CORPORATE SOCIAL RESPONSIBILITY, IMPACT AND CONFLICT IN MINING OPERATIONS: THE CASE OF TITANIUM MINING PROJECT IN KWALE, KENYA

BY

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A Thesis Submitted to the School of Arts and Social Sciences, Department of Sociology, Psychology and Anthropology in Partial Fulfillment of the Requirements for the Award of Doctor of Philosophy Degree in Sociology

Moi University

DECLARATION

Declaration by Candidate

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DEDICATION

I dedicate this work to all those who gallantly put their lives on the line as they strive to protect and save lives, alleviate human suffering and promote peace in an environment rife with conflict and violence as well as to those who have longed for security, stability and peace which has often proven elusive. May their yearnings materialize and live to cherish good tidings in secure, stable and peaceful environment.

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ABSTRACT

In both developed and developing countries, mining often spark conflict between extractive corporations and governments on one hand and the communities affected by the sector's activities on the other. Research shows that conflict within mining enterprises usually arise over land seizure, unfair compensation, not benefiting from the mining project, land degradation, and human rights abuse. To assuage community disaffection over mining projects, most mining companies opt to engage in Corporate Social Responsibility (CRS) activities. CSR refers to action by a firm which it chooses to take to boost stakeholder's welfare, in most cases, local communities are rarely satisfied with the Programmes that are rolled out. But what happens to these CSR activities when a new company takes over a mine whose management had made firm commitments to community development and environmental protection? This study delves into this concern. The objectives of this study were to examine the impact of ownership changes ounces in host communities, to assess how the impact of ownership changes expressed shape and affect the relations between the community and the extractive company/government and to assess Kenya's CSR legal and policy framework. The study was qualitative in nature, and adopted the following methods: In-depth interviews, key informant interviews, focused group discussion (FGD), observation and visual sociology. The study was carried out where CSR activities had been implemented by Base Titanium (the present extractive company), that is, Kikokeni, Mrima-Bwiti and Shimba Hills. The researcher interviewed household heads who were purposively chosen. Interviews were carried out until no new information was forthcoming (a method referred to as saturation principle). A key informant interview was conducted among executives of the extractive industry, officials of the department of mining and geology, and officials from the ministry of lands as well as with the community leaders. The Stakeholder and livelihood theories were used to guide the study. A thematic analysis of the scripts of interviews was done after raw data was broken into common themes and patterns. It was envisaged that from this study that a more robust CSR process, policies and legal framework, that concretely addresses the concerns and needs of mining communities, will be pursued. The study also bore theoretical significance by demonstrating the versatility of the theories selected. It was expected that the study would further contribute to the on-going discourse on mining, mining conflicts and CSR antinomies.

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ABBREVIATIONS AND ACRONYMS

ACSF Africa Corporate Sustainability Forum

AICC African Institute of Corporate Citizenship

BMU Likoni Beach Management Unit ("BMU")

BSCI Business Social Compliance Initiative

BT Base Titanium

BiTC Business in the Community

CBOs Community Based Organizations

CERES Coalition for Environmentally Responsible Economies

CLC Community Liaison Committee

CME Continued Medical Education

CRRs Country Review Reports

CSI Corporate Social Investments

CSR Corporate Social Responsibility

EITI Extractive Industries Transparency Initiative

DFID Department for International Development

DEA Department of Environmental Affairs

DME Department of Minerals and Energy

DMR Department of Mineral Resources

ECDC Early Childhood Development Centre

EMCA Environmental Management and Coordination Act

EIA Environnemental Impact Assissent

EMP Environnemental Management Programme

FGD Focused Group Discussions

FREC Faculty Research and Ethics Committee

GDP Gross Domestic Product

GFI Gross Farm Income

HS Host Site

IVSA International Visual Sociology Association

KEBS Kenya Bureau of Standards (KEBS)

KII Key Informant Interviews

KLC Kwale Liaison Committee

KMTC Kenya Medical Training College

LLC Likoni Liaison Committee

LT Livelihoods Theory

MA Mineral Act

MAC Mining Affected Communities

MB Mrima-Bwiti

MPLC Mining Project Liaison Committee

MR Mineral Rights

NEMA National Environmental Management Act (of 1998)

NGO Non-Governmental Organization

OECD Organization of Economic Commission for Development

PHC Primary Health Care

PMTCT Prevention of Mother to Child Transmission

QoL Quality of Life

RS Resettlement Site

SCLC Sub-County Liaison Committees

SIA Social Impact Assessment

SL Social License

SML Special Mining Lease

ST Stakeholder Theory

SWOT Strengths, Weaknesses, Opportunities and Threats

TB Tuberculosis

USA United States of America

VSLA Village Savings and Loans Association

WACAM Wassa Association of Communities Affected by Mining

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 Background of the Study

Studies generally show that conflict in mining enterprises revolve around land ownership, 'biased' or inadequate compensation issues, around environmental degradation concerns, over human rights abuse matters and over mine induced poverty (Masondo & Lekotjolo, 2010). Corporate Social Responsibility (CSR) is at times offered as an attempt to ameliorate these conflicts (Imbun, 2007). According to European Commission (2001), CSR is an activity where companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. Frynas (2005) on his part looks at CSR as a strategy for demonstrating good faith, social legitimacy (SL), and a commitment that goes beyond the financial bottom line. Holmes & Watts (2002) on the other hand looks at CSR as capacity building for sustainable livelihoods. Rowland (2015) argues that CSR is about how companies manage the business processes to produce an overall positive impact on society.

Mining communities face several social problems that impacts negatively on communities in a number of ways, such as loss of homes, loss of livelihoods, marginalization, food insecurity, poor health and illness, psychological trauma, and social and cultural risks, among others (Yawar, 2014). Communities perceive these problems as having been caused by the miners and their operations. Therefore, the solutions to these problems, communities insist, lie with the managers of these mines. Although there is a strong sense of dependency in these communities, it is important to note that some are looking to move away from this dependency. However, they acknowledge that in order to do so they need some initial external support, be it

government or the mining company itself (Szablowski, 2015). Some of this support is in form of CSR programmes. Studies have however shown that the performance of the various CRS programmes rolled out rarely satisfy the local communities (Mazurkiewicz, 2013).

It is also normal for mining operations to change hands from one company to the other like the case of Tiomin and base titanium which was due to financial constraints and poor publicity. The question that arises is what then is the fate of the various CSR programmes when mining operations are taken over by another mining entity? The second question that arises is does the change reflected on above and the impact that arises from this change affect the relations between the community and the extractive company/government. This phenomenon referred to as 'inherited CSR' (see Hilson, 2011) has received little attention in literature, let alone in the context of mining, an industry which is fraught with conflict over mining activities, and one in which changes in ownership do occur (Philippe at el, 2014).

In recent years, criticisms of mining companies' environmental and social performance have mounted (see Earthworks, 2003; Lange, 2006; Pegg, 2003, 2006); but few analyses have taken stock of the industry's dynamic managerial structure and the impacts a change in mine ownership can have on CSR activities. This applies to Africa, a region where corruption is rampant, fiscal transparency is low and, where despite what may be said otherwise, the pressure to embrace the concerns of communities is virtually nonexistent (Hilson, 2011). Much to the extent that contracts with workers tend not to be honored, suppliers are changed and production facilities are closed following the arrival of new management at a mine, commitments to community and CSR programs can also be sidelined. In order to appreciate what impact a change in ownership may have on local people, it is imperative to first revisit

the arguments on which the case for CSR in the extractive industries and mining was advanced—a glimpse of this is found in the definitions provided at the beginning of this section.

This research therefore aimed at examining the impact of ownership changes on CSR in host communities when these CSR activities changes hands (from an 'old' extractive company to a 'new' extractive company), and to examine how the impact of ownership changes expressed above affect the relations between the community and the extractive company/government. The study goes further to examine how the existing CSR legal and policy framework in Kenya's mining sector intersect with community narratives. The study was carried out among the mining community of Kwale where titanium mining is currently taking place.

1.2 Statement of the Problem

Evidence shows that most companies choose to engage in some form of CSR even if only to obtain the social license¹ needed to be able to carry out their operations (Hilson 2011). Companies are however given a free hand to decide how they wish to engage in CSR activities since most countries do not have a legal framework on CRS (Korhonen, 2013). As evidenced, some companies engage in divisive CSR activities that lead to conflicts as they are discriminatory in their CSR practice (Hilson, 2011; Proti, 2012). This then leads to what Akpan (2014) calls "fragmentation of communities", which is the practice where companies choose to carry out CSR activities among some communities but choose to ignore others, even when both communities are affected by their operations.

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¹ The Social License has been defined as existing when a project has the ongoing approval within the local community and other stakeholders. Social License is rooted in the beliefs, perceptions and opinions held by the local population and other stakeholders about the project (Hilson, 2011).

CSR is most crucial among extractive companies (Casamba, 2014). Extractive companies dealing in either solid or 'liquid' minerals need CSR more than other companies engaged in other forms of businesses. This is because mining invariably leads to displacement and as a result, the affected communities are usually more aggrieved; this is more-so given the symbolic nature of mining. Such affected communities therefore demand for what they refer to as 'adequate' compensation (Rae and Rouse, 2001). To pacify these communities, extractive companies engage in CSR not only to obtain the earlier mentioned social license, but to also appease the communities that they are indeed benefiting from the mining activities taking place on their condemned land. CSR activities are necessary given the fact that mining communities experience hardships such as inadequate compensation, exhaustion of economically valuable natural resources, pollution, human rights abuse and mine induced poverty when they have been displaced from their ancestral lands or while acting as host to the mining operations (Thomson and Boutilier, 2011). The issue of corporate citizenship has also taken a central role in the sociology of mining (Reid, 2014). This is the process where mining companies are integrated in the community and become 'one of them'. CSR activities thereafter become a matter of course, and the companies become more than ever obligated to work towards the betterment of the community. But as evidence shows, more often than not, mining communities are never quite satisfied with the depth and breadth of the CSR activities pursued by these extractive companies (Imbun, 2007: Hilson, 2011).

The question that one may ask is how CSR activities have performed in instances where the extractive company has been in operation in the mining area for more than a decade. Allen (2016) shows that companies that have been in operation for a long time tend to have better CSR programmes and policies. It is thus expected that should

such companies change hands, then its various programmes would remain standing given the roots it has already established in the community. CSR becomes more crucial when it is noted that in much of Africa, there is no legal or policy framework that guides CSR activities. In Kenya for example, the new mining law (the Mining Act 2016) -. This new law only urges extractive companies to engage in CSR as a voluntary activity and this continues to re-enforce the voluntariness of this activity as observed by Abuya (2017). Therefore, when a new company takes over, it is not mandatory for it to continue what the previous company's 'obligations'—this includes the 'inherited' CRS commitments. Ignoring these previous commitments may affect community-company relationships. Of note however, is that a new bill has been proposed, the local content bill that would force extractive companies to be legally binding to have CSR plans in place. The debate on this is on-going, but given that weak governments are usually overwhelmed by the influence that these large multinationals exert (see EARTHWORKS, 2003; Lange, 2006; Pegg, 2003, 2006 on discussion on this) the fate of this bill is uncertain. Already the bill is in its seventh year since it was first tabled.

But what happens when mining operations change hands (from one extractive company to another)? Regardless of location, when a company's industrial activities come under new ownership, changes are inevitable. Labour force is restructured, downsizing often takes place, Programmes are changed, modified or cancelled, and machinery is replaced outright. These changes are made by management who, mindful of the purpose of doing business, are looking to reducing costs and maximize profits (Allen, 2014). New management brings new ideas and often implements radically different policies. With little evidence to suggest that CSR, at least in the conventional sense successfully applies to mining, it has become nearly impossible to

forecast what a company operating in Africa will do following a merger or acquisition. On a positive note, some of the more progressive mining companies that have acquired projects and exploration 'rights' have mostly upheld some of the commitments made by previous managements, often using existing policies as a foundation to develop more comprehensive programs (Hilson, 2011). But other companies have chosen to ignore 'inherited' commitments completely, either choosing to instead implement what are arguably more regressive community development programs and CSR policies, or abandon CRS activities altogether (Casamba, 2014).

The problem in Africa is that there is no real need for mining companies to remain loyal to the pledges they 'inherit', as the legal framework that would ensure this is often not in place. This is exacerbated by the fact that companies in Africa are often found to be operating in areas where governance is low, regulatory enforcement is questionable (if at all one exists), corruption is rife, and where fiscal transparency is low. Thus, implementation of commitments (including CSR commitments) where agreement has been reached would still be problematic given this fluid environment. In fact, due to corruption that is rife on the continent, much of which is characterized in the mining industry (and this includes CRS activities) are not implemented yet such implementation was meant to benefit the community. This is what leads Fondo (2015) to assert that despite what may otherwise be said, the pressure to embrace the concerns of communities is virtually nonexistent. The arrival of new management results in a fusion of corporate cultures, which, in turn, can lead to the setting of often radically different goals and the implementation of new programs, of which CSR activities are invariable affected.

Little research has been undertaken to determine the outcome of such mergers, or

outright takeover of a company, on CSR. Only the works of Reid (2004:24-29), Cohen, (2011), Masondo & Lekotjolo (2014) and Hilson (2011) have been found; in these studies, the fate of CRS strategies have largely been a mixed bag in which some policies and programmes have been retained while in other instances, the commitments have been abandoned, replaced of revamped. Of these, only one (Hilson's research) focussed on Africa (in particular, Ghana). None of the three however, looked into the impact of the changes on CSR programmes in the wake of change of ownership of an extractive company. The researchers were more interested in examining the causes of the change and the process thereof. None as well examined how these impacts affected the relations between the community and the extractive company/government and/or how existing CSR legal and policy framework intersect with community narratives/sentiments.

This study therefore delved into this rather unexplored area of research. This study examined the impact of ownership changes (from Tiomin (K) to Base Titanium Resources) on CSR and the consequential effect of this on social relations between the extractive company and the community. The study goes further to examine how existing CSR legal and policy framework in Kenya's mining sector (such as the New Mining Act 2016, the Mining Policy 2010 and the Local Content Bill 2010) resonates with the local mining community.

1.3 Research Questions

The study was guided by the following research questions:

- 1. What is the impact of ownership changes on CSR in host communities when these CSR activities changes hands (from an 'old' extractive company to a 'new' extractive company)?
- 2. How does the impact of ownership changes expressed in (i) above affect the

relations between the community and the extractive company?

3. How do existing CSR legal and policy framework in Kenya's mining sector intersect with community narratives?

1.4 General Objective of the Study

The general objective of the study was to examine the impact of ownership changes on host communities when CSR activities change hands and how these changes affected the community/company relationships.

1.4.1 Specific objectives

- To examine impact of ownership changes on CRS in host communities when CSR activities changes hands (from an 'old' extractive company to a 'new' extractive company);
- To assess how the impact of ownership changes expressed in (i) above shape and affect the relations between the community and the extracting company/government; and,
- 3. To assess the existing CSR legal and policy framework in Kenya's mining sector and to assess how this framework intersect with community narratives.

