

Understanding environmental and resource conflicts: an analytical model based on mining disputes in China

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Concept

Conflict: (1) incompatibility, (2) action, and (3) actors.

Conflict is “a situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set of scarce resources”
(Wallensteen 2007, p.15).

Environmental conflicts-Incompatibility

- Environmental conflicts: induced by the *environmental scarcity* (Percival and Homer-Dixon,1998)
 - ❖ *Supply-induced scarcity, degradation and depletion* of an environmental resource;
 - ❖ *Demand-induced scarcity*, resulting from population growth within a region or increased per capita consumption of a resource;
 - ❖ *Structural scarcity*, arising from an unequal social distribution of a resource

Environmental Conflict-Action

- Regional differences, different *actions*
- Studies on Actions: peace and conflict studies, contentious politics, and legal studies and so on
 - ❖ the mechanism between the resource scarcity and possibility of war
 - ❖ contentious politics through case studies, using a processing-tracing methodology

Studies on environmental conflict

- However, *inconsistency of the record of the form of conflicts*
- So it is challengeable to assess the trend and explanatory factor
- they are not sufficient to provide a comprehensive approach to conflict analysis, and hard to generate a comparative and generalized pattern.

Conflict Analysis Model

- ❖ *Source*, defined as the type of conflict;
- ❖ *Actors*: players involved in the conflict;
- ❖ *Frequency*, the number of times a type of conflict occurs during a given period;
- ❖ *Timing*, historical period or project stages of the most frequent conflict;
- ❖ *Intensity*, the level of petition /litigation, the associated economic / social costs;
- ❖ *Duration*, time that a conflict lasts measured in days, weeks, months or years;
- ❖ *Nature*, i.e. violent or non-violent, civil disobedience;
- ❖ *Outcome* as the result of the conflict

Conflict analysis model in legal mining conflict

- ❖ Source: litigation causes
- ❖ Actors: plaintiffs and defendants in courts
- ❖ Timing: mining development stages
- ❖ Intensity: the level of courts and appeal rate of the cases
- ❖ Outcome: decisions at courts

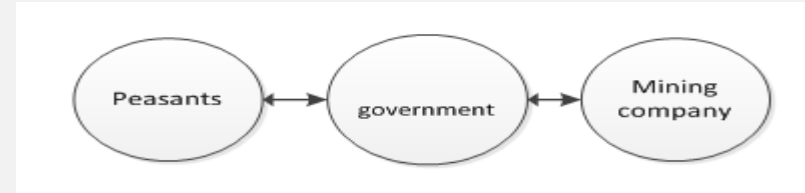
Data

- ❖ Court cases online (www.wenshu.court.gov.cn).
- ❖ Keywords including 'mining', 'land acquisition', 'land expropriation', 'subsidence', and 'relocation'.
- ❖ Conflicts involved with local communities, mostly farmers.
- ❖ 77 conflicts cases

Mining Conflicts in China- land acquisition

Land acquisition procedure in law:

Land acquisition conflict in court:



| Indicator | Number (25 cases nation-wide) |
|------------------|--|
| <i>Source</i> | Rent disagreement when contract renewal (8), rent delay (6), rent distribution (5), Gvt intervention (3), other(3) |
| <i>Actor</i> | Farmer vs mines (15), village vs mines (8), farmer vs village (2) |
| <i>Timing</i> | Planning and construction stage (3), Production stage (21) |
| <i>Intensity</i> | Basic court (25), appeal to Intermediate court (11) |
| <i>Outcome</i> | Not accept (3), Valid Contract (12), Invalid contract (10) |

Mining Conflicts in China- land acquisition

- Actors



- Contracts by farmers and mines violate law, but half were deemed as valid
- Law/institutions not applicable at grassroots

