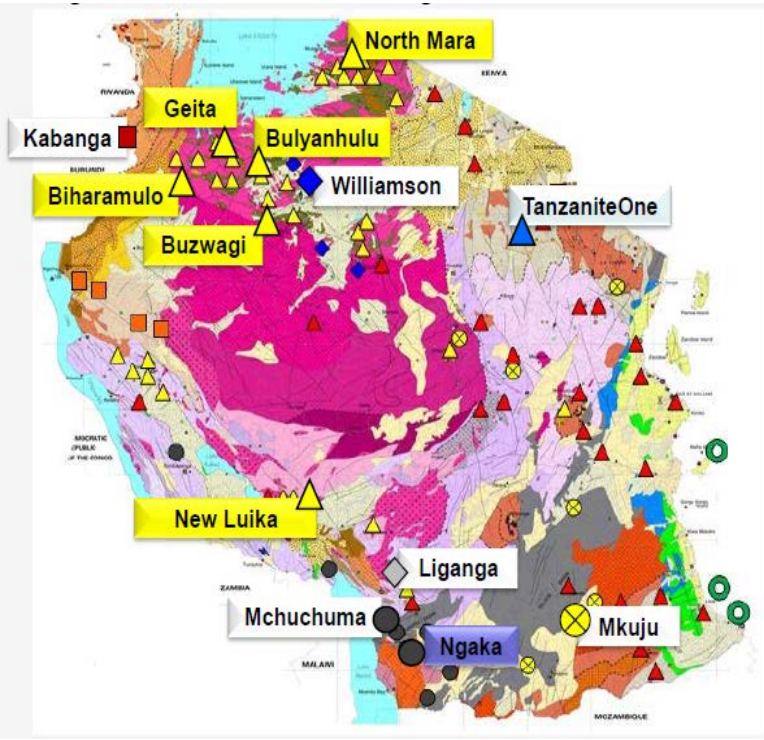
[294] Börzel and van Hüllen, 'Towards a Global Script?'... p. 5.
[295] Farrell, Op. Cit., p. 274.
[296] Börzel and van Hüllen, 'Towards a Global Script? p. 5
[297] *Ibid.*

entails that, the achievements of regional approaches at the national levels are generally more influenced by sovereignty priorities than regional issues.[298] At this point, it is worth of clarifying what sovereignty entails and more specific what resource sovereignty is. "Drawing from political and geographical theorisations of sovereignty," Emel, Huber and Makene argue that "resource sovereignty cannot be territorially circumscribed within national space and institutionally circumscribed within the state apparatus. Rather, sovereignty must be understood in relational terms to take into account the global geography of non-state actors that shape access to and control over natural resources."[299] That said, the study findings challenge these authors' position. Since sovereignty seems to be epitomised by discourses around the 1962 'UN Declaration of Permanent Sovereignty over Natural Resources'. This of course has a number of detrimental implications to the Tanzania mineral sector and promotion of regional approaches to the governance of natural resources.

It is obvious that the 1998 Mining Act and 2010 Mining Act can simply be contrasted on the fact that the former represented a trend toward a '*regalian*' form of mineral regime while the latter reflects a trend towards a '*domanial*' mineral regime and more specifically resource nationalisation. *Regalian* is a mineral rights system based on the principle that mineral resources belong to no one until they are discovered as opposed to *domanial* which is a mineral rights system in which mineral resources are the domain or property of the state. They may be developed anywhere the state sees fit. In terms of promotion of regional approaches to mineral governance, the former is friendly to the latter.

[298] Bugembe, Op. Cit., p. 101
[299] Emel, Huber and Makene, Op. Cit., p. 70.

Figure: 4.2. Mineral Occurrences and Major Mines and Projects in Tanzania



Source: Nayopa (2015)

The understanding of what constitutes minerals is another problem limiting the possibilities of identifying concrete implications or pinpointing the role of regional integration in the governance of the mineral sector in Tanzania. To many mineral understanding seems to mean gold, diamond and tanzanite. This is contrary to the regional mineral understanding as suggested by the Commonwealth Secretariat Consultants (COMSEC) report to EAC Secretariat. In an Experts Group Consultative Meeting Report for the review of 'The Commonwealth Secretariat Consultants Final Reports on the EAC Mineral Resources Potential and the

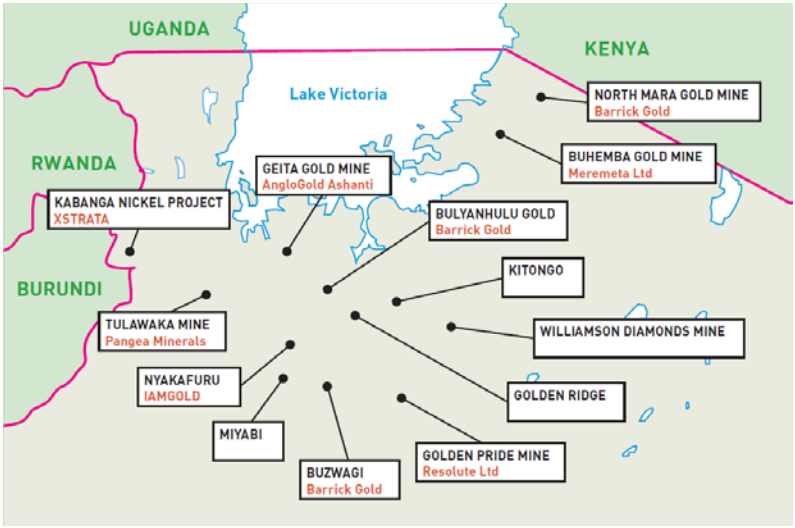
Legal and Regulatory Framework for Mineral Extractive Industries (MEI) and Mineral Value Addition (MVA) for the EAC region,' mineral potentials of EAC region are categorised into four groups. Group A: Iron ore, Coal, Nickel-Copper-Cobalt and construction Materials (particularly limestone); Group B: Gold and gemstones, tin, tantalum, tungsten (3Ts); Group C: Platinum Group Metals (PGMs), Uranium, precious metals; and Group D: Phosphates, Potash, Nitrate, Lime, Soda Ash for manufacture of Calcium Ammonium Nitrate (CAN) and Diammonium Phosphate (DAP) fertilizes (Agro-minerals).[300] This classification of the mineral potentials is missed by most of the stakeholders in Tanzania who mimicry equates gold and gemstone to constitute the main minerals. Of interest, the commonly thought minerals classified in Group (b) under gold and gemstones are as per the COMSEC report not qualifying for the EAC region MVA strategy while the Groups (a), (c), and (d) minerals which are not scoring high politics in Tanzania have a promising threshold for the EAC Region MVA, High Value Mining (HVM) and for the EAC region food security initiatives respectively.[301]