1.5 Justification for the Study

This study was found to be necessary since Kenya's nascent mining industry is now set for big times, with the discovery of oil in Turkana, coal in Kitui and the coast etc. There is bound to be more conflict over resource control and management, as such there is need to understand the dynamics of the witnessed conflicts. This understanding will therefore assist in the formulation of better policies and more robust legal framework that will help on addressing these conflicts. One such area of interest is on how CSR can be used to manage these conflicts. The study attempts to

come up with insights on why CSR has so far failed to assuage community disaffection with mining enterprises. The study is expected to also help monitor progress and identify additional stumbling blocks on the road to improved company/community relations, and inform similar studies at other mining companies to work towards community relations benchmarks in the mining industry. Given that sociology is interested in the study of social relations and in looking into how certain activities (in this case how state and company development activities) can negatively affect communities, this study offers an opportunity to delve into this area.

1.6 Significance of the Study

The study bears policy and theoretical significance. On the policy front, the study hopes that the findings of this study will be used by policy makers to make informed decisions on the kind of policies and regulations that are needed in the extractive industry. The study also hopes that managers of extractive industry will use these findings in the design of their CSR programmes. Furthermore, this study is expected to add knowledge to previous studies on corporate social responsibility by adding the component of its effect on change of ownership and in the long-term performance.

Finally, the study bore some theoretical significance. The relevant theories adopted for this study are the livelihoods theory and the stakeholder theories. The first theory posits that the poor do at times take advantage of expanding economic opportunities to improve their conditions (Philippe, 2013). The second one argues that companies should integrate sustainable economic development concerns into business operations by accommodating the concerns of stakeholders. The stakeholder model shows all the stakeholders contribute as inputs and try to obtain benefits as output (Stuart, 2014). This study thus demonstrates that the two theories have crucial input in the understanding of CSR and how CSR programmes can be made to succeed.

1.7 Organization of the Thesis

The rest of the thesis is organized as follows:

1.7.1 Chapter Two: Literature review

This chapter reviews literature in relation to research objectives. Specifically, literature touched on CSR in Kenya, Perceived Barriers and Challenges to Effective CSR in Kenya, CSR development and implementation, 'Inherited' Corporate Social Responsibility in the Mining Industry, Evidence of Change of Ownership of Mining concerns in Kwale, The Role CRS in Community Development as well as Carroll's Pyramid of Corporate Social Responsibility. The chapter also discussed the theoretical frameworks that help in understanding the concept of corporate social responsibility.

1.7.2 Chapter Three: Research methodology

This chapter describes the research design adopted. It then identifies the target population from which the sample was selected and the sampling techniques used in identifying the respondents for the study. The methods used in the study included Indepth interviews, key informant interviews, focused group discussion (FGD), observation and visual sociology. The chapter ended by describing the data analysis techniques used in analyzing the data and the models applied in data analysis.

1.7.3 Chapter Four: Impact of company ownership changes on CSR

This chapter looks at the impact of company ownership changes on corporate social as analyzed and interpreted from the data that was collected from the field using the techniques described in Chapter Three. Five themes emerged, and these were: Deception which from the sociological context means a major relational transgression that often leads to feelings of betrayal and distrust between relational

partners or company and community. The other theme was Failed Promises (used to refer to promises that were either never started or were started but implemented unsatisfactorily), next is Discrimination and Marginalization (the process of pushing a particular group or groups of people to the edge of society by not allowing them an active voice, identity, or place in it), then there is Fear and Apprehension (response to an imprecise or unknown threat), and last was Empowerment (which refers to the process of enabling or authorizing an individual to think, behave, and take action, and control work and decision-making about their job in autonomous, independent and self-directed ways).

1.7.4 Chapter Five: Impact of ownership change on social relations

Chapter five examineshow the impact of ownership changes expressed in objective one affects the relations between the community and the extractive company. In this section, the following social relations formed the theme of the study: Relations of Frustration and aggression, Relations of Trust and Relations of reciprocity and exchange, relations of social conflicts and relations of prejudice.

1.7.5 Chapter Six: Legal and policy framework in Kenya's mining sector

This section has captured and analyzes the existing CSR legal and policy framework in Kenya's mining sector intersect with community narratives within both the host and the resettlement site. The respondents had various feelings about the CSR policy provisions with regard to the Minerals Policy 2016, The Mining Act 2016 and The Local Content Bill 2016.

1.7.6 Chapter Seven: Discussion of findings, recommendations and conclusions

Chapter seven gives the summery of the findings of the study. The summery is given in relation to the aim, objectives, assumptions and research questions that this study was based on. Answers to the research questions are briefly discussed in this section so as to give an overview of the findings. Conclusions and recommendations of the study are also presented in this chapter. The chapter ends with an outline of suggestions for further research.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter reviews literature in relation to research objectives. The various mining companies as well as non-mining companies that have participated in CRS activities within their respective local community environments will be identified. The chapter also discussed the theoretical frameworks that help in understanding the concept of corporate social responsibility. The Stakeholder theory posits that companies often engage many stakeholders who should integrate sustainable economic development concerns into business operations and in their interactions with stakeholders. The stakeholder model shows all the stakeholders contribute as inputs and try to obtain benefits as output while the livelihood's theory reinforces the stakeholder's theory which has failed to emphasize the importance of CRS activities as a way of alleviating poverty and enhancing livelihoods. Specifically, literature touched on CSR in Kenya, Perceived Barriers and Challenges to Effective CSR in Kenya, CSR development and implementation, 'Inherited' Corporate Social Responsibility in the Mining Industry, Evidence of Change of Ownership of Mining concerns in Kwale, The Role CRS in Community Development as well as Carroll's Pyramid of Corporate Social Responsibility.

2.1 The Concept of Corporate Social Responsibility (CSR)

Through published literature, it seems that, in practice or even in theory there is no any contextual and a world-wide acceptable definition of the key term corporate social responsibility (CSR), it depends upon with the way and manner one looks at it, because even among the classical, neoclassical and modern scholars, they did not reach any consensus or unanimous concord as regards to the conceptual connotation

or denotation of the term. But this will never slow our effort in looking at the contradicting views of the scholars. The term corporate social responsibility is often used interchangeably with other terms such as corporate citizenship and is also linked to the concept of triple P (I. e People, Planet, Profit), (Sarin, 2006). Or triple bottom line reporting (TBL), which is use as a framework for measuring an organization's performance against economic, social and environmental parameters (Shah, 2007). From the point view of Frooman (1997) CSR is just an action by a firm, which the firm chooses to take, that substantially affects an identifiable social stakeholder's welfare.

According to European Commission (2001) looks at CSR as a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis. In view of Ruggie (2002) he looks at CSR as a strategy for demonstrating good faith, social legitimacy, and a commitment that goes beyond the financial bottom line. But Holmes& Watts (2002) look at CSR as capacity building for sustainable livelihoods. In respect of cultural differences and look for business opportunities in building the skills of their employees, government and the community at large. While Baker (2005) argues that CSR is about how companies manage the business processes to produce an overall positive impact on society. The concept of CSR because of its complexity according to (CSR policy) they defined it as "a concept where by companies integrate social and environmental concern into their business operations and in their interaction with their stakeholders (employees, customers, investors, local communities, government), on a voluntary basis". While in accordance with the organization; Business for Social Responsibility (BSR), they define CSR as "operating a business in a manner that meets or exceeds the ethical, legal, commercial, and public expectations that society has of business." But according to the Conference Board of Canada, they defined CSR as the overall relationship of the corporation with all of its stakeholders. These include customers, employees, communities, owners/investors, government, suppliers, and competitors. Elements of social responsibility include investment in community outreach, employee relations, creation and maintenance of employment, environmental stewardship, and financial performance.

While there is no universally accepted definition of CSR, it is usually described in terms of a company considering, managing and balancing the economic, social and environmental impacts of its activities (PJC, 2006). Based on the definitions given by Business for Social Responsibility ²(BSR) and The World Business Council for Sustainable Development (WBCSD, 1998), BSR definition is more broader than that of WBCSD as it presupposes that business decision should not only focus on profitability but should also be concerned about ethical values, legal requirements as well as respect for people, communities and the environment. But in the case of the Nigerian economic context corporate social responsibility (CSR) is being perceived by most commentators as business contributions to the immediate community and the economy as a whole for development and progress even as the expected contributions are extraneous to their regular business activities as cited by Dandago (2011).

According to Tsoutsoura (2004) CSR is viewed "as a comprehensive set of policies, practices, and programs that are integrated into business operations, supply chains, and decision making process throughout the company and usually include issues related to business ethics, community investment, environmental concerns, government, human rights, the market place as well as the work place".

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² Business Social responsibility (BSR) pertains to people and organizations behaving and conducting business ethically and with sensitivity towards social, cultural and environmental issues.

2.2 History and Evolution of CSR

2.2.1 History of CSR

The history of CSR can be divided into two periods; before the 20th century and after the 20th century. There are legal documents tracing back more than 5 000 years which show evidence of humans being concerned about social and environmental matters. A good example is the King Hummurabi of Ancient Mesopotamia, known for establishing a code which made farmers, inn keepers and builders responsible for a person's death, given that it could be shown that the death was a result of another person's negligence. King Hammurabi's code made both companies and citizen act in a responsible manner and made people aware of the fact that their actions had consequences (Asongu, 2007). The modern concept of CSR started in the beginning of the 20th century when the debate of the company's role in the society was raised. Even though it did not contain questions about Internet spam or genetically modified goods, a lot of that time's debated questions are still up to date (Asongu, 2007).

Since a lot of people back then used to be engaged in the manufacturing industry, the governments realized that legislation, to some extent, had to be developed in order to improve the conditions for the workers (Blowfield & Murray, 2008). During the 1960s, when the welfare state was introduced, the discussion of CSR was raised once again. Companies started to be seen as more artificial persons which had similar rights as individuals. The society demanded that the companies yield financial return and also take interest in the society as well as the environment. Furthermore, governments also started to legislate about environmental matters (Blowfield & Murray, 2008). The current emphasis of a company's role in the society is focused on its moral and ethical behavior and companies must, in order to serve the society, look into both national and international legislation (Asongu, 2007).

2.2.2 Evolution of CSR

The emergence of accountability, governance, responsibility and transparency for the private sector has created different approaches to social responsibility and business conduct. In the era of President Johnson in the United States, the phrase "quality of life" was introduced and changed the whole significance of consumer products and consumerism. The notion of quality products, quality of working life and quality of the environment became issues for the public and corporations had to react to this new trend by introducing products that were safe. Certain business sectors such as nuclear power and tobacco started to be questioned. There was recognition of the need to have ecological, environmental, economic and social balance which meant that the private sector was seen as the actor to bring solutions to these consumer concerns. Companies started to create and publish new policies and expand internal training and communication programs to promote compliance. They started to lobby to influence public opinion and the government. Some companies initiated "catching-up" initiatives such as establishing equal employment opportunities for minorities. Large corporations began to go public about corporate social responsibilities and publish some of their efforts, but they also made public that "any approach to corporate responsibility must begin with the practical recognition that the corporation must be profitable enough to provide shareholders a return that will encourage continuation of investment" (Wilson, 2000: 12).

2.2.3 CSR today

In spite of the prevailing vagueness of the exact boundaries as regards to the concept of CSR, most academics and practitioners seem to be in accordance on one aspect: Somewhat contrary to the argument of Friedman in the 1970s, CSR implies the company going beyond the explicit legal obligations. For example, the European

Commission green paper states: "Being socially responsible means not only fulfilling legal expectations, but also going beyond compliance and investing "more" into human capital, the environment and the relations with stakeholders" (European Commission, 2012).

One contribution related to CSR research that is widely referred to is the idea of a triple bottom line³ by John Elkington (1997, in (Juholin, 2003), 44; see also European Commission, 2001). The foundation for this idea is that a business needs to not only be financially secure, but it also needs to eliminate or minimize any negative effects on the environment caused by its activities as well as act in accordance with the expectations of society. As regards to the contents of CSR, a study conducted by (Juholin, 2003) demonstrated that all three of the original aspects included in the concept (financial, and environmental a social) are still considered important. However, the emphasis has, for a fairly long time, prevailed on the environmental issues that now seem to be "processed and audited almost totally, and no longer needed special attention" (Juholin 2003:92). Moreover, the economic foundations were considered to be in order, and therefore the emphasis in the content of CSR actions has shifted towards the third aspect of social issues. This is consistent with the statement of the European Commission green paper (2001:8) that the experience of investing in and developing environmentally responsible technologies has suggested that going beyond the legally binding obligations. The Commission suggests that the same effect could take place in the area of social issues as well and that actions such as training and improved working conditions can have an effect on productivity, in

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³The triple bottom line (or otherwise noted as TBL or 3BL) is an accounting framework with three parts: social, environmental (or ecological) and financial. Some organizations have adopted the TBL framework to evaluate their performance in a broader perspective to create greater business value.

this way successfully combining social development and improved competitiveness (European Commission, 2013).

2.2.4 The Classical view of CSR

Milton Friedman (1970) criticized corporate social responsibility arguments by stating that 'few trends could so thoroughly undermine the very foundations of our free society as the acceptance by our corporate officials of a social responsibility other than to make as much money for their stockholders as possible'.

The starting point in Friedman's argument is that people have responsibilities but business does not. A corporation is an artificial body created by real people, so business cannot be expected to act in the same way that people do. Friedman examines the notion of social responsibility by questioning what is implied by it. The starting point of his discussion is with businessmen and with the CEO who have the responsibility of running the business (Reich, 2007). The role that Friedman attributes to the CEO in a corporation is that of an agent. The corporation employs him to make as much money as possible. Thus "in his capacity as a corporate executive, the manager is the agent of the individuals who own the corporation... and his primary responsibility is to them" (Friedman, 1970). However, these actions are acceptable outside the area of business since the individual uses his own time and money. If the executive officer then acts in a socially responsible way, it is not in the interests of his employers, because he acts as a principal not as an agent.

Friedman saw the decisions of a few executives to spend money on social purposes as being the duty of civil servants. Whilst civil servants are appointed by government, and the executive performs the role of a civil servant, it becomes apparent that corporations accept political mechanisms and not market mechanisms as factors that determine the allocation of scarce resources. Thus, in Friedman's view, if firms are to exercise the notion of corporate social responsibility, the foundations of a free market system would be undermined by replacing it with a centrally controlled system of governmental control of prices and wages. As Friedman puts it, if 'social responsibility is taken seriously', it would extend the scope of political intervention to every human activity. This would undermine the political principle of the market mechanism, which is unanimity. With regard to Friedman's argument, it is important to point out that he does not claim that the corporation has no responsibilities at all. On the contrary, he argues that corporations are responsible, but only to one group of people like in the case of Tiomin and the Kwale community - the stakeholders, since they bring the money into corporation and appoint managers to maximize their capital (Bichta, 2000).

Before Milton Friedman, classical economists, with Adam Smith as their pioneer, also assumed that if the government would mind its own business, markets can still be 'perfect' and self-correcting, and the gross national product (GNP) could be the proper barometer of societal wealth. Friedman defines the social responsibility of business in a strictly limited neo-classical economic sense. As Roome (1997) says, the orthodoxy of neo-classical economics is that business is a collective term to describe that part of society which is concerned with the production and exchange of goods and services, in market and mixed market economic systems. What distinguishes business organizations from other sectors of society is that their viability depends on securing profits, the excess of revenue from the sale of outputs over the costs of their production. It follows that the principal focus of business activity is the market and the main purpose of business is to make money and increase profitability.