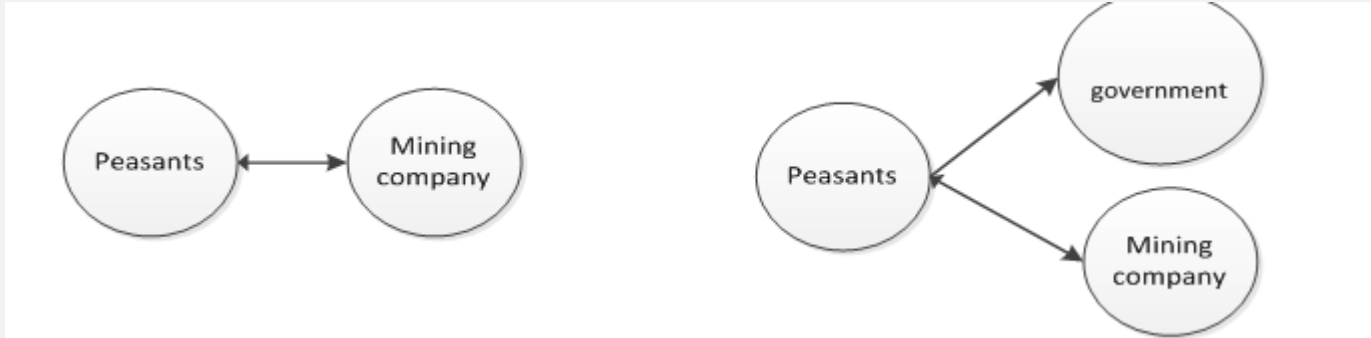
Mining-induced Displacement in China

- Floating villages
- Displaced residents > 2.3 million only in Shanxi Province



Mining-induced Displacement in China

-Distort relations



Mining-induced Displacement in China-1

Who to sue? Mining company or the government?

| Indicator | Number (15 cases nation-wide) |
|------------------|---|
| <i>Source</i> | Whose liability to mining-induced land subsidence and relocation |
| <i>Actor</i> | Farmer vs mining company (12); Farmer vs government agency (3) |
| <i>Timing</i> | Operation stage (15) |
| <i>Intensity</i> | First instance: Basic court (13), Intermediate court (2) Appeal: Intermediate court (11), provincial court (2) |
| <i>Outcome</i> | All not accepted |

Mining-induced Displacement in China-1

Who to sue? Mining company or the government?

- ❖ The court: Mining companies are not entitled to act as a legal entity as a defendant in relocation cases.
- ❖ Instead, it should be dealt with as an administrative case against a government's misdeed.

Mining-induced Displacement in China-2

Land and resource bureaus challenged as arbitrator

| Indicator | Number (8 cases nation-wide) | |
|------------------|---|--|
| <i>Source</i> | Government as arbitrator to identify the responsible party (8) | |
| <i>Actor</i> | Farmers vs land and resources bureau (3) Mining company vs land and resources bureau (5) | |
| <i>Timing</i> | Operation stage (4); Operation & Closure stage (4) [in case of several mines around] | |
| <i>Intensity</i> | First instance: Basic court (8) | Appeal: Intermediate court (6) |
| <i>Outcome</i> | Withdrawal (1) Bureau of land and resource: -win (6) -lose(1) | Bureau of land and resource: -win (4); -lose(2) |

Mining-induced Displacement in China-2

Land and resource bureaus challenged as arbitrator

- ❖ Neither farmers nor mining companies satisfied with the administrative rulings by the local land and resources bureau
- ❖ Courts only make decisions based on the legality of the administrative procedures
- ❖ Land and resource bureaus lost 1 case (out of 8) at local court

Mining-induced Displacement in China-3

Township government challenged as implementer

| Indicator | Number (15 cases nation-wide) | |
|------------------|--|--|
| <i>Source</i> | the eligibility for compensation (8 cases), disagreement with the amount of compensation (7 cases) | |
| <i>Actor</i> | Farmers against township government (15) | |
| <i>Timing</i> | Production stage (15) | |
| <i>Intensity</i> | First-instance: Basic court (15) | Appeal to Intermediate court (11) |
| <i>Outcome</i> | Township government: -win (13), lose (2) | Township government: -win (5), lose (6) |