This for example, explains why the implications of the EAC mineral resources governance initiatives are not easily captured by many. It also reveals the lack of well-designed mineral resources information to support sound policies-making by the governments and lack of capacity, including human and institutional for promoting and implementing regional mineral governance policies/initiatives, remains a challenge. Equating gold, diamond and tanzanite to be the only mineral have limited people from discussing other potential minerals such as iron ore, coal, nickel, limestone and many others in the category of construction materials. What is evident is that, they concentrate on those which they

[300] EACS, Report of Experts Group Consultative Meeting on the Review of "The Commonwealth Secretariat Consultants Final Reports on the EAC Mineral Resources Potential and the Legal and Regulatory Framework for Mineral Extractive Industries (MEI) and Mineral Value Addition (MVA) for EAC region," on 9th to 11th, October 2013, in Bujumbura-Burundi', pp. 5-6.
[301] EACS, *ibid.*

are experiencing their exploitation. This is understandable pending on the political implications of tanzanite, gold and diamond in Tanzania. Mining of these minerals has been a subject of high politics in Tanzania, especially the implication of people displacement made to allow the mining projects in gold, tanzanite and diamond.

Figure: 4:3: The Concentration of Mining Activities in Tanzania.



Source: ICMM (2009:10)

In addition to the above findings, lack of Regional Economic Communities (RECs) Mining Visions (RMV) makes the AMV continue to be perceived as an Addis Ababa agenda; and also it hinders the development of Country Mining Visions (CMVs) and the mainstreaming of the AMV in the national policies. RECs were entrusted with the responsibilities to help countries develop mining visions. Surprisingly, the RECs under review have no such documents, a fact that makes it hard for countries to develop their CMVs informed of the RMV and AMV. This was a mistake made in planning. As Bugembe observed in "diagnosing a

policy challenge and planning a response, it is also important to take a closer look at the targeted regional institutions and understand their systems and procedures, and how they carry out business. This will help in determining the opportunities and challenges and hence the best entry points and alliances to consider in the policy influencing quest."[302] The choice of RECs as a bridge to connect AMVs to CMVs seems to lack a fore thought as they are lacking necessary instruments—RECs Mining Visions to carry-out such crucial entrusted responsibilities. As Bellow observes, "there is the potential to develop a third (i.e., regional) implementation pillar of the AMV creatively to elaborate and agree regional standards ('Regional Mining Visions' [RMVs]). These RMVs will both complement continental- and country level visions and provide a focus for shared regional actions."[303] Lack of this component partly explains the delays in the development of CMVs; but more specific, is that there is a possibility of developing varied and different CMVs in the same region; a move that will continue to deter the degree of working together.

In mineral governance in Tanzania like in any other country, "the quality of government institutions in policy-making, strategy setting and monitoring and evaluation is key to maximising the development and transformative potential that the mining sector in Tanzania fers."[304]This study was specifically set to investigate the contribution of the regional organisation in the 2009 mineral policy-making. The contribution of regional integration in the making of the mineral policy of Tanzania, 2009, is among the responses got from most of the research participants of this study. It was interesting to hear from some of the respondents, who highlighted that the regional organisations in which

[302] Bugembe, Op. Cit., p. 101
[303] O. Bello, 'Towards agenda 2063: Re-Inventing Partnership on Extractive Governance' *SAII Policy Briefing*, 123, January 2015; p. 3.
[304]UNECA, *Promoting Mineral Clusters: The Case of Tanzania*, (Addis Ababa: UNECA, 2008), p. 105.

Tanzania is a member, were among the major policy-making stakeholders. However, as we might all know, in Africa and in Tanzania like many other parts of the world, "experience suggests that to be effective, extractive industry sector policies should be based on consultation with a broad base of stakeholders and should provide a strategic direction and clarity on key sector issues"[305] Thus, with the ratification of AMV and some protocols such as SADC Mining Protocols by African Heads of Government and State, such regional organisations form a critical stakeholder in the Tanzania mineral policy-making processes. Reading the policy, however, one could hardly find any reference to whether there was consultation with the regional bodies. It only affirms that "Tanzania can realise benefits of being a member of regional and international bodies related to the mining industry by fully utilising opportunities provided by these organisations."[306] This may be suggesting that Tanzania focuses on how to utilise the available regional avenues without necessarily opening up to be influenced by these very organisations.

Lack of consultation with a wide range of stakeholders was as well highlighted by two participants. During the interview with Kiraia and Mchimbamadini both challenged the 2009 Mineral Policy of Tanzania making process. Their major concern was lack of consultation with the civil societies in the policy-making. One wonders that, despite the fact that, "Civil Society has won a growing number of opportunities to speak on behalf of citizens in national and international organisations on a wide range of topics"[307] in Tanzania they were among less engaged stakeholders in the 2009 mineral policy-making process. This implies then, that, although the government has knowledge of the best way to

[305] http://www.eisourcebook.org/646_51PolicyContext.html, (accessed on 25/08/2015).
[306] URT, The Mineral Policy…, p. 22
[307] J. Davies, 'Conservation as a Livelihood Strategy: Linking Policy with Practice', in J. Davies (ed.), *Conservation and Sustainable Development: Linking Practice to Policy in Eastern Africa*, (New York and London: Routledge, 2012), pp.1-22; p.7.

develop mineral policy, the aspects of critical stakeholders' participation in the process was not given due importance. Intentions to seize the regional opportunities cannot confirm that it is the influence of regional integration but rather a common sense approach in opportunity utilisation in our ever globalising world of today. As a country, Tanzania should know that "while geologic and economic evaluations are always requirements for exploration, in todays' globally competitive economy where mining companies may be examining properties located on different continents, a region's policy climate has taken an increased importance in attracting and winning investment."[308] This leaves a lot of challenges to the Tanzania mineral sector since having both national and regional solid policy frameworks is ever becoming an imperative than a wish. In that respect, Tanzania is challenged to be part to the regional mineral governance initiatives as well as link its mineral regime to a regional mining philosophy.