Roome also argues that by accepting that the purpose of business is to make profit this implies the acceptance of two axioms:

Friedman's position constitutes the heart of managerial capitalism, which is built on the idea that in return for controlling the firm, management vigorously pursues the interests of stockholders which is the same case in matters CSR. Both, however, the neoclassical view of business responsibility to society and the managerial view of capitalism have been challenged ever since the 1970s. Scholars have questioned the adequacy of the neoclassical paradigm as the adequate theoretical framework for understanding and interpreting the relationship between individuals and society and individuals and organizations. The central argument of managerial capitalism has also been under scrutiny and new theoretical perspectives have contributed to the rise of a new approach of governance in business.

2.2.5 International CSR

Firms are becoming increasingly global; for example, the United Nations reports that the number of multinationals grew from 37,000 to 60,000 between 1990 and 2001. Foreign affiliates increased from 170,000 to 800,000 over the same period. CSR in an international context is related to several significant theoretical questions. Coordination problems across countries weaken the role of government provision of global public goods, suggesting that CSR may gain a comparative advantage. Desperate locations between production, consumption, and ownership establish an elevated role for preference-based CSR mechanisms. Consumers in developed countries may influence environmental and social performance of firms operating in the developing world. A necessary condition for CSR mechanisms to operate across borders is information, and the costs of information acquisition and processing may be increasing in geographic and cultural distance. There may be trade-offs between

cost motivated outsourcing and firm reputation. The vast majority of the international empirical literature focuses on political mechanisms for strategic CSR, and results generally support a role for politics in developing country contexts. The literature most often studies informal regulation, which satisfies our economic definition of CSR. Quantitative studies that explore the role of community characteristics shed an indirect light on CSR and private politics. The assumption here is that community characteristics such as education, income, and voter turnout proxy for the legal institutions, political organizational ability, freedom, information accessibility, and NGO presence that are necessary to influence firm behavior (Hettige et al. 1996). Studies more directly investigating relationships between private politics and CSR include Aden and Rock (1999), which finds that the number of community complaints or firm-community agreements affects abatement expenditures in Korea. Dasgupta, Laplante, and Mamingi (2001) show that capital markets in Argentina, Chile, Mexico, and the Philippines react to citizen complaints and high-profile environmental spills. Other authors report that negative environmental news then influences ambient environment quality as well, even when controlling for changes in formal regulation.

2.2.6 Corporate social responsibility in the United States

The conservative Republican and University of Chicago professor, Milton Friedman, takes a very narrow and "legalistic" view of social responsibility in a business context. Friedman believes that the social responsibility of business is to make money – legally – and pay their taxes. The role of the corporation is to create jobs, goods, services, and wealth; and any civic or charitable endeavors beyond that function are the choice of the individuals working for and owning the corporation – the employees and shareholders. It is not the role of the corporation to solve the world's social problems. Corporate profits should go to the shareholders – the owners of the

company and not be spent on social causes. Individual charitable efforts are best effectuated by wealth, and wealth is best created by a free market unencumbered by government regulation, moral persuasion, and social responsibility expectations. Declared Friedman, the social responsibility of business is to increase profits! (Cavico, 2014, and Bussey, 2010; Mickels, 2009). A recent, and perhaps surprising, advocate of a Milton Friedman conservative view of social responsibility is the former Clinton Administration Labor Secretary, and liberal Democrat, Robert B. Reich. In an interview in Business Week magazine (Reich, 2007), Reich stated that his fellow "liberals" are wrong to continually urge companies to be socially responsible. Corporations are not set up to be social institutions, Reich declared, in agreement with Friedman. Corporate CEOs have not been conferred with the authority or the legitimacy to determine where the public interest lies and to set and fulfill social objectives, Reich says. Rather, elected and representative government officials should make these value determinations for society, and then promulgate specific laws and rules for private sector companies to follow and then to use and direct them to help fulfill social goals. Furthermore, in a very controversial declaration, Reich contends that in essence it really does not make sense to criticize, and even to praise, companies for being socially responsible, environmentally conscious, or a "good employer." Why? Do not believe for a moment, he states, that a company will sacrifice profits for the sake of social goals (Reich, 2007).

2.2.7 Corporate social responsibility in Africa

Organization studies on Corporate Social Responsibility (CSR) in Africa thus far, has concerned itself with among others; concepts, issues and processes (Bansal & Roth, 2000), cultural aspects (Dees, 1998: b), contextual and antecedents of CSR awareness and advancement (Covalence, 2007) CSR and corporate human rights (Bansal & Roth,

2000). That debate on CSR has recently raised lot of interest in academic circles (Wood, 1991) is not without basis. Whilst CSR is increasingly regulated in Western and developed countries in general, this is not so for most developing countries, particularly in Africa (Umejesi, 2010). Africa is the second largest continent with a population of close to 1 billion people. Economies in Africa, and especially Sub-Saharan Africa, have been growing more rapidly in recent years than at any time in modern history, for instance and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/Aids, malaria and other diseases and ensure environmental sustainability and develop a global partnership for development between 2001 and 2008, African economies grew at an increasing rate, averaging over 6% for the period and in 2010 the average economic growth rate across the continent overtook both Brazil and India. However, eighty percent of Africans still earn US\$2 a day or less. However, economies reliant on the export of low value-added basic goods are subject to international market fluctuations and weak terms of trade (Fraser, 2006). More significantly, challenges to development in Africa remain considerable, as shown by the continent's uneven performance as measured against the UN Millennium Development Goals. These are broad people-centered objectives to be achieved by 2015 but seems unlikely so. The eight goals are; eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/Aids, malaria and other diseases and ensure environmental sustainability and develop a global partnership for development.

CSR in Africa has also recently gained heightened interest generally due to high levels of poverty and inequalities, particularly among those countries in which sustainable

development challenges appear most intractable (Haslin & Orland, 2008). In such countries, CSR has gained resonance among local communities and the general public is gaining currency among organizations in poor countries (Welford, 2002), and increasingly in African enterprises and contexts (Hilson, 2011), partially because of social legislation that is apparently less comprehensive and poorly enforceable. More knowledge on CSR is critical, and urgent owing to Africa's unique situations. As such, critical developments in CSR could enable enterprises and other parties, to exercise due diligence in their operations and processes, and formulate policy to ameliorate any adverse social effects. CSR is an issue that is increasingly capturing the interest and imagination of people in the business world. However, despite all of the attention that has been given to this issue, there is still much confusion and many misperceptions surround it (Waldman, Kenett, & Zilberg, 2010). In fact, most CSR studies focus on social and environmental initiatives, ignoring the wider and wholesome, interdependence of business and society's, therefore, is both critical and controversial (Humphrey, 2000).

Critical because of the magnitude of expectations for business in Africa and controversial because those who have thought deeply about why businesses exist or what purpose they have within society do not agree on the answers. CSR in Africa is critical because different societies express the relationship between business and society in unique ways. Unique expectations arise from many factors, with wealthy societies having greater resources and, perhaps, more demanding expectations that emerge from the greater options wealth brings. In Africa, as in other less developed societies, the general social welfare is focused on the necessities of life, such as among others; food, shelter, education, health, security between 2001 and 2008, African economies grew at an increasing rate, averaging over 6% for the period and in 2010

the average economic growth rate across the continent overtook both Brazil and India. However, eighty percent of Africans still earn US\$2 a day or less. However, economies reliant on the export of value-added basic goods are subject to international market fluctuations and weak terms of trade (Juholin, 2003). More significantly, challenges to development in Africa remain considerable, as shown by the continent's uneven performance as measured against the UN Millennium Development Goals. These are broad people-centered objectives to be achieved by 2015 but seems unlikely so. The eight goals are; eradicate extreme poverty's in Africa has also recently gained heightened interest generally du e to high levels of poverty and inequalities, particularly among those countries in which sustainable development challenges appear most intractable (Ahmad & Lahiri, 2006).

In such countries, CSR has gained resonance among local communities and the general public. CSR is gaining currency among organizations in poor countries (Rowley, 2012), and increasingly in African enterprises and contexts (Rumbach, 2011), partially because of social legislation that is apparently less comprehensive and poorly enforceable. More knowledge on CSR is critical, and urgent owing to Africa's unique situations. As such, critical developments in CSR could enable enterprises and other parties, to exercise due diligence in their operations and processes, and formulate policy to ameliorate any adverse social effects. CSR is an issue that is increasingly capturing the interest and imagination of people in the business world. However, despite all of the attention that has been given to this issue, there is still much confusion and many misperceptions surround it (Phan, 2003). In fact, most CSR studies focus on social and environmental initiatives, ignoring the wider and wholesome, interdependence of business and society.

CSR, therefore, is both critical and controversial (Puch, 2003). Critical because of the magnitude of expectations for business in Africa and controversial because those who have thought deeply about why businesses exist or what purpose they have within society do not agree on the answers. CSR in Africa is critical because different societies express the relationship between business and society in unique ways. Unique expectations arise from many factors, with wealthy societies having greater resources and, perhaps, more demanding expectations that emerge from the greater options wealth brings (Sagawa, 2013).

In Africa, as in other less developed societies, the general social welfare is focused on the necessities of life, such as among others; food, shelter, education, health, security. Governmental or voluntary CSR initiatives or restrictions add costs that such societies could still afford. Furthermore, 'natural resource curse' or the 'paradox of plenty' is identified as a common phenomenon in Africa than elsewhere in the world (Thomson & Banel, 2011). This is because; African countries rich in natural resources (e.g., Democratic Republic of Congo, South Sudan, Nigeria, and Angola) have been unable to use that wealth to boost their economies (Ray, 2012). On the contrary, the rich resource heritage has turned out to be the source of civil or harmed conflict, insecurity, under development and exploitation. In spite of the aforementioned, CSR in Africa is still a largely misunderstood, misused and abused concept. This is partly due to its diverse conceptualization and operationalization. CSR is also a largely contested concept, either theoretically or practically with diverse implementations across regions of the world (Rowley, 2012).

In Africa, being the second fastest growing region in the world (World Bank), with foreign investment inflows increasing and growing middle class, Africa's CSR agenda is under focus. As a manifestation of its challenges, the level of economic and social development partly influences the nature and form of CSR in particular African regions and countries. In this chapter, we examine various CSR definitions and how CSR is operationalized generally and provide a contextual understanding of CSR in Africa. The application of CSR in African cultural and business settings is also examined. We argue that CSR in Africa is largely misunderstood, misused and abused concept both in practical and theoretically realms. Critical question is; why is CSR misunderstood, misused and abused? First it is misunderstood, partly due to its diverse conceptualization and operationalization. Furthermore, a plethora of CSR synonyms such as corporate responsibility, corporate accountability, corporate ethics, corporate citizenship, sustainability, stewardship, triple bottom line, corporate governance, social and environmental obligations, corporate social investment and responsible business are bandied around and used interchangeable, often incorrectly, therefore exacerbating the confusion surrounding it (Rowley, 2012). Its edibility and broad spectrum has led to its operational and conceptual lacuna, although partly increasing its prominence in academic circles. Moreover, CSR is a fuzzy concept, often with unclear boundaries and debatable legitimacy. Every practitioner and scholar alike perceive CSR differently, and individually think they know what CSR is, or ought to be. However, the reality is that most of what is perceived to be CSR in Africa is actually not. Leading to serious abuse of CSR (Pimpa, 2014). For instance, most CSR initiatives in Africa are cash, food or other material donations that are purely philanthropic, knee jerk reactions not based on long term social perspectives.

Corporate social responsibility (CSR) is a growing consideration for businesses. The Country Review Reports (CRRs) compiled through the African Peer Review Mechanism (APRM) provide a unique lens through which CSR application in Africa

can be gauged. Increasingly, thinking on the subject is moving beyond philanthropy to demands for the systemic integration of social concerns into business planning. In Africa, despite advanced thinking on the subject, its application across most of the continent remains in its infancy – ad hoc and of limited effectiveness (Wood, 1991; Carroll, 1991). The very terms of CSR in Africa are contested: legislated demands are frequently ignored, while debates rage about appropriate business obligations towards workers. Corporate social investment (CSI) is unevenly applied and attracts criticism for failing to address key problems. This policy briefing appeals for greater encouragement of CSR and CSI, recognizing its voluntary nature while stressing the advantages of taking a systemic, integrated approach to it.

2.2.8 CSR in Kenya

CSR in Kenya, like elsewhere in Africa and the developing world, is critical, controversial, fuzzy, and subject to varied interpretations, conceptualizations and operationalization. This state of confusion can be attributed to its relative theoretical underdevelopment and inappropriate contextual application. Lozano, J.M. & Albareda, (2009). There are two perspectives that account for the historical development of CSR in Kenya: internal development and external development of CSR. Internally, CSR is a product of Kenya's cultural, social, economic and political development over the centuries. Accordingly, Kenya's cultural and social values are consistent with social responsibility. A critical examination of Kenya's cultural, social, economic and political environment espouses her tenets and demonstrates the deep-seated norms, traditions and values that promote social responsibility or irresponsibility among the citizenry (Frynas, 2014). Perhaps more significantly, CSR in Kenya has its roots in the national social, cultural, and political heritage. First, at the birth of the republic in 1963, the government pledged to fight poverty, illiteracy,

and disease. This has significantly shaped the Kenyan agenda for the past 50 years. In addition, the national anthem espouses the tenets of justice, peace, liberty, unity, and service (Dees, 1998: b).

Secondly, the 2010 Constitution of Kenya explicitly underlines national values and principles of governance, including national unity, the sharing and devolution of power, the rule of law, democracy and the participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, and the protection of the marginalized (Reich, 2007). Others include good governance, integrity, transparency and accountability, and sustainable development. Although Kenya has a strong heritage that shapes its CSR profile, her large cosmopolitan foreign constituency, such as multinational organizations, businesses, and residents and tourists, also partly shape that profile. Cultural context is an important factor in defining CSR in any country (Muthuri & Gilbert, 2011). CSR in Kenya has its roots partly in the cultural and communal context, and more specifically in indigenous and religious concepts. First, the 'Harambee' spirit embodies and reflects the strong ancient value of mutual assistance, joint effort, social responsibility, and community self-reliance. It is guided by the principle of collective good rather than individual gain (Winston & Ryan, 2008). Secondly, Zakat (or Zakat), a concept that means charity or alms to the poor, is one of the five pillars of Islam, and is thus practiced by a significant Kenyan Muslim population, who comprise 10 % of the overall population. The giving of alms is the practice of charitable giving by Muslims, based on accumulated wealth.

Kenya faces unique economic, cultural, social, and environmental challenges that influence CSR practices (Muthuri & Gilbert, 2011). The idea that business is a part of society, and therefore has community and national responsibilities, is an established

part of Kenya's culture and traditions. It is anchored in the premise that business cannot thrive in an environment where a community is languishing in problems; in other words, business survives by ensuring that the community thrives. In Kenya, the causes that receive the highest attention are: health and medical provision; donations directed to education and training; HIV/AIDs; agriculture and food security (Forstater et al., 2010) as well as sports.

