

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

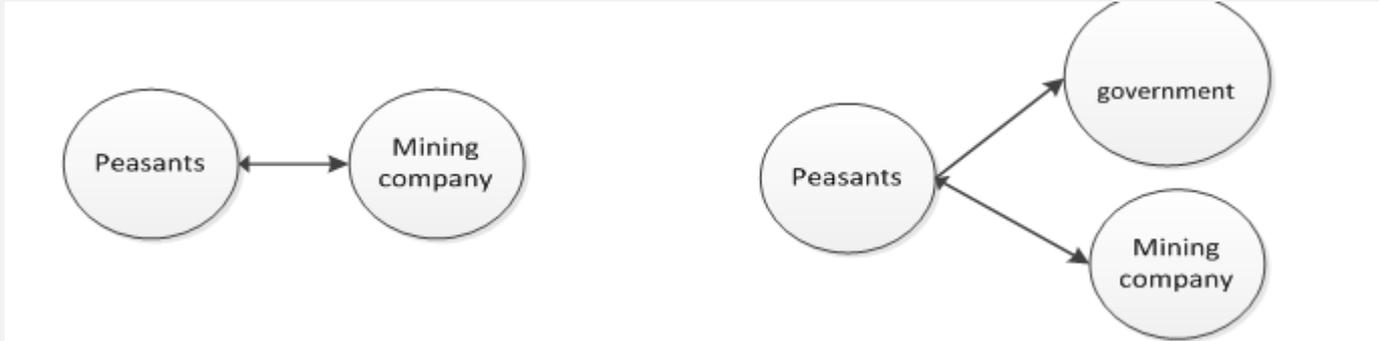
Mining-induced Displacement in China

- 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

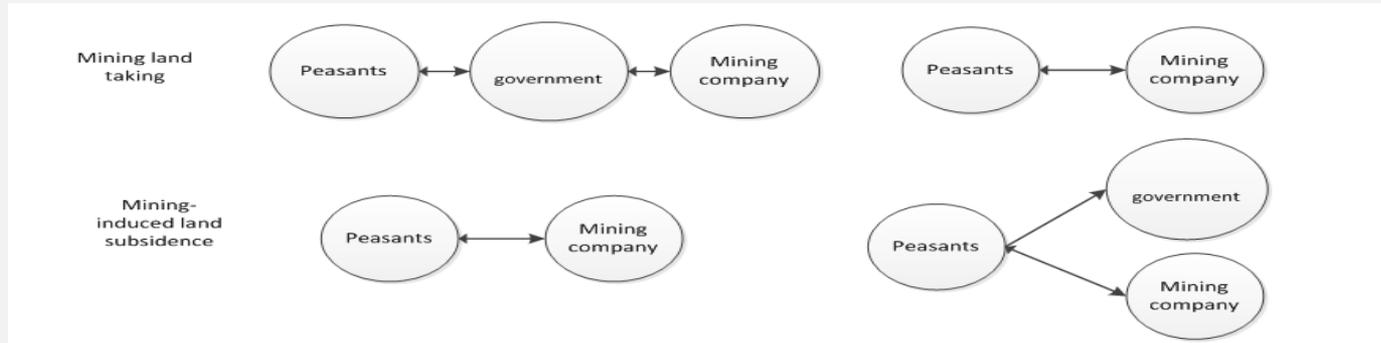
- ❖ Government set the compensation standards
- ❖ Compensation is low: land expropriated for urban construction (30 times of annual land productivity -ALP); subsidence land (12 times ALP), dam construction (16 times ALP)
- ❖ Compensation standards not challengeable in courts

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

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