Increasing bargaining power in negotiation for FDI and better mineral exploration and extraction agreements and contracts remains another milestone that regional integration is expected to equip its members. Several participants were of the view that being in regional blocs has increased their bargaining power. There is no doubt that membership in a regional group "may enhance the collective bargaining power of the member countries. However, this depends on the ability of the member countries' agreement on a common position during negotiations – an aspect that has largely eluded [regional integration bodies] from developing countries."[309] The lack of trust among members in the regional blocs limits the possibilities of benefitting from this opportunity. What is happening in the regions in which Tanzania is a member is as Andrew Axline asserted that "regional cooperation can only be understood from the perspective of the national interests of the individual member states,

[308] F. McMahon and M. Cervantes, *Survey of Mining Companies, 2011/2012*, (Vancouver: The Fraser Institute, 2012), p. 9.
[309] Bugembe, Op. Cit., p. 97.

and that the politics of regional negotiations will involve accommodating these interests for all partners."[310] In the name of national interest, Tanzania is reluctant to ratify the EAC Environmental and Natural Resources Management Protocol of 2006 until its interests are well represented or respected by the protocol which is now in its ninth year pending ratification. As such, the study findings again nullify the proposition that the role of regional organisations is viewed favourably by stakeholders.

Though Tanzania is said to be dragging the decision implementation in the EAC, its decision with regard to the ratification of the 'The Protocol on the Establishment of the East African Community Monetary Union' that was concluded on November 30, 2013 in Kampala was a drastic caught other member with a surprise. It became the first EAC member state to ratify the protocol. On ratification, done on June 25, 2014, the Tanzanian government message was "The government has said that Tanzania's ratification of the East African Community (EAC) Monetary Union Protocol on June 25, 2014 demonstrates that the country is not a stumbling block to regional integration. "[311] However one wonders why the same country is taking long to ratify the environmental protocol. As such, it can simply be concluded that there is nothing in the latter as opposed to the former than that of no national interest at stake in the latter.

Undertaking policy harmonisation in the regional community is not as simple as it is normally mentioned; though it remains an ideal way to put all African resources to the service of its people. It cannot be initiated from outside as it entails curtaining their lucrative ways of siphoning

[310] A, Axline 1994, as quoted in B. Hettne, 'Beyond the 'New' Regionalism', *New Political Economy*, 10:4, (December, 2005), pp. 543-571; p. 545. From: http://dx.doi.org/10.1080/13563460500344484, (accessed on 21/08/2015).

[311] EAC, Tanzania Becomes First Partner State to Ratify EAC Monetary Union Protocol', from http://www.eac.int/index.php?option=com_content&view=article&id=1601:-tanzania-becomes-first-partner-state-to-ratify-eac-monetary-union-protocol&catid=1, (accessed on 25/08/2015).

African resources. UNECA has been one of the organisations championing for mineral policies and mining laws harmonisation in Africa. While its job is recommendable, it is high time Africans and their leaders to think on how to take the challenge of African development and shoulder their own destinies. As Nyerere said; "while it is possible for an outsider to build a man's house, an outsider cannot give the man pride and self-confidence in himself as a human being, [that is to say] … people cannot be developed; they can only develop themselves"[312] by participation and in co-operative activities which affect their wellbeing. Reckoning on Nyerere's words, Africans and their leaders are challenged to overcome the dependence syndrome. That is to say, although UNECA is a United Nations special programme for Africa, it cannot rid itself from the main financiers' policies and ideologies. Therefore, its work has to be supported by home-grown initiatives to keep the African spirit rolling in its agenda and programmes targeting harmonisation.

However, another critical challenge to mineral policy harmonisation is the lack of a common level of legal, regulatory and policy frameworks regulating the mineral sector. The COMSEC consultation report[313] on the potential minerals in EAC region has revealed varied levels in mineral governance regimes. This is as well found in SADC where countries have different mineral governance policy, legal and regulatory frameworks. Interestingly countries like Botswana and Mozambique have already written their mining visions but without respective RECs much inputs. The existence of varied levels of mineral codes, policies, laws and regulatory frameworks poses a stumbling block when it comes to

[312] J. K. Nyerere, 'Freedom and Development', in J. K. Nyerere, *Man and Development*, (Dares Salaam: Oxford University Press, 1974), pp. 25-41; p. 27. Also See J. K. Nyerere, 'Freedom and Development' in J. K. Nyerere, *Freedom and Development: A Selection from Writings and Speeches 1968-1973*. Dare s Salaam: Oxford University Press, 1973), pp. 58-71; p. 60.

[313] F. S. Tsikata, 'A Review of the Regulatory Regimes for Mineral Exploration and Extraction and for Mineral Linkages Development within The East African Community (EAC)', A Draft Report for the Commonwealth Secretariat, January 7, 2013.

harmonisation. One cardinal postulation of AMVs is that "for the mining sector to improve its contribution to broad-based development, it must be better integrated into the national and regional economic fabric through linkages."[314] As such, it is not surprising therefore that, in their experts' consultative meeting in Bujumbura-Burundi, the team of experts during their discussions, an observation was made to "shift attention by focusing on developing common principles on regulations to be adopted as opposed to aiming at general harmonisation."[315] Partly because it is being undertaken by the International Conference on Great Lakes Region (ICGLR) in which all the EAC region are members and without discarding the fact of harmonising too varied mineral regimes is as well challenging.