Environmental concern is gaining momentum in Kenya, however, owing to increased international attention. So, companies in Kenya are engaging in environmental CSR. For example, Safaricom organizes Lewa international marathon annually, and collects money towards forest conservation. There are no strong institutions to guide CSR engagement in Kenya (Muthuri & Gilbert, 2011), because of inadequate government regulation and a lack of commitment to the enforcement of regulations. Similarly, Kenya has fairly vibrant civil societies that have pushed the CSR agenda in corporate organizations. For example, Opondo (2013) argues that civil society groups have (in collaboration with media, non-governmental, and international organizations) spearheaded a campaign against poor working conditions in the cut-flower industry. This agitation has generated concern about the reputation of the industry in European markets, which has compelled export cut-flower firms to adopt international codes of conduct, in order to export to these countries. Thus, civil society has taken advantage of such repercussions, ensuring that responsible corporate citizenship is adhered to. Indeed, most cut-flower firms in Kenya have embraced codes of labor practice, such as the Ethical Trading Initiative (ETI), in order to supply their products to European market. Companies in Kenya have taken up CSR with gusto in the last five years: this has led to improving the welfare of staff and the working environment, implementing community development programs, and engaging in environmental conservation.

However, it is community CSR that is most highly visible to the majority of people and which gives companies a much-sought improvement in their public image. For example, companies sponsor national and international competitions to improve the skills of young Kenyans. During the last few years, East Africa Breweries has sponsored a popular "Tusker Project Fame" to train singers in an academy for eight weeks: the winner obtains a one-year recording contract with leading music recording companies, in addition to other prizes. Similarly, companies engage in tree planting and recycling, as well as in waste reduction initiatives. Although companies in Kenya engage in CSR, the need remains to study how CSR engagements affect the firms' bottom line.

Corporate Social Responsibility can be conceptualized CSR into four distinct CSR engagements and a total CSR index, relevant to Kenya. Employee related CSR is an important predictor of firm performance in a Kenyan context (Opondo, 2013) provides a narrative analysis of the employee related CSR in Kenya, and notes that although the regulatory environment is weak insofar as employee-related issues are concerned; there is pressure from civil society, media, and non-governmental organizations spearheading campaigns against poor working conditions. Indeed, Kenya is among the few countries in Africa where the rights of employees are entrenched in the constitution. For instance, the constitution prescribes the right of employees to picket and to engage in strikes without victimization, as well as a right to a congenial working environment: so, most firms are left with no option but to provide employee-related CSR. Drawing on social identity theory, customers prefer to be identified with firms that deliver products and services that meet their expectation. The results are consistent with the findings of Van der Laan et al. (2008) who show that negative customer reputation of a firm has a negative and significant effect on

firm performance when measured using both ROA and ROE. As expected, community CSR is positively related to both performance indicators. Drawing on legitimacy theory, firms that engage in community CSR are likely to improve their performance because of social acceptance. Kenya has a long history of community-oriented CSR, which can be traced back to the days of independence. At the height of independence, the rallying call for Kenyans was to help one another, and the word *harambee* was coined by the founding president.

Thus, philanthropy is part of the Kenyan value system, and thus organizations that do not participate in corporate giving are perceived negatively by the community. Further to that, environmental CSR is not significantly related to firm performance. This seems surprising, particularly from the perspective of studies conducted in developed countries, but is expected in the Kenyan sample. Whereas the stakeholders in developing countries appreciate the role of the environment (Babiak & Trendafilova, 2011; Mishra & Suar, 2010), Kenyan stakeholders lack awareness about the importance of the environment. So, firms' investment in the environmental CSR may not, after all, enhance reputational capital. A good example is the afforestation of Mau forest, which has caused conflict between the local community and conservationists. Thus, the results of this study are typical of a Kenyan setting.

2.2.8.1 Why CSR is critical in Kenya

In Kenya, both poverty and inequality levels are below the average for African countries. The level of poverty is worse in human development terms, particularly among the youth, the old, and the womenfolk. Furthermore, there is widespread spatial disparity in poverty. For instance, Central Kenya is more endowed than Northern Kenya (Frankenthal, 2011). Thus, while CSR raises the moral issue of such inequities and impoverishment in objective terms, it also addresses these inequities

through a range of initiatives such as corporate giving, women and youth empowerment, the provision of education, and capacity building. CSR has led to changes in employment practices and the mainstreaming of Gender CSR issues. The empowerment of youth, women, and people with disabilities is largely attributed to CSR initiatives (Welford, 2015). Therefore, businesses are increasingly expected to address social problems and to shoulder greater social responsibilities, in addition to addressing social issues for which it is more directly responsible, such as environmental pollution, product safety and quality, and social inequities. Furthermore, CSR engagement is critical for businesses, in order to avoid or to preempt legal or regulatory sanctions by the government, such as tax related (Ruggie 2013: O'Higgins, 2015).

2.2.8.2 Perceived barriers and challenges to effective CSR in Kenya

The concept of CSR is unclear and is variously defined. There is therefore no single national definition, which has resulted in its under-development. Furthermore, the scope of CSR is too narrow, often being perceived as philanthropy and social benevolence, whereas CSR should be developed to include governance, human rights, and environmental and economic issues (Tarus, 2016).

Similarly, there is no clear and unique CSR framework in Kenya, and no attempt has been made to formulate CSR policies. Instead, CSR has been viewed largely as a voluntary activity. Consequently, some actors have exploited the concept of CSR, either as public relations stunt or, in the case of some unscrupulous NGOs and civil societies, obtained funding in the guise of promoting CSR (Philippe, 2013). Because CSR is a voluntary activity, there is no discernable CSR education in Kenya. Kenyan Universities and other training institutions do not consider it a core area of study. This limit understanding of the concept and contributes to its underdevelopment. Indeed,

CSR in Kenya remains a new concept, and achieving effective CSR implementation poses several challenges (Tarus, 2016). The cost of CSR activities is an important challenge for the majority of the businesses. This is explained by the business environment in Kenya, which while favorable to some sectors, such as mobile service provision and financial services, is generally characterized by the high cost of production due to high taxation and the costs involved in energy and transportation. This is further exacerbated by the intensity of competition among firms in a period of declining profits. The absence of a direct relationship between CSR and financial success has further reduced the popularity of CSR in Kenya. Similarly, a corporate culture focused on short term and immediate outcomes is another critical barrier (Philippe, 2013). While CSR is a strategic issue without immediate visible results, its long-term positive prospects are likely to far outweigh its costs. Management focuses on decisions that increase immediate returns for shareholders, while reducing the likelihood of adopting CSR programs (Carroll, 1991). Other barriers relate to managerial and employee resistance to new approaches, such as accountability, transparency, and responsibility to stakeholders. New governance models that enhance CSR in Kenyan organizations are easily resisted. Lack of clear Government guidelines and involvement in CSR and its voluntary nature reduce its application among Kenyan firms. This includes but is not limited to lack of Government policy and regulation on CSR and how to it should be mainstreamed. Other challenges include:

 Legal environment. The lack of a foundations law in Kenya has subsequently affected the aspect of policy and tax relief for philanthropic organizations.

- Lack of confidence in the public sector. The lack of motivation on the side of foundations and other charitable institutions resulting from the government's inattention to community needs.
- Public attitudes towards philanthropy. The lack of proper and centralized documentation on philanthropy, creating a lack of public accountability and the duplication of activities.
- Inadequate information on philanthropic strategies and approaches to ways of giving that would effectively support development.
- Widespread perception of NGO corruption, such that giving to NGOs is largely the purview of larger corporate foundations.

2.2.8.3 Reflections and prospects of moving CSR agenda forward in Kenya

On the basis of the foregoing elucidations, it is clear that the CSR agenda in Kenya should be deepened and broadened. CSR focal areas should be broadened to include (amongst others) governance, leadership, accountability, environmental sustain ability, and human and economic rights (Philippe, 2013). Accordingly, clear conceptualization and operationalization should be developed. Following from our discussion of the local definition of CSR, this requires further refinement. It is necessary to raise awareness and clearly define CSR and its role, as companies' activities often are scattered and haphazard (Carroll, 1991).

The Government of Kenya should nonetheless first and foremost establishes a CSR authority to set, define, operationalize, and implement benchmarks for CSR in Kenya (Tarus 2016). Concerted efforts should be made to attract and promote socially responsible investments that contribute to the social good. The focus should move from purely philanthropic activities to sustainable programs that address development challenges. This entails building a stronger business case for CSR beyond

philanthropy and benevolence. This entails the need for the strategic integration of CSR a company long-term strategy, as well as embedding CSR within organization culture, in order to guarantee organization sustainability.

There is a need to expand beyond social responsibility to other variants such as corporate citizenship, which captures not only business obligations but also its place among other issues. Stakeholders should deepen and broaden support for gender specific empowerment. Industry players should be encouraged to promote industry wide codes for mainstreaming CSR. Codes of standards and/or conduct should be encouraged across all sectors and industries. In the absence of (or merely inadequate) self-regulation and voluntary standards, Government regulation should be introduced to develop and apply CSR policies and standards uniformly across all sectors and industries (Coye, 2013). This is also needed to promote the role of business associations in self-regulation. It is also important to partner with universities and academia to inculcate a culture of awareness and ethical behavior among the youth and future leaders, and to engage experts in identifying and developing programs for practical CSR, such as preparing CSR handbooks and providing advisory services. Finally, there is a need for the globalization and internationalization of CSR beyond the local context. There is a need to ratify and promote international and global CSR standards and policies through collaboration and networking. This is already underway through such practices as fair-trade regulation (Tarus 2016). As such, there is a further need to explore ways in which CSR programs on the local level can be made to complement the efforts of multinationals and their supply chains.

2.2.8.4 CSR development and implementation

Corporate social responsibility strategy development and implementation could be considered an organizational change process (i.e., moving from a present to a future state; cf. Georges & Jones, 1995) or as a new way of organizing and working (Dawson, 2003). Its aim is to align the organization with the dynamic demands of the business and social environment by identifying and managing stakeholder expectations. In addition to change, CSR involves learning over time and the ability to understand the specific context and confluence of stakeholder expectations. Although there is no best way to bring about change (Burnes, 1996), enhanced learning about stakeholder expectations and the specifics of the context help ensure that the change is beneficial and supported by appropriate mechanisms (Burnes, 2004). Therefore, managers must understand and remain actively aware of both the context and expectations, as well as recognize that any changes they implement will shape the environment in turn (Mitleton-Kelly, 2003). The development of CSR practices therefore can entail evolutionary and recursive activity that acts on and reacts to and with the business environment.

Literature offers various insights into how CSR might be implemented; we summarize existing frameworks for designing and implementing CSR in Table 1. However, most studies focus on limited aspects (Maignan, Ferrell, & Ferrell, 2005), and a framework has yet to be offered that integrates the development and implementation of CSR into the organization's strategy, structure, and culture (Bhattacharya & Sen, 2004; Smith, 2003). For example, studies tend to base their definition of CSR strategy on existing corporate norms and values, such that the frameworks proposed by Maignan et al. (2005) and Panapanaan, Linnanen, Karvonen, and Phan (2003) stress the role of stakeholders and their concerns. Yet these frameworks differ in their emphasis on the role of stakeholders for either providing input into the development and implementation of CSR the activities or offering feedback to improve the process. The concept of process improvement, which regards CSR implementation as cyclical,

is consistent across many frameworks. To integrate the different perspectives of CSR design and implementation into a single framework, we develop a preliminary model that we test and refine though multiple case studies of IKEA, Philips, and Unilever.

The qualitative case study approach is particularly useful when concepts and contexts are ill defined, because it enables the derivation of in-depth understanding and explanation (Blaikie, 1993; Eisenhardt, 1989), as well as when change in the study context is radical and unpredictable (Matthyssens & Vandenbempt, 2003). Thus, our research is inductive, in that we seek to augment our preliminary framework with indepth understanding that will enable us to develop a framework of the design and implementation of CSR practice, as well as elicit the factors that may contribute to its successful implementation.

We select the cases for our study using theoretical sampling (Strauss & Corbin, 1998). All three represent different business sectors but also are global and have strong reputations based on their investments in CSR. IKEA possesses a long history and experience in the CSR area and has had to respond to several CSR-related crises and criticisms, which have enabled the organization to develop structured policies and a range of collaborations and initiatives with stakeholders. Philips ranks at the top of the Dow Jones Sustainability Index and also is the sector leader in the 2006 Covalence Ethical Ranking (Covalence, 2007), partly because it produces a highly regarded annual sustainability report. Finally, Unilever publishes a detailed social and environmental report, ranks sixth in the food industry category of the Dow Jones Sustainability Index, and holds the leading position across all sectors of the Covalence Ethical Ranking (Covalence, 2007). In conducting our case studies, we undertake extensive research to understand the contextual issues that surround each organization.

The aim of our data collection process was to develop rich, in-depth case histories of the CSR development and respective implementation processes in these organizations. To improve methodological rigor and understanding, we obtain secondary data and conduct interviews to assist in the development of rich insights and improve generalizability. In particular, we interview senior managers—responsible for the organizations' CSR programs—that provided additional documentation and archival records, which is important as a means to gain stable and exact data (Yin, 2003) that we can crosscheck against other data sources to reduce selectivity and reporting bias. In addition, we review news articles, Web pages, scientific literature, promotional material, and other literature sources, and we spend time at each case site, which provide us with additional information through short conversations, observations, and other techniques to analyze the cases, and we use Eisenhardt's (1989) method of within- and cross-case analysis.

Within-case analyses summarize the data and develop preliminary findings; thus, we gain a richer understanding of the processes each organization underwent to move toward its CSR vision. The outcomes of the within-case analyses get compared and contrasted during the cross-case analysis to improve the rigor and quality of the results. That is, each organization achieves a different degree of CSR success, so we compare the cases to analyze their similarities and differences and gain a greater understanding of the processes involved. Cross case analysis is essential for multiple case studies (Yin, 2003). At the same time, we elaborate on theoretical categories during the open and axial coding procedures (Strauss & Corbin, 1998). Finally, to obtain a holistic and contextualized comprehension of how organizations approach CSR development and implementation, we tack back and forth during our analysis between the literature and the collected data (Spiggle, 1994).

Overall, the process enriches the preliminary framework shown in Figure 1 and indicates some factors important to CSR implementation. To improve the quality of our research, we adopt various methods throughout the study. Consistent with recommendations from interpretive researchers (Lincoln & Guba, 1985), grounded theorists (Strauss & Corbin, 1998), and previous case-based research in business-to business marketing (Beverland, Napoli, &Lindgreen, 2007; Flint, Woodruff, & Gardial, 2002), we apply the criteria of credibility, transferability, dependability, conformability, integrity, fit, understanding, generality, and control. Specifically, we solicit experts to help us select the cases, develop independent interpretations of the findings on an individual basis, and allow respondents to provide feedback on the initial findings. The same interviewer 10 conducted all the interviews, and colleagues performed independent coding of the transcripts, which helped minimize potential bias (Lincoln & Guba, 1985; Strauss & Corbin, 1998).

2.3 Role of Government and the Individual

2.3.1 Role of government

In the theory of the modern corporation it is argued that the government has a potential role to play towards promoting and enhancing corporate social responsibility.

Reich (1998) argues that the government should act as arbiter of business responsibility in society. The importance for society of relying on the good will and responsibility of executives rather than political forces is recognized. The argument, however, is that sometimes 'political decisions may be required to answer major questions' i.e., corporate social responsibility issues. This is because CSR issues also fall in the arena of public policy which is the primary government task. For instance,

the question should profitable companies lay off redundant employees rather than redeploy them or retain them for new jobs is a matter of corporate (ethics) policy as well as an issue of public policy given that layoffs can impose substantial costs on former employees, their families and communities. It is suggested that a role for government in that matter may be to help firms internalize the social costs of layoffs, without causing large inefficiencies, by raising the unemployment-insurance premiums on profitable companies that engage in them and cutting premiums in companies they do not. Alternatively, if the society wants companies to take on the responsibility of finding new jobs for employees who are no longer needed, government could offer these companies tax deductions or credits. Generally speaking, the government can be an arbiter of business responsibility to society through the application of tax incentives or tax credits.