Mining-induced Displacement in China-3

Township government challenged as implementer

- ❖ government implement the resettlement
- ❖ Vulnerable groups may excluded from compensation, due to lack of formal household registration (*hukou*) or agricultural land
- ❖ Local court in favour of government, Higher court defend vulnerable groups
- ❖ But vulnerable group may not get compensation by local government even they won

Mining-induced Displacement in China-4

Administrative litigation against compensation standard

| | | |
|------------------|--|---|
| Indicator | Number (14 cases nation-wide) | |
| <i>Source</i> | Disagree with the compensation standard (14) | |
| <i>Actor</i> | Farmers against township government (11) Farmers against county and prefecture government (3) | |
| <i>Timing</i> | Production stage (14) | |
| <i>Intensity</i> | First-instance: Basic court (10) Intermediate (4) | Appeal to: Intermediate court (6) Provincial higher court (4) |
| <i>Outcome</i> | Not accepted (14) | Not accepted (10) |

Mining-induced Displacement in China-4

Administrative litigation against compensation standard

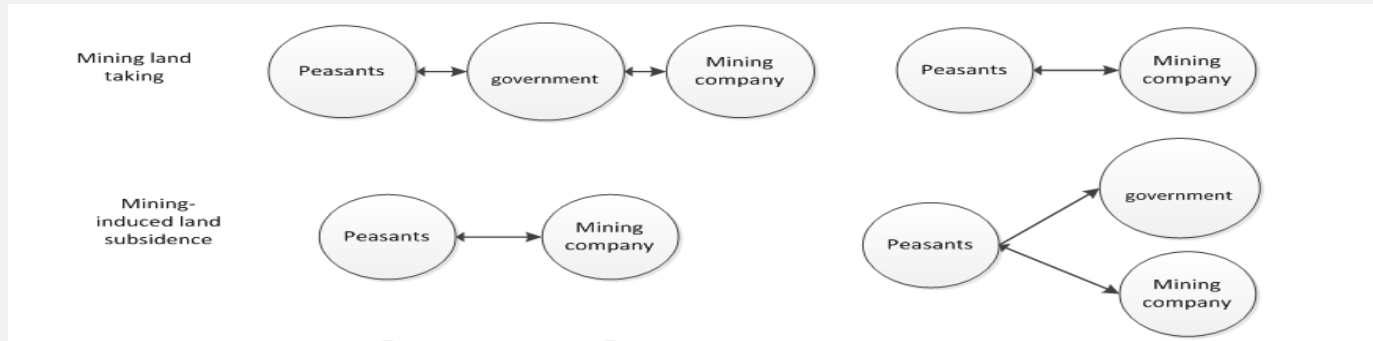
- ❖ Government set the compensation standards
- ❖ Compensation is low: land expropriated for urban construction (30 times of annual land productivity -ALP); subsidence land (12 times ALP), dam construction (16 times ALP)
- ❖ Compensation standards not challengeable in courts

Conclusions

| Indicator | Mining land acquisition | Mining land subsidence induced conflicts |
|-----------|--|---|
| Source | Rent disagreement on expropriated land | whose responsibility? low compensation |
| Actor | Mostly farmer against mining company | Mostly farmer against government agencies |
| Timing | Mostly operation stage | Mostly operation stage |
| Intensity | Mostly basic court, appeal rate medium | intermediate court, appeal rate high |
| Outcome | Court judgment inconsistent | Most cases rejected; farmer at disadvantage position |

Conclusions

- ❖ Causes of conflict: land rent and land subsidence
- ❖ Actors: distorted relations



- ❖ Timing: resettlement after land subsidence
- ❖ Intensity: high appeal rate
- ❖ Outcome: inconsistent decisions by courts; farmer at disadvantage position; most cases were not solved in courts.

Conclusions

the conflict analysis model provides a way to gauge the level of conflict by disaggregating the source, actor, frequency, nature, timing, duration, intensity, and outcome of the disputes.

China's mining institution: conducive to fast and unchecked mineral exploitation, but not protect environment and community

Thank you for your attention!
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