Another major challenge facing most of the resource-rich countries in Africa, and Tanzania in particular remains to be that of ensuring that the benefits of the current mining boom are captured. To do so, Africa's resource-rich countries and Tanzania in particular require further policy reform; retreat from strategies that favour beneficiation over high-value extractive activities; and more robust institutional and legal frameworks. This is a critical point for success but again this is the one-million-dollar question. The trends in Africa, by the AU, EAC and SADC are towards mineral resources beneficiation and value addition, as such calling to abandon this is a total betrayal to a Pan-Africanist zeal embedded in both regional groups. It needs a deeper reflection and continental view before making headways to implement. Again, as one of my respondents commented, it is worth reproducing it here, that "*Africa and Africans and more specifically their leaders in AU, EAC, SADC or any other African forum need to change their perspectives over the mining companies. The view that foreign companies are there to root is neither healthy nor productive in our globalising world. Africa needs the FDI*

[314] UNECA, Minerals and Africa's Development, p. 101.
[315] EACS, Report of Experts Group Consultative Meeting, p. 8.

and the mining companies need African resources."[316] The research findings could not reveal or shed light on this probably because it is far from the main agenda for the research. But as Peter Drysdale and Luke Hurst have commented, "taking one turn will result in the resource curse wiping away the significant economic and political progress that has been made over the past decade; taking the other could result in the creation of the institutional frameworks and the physical and human infrastructural foundations needed to capture the benefits of the continent's coming demographic dividend."[317] In these aspects then, the study has confirmed the proposition that the implementation of regional policies on the governance of minerals faces many challenges.

4.4 Chapter Summary

This chapter has presented and discussed the findings of the study. It has shown how regional organisations or regional integration has contributed to the governance of the mineral sector in Tanzania. Stakeholders' perception on the regional policies/initiatives on sustainable mineral resources governance in Tanzania and the major challenges that are faced in the implementation has been as well presented. With regard to the propositions that guided the study, the findings have refuted two on the contribution and perception and confirmed one on challenges. Above all, the disconnection between what is happening at the continental, regional and country levels have been presented and discussed. In the same line of thought, it has as well been shown how national sovereignty and national interests hinder the progress of the regional mineral

[316] Interview with Mchimbamadini, (Dar es Salaam), 20 July 2015.
[317] P. Drysdale and L. Hurst, 'Mining: Africa's time has come', T*he Australian Financial Review*. From: http://www.afr.com/markets/commodities/metals/mining-africas-time-has-come-20120827-j1xgs ***;*** Also see Regional prospects in Africa's mining Sector', East Asia Forum. From: http://www.eastasiaforum.org/2012/08/28/regional-prospects-in-africas-mining-sector/
(accessed on 25/08/2015)

policy and revealed that harmonisation is still facing a lot of challenges. The next chapter is for conclusion and recommendations.

5

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

In this chapter, a summary, a conclusion and some recommendations are made. In building the summary, some key aspects raised in the chapter on literature review, methodology research findings and discussion have been revisited. After that, a presentation of the conclusion and then some recommendations are made. Finally, this chapter ends with suggestions on possible prospective regional integration and natural resources related areas for further studies.

5.2 The Study Summary

The study set out to investigate and document the role of regional organisation to the sustainable governance of mineral resources in Tanzania. It was thought that it could help Africa as a whole and the African Union in particular when advocating the mainstreaming of the African Mining Visions (AVM) in member countries. Also it was thought that this could as well add to the literature on the role of regional integration in the governance of mineral resources and help decision-makers to come up with informed decisions when implementing mineral governance-related regional policies in their own countries.

The study has focused on regional organisations and mineral resources governance in Africa. The timing of this topic is crucial since in almost every African country, mineral resources are being discovered making Africa among the continents experiencing a mineral resource boom. Tanzania is among the African countries experiencing this resource boom. The discovery of vast mineral deposits (see figure 4.1) and the expansion of major gold mining for example have set Tanzania among the top three African gold producing countries following South Africa and Ghana (see figure 4. 3). As such, the discovery of considerable mineral resources deposits in Tanzania and her membership into various regional organisations are making Tanzania a good case for regional organisations and mineral resources governance nexus.

Given the growing interest in regional approaches to governing natural resources and mineral resources in particular, envisaged in the AU's African Mining Vision (AMV), 2009; the EAC Protocol on Environment and Natural Resources Management, 2006; and the SADC Mining Protocol, 1997; the study set out to examine the extent to which these regional instruments have aided Tanzania as a member in her path to sustainable governance of mineral resources. Also it was to quench the academic thirst that was provoked by minimal studies and lack of literature focusing on regional organisations and governance of natural resources and mineral resources in particular as opposed to those focusing on regional integration and conflict resolution, natural resources and conflict, regional integration and peace, regional integration and trade and the like. With the scan of the literature, it became evident that this area is under-researched and thus a need for shedding light on the synergy within regional integration stakeholders.

Reviewing literature on this topic was extremely challenging. There are little or scanty studies addressing the subject matter. On the one hand, most of the studies have concentrated on affirming or refuting the resource curse, implication of minerals to conflict, corruption and peace.

On the other hand, there are those estimating the revenue return from mining, transparency in the contracts, ownership and corporate social responsibilities (CSR). While these are important to governance, they say little about the implication regional integration on sustainable governance of minerals resources. As such, it became imperative then to consider qualitative study to help in establishing the ground for others to take off; but mostly in answering the research questions and testing the propositions.