Government can also exercise the arbiter role through regulation and the setting of minimum standards to help society overcome free-rider problems. Where firms could benefit if all trained their employees in skills applicable to entire industry or beyond, but no company would do training unless others did it as well, the government can impose a requirement that all firms contribute a small percentage of their payrolls to non-firm specific training, or provide tax incentives for employee training in general (Reich, 1998).

This view of government as arbiter of business responsibilities to society is reinforced by another argument that sees government as helping business to achieve corporate social responsibility though regulation, control and enforcement. This view is driven from experience in Scandinavia countries where the control/enforcement model is used to 'eliminate' the problem of cost externalization.

The regulation and control/enforcement model has met with great acceptance in the Scandinavian countries, mostly because Scandinavian countries are so-called welfare states and the state intervenes in all aspects of life including issues of the economy. Broberg (1996) argues that Scandinavians accept that in the past government successfully controlled externalities regarding the environment, safety at work and competition provisions. This explains why Scandinavian management currently adheres more to the regulation and control/enforcement model rather than to the deregulation model suggested by Friedman or the corporatist model and the theory of managerialism. Management in Scandinavia is very much bound by legal restrictions. The success, however, of the regulation and control/enforcement model in Scandinavia is attributed to a very detailed and well-enforced legislation in comparison with other European member states.

The model of non-shareholder interests' representatives is also extensively used in Scandinavia with particular emphasis on employee representation. This model is also imposed by state regulation and necessitates the representation of employees, the local community, consumers and the environment, in the firm's meetings. Broberg (1996) expects that the membership of Scandinavian countries in the European Union will increase the enforcement of regulation and control as well as the representation of non-shareholder interests across the European industrial sector. Denmark, Sweden, the Netherlands, Austria, and Luxembourg are also examples of countries in which the representation of employees on company boards is required by law.

2.3.2 Individual roles in CSR

Macro-or firm-level approach, there is an emerging body of literature that addresses the role of individuals. For example, Rodell and Lynch (this issue) address the issue of employee volunteering, and whether such individual efforts are encouraged or stigmatized. Sonenshein, DeCelles, and Dutton (2014) studied how individuals grapple with their support for environmental issues when there is self-doubt on whether sustained effort leads to positive performance outcomes. Similarly, much less is known on how individual employees perceive corporate philanthropic acts, especially during difficult financial or uncertain periods for employment stability. In responding to disasters or calamities such as war or tsunamis, CSR likely becomes a powerful mechanism for employee and corporate engagement to re-build individual and social resilience in affected Communities (Van Der Vegt, Essens, Wahlstrom, &George, 2015), which likely has individual implications such as wellbeing, happiness, and job satisfaction. Firms that have strong corporate re-possibility missions may also serve as a magnet for highly committed and purpose-driven employees. Such contexts provide potential important questions on the cognitive processes of engagement, managing job commitments while balancing social responsibility commitments, and its effects on individual employees and work teams. Earlier studies of CSR looked at the influences of managers characteristics on environmental commitment or perceptions (Henriques & Sadorsky, 1999; Sharma, 2000; Weaver, Treviño, & Cochran, 1999).

Further research examined corporate un-ethical behavior from the perspective of top managers and directors, covering topics such as managerial preferences (e.g., Cullenet. al., 2004), goal setting (e.g., Schweitzer, Ordoñez, & Douma, 2004), director interlock (Kang, 2008), and board gender Diversity (e.g., Cumming et al., 2015). What is lacking, however, is work on the cognitive and motivational conditions that lead stakeholders to evaluate firms' social activities differently. For example, what underpins individual motivations behind CSR activities? Is it profit

driven, or a reflection of benevolent managerial/firm values (e.g., Koh, Qian, & Wang, 2014), or a more sustained commitment to tackling a broader social challenge? What are the issues that stakeholders look at for evaluating effectiveness and motivation? From the firms 'perspective, how do organizations manage stakeholder perceptions so that they can communicate effectively, to those stakeholders, their CSR activities (e.g., Crilly et al., 2016)? Examining these questions would lead to more nuanced theories of corporate—stakeholder relations, providing us with a deeper appreciation, at the individual level, of how CSR makes an impact.

2.4 CSR Commitments

"Business leaders need to speak out now about their role in driving progress in society. For too long we have allowed people to think that business is interested in nothing other than profit, when in fact we see the purpose of business much more widely. We believe that the fundamental purpose of business is to provide continually improving goods and services for increasing numbers of people at prices that they can afford (Campbell, 2013)."CSR commitments are policies or instruments a firm develops or signs on to that indicate what the firm intends to do to address its social and environmental impacts. CSR commitments flow from the CSR assessment and strategy and are developed at the point when a firm moves from planning to doing:

- They ensure that the firm's corporate culture is consistent with CSR values;
- They help align and integrate the firm's business strategy, objectives and goals;
- They provide guidance to employees about how they should conduct themselves; and
- They communicate the firm's CSR approach to business partners, suppliers, communities, governments, the general public and others.

Before developing CSR commitments, firms must understand the range of available commitments and the distinctions between them. A key distinction is between aspirational and prescriptive commitments. Aspirational commitments tend to articulate the long-term goals of a firm and are usually written in general language, while prescriptive commitments, such as codes of conduct, stipulate more specific behaviors to which the firm explicitly agrees to comply.

Aspirational commitments often take the form of vision, mission, values and ethics statements, or charters. In many circumstances, firms may already have aspirational and prescriptive commitments in place that can be adjusted to fully integrate CSR. Aspirational commitments form the backdrop for specific and prescriptive codes of conduct and standards, which are usually designed to benchmark or directly control behavior.

a) Aspirational Commitments

The main objective of aspirational commitments is to articulate a high level and common understanding of what a firm stands for and how it would like to be regarded. For CSR to be truly integrated into values, decision making and activities, a firm's aspirational commitments must fully reflect its social and environmental positions (Coye, 2013). In the absence of CSR aspirational commitments, there is a risk that various parts of the organization will embark on CSR implementation activities at cross-purposes. The likelihood is reduced when work begins with a shared view of what the firm stands for and where it is heading. A variety of firms around the world have developed aspirational commitments, which form part of their business and communications strategy.

b) Prescriptive Commitments

Prescriptive commitments—typically taking the form of codes of conduct and standards—set out specific behavior changes for which a firm agrees to strive. A firm may choose to: develop its own code of conduct (see, for example, Alcan's code of conduct), or to sign on to an existing sectorial code or standard (e.g., the Responsible Care initiative), or some other existing instrument (Broberg, 1996). See Appendices 3 and 4 for a description of some of the key existing CSR initiatives, codes and standards.

A main advantage for a firm developing its own code of conduct is that the code can be tailored to reflect the firm's circumstances. On the other hand, developing a code of conduct can be a lengthy and expensive process, and the end product may not have the credibility of a third-party code, especially those that are derived from existing international norms. In one sense, firms that agree to comply with third-party codes and standards can "piggy back" on the extensive consultation and development process such initiatives require, and their higher profile (Winston &Ryan, 2008).

In other circumstances it may be to the firm's advantage to partner with others within the sector or across sectors to develop a code of conduct that addresses specific issues. In Malawi, for example, a code of conduct on fighting corruption was developed on a private sector initiative, together with the UN Global Compact.

There are many third-party, CSR-related codes and standards with which firms may choose to comply. NGOs frequently play lead roles in developing these codes and standards and in ensuring that they undergo multi-stakeholder consultations. Codes and standards are often linked to third-party verification or certification labelling

programs. In this last context, it should be noted that the use of a labeling approach might only be effective when part of a wider CSR strategy (Winston & Ryan, 2008).

When considering subscribing to existing codes and standards, firms must recognize the significant risks they would face should they "sign on" and then fail to live up to the obligations set out in the codes. Careful examination of a code's terms at the outset—to make sure they are compatible with the firm's mission, culture and activities—can reduce the likelihood of later programs failing; there is often a significant investment necessary for firms to "get up to code."

c) Importance of CSR Commitments

Customers, communities, business partners, investors, non-governmental organizations and others—including the media—are increasingly asking firms to explain what they are doing to address their societal and environmental impacts. CSR commitments communicate the nature and direction of the firm's social and environmental activities and in this way help others understand how the firm is likely to behave in a particular situation (Coye, 2013).

Because CSR involves voluntary engagements, it might be seen—internally as well as externally—as "more PR than promise." Like any good policy, clear commitments are a vital component of any firm's efforts to be transparent, accountable and credible. CSR commitments create the baselines against which behavior may be subsequently measured. When properly implemented, CSR commitments can increase the likelihood that a firm will appropriately respond to an opportunity and decrease the probability it will engage in problematic conduct (Weatherley, 1961).

CSR commitments make it clear to all interested parties what they can expect from a firm. By articulating these expectations up front, the firm decreases the potential for

misunderstandings at a later date. In this sense, CSR commitments can improve the quality of the involvement the firm has with its stakeholders. In some cases, in fact, stakeholders will only agree to engage with firms that have clearly stated their CSR commitments. Properly implemented CSR commitments can increase the likelihood of a firm being considered duly diligent and decrease the chances of it being seen as a sub-standard CSR performer. They are also a vehicle to benchmark progress towards improved social and environmental responsibility. Another benefit of CSR commitment is that they can play a key role in integrating diverse organizations.

2.4.1 CSR implementation

In order to get a deeper understanding about precise CSR implementation processes and which steps that are integrated in this process, we also examined specific CSR implementation theories. The following points and the points made according to the authors important for successful CSR-implementation and a summary of the most important points will be made in our own created CSR implementation model (Figure 3.4) at the end of the chapter. -Engage employees Hohnen (2007) explains that employees play a central role in the implementation process and in order to motivate and engage them it is crucial that they know as much as possible about the company's way of handling the implementation. They should know about the approach to CSR, background of why adapting it, its relevance to the Organization, progresses and other implications. According to Hohnen (2007) there are different ways to increase employees' commitment to the implementation process:

- ➤ Incorporating CSR performance elements into job descriptions and performance evaluations;
- ➤ Providing regular updates on progress (in meetings or the company newsletter)

- > Developing incentives (such as monetary and other rewards for best suggestions)
- ➤ Removing or reducing disincentives (e.g., competing interests such as premature deadlines that encourage employees to choose non-CSR options)
- ➤ Offering incentives and recognition for good ideas.

- Appropriate metrics

What gets measured in companies is what gets done. Among the first steps to strategic CSR is by making fundamental shifts in measurement systems. Quality metrics tend to be providing both financial and non-financial indicators in the process towards the CSR goals. (Haslin and Ochoa, 2008).

- Reward systems

Commitment and initiatives taken to improve the CSR implementation process, needs to be recognized and rewarded. Rewarding such initiatives will improve employees' willingness to engage in ways that will help the organization attaining strategic CSR objectives. (Haslin and Ochoa, 2008).

2.4.2 The case of Magadi Soda Company

MSC was established in 1911 and owned by Brunner Mond Plc (UK), 2. It is the only corporation in Magadi division and the largest soda ash producer in Africa. The soda ash is dredged from Lake Magadi and used in manufacturing detergents, glass and other chemical/industrial products (Tarus 2016). MSC has a total workforce of about. It runs the only company owned town in Kenya with a population of over 4500. Its CCI activities are concentrated in the Magadi division with over 35,000 residents who are predominantly the Maasai, a semi-nomadic tribe. Interviews revealed that MSC defines its community at three levels: the local community where it has operations (i.e. Magadi community); the national community to which it pays tax and engage in

sporadic donations; and the international community to which it contributes through its major customers. MSC has no legal obligations to provide social welfare except in the land lease which requires it to provide water for the local community (Coye, 2013).

In the past, the government delivered social provisions through MSC's infrastructure; however, this responsibility shifted to the company as the government cut back on subsidies:

... the medical services at that time were completely free. Both the local and the central government used to reimburse Magadi Soda for services given to the local community. This arrangement was there all the way through to independence. In the late 1960s the subsidies the company used to get from the local government and the central government dried up but the company continued offering free medical services to the local communities. (Senior Medical Officer, MSC).

The community felt that both the central and the local government marginalized them, and perceived the company as their "small government". Consequently, MSC adopted a paternalistic-welfare approach to CCI as a good neighbor.

2.4.3 The local community

Members of the local community define themselves by locale, firstly, as the Maasai community of Magadi division, and secondly, as individual members of the group ranches (Oldonyo Nyokie, Olkeri, Olkiramatian and Shompole) which collectively form the Magadi community structure. Group ranches are legally constituted under Kenya's Land Adjudication Act Cap 300 enabling groups of people to jointly hold freehold titles to communal land (CDP, 2004). In this perspective, the group ranch can be considered as a separate 'corporate entity' governed by elected group ranch committees legally mandated to run group ranch affairs (CDP, 2004). The community

strongly protects its 'Agadir' identity particularly against perceived political forces of outsiders (i.e. communities outside the division).

We have some other political leaders who are undermining our efforts with the company. They say that this company is for the total Maasai land and not for the surrounding Magadi Soda community (Coye, 2013). We disagree with leaders from Central and South Kajiado because even if Magadi is an international company, Bamburi or Portland cement is companies in Kajiado Central but we don't interfere with their development or surrounding communities (Carroll, 1991). So we can't liberalize bursaries to be given to the whole of Maasai community. These perceived dual identities within the community shape C–C interactions, CCI governance processes and the distribution of social amenities in the division. They influence negotiations among the group ranches; between the 'Magadi' community and the company; and among other actors broadly operating within Kajiado district (Tarus, 2016). Other significant socio-economic characteristics affecting C–C interaction and scope of corporate social issues include low levels of education, entrenched cultural values, high levels of illiteracy and low skill base.

2.4.4 Developmental phase: Establishing deliberation arena and governing structures

The 2000 uprising took MSC by surprise, and to manage community pressure, it called a community leader meeting to find the cause of their agitation. A cross section of community leaders converged and tabled a long list of grievances and demands including increased water, education, housing, security, business and contracts, employment, health and transport provisions (Coye, 2013). It was agreed that MSC and the community would deliberate on these issues. Subsequently, four company representatives and over 30 community leaders participated in the problem-

identification and problem-solving exercise which adopted the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis framework exploring SWOT facing the community in each of the aforementioned issues. For instance, the SWOT analysis on water addressed the history of water development in the region, when facilities were built, who built them and whether they are functioning (Tarus, 2016). The SWOT members mapped a vision and strategies for accessible, clean and sustainable water supply. There was an assessment of overall social service provision, conventional responsibilities herein and solutions to service deficiencies. The SWOT analysis was completed in April 2001.

2.5 'Inherited' Corporate Social Responsibility in the Mining Industry

It seems that as quickly as a mine is established in Africa, it comes under the control of new ownership. Whilst takeovers and mergers are not alien to any industry, with mines, over a period of a decade, five changes in project ownership is not uncommon (Belem, 2014). Over the past two decades, there have been a number of rather unprecedented mergers in the mining industry in particular, many of which have had a profound impact in Africa. New management brings new ideas and often implements radically different policies. With little evidence to suggest that Corporate Social Responsibility ⁴at least in the conventional sense applies to mining, it has become nearly impossible to forecast what a company operating in Africa will do following a merger or acquisition (Campbell, 2013). This study underscores the community sentiments when the CRS changes hands from an old extracting company to the new one. The ease with which miners have been able to make major changes in areas such as community development, the environment and employment reaffirms some of the

⁴Means specific CSR Programmes and commitments handed over to an incoming company by an outgoing one.

concerns raised about the tangibility of the arguments underpinning the case for CSR in the extractive Industries, and mining more specifically (Aryee, 2011) a positive note, some of the more progressive mining companies that have acquired projects and exploration 'rights' in Africa have upheld many of the commitments made by previous management, often using existing policies as a foundation to develop more comprehensive programs (Belem, 2014). But other companies have elected to ignore 'inherited' commitments completely, choosing to implement what are arguably more regressive community development programs and CSR policies. The problem in Africa is that there is no real need for mining companies to remain committed to the pledges they 'inherit': here, governance is low, regulatory enforcement is questionable and corruption is rampant (Lange, 2016). Regardless of location, when a company's industrial activities come under new ownership, changes are inevitable: labour forces are restructured; downsizing often takes place; and machinery is replaced outright. These changes are made by management who, mindful of the purpose of doing business, is looking to reduce costs and maximize profits. Mergers in the mining industry almost always result in a shedding of personnel, including machine operators, drivers, and unskilled and semi-skilled laborers, many of whom are under contract. There is no convincing argument which would suggest that 'inherited' commitments to CSR, which are rarely bound by written agreement, stand a better chance of being upheld following a merger or acquisition (Mitchell and Jorgensen, 2017).

This raises a more important question: if, following a takeover, a mining company does not honor the other agreements in place with the communities it is operating in, why would its managers feel obligated to continue upholding what are no more than verbal agreements with catchment communities? Some scholars would argue that

there is a business case in doing so, a need to secure and honor a 'social license to operate', and because of accountability. But there is no credible foundation on which to base these arguments (Pegg, 2013).

2.5.1 Evidence of change of ownership of mining concerns in Kwale

The Government of Kenya approved the project presented by the Canadian company Tiomin Titanium Inc. for the exploitation of titanium deposits located in the Kwale region. A coalition formed of local communities and human rights organizations called Coast Mining Rights Forum opposed the mega-project, as it called for the displacement of 5,000 indigenous Digo and Kamba people and would contaminate local soil and aquifers with heavy metals JORC Code 2012. In 2008-09, the Tiomin Company tried to sell the rights to Jinchuan, a Chinese company. The project, started in 2013, led to forced displacements (Marshall and Rossman, 2016). Rough estimates show that 250,000 tonnes of Titanium ores was exported per year from Kwale while some 3.2 billion tonnes of the same mineral deposits can be found in Kilifi area. The Kwale Sands is the first large mining development in Kenya since 1911. State-owned Chinese mining conglomerate Jinchuan has acquired a controlling stake in Tiomin Kenya Limited, renewing hope that the Kwale titanium mining project that was in limbo for more than 10 years will finally start (IRMA, 2014). Tiomin Titanium Inc., the Canadian firm that fully owns Tiomin Kenya Limited, sold a controlling stake in its Kenya subsidiary to the Chinese firm under an investment agreement signed 2009. The deal offers Jinchuan a 70 per cent stake in Tiomin Kenya Limited, leaving the Canadian parent with 30 per cent (Edgar, 2015).

Tiomin Kenya has full rights over titanium deposits in Kwale District but a combination of financial difficulties, boardroom wrangles in the parent company and controversy over relocation of displaced landowners has rendered it unable to exploit

the minerals (Frankenthal, 2011). Jinchuan's acquisition of a controlling stake in the mining project is expected to bring to a close the long-running uncertainty over what promises to be Kenya's biggest mining project with the capacity to generate up to Sh3 billion annually. Kenya has signed deals with Chinese companies ranging from oil exploration to mining to road construction (Dashwood, 2005).

Australian mining company Base Titanium Company⁵was granted permission to increase its mineral exploration area in Kwale. The company has secured a license to explore for more minerals in Kwale, signaling a mine life extension for the Kwale mineral sand project. Base Titanium said it was granted exploration tenure on land surrounding its current Kwale operations, bringing the total prospecting area to 177 square kilometers from 56 (Katindi, 2015).

2.6 The role CRS in community development

Besides a universally accepted role in philanthropic work of corporations, CSR projects are today achieving greater sustainability in their efforts resulting in growth and change in communities. This evolution was possible due to the collaboration of corporations with the development sector, especially the NGOs. From the past fifty years the western world was looking at several dimensions of CSR; legal, ethical as well as discretionary.

Earlier corporations found it difficult to understand the consequences of social and economic goals. Social goals were directed towards stakeholders and economic goals towards shareholders. As a result, companies started practicing social responsibility activities on a voluntary basis to attain various results such as building strong

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⁵Base Titanium is a wholly owned subsidiary of Australian and UK listed Resource Company based in Australia.

company - stakeholder relationship, motivating employees to enhance production, influencing the community for development and reducing the threat to environment. Companies also have a history of adapting the approaches advocated in professional social work. This has resulted in good employee engagement practices besides the engagement of other stakeholders the deprived communities Staut (1894). Some of the specific activities of companies and corporations that promote community development include helping to get talents, role in transfer of technology (TOT), CSR helps to protect environment, and others include:

i) Eradicate extreme poverty and hunger

Poverty hits children hardest. While a severe lack of goods and services hurts every human, it is most threatening to children's rights: survival, health and nutrition, education, participation, and protection from harm and exploitation. It creates an environment that is damaging to children's development in every way – mental, physical, emotional and spiritual (Wamba, 2010).

ii) Provision of Universal Primary Education

Universal Primary Education (UPE) is a goal stated in many national development plans and pursued with vigor by governments of most developing countries. Primary Education is seen as the first step in laying the foundation for future educational opportunities and lifelong skills. Through the skills and knowledge imbued, primary education enables people to participate in the social, economic and political activities of their communities to their fullest potential (Sethi & Emelianova (2006). It is also seen as a basic human right that frees human beings from a state of ignorance and helps to reduce the negative effects of poverty, relating in particular to health and nutrition. In an increasingly competitive global economy of free markets, a well-educated high-quality workforce is seen as vital to a country's economy in order to

attract foreign investments that generate jobs and create wealth. Hence, good quality primary education is increasingly recognized as an important foundation for economic growth and seen as instrumental in the attainment of other development objectives (Hayek 1960).

iii) Gender equality and women's empowerment

Many CSR activities offered by companies across the globe have been geared towards Gender equality and women's empowerment. The fight for the rights of women as well as the economic empowerment of women has generally helped in improving the socio-economic status of women and the girl- child across the globe.

Since its creation 70 years ago, the UN has achieved important results in advancing gender equality, from the establishment of the Commission on the Status of Women - the main global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women - through the adoption of various landmark agreements such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Beijing Declaration and Platform for Action (Wamba, 2010).

iv) Reducing Child Mortality Rates

CSR activities offered by companies across the globe that directly fight against poverty and diseases have greatly helped in Reducing Child Mortality Rates in communities all over the world. The establishment of maternal and child health Programmes and services by companies to support local communities have yielded very positive results (Azer, 2001).

v) Reducing Maternal Mortality and Morbidity

According to recent estimates, each year more than 500,000 women between the ages of 15 and 49 die of causes related to pregnancy and childbirth—a leading cause of death among women in that age group (Hill et al., 2001; World Health Organization, 1999; Murray and Lopez, 1997; Weil and Fernandez, 1999). Almost all maternal deaths (99 percent) occur in the developing world (World Health Organization and United Nations Children's Fund, 1996; AbouZahr et al., 1996), and more than half occur in Africa (Hill et al., 2001). The vast majority of these deaths are preventable. Researchers also estimate that more than 40 per cent of pregnant women experience obstetric disorders that are not immediately fatal (Weil and Fernandez, 1999). Approximately 15 per cent of all births are complicated by a potentially fatal condition that requires emergency care (World Health Organization, 1999).

vi) Improved Maternal Health

Globally, an estimated 289 000 women died during pregnancy and childbirth in 2013, a decline of 45% from levels in 1990. Most of them died because they had no access to skilled routine and emergency care. Since 1990, some countries in Asia and Northern Africa have more than halved maternal mortality.

There has also been progress in sub-Saharan Africa. But here, unlike in the developed world where a woman's life time risk of dying during pregnancy and childbirth is 1 in 3700, the risk of maternal death is very high at 1 in 38. Increasing numbers of women are now seeking care during childbirth in health facilities and therefore it is important to ensure that quality of care provided is optimal (Jabara, 2012).

vii) Combat HIV/AIDS, Malaria and other diseases

SDGs 6 aims to combat HIV/AIDS, malaria and other diseases. HIV, malaria and other diseases have a direct and indirect impact on rural development, agricultural productivity and food and nutrition security. At the same time, food and nutrition insecurity and malnutrition can increase vulnerability to disease. FAO supports policy makers and Programme planners to incorporate HIV, malaria and other disease considerations into food, nutrition and agriculture policies and Programmes (Azer, 2001).

viii) Water Conservation

Water conservation includes all the policies, strategies and activities to sustainably manage the natural resource of fresh water, to protect the hydrosphere, and to meet the current and future human demands. Population, household size, and growth and affluence all affect how much water is used. Factors such as climate change have increased pressures on natural water Titanium especially in manufacturing and agricultural irrigation. The goals of water conservation efforts include:

- Ensuring availability of water for future generations where the withdrawal of fresh water from an ecosystem does not exceed its natural replacement rate.
- Energy as water pumping, delivery and waste water treatment facilities consume a significant amount of energy. In some regions of the world over 15% of total electricity consumption is devoted to water management.
- Habitat conservation where minimizing human water use helps to preserve freshwater habitats for local wildlife and migrating waterfowl, but also water quality.

ix) Cultural Heritage

Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values. Cultural Heritage is often expressed as either Intangible or Tangible Cultural Heritage (ICOMOS, 2002).

As part of human activity Cultural Heritage produces tangible representations of the value systems, beliefs, traditions and lifestyles. As an essential part of culture as a whole, Cultural Heritage, contains these visible and tangible traces form antiquity to the recent past. Cultural Heritage is a wide concept. We prefer to concentrate on the similarities between the various heritages sectors, instead of on their differences.

x) Waste Management or Waste Disposal

Related CSR activities offered by companies across the globe have greatly helped support waste management and waste disposal sector. This has helped in improving environmental sanitation while at the same time reduced the negative environmental impacts across the globe (Cheruiyot & Maru, 2012).

Waste management or waste disposal is all the activities and actions required to manage waste from its inception to its final disposal. This includes amongst other things collection, transport, treatment and disposal of waste together with monitoring and regulation. It also encompasses the legal and regulatory framework that relates to waste management encompassing guidance on recycling (Frankenthal, 2011).

xi) Achieving health for all

Health related CSR activities offered by companies across the globe have greatly helped reduced the effect of ailments within local communities across the globe. The

establishments of health facilities and Programmes companies to support local communities have yielded very tremendous results (Jabara, 2012).

xii) Disaster Management

Disaster Management is a strategic planning and procedure that is administered and employed to protect critical infrastructures (also known as "critical assets") from severe damages when natural or human made calamities and catastrophic even occur. In the United States, Executive Order 13407 is established as policy for the United States to have an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the general public, which is called "Integrated Public Alert and Warning System (IPAWS) (FEMA, 2011). In the later year of 2010, Europe started to develop a strategic National Disaster Management after so many natural catastrophes happened in the year of 2010. According to European Academy (2010), there are 725 extremely weather phenomena caused billions of Euro damage and thousands of people's life.

xiii) Child Labor

A significant number of children around the world are trapped in child labor, depriving them of their childhood, their health and education, and condemning them to a life of poverty and want. Of course, there is work that children do to help their families in ways that are neither harmful nor exploitative. But many children are stuck in unacceptable work for children – a serious violation of their rights (Frankenthal, 2011).

2.6.1 Corporate social investment

If CSR functions alongside parameters set by law, CSI tends to be discretionary. It is, in a sense, also easier to identify. Representing some degree of hard spending, it can

mean immediate, real-world changes for its beneficiaries (Aryee, 2001). Governments are eager to encourage it. When discussing CSI, a striking difference is evident between the reports on Lesotho, Mozambique, Tanzania and Zambia on the one hand, and those on South Africa and Mauritius on the other. This is linked to the maturity of the relevant business communities. In the less developed countries, CSI - and corporate governance as a whole - is a new concept. For the most part it is approached as philanthropy, predominantly undertaken by larger companies that are frequently also foreign investors. To some degree, it serves to market the companies involved or to 'legitimize' their presence. While information is sparse, small businesses appear to be less active in CSI. For the most part, CSI in these economies represents a first-generation understanding. Unsurprisingly, CSI appears more prominent among businesses in South Africa and Mauritius - generally a secondgeneration orientation. They provide interesting interpretations of CSI, with both reports suggesting that legislation is the dominant driving force. The Mauritian Finance Act of 2009 compels Mauritian companies to contribute 2% of their profits to approved causes – supporting a non-governmental organization, running a Programme of their own or implementing a Programme under the National Empowerment Foundation. As the report notes, business regards it as a tax.

The South Africa report links CSI to legislation on black economic empowerment (BEE) and skills development. These attempts to create incentives for particular types of CSI by granting preferential access to contracts to companies engaged in them. The supposed impact of legislation is, however, overstated. The stress on the influence of BEE in South Africa understates the long history – however imperfect – of CSI in the country. One of the most venerable CSI instruments is the Anglo-American Chairman's Fund, in operation since the 1950s. The Urban Foundation, founded by

businesspeople in 1976, aimed to improve the 'quality of life' of South Africa's urban black population, while the National Business Initiative, launched in 1995, was intended as a contribution by business to the recently democratized country. Other research suggests that CSI in these countries is substantively driven by moral concerns. Findings on CSI in South Africa by Trialogue – estimating CSI in South Africa at some ZAR8 7.8 billion (\$728 million) in 2013 – come to this conclusion, as does an earlier study among small and medium-sized businesses (in the latter case, CSI frequently arose from entrepreneurs' or workers' personal commitment to a social or religious cause). Similarly, a survey of 100 businesses in Mauritius indicated a near universal participation in such activities, and that the main influences – by a considerable distance – on companies' attitudes towards CSI were their values, followed by management's awareness of social needs (Aryee, 2001). The law ranked third as an influence.

2.7 Drivers of Corporate Social Responsibility

It is difficult to concede if CSR may is purely driven by the intentions of corporate members to exert ethical conduct or is it a distraction and/or opportunity to over shadow or distracts society and consumer perception based on the am oral standing of an organization. Examining some of the following drivers may provide some answer to the principles.

2.7.1 Ethical consumerism

Ethical consumerism can certainly be linked in shaping the methodologies of corporate processes and responsibility. The population has significantly increased in the last two decades placing great pressure on the resources required to meet the demands (Grace and Cohen 2005, 147). Technology has provided many new tools and resources that meet human needs. Industrialization in many third world countries is

booming as a result of technology, in turn fueling globalizations. Consumers are well aware of the risk associated with global warming and climate change however the correlation between what they buy and their day to day needs have no relevance. Society as a whole are aware of the CSR, but the on a day to day level fail to act on belief or relate to something that is intangible, and invisible. "Consumers relate to brands and not corporations" (Centaur Communications Ltd 2007). Examples are the number of people who still purchase Nike apparel when it is publicly known that third world nations are exploited in producing these goods. Resource industries continue to profits from mining of natural resources while the R&D on newer, cleaner technology has a far less focus given the environmental concerns even though evidence suggest that such technology will mean a competitive advantage (Fields 2002).