In undertaking the research, it was found that, interest in pursuing integration schemes has not gone hand in hand with theorising about regional integration in Africa. The few available studies have assumed that theories of integration formulated to understand other integration schemes can be transplanted in Africa and can work as they have worked elsewhere. While it is true that a good theory has to be applicable and be able to be transplanted into various settings; in the case of this study most famous integration theories—Neo-Functionalism and Inter-governmentalism had some limitations. They could not help to adequately understand the synergy between the regional organisation and sustainable governance of mineral resources governance in Tanzania. Such limitation was overcome by borrowing a leaf from social science tool box: the social constructivism theory. The study has applied this theory at both theoretical and analytical levels. At a theoretical framework, theoretical social constructivism is used as an integration theory trying to help in understanding the dynamics of the ongoing integration. In this context, regional organisations are studied and treated like any other social construct that are context specific. That is to say, since a region can be constructed, it can also be deconstructed, ideationally as well as materially.[318] As a tool for collection and analysis, con-

[318] B. Hettne and F. Söderbaum, Theorising the Rise of Regionness', *New Political Economy*, 5:3, (2000), pp. 457-472; p. 470. From: http://dx.doi.org/10.1080/713687778, (accessed on 21/08/2015).

structivism is used as an ontological and epistemological paradigm—the interpretative constructivism. This is what it entails of a good social theory, it can serve multiple purposes. As Hettne and Söderbaum contend, a "good theory makes sense of ongoing events; it explains where we are, how we got there and where we are … also makes it possible to act in order to improve our situation; but, since we are not all sitting in the same boat, it also differentiates between different 'we-categories' and facilitates a dialogue between different worldviews and standpoints."[319] Hence, social constructivism proved to stand such width and tides as a social theory that best fits process analysis and knowledge creation.

Pending to the nature of the issues investigated, the study has applied a qualitative research design—qualitative case study. The chosen research design was strategic since it as well benefited from the rich social constructivist armoury—interpretative constructivist paradigm that informed the analysis of the data gathered. Being of that nature, the participants to the study were purposely sampled and the target population was of stakeholders in institutions with a stake in mineral resources governance. Tanzanian was selected as a case for ascertaining the extent to which the visions and protocols were making positive headways in Tanzania. Citizenship or nationality of the stakeholder was not a criterion for inclusion or exclusion. The two regions were strategic for the study since the institutions of interest to the study were hosted there and for logistical reasons to cope with time and financial constraints. However, the nature of participants selected was a challenge as many could not be interviewed because of their tight schedules and given my time limit for field work and the nature of data collection tools. Hence, only about half of the targeted sample had chances for interviews.

The methods for data collection were interviews and documentary review of which fourteen interviews were held among the purposively

[319] *Ibid.,* p. 459.

sampled participants from the organisation and institutes with interest in Tanzanian mining sector governance from the government, business, civil society and regional organisations found in two study fields/ study regions of Tanzania, (Arusha and Dar es Salaam) as well as review of important documents from selected university libraries and organisations resource centres. Arusha and Dar es Salaam regions were preferred because of their convenience for study participants' availability as they host the headquarters of the institutions of interest to the study. They as well simplified mobility for the researcher in making follow-up for interviews. Respondents were left to their liberty to accept or reject involvement in the study as well as length of their narratives.

In the spirit of what Kvale's (1996 and 2007) principle of 'interpreting as you go'; the study employed content analysis as a method of data analysis to dialogue with respondents' testimonies and responses and the findings from the literature of which several themes were developed and clustered under three categories: the contribution of regional policies to the sustainable governance of mineral resources, stakeholders' perceptions of the role of regional policies on sustainable governance of mineral resources governance in and the challenges facing the implementation of regional policies on sustainable governance of mineral resources in Tanzania. For each of these, two questions were formulated which were used as interview guiding questions, which had in total six questions. Subsequently, the themes captured from the responses from the participants were as well organised accordingly to reflect these three categories.

The study has found that there is a constant recalling for African regional integration schemes to strengthen their organisations to champion for the governance of the resource boom given the fact that Africa is now scrambled for from the north, east and west as opposed to the 19th century scramble. Initiatives have ranged from continental to sub-regional wise approaches both advocating for joining hands under the

rubrics of mineral policies and laws harmonisation, beneficiation and mineral resources value. Also, the study has revealed the lack of coordination between what happens at the continental, sub-regional and country levels as far as mineral resources governance is concerned. These disconnections have rendered the regional policies silent in the domestic arena; hence little impact is felt to the extent that some of the respondents were confident to declare that 'regional policies are silent!' Last but not the least, the study findings suggest that, though regional approaches or initiatives to mineral resources governance remain important, there are no concrete regional structures to bring about anticipated policy changes at the national or member state level.

5.3 Conclusions

Three conclusions can be drawn from the findings of the research. First, the study concludes that there is a minimal contribution of regional organisations and their regional approaches to mineral resources governance in the sustainable governance of mineral resources in Tanzania. The little felt contribution remains at the prescription and undertaking studies to document the mineral potential in the country, rarely if any, has been a concrete project targeting the improvement of mineral resource governance particularly. Consequently, the results of Tanzania have continued to rate low in the mineral governance index and the contribution of the mineral sector to the economy continues to decrease. This has been analysed by Revenue Watch Institute (RWI) through its Resource Governance Index (RGI) (appendix 7), one of the two major leading tools for assessing the quality of natural resource governance, the other being the Natural Resource Charter Analysis Framework. The reported score of Tanzania as per the 2013 RGI analysis is a 'weak' score of 50, and thus ranking 27th out of 58 countries tested using this index. A relatively high score on Safeguards & Quality Controls was

offset by poor performance on other components.[320] In terms of contribution, the official from Tanzania National Bureau of Statistics has reported the poor performance of the mineral sector, which is reported to grow at a rate of 0.6 per cent for 2014/2015 period as compared to 19.7 per cent for the period of 2013/2014 attributing the poor performance to both the shrinking of gold prices and decrease in production.[321] All these are happening despite the existing regional mineral resources governance initiatives.