2.7.2 Globalization and market forces

There are major challenges in today's corporate arena that impose limitations to the growth and potential profits of an organization. Government restriction, tariffs, globalization, environmentally sensitive areas and exploitation are problems that are costing millions of dollars for organization. It may be apparent that in some cases, ethical implications are simply a costly hindrance that potentially forces businesses to finding alternative means to shift viewpoints. It is certainly a potential strategic tactic to gain public support to sustain a competitive advantage. There is no doubting that social contributions provides a subconscious level of advertising that suggest that profit targeting may be the purpose and questions the ethical marketing techniques (Fry, Keim, Mieners 1986, 105) Globalization is certainly making it difficult for competition and many organizations are merging/acquiring other businesses with competitive and alternative core competencies. This not only prolongs sustainability but enables transition to other business landscapes that are subject to or limited in

terms of complex cultural differences and laws. The ability to claim on one hand, to support communities in need of assistance and development, while on the other hand, providing jobs and opportunity for third world employees that virtually earn \$1.00 if that, for every \$100 dollars profited. Further to this, employment conditions are far worst compared to an average workplace of a 1st world nation (The Corporation 2006) The implications could be further interrogated to suggest that somewhere in a corporate home nation, employees of that nation would have lost their jobs to owner paid workers in a foreign land.

2.7.3 Social awareness and education

There is highly visible change in behavior among corporate stakeholders as a result of high publicity on environmental and human right movements in present times. With global warming, and corporate behavior so publicly available to broadcast, there appears to be a trend in social behavior slowly changing from an individualistic mindset to a more holistic and collective reasoning. The Kyoto Protocol is an example of societies coming together and seeing the need for change on a global level (Bulkeley 2001). Peer pressure from society is paving the way business is conducted. Through education and dialogues the development of community in holding businesses responsible for their actions is growing (Roux 2007). Unlike the past, the public has taken a significant shift in holding businesses responsible for their actions. This in turn causes businesses to satisfy their customers' needs. This view is also shared by Bansel and Roth (Bansal and Roth 2000). Amoral attitudes and behavior are unaccepted by consumers who have the potential to impact the sustainability of the Organization (Fields 2002, A143).

2.7.4 Corporate behavior and culture

Another driver changing the behavior and culture of employees is credited to ethics training. The aim of such activities is to help employees make ethical decisions when the answers are unclear. Organizations believe the rewards are demonstrated in the loyalty and pride employees hold towards the organization. This also equates to reducing the likelihood of "dirty hands" (Grace and Cohen 2005), fines and damaged reputations for breaching laws or moral norms. Caterpillar and BestBuys are examples of organizations that have taken such steps (Thilmany 2007). Tullberg believes that humans are built with the capacity to cheat and manipulate a view taken from (Trivers 1971, 1985), hence the need for learning normative values and rules in human behavior (Tullberg 1996).

2.7.5 Government laws and regulation

Another plausible driver of CSR is by independent mediators to ensure that corporate goals don't harm or disadvantage anyone or environment. This remark supported by Friedman feels demonstrates that governments themselves should set the agenda for social responsibility by the way of laws and regulation that will allow a business to conduct themselves without disadvantage or degradation. In many instances separate organizational bodies are established to administer the workings of fair-trading on a local and global front. The issues surrounding government regulations pose some problems; the first, regulation in itself is unable to cover every aspect of detail in a corporation's process. This leads to the argument and interpretation of the law and the debatable "grey areas" (Sacconi 2004). General Electric is an example of a corporation that has failed to clean up the Hudson River after contaminating it with organic pollutants. They continue to argue via the legal process on the decisions of liability, while the cleanup remains stagnant. (Sullivan & Schiafo, 2005). The second

issue is the financial burden this place on an economy if such a corporation contributed significantly to the nation's economy. This view shared by Bulkeley, who identifies the Australian Federal Governments actions to not comply with Kyoto in 1997, on the concerns of economic loss and national interest especially relating to the energy and resources industries. Signing the Kyoto pack would have caused significant economic losses than any other Organization of Economic Commission for Development (OECD) nation (Bulkeley 2001, pg. 436). The Bush administration is another government body, who is opposed to regulatory measures along with resistance from many big US businesses who think alike. The burden and inconvenience to stakeholder are unjustified (Fialka 2006).

2.7.6 Consequences and events

Unfortunately many consequential events are a reason why CSR policies become evident. One of the most active stands against environmental management is the CERES Principle that eventuated after the Exxon Valdez incident in Alaska in 1989 (Grace and Cohen 2006). Many highly media publicized incidents have resulted in ethical and social responsibility by corporations to rectify the problems. The lead poisoning paint used by toy giant Mattel saw a recall of millions of toys globally, initiating new risk management and quality control processes. Mageline Metals in the West Australian town of Esperance was responsible for lead contamination killing thousands of birds in the area. The immediate cease of business and the cleanup was executed along with independent regulatory bodies called to provide assistance and assessment of the impacts.

2.8 CSR and Government

Corporate Social Responsibility (CSR) aims to better integrate government concerns into business routines on a voluntary basis. After explaining why governments show

interest in CSR, CSR is introduced as a voluntary contribution to sustainable development. Based on this systematic description of CSR policies, the article explores what CSR and the respective public policies imply for business—government relations as well as the changing patterns of regulation. It concludes that CSR started out as a neo-liberal concept that helped to downscale government regulations, but that it has in turn matured into a more progressive approach of societal co-regulation in recent years.

a) Government Intervention and Action Areas in Promoting CR

As governments seek to address corporate responsibility from a political perspective, two primary variables play a dominant role in shaping public policy agendas. The first is the type of government intervention used to promote responsible business efforts and the second is the specific issue or action area to be addressed (Seccombe, 2010).

b) Types of government intervention in CR

In selecting the appropriate types of policy intervention, governments must take into account local socioeconomic, political and cultural contexts as well as the specific problems or action areas in and through which social change is desired. Governments may wish to combine different types of intervention in order to address social challenges effectively. Practical experience shows that various types of government interventions can comfortably coexist, and can in fact be complementary. There are at least four types of government intervention that can usefully be distinguished (Garriga, and Mele, 2014). The types of government intervention in CR includes Awareness-raising, Partnering, Soft law and Mandating.

c) Role of Government in Promoting CSR

The government plays a very important role in promoting corporate social responsibility for various reasons. For one, this sector can encourage the business sector to advocate an ethical, social, and environmentally-conscious business transaction with their stakeholders. This is because they primarily enforce compliance with the legislative and regulatory structure of the business sector. For example, the government must enforce compliance in matters of sustainable development for natural Titanium (Baxi & Ray, 2012). Another reason is they maintain the observance of smooth and peaceful business operations in the community through programs that demonstrate social responsibility and responsible investment. With the enactment of these state laws and regulations, the interests of the consumers are safeguarded and the environment is protected from unethical practices by certain abusive companies. The laws governing a state or a nation differ from one state to another. Wherever a corporation establishes business and operates, the firm adheres to the imposed laws of that particular region. These regulations can be as broad as human rights protection, clean environmental acts, and responsible investment (Aryee, 2011).

2.8.1 Legalizing corporate social responsibility in Kenya

Emmanuel Kant stated that if a good deed is done for any other purpose other than just good, then it ceases to be good. This concept of Corporate Social Responsibility (CSR) points towards the philanthropic nature of CSR as provided by companies. Corporate social responsibility is an act that aims at improving the lives of persons who are affected by the performance of a certain corporate body. The question is, whether this country has seen good corporate citizenship among the corporate bodies regarding environmental conservation, employee remuneration, and training, product development, and safety among others. Is law needed to steer the CSR agenda? This

country has much Titanium that ought to be taken care of and from which the locals should benefit. This study will address the issues surrounding CSR in Kenya (Fraser, 2006).

Corporate social responsibility has a myriad of definitions. Scholars perceive it differently based on the economic, social or even cultural setting they are in. The investopedia definition is that it refers to a corporation's initiative to assess and take responsibility for the company's effects on the environmental and social wellbeing of society. For Helg, "Corporate Social Responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large. In Kenya, CSR was classified into three categories: Employee CSR, product/service CSR, community brand loyalty CSR, and environmental CSR. Focus is placed on the role of CSR, the situation in Kenya concerning CSR, factors that affect CSR in Kenya, the available legal framework for CSR, the inadequacy of law and policy, finally recommendations for reforms and conclusion. Argues for the reform in the law to accommodate CSR for it to be effective. It also argues that CSR has benefits for both the communities as well as the companies themselves. It concludes with the Nigerian approach of having a legislation governing CSR and it suggest this approach for Kenya (Fraser, 2006).

CSR was found severally to be a prudent step for every company. There are two schools of thought concerning the concept. One thinks that CSR is but an act of hypocrisy, and it does not in any way benefit the company. This group believes that a company's one and only role is to maximize profits for its shareholders and that it does not owe the world any duty to do acts of goodness. This was referred to as the "earth scorch" by Ojwang and Seccombe, (2010) it strictly adheres to its

memorandum and articles. The other school is pro-CSR. This school believes that the act of CSR ought to form one of the primary objectives of a company. That it is a way of giving back to society and also a means to enhance brand loyalty and in turn, maximize profits accruing from a broader market out of goodwill. Further, it believes that CSR can reduce litigation and attract qualified staff. Statistics show that CSR and financial performance are directly proportional despite this being a long-term result. CSR in Africa, and Kenya specifically, would be slightly different given the economic and social environment. More focus is on the philanthropic approach due to the poverty levels, illiteracy, and disease. Many CSR activities go into education, medicine and agriculture. The philosophies of our ancestors have provided a basis, for example, the Harambee slogan, the Nyayo philosophies of peace, love, and unity among others. These encouraged the acts of kindness, generosity and support for one another. As a result, companies such as Safaricom have gone out of their way to enhance talents and ensure education for the poor is taken care of.

The facets of CSR have been for a long time ignored in this country. These include product/service CSR, environment CSR, and employee CSR. The focus was mainly on community CSR. The reasons for this could be the fact that it can be used as a marketing strategy rather than to ensure the welfare of members of the society is protected. Products ought to be of high quality and should be satisfactory to the customer. The Consumer Protection Act in Section 5 provides that products ought to be of merchantable quality. The product CSR can enhance this by ensuring goods, services that are offered to the public are of high quality, and that all requirements are met. Employees should be offered relevant training, and they should target individuals with proper qualifications.

a) The CSR policy and Legal Framework

Karim, (2012) argues that CSR has to have a legal mandate for it to be effective. She adds that the reason why CSR is failing is because it is just voluntary. The legal and policy framework governing corporate social responsibility is rather a dearth and is worth revisiting. The laws and policies are scattered in different legislation and policy guidelines. The most evident being the Environmental Management and Coordination Act (the EMCA) which provides for the need for an environmental impact assessment of any project that can affect the environment. This is to ensure that cases of environmental degradation as a result of activities, for example, construction works do not adversely affect the environment. The National Environmental Management Authority (the NEMA) is mandated to ensure this is implemented. However, the enforcement mechanisms are limited, and the goodwill is lacking from the organization. The sad case of lead poisoning on the coast of Kenya due to water being contaminated by-products from the smelting companies. Many deaths have been reported even among workers of these companies. It is a clear manifestation of the lack of proactive spirit in such institutions to ensure that citizens are not denied their right to a clean environment. The act also provides for the law against dumping of harmful waste. It is captured in the EMCA subsidiary legislation on waste disposal. The problem that arises is the enforcement of these laws. Sanctions are not of a quality that would deter errant companies from disposing of the chemicals. An inadequacy would be that there is no law requiring companies to incorporate environmental management and preservation in their policies. Further inadequacy is seen in the access to justice for victims of environmental pollution such as those persons whose health is affected by the air pollution. There are no mechanisms to

ensure that they are compensated. This is unless they take the civil proceeding route, which can prove to be tedious and money consuming (Philippe, 2013).

The Kenya Bureau of Standards (KEBS) provides for guidelines that govern corporate social responsibility (the Guidelines). However, these are an adoption of the ISO guidelines which lack a clear enforcement mechanisms and institutions. Where there are no enforcement mechanisms, the guidelines are left to the mercy of the companies to ensure attainment, and as a result, there is little to no regulation of CSR activities (Fraser, 2006).

According to Muthuri and Gilbert (2011), there are no strong institutions to guide CSR engagement in Kenya because of lack of enough government regulation and commitment to enforce the rules. Civil society was at the forefront to attempt to push the CSR agenda. It was witnessed in the flower industry where civil society advocated for better-working conditions for workers. The news about the poor working conditions prompted the export market to halt the purchase of flowers in Naivasha till this was corrected. It was a step towards employee CSR, which did bear fruit. As such, civil society has a part to play in the CSR equation. However, there is the need to have better means of regulating the conduct of companies to ensure that they fulfill the obligations that they owe the society. The positivist school of thought would take the position that it is not for the court to determine matters of morality. Probably then it is plausible for other mechanisms to be adopted in ensuring the CSR agenda is driven. In coming up with policies that encourage the practice of CSR, companies will guide their activities towards the CSR spirit.

Companies have the duty to ensure that they observe human rights. The actions that violate rights of persons should be prosecuted and persons paid damages for the loss

that they incur in the process. The case of Presbyterian Church of Sudan vs. Talisman Energy is a manifestation of the concern that the society has when it comes to issues of company's recklessness. The plaintiffs, in this case, alleged that the defendant company aided and abetted war crimes in Sudan. Though the case isn't concluded yet, it is a clear suggestion that the society is aggrieved when companies are serving a purpose that is contrary to public good and public policy. Sound corporate social responsibility practices can avoid claims, boycotts, and negative media attention.

Legislation is at the heart of an effective CSR control program. Any comprehensive CSR control program requires the drafting and adoption of legislation and the introduction of regulations. A society's laws are the most solemn and formal articulation of its values; they recognize, reinforce and give permanence to a society's norms. Further, legislation serves to institutionalize CSR control program. Examples of CSR control program is grounded in a comprehensive legislation in South Africa Legislating on CSR importance because it promotes good corporate citizenship, consumer relationships, and good corporate management. It also helps in streamlining labor and employment issues besides ensuring environmental health and public safety. It also enhances socio-economic development and promotes standard conduct of members both community members and employees of the extracting companies.

Legislation is also an expression and reflection of public opinion since Legislature represents the people. It presents the problems, difficulties and demands of people before the government. It tries to ventilate their grievances by pressurizing the government to take necessary steps for the redressed of the grievances of people. It acts as a link between people and government. It plays educative function. They inform the electorate of the problems and trends. They also educate them about the issues involved and enable the people to express their points of view freely on these

issues. Thus, the legislature performs a variety of functions in a modern state.

Legislation also Ensures compliance and Responsible partnerships.

b) Reforms

Kenya could start by emulating the example of India that has a sound legislation on CSR requiring that companies give 2% of their net profits to charitable causes. The availability of law will allow for courts to deal with the questions of violations of rights of people. Additionally, the provision of a legislative framework will see the initiation of an enforcement structure. It will make the guidelines useful. The need for societal civic education cannot be over-emphasized. It is important that persons know their rights so that they can agitate for the same. Companies should be encouraged to take up initiatives of CSR in order to have the end result of brand loyalty and subsequent increase in profits. The incorporation of international instruments such as the ISO guidelines will increase the avenues for the CSR to be ingrained. Companies will also be promoters of the rule of law, bring about social change, transparency and reduce corruption (Seccombe, 2010).