Second, the study concludes that the continued pronouncement and desires to protect national interests and the tag of wars on embracing unhealthy positions among members of the regional groups are among the major manifestations of the unfavourable perception of regional mineral governance policies among the stakeholders. These negative perceptions have hindered progress in moving as a region and as a continent. As such, countries have continued to be rendered victims of unhealthy FDI which could have been regionally better negotiated. Thus the ghost of inherited colonial boundaries has continued to ruin the possibility of Africans to undertake joint venture mineral resources exploitation and hence limited benefits from the on-going African mineral boom. The position of Tanzania over the EAC Protocol on Environment and Natural Resources Management, though genuine, has slowed down the possibilities of a regional mineral policy formulation for common regions' venture. This suggests then, that, there is still unfavourable perception among stakeholders over the viability of region-driven min-

[320] Revenue Watch Institute (RWI), *The 2013 Resource Governance Index*. From: www.revenuewatch.org/rgi, (accessed on 22/08/2015). RGI constitute of score of 100% gauged long the four major components—institutional and legal setting (20% and 10 indicators), reporting and practices (40%, 20 indicators), safeguards and quality controls (20%, 15 indicators) for further information see appendix.

[321] N. Dausen, 'Ukuaji wa uchumi nchini washuka kwa asilimia 2.1', *Mwananchi*, August 14, 2015. From: http://www.mwananchi.co.tz/habari/Kitaifa/Ukuaji-wa-uchumi-nchini-washuka-kwa-asilimia-2-1/-/1597296/2832288/-/o4402d/-/index.html,(accessed on 14/08/2015).

eral initiatives and thus nullifying the hypothesis that the role of regional integration is viewed favourably by stakeholders.

Lastly, the study concludes that, unstable policy and legal frameworks, national sovereignty, land questions and variation in natural resources endowment among regional organisations members remain among the most critical and exigent challenges for deep integration. The existence of different land laws and the tendency to cling on national sovereignty and more specific resource sovereignty which is now being translated into the adoption of resource nationalisation policies such as the Mineral Policy of Tanzania, 2009, thwarts prospective mineral sector development (for instance, since its adoption investors are reluctant to undertake other major mine investments) and makes it hard or impossible for harmonisation. Given the nature of mining activities, which takes over 10 years to come to the realisation of the output, the changing of policies and laws are critical for investments as they may not tally with previous agreed contracts. This then confirms the hypothesis that the implementation of regional policies on governance of minerals faces many challenges.

5.4 Recommendations

Basing on the findings, analysis and conclusions drawn, the study makes three recommendations. Firstly, regional organisations and member countries should now shift from being too ambitious by developing policies and programmes that cannot be implemented or that collide with internal policy and legal framework to making regional policies that can be implemented. That is to say, in order to influence mineral governance policy changes for the implementation of regional mineral governance approaches in Tanzania, regional organisations together with Tanzania government have to devise novel and down-to-earth practical approaches that can transcend usual procedures of treaties and

protocols signing and ratification to that of establishing powerful institutions to take the responsibilities; making sure that regional agreed mineral governance policies and initiatives are mainstreamed and implemented by member countries as agreed.

Secondly, human resources training, advocacy and publication of the regional agreements and proposed proposals among citizens should be done. More specifically, briefing sessions to key implementing institution staff in the countries by the regional authorities should be enhanced. Communication should be made to build rapport for easy implementation of the regional policy. Keen interest should be paid to human resources training to equip them with the needed knowledge and skills to carry out and translate regional policy statements into tangible and manageable guidelines for carrying out national responsibilities that reflect the regional philosophy. Employees of ministries concerned with undertaking implementation should as well have regular refresher courses to update them over the new developments as far as the regional mineral resources governance is concerned.

Thirdly, interdisciplinary centres for research in energy and mineral policies (CREMP) should be created. These may be attached to existing universities among the member states or as independent entities. Their focus should be to research on various aspects of energy and mineral and resources and training experts in the areas of mineral and energy policies who can then strengthen the human resource capacity to undertake challenging tasks of policy making, analysis implementation as well as monitoring and evaluating regional projects. Its curriculum should include but not limited to regional integration, mineral and energy laws, mineral and energy economics, procurement project appraisal, monitoring and evaluation, mineral and energy politics and land laws, mineral and energy security and mineral and mineral policies. These should have a regional perspective theory and geared toward preparing

experts of high integrity. If need be, these should be placed under the custodian of regional organisations.

5.5 Areas for Further Research

More research needs to be undertaken in order to find out the extent to which other resource-rich African countries are particularly benefiting from their memberships into regional organisations in terms of resource governances for sustainable development. With Tanzania being rich in a number of natural resources such as wildlife, forests, water, fossil fuels and fisheries. This study also suggests that further research has to be undertaken to find out the extent to which the regional organisations initiatives have or are helping Tanzania to benefit from such endowments. Critical studies, especially those focusing on the role of EAC and SADC in the sustainable governance of natural gas in Tanzania, are of greater importance as gas has overshadowed other resources. The focus on the gas sector as the future backbone of Tanzanian economy and the geological nature of this resource which makes it not to be constrained in politically defined territories as opposed to solid and hard minerals such as coal, gold and the like provided an entry point for looking deeper into the role of regional organisations in the gas sector in Tanzania.

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APPENDICES

Appendix 1: Thesis Submission Supervisor Authorisation Letter

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Institut Gouvernance, Humanités et Sciences Sociales
Institute of Governance, Humanities, and Social Sciences

Siège Institutionnel : Université de Yaoundé II-SOA, CAMEROUN
Host Institution: The University of Yaoundé II-SOA, CAMEROON

Date: **18 SEPTEMBER 2015**

AUTHORISATION BY THE THESIS SUPERVISOR FOR THE SUBMISSION OF THE DEFENCE PROPOSAL

Details of the candidate submitting the thesis

Full name: CONRAD JOHN MASABO
Matriculation Number: 12G034

Title of the thesis:
REGIONAL ORGANISATIONS AND SUSTAINABLE GOVERNANCE OF MINERAL RESOURCES IN TANZANIA

Thesis supervisor

Full name:
KIVEN JAMES KEWIR (PhD)
NID/passport

E-mail address :
jameskewir@gmail.com

University and Department/Institute to which he/she belongs:
UNIVERSITY OF BUEA, DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

Full postal address:
P. O. BOX 63, BUEA, SW REGION, CAMEROON

The thesis supervisor mentioned above authorises the submission of the thesis for the purpose of seeking its approval for defence.

Signature of the thesis supervisor



Dr. Kiven James Kewir

Appendix 2: List of Interviews

Number	**Date**	**Interviewee Pseudonym**	**Status/ Organisation Interviewee Worked for**	**Location/ Place of Interview**
1	06/07/2015	Rasilimaliasilia	EAC Secretariat	Arusha
2	08/07/2015	Tabianchi	EAC Secretariat	Arusha
3	10/07/2015	Asasi	Arusha Non-Governmental Organisation Network	Arusha
4	20/07/2015	Mchimbamadini	Geita Gold Mine	Dar es Salaam
5	21/07/2015	Kiraia	Natural Resource Governance Institute	Dar es Salaam
6	22/07/2015	Mweledimadini	African Minerals and Geosciences Centre	Dar es Salaam
7	22/07/2015	Uchumimadini	Ministry of Energy and Minerals	Dar es Salaam
8	23/07/2015	Biashara	Ministry of East African Cooperation	Dar es Salaam
9	28/07/2015	Viwanda	Ministry of East African Cooperation	Dar es Salaam
10	29/07/2015	Uwekezaji	Ministry of East African Cooperation	Dar es Salaam
11	30/07/2015	Seramadini	Ministry of Energy and Minerals	Dar es Salaam
12	03/08/2015	Idarakanda	Ministry of Foreign Affairs and International Coopera-tion	Dar es salaam

13	11/08/2015	Maendeleoafri-ca	Ministry of Foreign Affairs and International Cooperation	Dar es salaam
14	14/08/2015	Tehamamadini	African Minerals and Geosciences Centre	Dar es Salaam

Appendix 3: Interview Guide

Part I: Introductory Preliminaries

1. Self-introduction to the interviewee.
2. Brief introduction of the research being carried out of which interview is sought.
3. Expression of terms and conditions of the interview (Duration between 25 minutes and 1 hour; requesting permission to tape record the conversation and signing of confidentiality forms/forms of informed consent).

Part II: Guide Questions for interview

4. What do you think is the role of regional efforts in the sustainable governance of mineral resources in Tanzania? Or in what ways can regional integration contribute to the sustainable governance of mineral resources in Tanzania?
5. Please tell me about the contribution of the AU, the EAC and the SADC in the making of the new Tanzania Mineral Policy 2009?
6. Do you think Tanzania should to be part of the regional mineral resources governance protocols?
7. In which aspects has Tanzania successfully utilised the regional mineral governance initiatives and avenues?
8. What could account for the slow implementation of the regional policies on mineral resources governance?

9. Tanzania is a member of the AU, EAC and SADC protocols and guidelines on mining. Please tell me what you think about Tanzania's adherence to these protocols?

Part III: Interview conclusion

i. Soliciting final comment(s), clarification (s) question from the interviewee (Thank you very much for meeting with me for this interview. I have asked all questions I prepared for, but before I go, I would like to open it to you by asking if there is any other topic/issue you would like to comment on that I might not have included in my questions or if you like to expand on anything you said earlier or if there is any question you would wish to ask me.)
ii. Expressing appreciation to interviewee.

Appendix 4: Research Participation Consent Form

Dear, respondent

You are requested to consent for your participation into a study that aims at investigating the extent to which regional integration has contributed to the sustainable governance of minerals in Tanzania. The reason for asking you to participate is because you are among the stakeholders and thus a potential respondent in this study.

The study will only involve in-depth interviews (stakeholders' or elite's interviews). The interviews will be carried among the stakeholders in decision-making organisations and institutions that have a stake in the Tanzanian mineral sectors mainly officials from select government ministries, mining companies, civil society and regional integration bodies in Dar es Salaam and Arusha, Tanzania.

The decision to participate is important and therefore you are requested to respond honestly to a few questions to the best of your knowledge, experience and opinion.

Confidentiality

The information gathered will be treated with confidentiality such that only the researcher will access the given information in their raw form. In any way, the given information will not be linked to your individual name during report writing.

Benefits

There is no direct benefit for your participation in this study. However, your information will contribute to the understating of the role of regional integration to the sustainable governance of mineral resources in Tanzania and hence making the sector contribute positively to the development of the country.

Participation

Participation into the study is voluntary. You have the right to decline to participate or to withdraw from the study at any point of the interview without saying the reason for your withdrawal. Your decisions whether to participate or not will not in any way jeopardise your employment status. If you agree to participate in the study, please, sign hereunder.

Signature of the respondent …….. Date ……

Signature of the interviewer ……. Date ….....

Appendix 5: Ministry (MEAC) Research Clearance Letter

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF EAST AFRICAN COOPERATION

Telegraphic Address: **'MEAC'**
Tel. No.022-2126827, 2126830, 2126823
Fax No: 022- 2120488/2126651
Email: ps@meac.go.tz
Website: www.meac.go.tz
(All official communications should be addressed to the Permanent Secretary)

NSSF Waterfront 5th Floor
35 Edward Sokoine Road
P.O.BOX 9280
11467 DAR ES SALAAM.

In Reply please quote
Ref No **EA.220/412/01'C'/ 26**

10th July 2015

Conrad John Masabo,
Pan African University Institute for Governance, Humanities
Social Science (PAUGHSS)
C/o University of Yaoundé II
P.O BOX 18 Soa
YAOUNDE- COMEROON

RE : REQUEST TO CONDUCT AN INTERVIEW WITH SOME OFFICIALS IN THE MINISTRY

Please refer to the letter dated 03RD July 2015 that was written to us with the heading above.

The purpose of this letter therefore is to inform you that your request to conduct an interview in regard to research title, '**Regional Integration and Sustainable Minerals Resources Governance in Tanzania**,' has been granted. Please contact Mr. Octavian A. Kivyiro. (**Octavian** kivyiro@meac.go.tz or kivyiroocta@gmail.com 0756718213 for further enquiry.

Bernard Haule
For. **PERMANENT SECRETARY**

Appendix 6: University (PAUGHSS) Research Clearance Letter

PAU

Le Directeur

Siège institutionnel : Université de Yaoundé II-SOA, CAMEROUN
Host institution : University of Yaoundé II-SOA, CAMEROON

N/Ref : 350 UPA/IGHSS/Dai /DAai/Cab

- 8 JUIN 2015

TO WHOM IT MAY CONCERN

RE: ASSISTANCE TO MR. CONRAD JOHN MASABO TO CONDUCT FIELD STUDY

The above heading is concerned.

This is to confirm that the Tanzanian student, **Conrad John Masabo**, born on 06 September 1977; with Registration Number **12G034** is a second year student in the Master of Science in Governance and regional Integration at the Pan African University Institute for Governance, Humanities and Social Sciences (PAUGHSS), hosted at the University of Yaoundé II, Soa-Yaoundé in Cameroon.

In the second year our students are required to write a Masters Dissertation which may require some field data collection that may require conducting of interview, questionnaire administration, or site observation. **Mr. Masabo** is researching for writing a dissertation titled "**Regional Integration and Sustainable Mineral Resources Governance in Tanzania**" which requires some field data from the stakeholders in the mineral sector and regional integration bodies or ministries.

To accomplish his field-work, we are kindly asking you to give **Mr. Masabo** all due and possible assistance during his fieldwork.

Yours sincerely

THE DIRECTOR ai

Professeur Jean Vincent NTUDA EBODE
Docteur d'Etat de l'IEP de Grenoble
Diplômé en Science Politique de l'IEP de Lyon
Habilité à Diriger les Recherches en Droit
et Science Politique des Universités Françaises

Tel : (237) 22707450 / (237) 22707452 --- **Fax:** (237) 22707451 --- **B.P.** 18 Université de Yaoundé II-Soa, Cameroun
Site internet : www.pau-au.org **E-mail:** panafricaineghss@yahoo.fr

Appendix 7: Revenue Watch Institute RGI Components

Institutional & Legal Setting (20%)	Reporting Practices (40%)	Safeguards & Quality Controls (20%)	Enabling Environment (20%)
10 Indicators	20 Indicators	15 Indicators	5 Indicators
Indicator	*Indicator*	*Indicator*	*Indicator*
Freedom of information law	Licensing process	Checks on licensing process	Accountability & democracy (EIU Democracy Index & WGI voice and accountability)
Comprehensive sector legislation	Contracts	Checks on budgetary process	Open Budget (IBP Index)
EITI participation	Environmental and social impact assessments	Quality of government reports	Government effectiveness (WGI)
Independant licensing process	Exploration data	Government disclosure of conflicts of interest	Rule of law (WGI)
Environmental and social impact assessments required	Production volumes	Quality of SOC reports	Corruption (TI Corruption Perceptions Index & WGI control of corruption)
Clarity in revenue collection	Production value	SOC reports audited	
Comprehensive publice sector balance	Primary sources of revenue	SOC use of international accounting standards	
State Owned Company (SOC) financial reports required	Secondary sources of revenue	SOC disclosure of conflicts of interest	
Fund rules defined in law	Subsidies	Quality of fund reports	
Subnational transfer rules defined in law	Operating company names	Fund reports audited	
	Comprehensive SOC reports	Checks on fund spending	
	SOC production data	Government follows Fund rules	
	SOC revenue data	Fund disclosure of conflicts of interest	
	SOC quasi fiscal activities	Quality of subnational transfer points	
	SOC board od directors	Government follows subnational transfer rules	
	Comprehensive fund reports		
	Fund rules		
	Comprehensive subnational transfer reports		
	Subnational transfer rules		
	Subnational reporting of transfers		

Appendix 8: Revenue Watch Institute Tanzanian RGI Scores, 2013

Tanzania's Composite, Component and Indicator Scores

Rank (out of 58)		Score (out of 100)
27	**COMPOSITE SCORE**	50
46	**Institutional and Legal Setting**	44
	Freedom of information law	0
	Comprehensive sector legislation	67
	EITI participation	67
	Independent licensing process	100
	Environmental and social impact assessments required	50
	Clarity in revenue collection	67
	Comprehensive public sector balance	0
	SOC financial reports required	0
	Fund rules defined in law	..
	Subnational transfer rules defined in law	..
27	**Reporting Practices**	48
	Licensing process	50
	Contracts	0
	Environmental and social impact assessments	67
	Exploration data	50
	Production volumes	100
	Production value	100
	Primary sources of revenue	50
	Secondary sources of revenue	100
	Subsidies	0
	Operating company names	100
	Comprehensive SOC reports	0
	SOC production data	0
	SOC revenue data	0
	SOC quasi fiscal activities	..
	SOC board of directors	50
	Fund rules	..
	Comprehensive fund reports	..
	Subnational transfer rules	..
	Comprehensive subnational transfer reports	..
	Subnational reporting of transfers	..
51	**Safeguards and Quality Controls**	68
	Checks on licensing process	33
	Checks on budgetary process	89
	Quality of government reports	71
	Government disclosure of conflicts of interest	100
	Quality of SOC reports	0
	SOC reports audited	50
	SOC use of international accounting standards	100
	SOC disclosure of conflicts of interest	100
	Quality of fund reports	..
	Fund reports audited	..
	Government follows fund rules	..
	Checks on fund spending	..
	Fund disclosure of conflicts of interest	..
	Quality of subnational transfer reports	..
	Government follows subnational transfer rules	..
39	**Enabling Environment**	42
	Corruption (TI Corruption Perceptions Index & WGI control of corruption)	42
	Open Budget (IBP Index)	48
	Accountability & democracy (EIU Democracy Index & WGI voice and accountability)	46
	Government effectiveness (WGI)	38
	Rule of law (WGI)	36

Satisfactory Weak
Partial Failing

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Conrad John Masabo



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