2.9 Indigenous Community Perceptions of CSR Strategies

Corporate Social Responsibility (CSR) is very high on corporations' agenda in recent years. CSR means different things to different stakeholders but generally refers to saving people, communities and the environment way that goes beyond what is legally required of a firm. There are therefore different perceptions of how people view and perceive the CRS activities. This section examines how people generally perceive the various CRS Programmes.

a) Public Perception of CSR Corporate Social Responsibility

Little is known about the perception of corporate social responsibility (Yi, 2012). The findings suggest that age of the corporation, community involvement, and cultural diversity have a significant influence on corporate social responsibility perception by stakeholders.

Researchers and companies are paying increasing attention to corporate social responsibility (CSR) programs and the reaction to them by consumers. Despite such corporate efforts and an expanding literature exploring consumers' response to CSR, it remains unclear how consumers perceive CSR and which "Gestalt" consumers have in mind when considering CSR. Academics and managers lack a tool for measuring consumers' perceptions of CSR (Punch, 2003). The conceptualization and the measurement scale can assist companies to assess CPCSR relative to their performance. Below are some of the perceptions.

b) Negative Perceptions of the Company

Some community members alleged that corporate social responsibility campaigns are fraudulent and only help to spread corruption. This perception is indeed a serious issue as the companies has social marketing campaigns in place but they are obviously not getting the message heard. Several community members highlight the environmental issues especially the issue of environmental degradation through oil spillage (Bowen, 1953). This has clearly affected the reputation of the companies.

c) Frustration and resentment

The first theme can be an expression of disappointment, anger and frustration towards the mining company for discharging mine tailings disposals which had destroyed their environment – the primary source of their livelihood (Jennifer, 2012). Shared within

this theme is the concern that the company was not adequately assisting the local communities to live within their mine-impacted environment, given the fact that the environment and land that sustained their livelihoods was no longer usable.

d) Happy and Satisfied

The second theme can be an expression of satisfaction and happiness where the community highly perceives the CSR activities received from the industry/company to be carrying out useful activities in society and community, building up good relationship with community and people in this area as well as improving and giving the opportunity for people in society, helping and improving quality of life of people in society, supporting education such as building school building and library (Bowen,1953).

e) Middle Ground

Some members of the community can be referred to as fence sitters meaning they neither actively appreciate nor criticize the CRS activities offered by the local companies. This may be as a result of ignorance about these companies and the importance and benefits of the CSR Programmes.

2.10 Implementation of CSR

There are no general rules on how to implement CSR. The commitment shown by a company's management and shareholders is a key factor. CSR should be integrated in all of a company's segments and strategies and ideally become part of its corporate culture. The implementation of CSR assumes compliance with laws as well as social partnerships and other contractual agreements. In addition, society's expectations, which go beyond legal obligations, are to be considered.

In order to support companies in their efforts to assume responsibility, international organizations, governments, corporate associations and non-government organizations have developed standards, codes of conduct and labels that describe and explain the expected conduct. The OECD guidelines for multi-national companies, the United Nation Global Compact, the United Nations Guiding Principles on Business and Human Rights, ISO 26000 on social responsibility and the Global Reporting Initiative (GRI, a guideline for sustainability reporting) are widely recognized tools and guidelines.

Their implementation should cover the whole range of effects of corporate activities, including the value-added chain, and take into account stakeholders' requirements. The specific conditions under which SMEs operate and the options open to them must be considered in this respect. Transparency and a readiness do engage in dialogue are at the core of CSR and contribute to its successful implementation.

2.11 Corporate Social Responsibility Organizations

Below is the lists some of the better known non-profit CSR institutions and resources that have been established by business and/or civil society organizations.

a) African Institute of Corporate Citizenship (AICC)

The African Institute of Corporate Citizenship is a non-governmental organization committed to promoting responsible growth and competitiveness in Africa by changing the way companies do business in Africa (Baxi& Ray, 2012). Its mission is to promote responsible growth and competitiveness throughout Africa and make corporate citizenship an integral part of how companies do business in Africa. It emphasizes the importance of transparency and of non-financial reporting. Its Africa

Corporate Sustainability Forum (ACSF) is an international multi-stakeholder platform which facilitates learning and exchange of best practices.

b) Business and Human Rights Resource Centre

The Business and Human Rights Resource Centre is an independent, international, nonprofit organization that strives to promote greater awareness and informed discussion of important issues related to business and human rights. Its online library covers more than 3,000 companies, and their operations around the world. It also includes a large section on the work of Professor John Ruggie, the UN Special Representative on business and human rights, as well as on the Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights. http://www.business-humanrights.org/Home.

c) Business Social Compliance Initiative (BSCI)

The BSCI is a non-profit organization, based in Brussels. Its mission is to provide a common platform for European and non-European retailers, industry and importing companies for monitoring and improving social standards in all supplier countries and for all consumer goods. BSCI is not a certification system and does not issue a certificate. It does however provide a specific process based on the SA 8000 management standard with uniform management instruments for members, suppliers, auditors and qualifiers. This approach ensures uniform audit procedures and evaluation, and thereby the comparability of results.

d) Business for Social Responsibility (BSR)

Business for Social Responsibility is a U.S.-based organization that helps member companies achieve success in ways that respect ethical values, people, communities and the environment. BSR provides information, tools, training and advisory services

to make CSR an integral part of business operations and strategies. A non-profit organization, BSR promotes cross-sector collaboration and contributes to global efforts to advance the field of corporate social responsibility. BSR conferences are usually well-attended events and useful for networking and hearing different perspectives and experiences.

e) Business in the Community (BiTC)

Business in the Community is a unique movement in the U.K. of 700 member companies. It operates through a network of local business-led partnerships, and has a range of global partners. Its mission is to inspire, challenge, engage and support business to continually improve its positive impact on society. Business in the Community is the largest and one of the oldest organizations of its kind—an independent, business-led charity with more than 20 years of experience. Its Web site provides updates on recent developments in the CSR field in the U.K. and a range of tools and advisory services.

f) Coalition for Environmentally Responsible Economies (CERES)

The Coalition for Environmentally Responsible Economies is a U.S.-based NGO consisting of a network of investment funds, environmental organizations and other public interest groups working to advance environmental stewardship on the part of business. CERES (www.ceres.org) has played a historic role in launching various initiatives, including the Global Reporting Initiative (1997–2002), and the Sustainable Governance Project to raise global climate change and the other sustainability issues as significant risks to be addressed by corporate brands and investment fiduciaries (2002).

g) The Conference Board

The Conference Board is one of the world's leading business membership and research organizations. Best known for the Consumer Confidence Index and the Leading Economic Indicators, The Conference Board has been assisting many of the world's leading corporations for almost 90 years with practical knowledge through issues-oriented research and senior executive peer-to-peer meetings. A non-profit organization, The Conference Board has national or regional branches in North America, Europe and Asia. It undertakes research, publishes occasional papers on corporate social responsibility, holds conferences and issues an annual corporate social responsibility report.

h) Ethos Institute

Brazil-based Ethos Institute is globally recognized as a leading CSR organization. Its members comprise companies of different segments and sizes which account for annual revenues of approximately 30 per cent of Brazil's GDP and employ roughly 1.2 million people. Its mission is to mobilize, encourage and help companies manage their business in a socially responsible way, making them partners in building a sustainable and fair society. It conducts research, encourages learning, and has developed the "Ethos.

2.12 Ethical Trading Initiative (ETI)

The Ethical Trading Initiative is a non-profit, U.K.-based alliance of companies, non-governmental organizations and trade unions. It exists to promote and improve the implementation of corporate codes of practice that cover supply-chain working conditions. Its ultimate goal is to ensure that the working conditions of employees producing goods for the U.K. market meet or exceed international labour standards.

2.12.1 European Academy of Business in Society (EABIS)

The European Academy of Business in Society is an alliance of companies, business schools and academic institutions that is, with the support of the European Commission, committed to integrating business-in-society issues into the heart of business theory and practice in Europe. It seeks to help shape and enhance the quality of debate on the role of business in society in Europe, and to increase the capacity of business leaders to put business-in-society at the heart of the way companies are run.

2.12.2 Extractive Industries Transparency Initiative (EITI)

The Extractive Industries Transparency Initiative is a non-profit multi-stakeholder organization which aims to ensure that the revenues from extractive industries contribute to sustainable development and poverty reduction. At the core of the initiative is a set of Principles and Criteria that establish how EITI should be implemented (Proti, 2012). These Principles and Criteria were developed and agreed by EITI's partners from governments, international organizations, companies, NGOs, investors, and business and industrial organizations. Some twenty countries have either endorsed, or are now actively implementing EITI across the world—from Peru, to Trinidad and Tobago, Azerbaijan, Nigeria, and East Timor.

2.13 The Extractive Industries Transparency Initiative (EITI)

The Extractive Industries Transparency Initiative (EITI) is a global standard for the good governance of oil, gas and mineral resources. When implemented by a country, the EITI ensures transparency and accountability about how a country's natural resources are governed. This ranges from how the rights are issued, to how the resources are monetized, to how they benefit the citizens and the economy (Reichardt, 2009).

The EITI Standard requires information along the extractive industry value chain from the point of extraction, to how the revenue makes its way through the government and its contribution to the economy. This includes how licenses and contracts are allocated and registered, who the beneficial owners of those operations are, what the fiscal and legal arrangements are, how much is produced, how much is paid, where the revenue is allocated, and its contributions to the economy, including employment (Roberts, 1995).

The EITI standard is implemented in 52 countries around the world. Each of these countries is required to publish an annual EITI Report to disclosing information on: contracts and licenses, production, revenue collection, revenue allocation, and social and economic spending (Goodson, 2014). Every country goes through a quality-assurance mechanism, called Validation, at least every three years. Validation serves to assess performance towards meeting the EITI Standard and promote dialogue and learning at the country level. It also safeguards the integrity of the EITI by holding all EITI implementing countries to the same global standard (Shenton, 2014).

The EITI Standard is developed and overseen by an international multistakeholder Board, consisting of representatives from governments, extractives companies, civil society organizations, financial institutions and international organizations.

Carroll (1991) organized different corporate social responsibilities as a four-layered pyramid model and called it the pyramid of responsibilities. The four different responsibilities - economical, legal, ethical and philanthropic are the layers of the pyramid (Proti, 2012).

According to Carroll and Buchholtz (2003), the pyramid of responsibilities should be seen as a whole and the different parts should not be separated. To be profitable as a company, minimize cost and maximize sales or make sensible strategic decisions are at the base of economic responsibilities. Economic performance is required by the society. The second layer is the *legal responsibilities* and it is also required by society. In these responsibilities' companies are expected to obey the law, because the law mirrors show the society regards as accepted or unaccepted. The difference of the ethical responsibilities from the first two responsibilities is that the ethical responsibilities are not required but expected by society (Proti, 2012). To assert ethical leadership, avoid questionable practices or operate above the minimum standard of the law could be examples for the ethical responsibilities (Blowfield & Murray, 2008). The philanthropic responsibilities stand at the top of the pyramid and to be a good corporate citizen and improve the quality of life for the society is the aim of these responsibilities. Corporate contributions, to support the community by providing programs or engagement in volunteerism can be example for the philanthropic responsibilities. To some extent the philanthropic responsibilities are desired and expected by the society (Shenton, A. K. (2014).

2.13.1 Mineral exploration

- (a) Prospecting Right: any person may apply for a prospecting right which will provide the holder the right to carry out exploration activities in any land.
- (b) Exclusive Prospecting Licence ("EPL"): persons who hold a prospecting right may apply for an EPL which provides the holder with the exclusive right to prospect in a designated land. An EPL is initially issued for one year and may be renewed at the discretion of the Commissioner for further terms of one year each up to a

maximum of five years. An EPL is not transferable without the consent of the Commissioner. EPLs normally relate to prospecting in a large area of land. Alternatively, "Mining Locations Licenses" may be obtained for mineral exploration in a smaller area of land (up to four square kilometers).

2.13.2 Mineral exploitation

- (a) Mining lease: a mining lease is issued to a holder of any prospecting right and provides the lessee the right to extract deposits within the land area of the mining lease, including the right to remove and dispose of the minerals as specified in the lease. A mining lease may be granted for a term of five to twenty-one years, and will set out the applicable terms and conditions for such mining.
- (b) Special Mining Lease ("SML"): where the Commissioner is satisfied that there are special costs or other reasons applicable to a particular deposit, the Commissioner may grant a SML to any person. A SML may be grated and be renewed for such a term, and upon such conditions as the Commissioner may think fit. All mining leases must be registered with the Commissioner and can only be transferred with the Commissioner's written consent.

2.13.3 Obtaining a mining lease

The following are some of the main steps to be carried out prior to the issue of a mining lease.

- Carrying out a mining feasibility study and an approved cadastral survey of the deposit.
- 2) Preparation of an Environmental Impact Assessment Study ("EIA") in accordance with the requirement of the Environmental Management and Co-ordination Act

- No. 8 of 1999. This must be approved by the National Environment Management Authority. The EIA is subject to public comments before such approval;
- 3) Submitting a formal application for a mining lease (which will include information included in (a) and (b) above, and any compensation agreements payable to landowners) must be published in the Kenyan Gazette and a local newspaper inviting any objections.
- 4) Registration of the mining lease under the Mining Act and the Registration of Documents Act, and the applicable stamp fees must be paid.
- 5) Constitution of Kenya states that the Parliament must ratify any right or concession for the exploitation of any natural resource. The above process typically takes over a year to complete.

2.13.4 Mining law reforms and local equity participation

The Mining Act has been criticized for lacking in contemporary practices such as fair sharing of revenue and efficient waste management. In 2012 the Ministry of Environment and Mineral Resources published a draft Geology Minerals and Mining Bill, which now awaits cabinet approval (Proti, 2012). The Bill aims to "revitalize the mining sector by ensuring transparent and efficient management ... benefit sharing and disputes resolution". Key features include; increased and variable rates for royalties (variable on the type of mineral and value addition), reclassification of certain mining rights, establishing a dedicated "Mining Disputes Resolution Tribunal" and the sharing of benefits by local communities. On 12 October 2012 the Mining (Local Equity Participation) Regulations, was promulgated, aimed at increasing Kenyan participation in mining companies (Ragen, 2011). The regulation states "It shall be a condition of every mining license that the mineral right in respect of which the license is issued shall have a component of local equity participation amounting to

at least thirty-five per cent (35%) of the mineral right." The Regulation has been interpreted to mean that at least 35% of shareholders in mining companies must be Kenyan nationals. The requirement of local investor participation is not unusual in the natural resource extractive sector. Such laws are fast becoming commonplace in mining economies, with similar laws being adopted in Botswana, Zimbabwe, Tanzania, Guinea and Indonesia. However, for such laws to reach their intended aim there must be adequate finance and financial infrastructure available to local investors. This is a challenge Kenya will need to address, given the potential for large scale mining operations in the near future (Chokera, 2000).

2.13.5 Exploring: A detailed look at Kenya's Mining Act, 2016

The Mining Act, 2016 (the Act) was signed into law by the President on 27th May 2016. The purpose of the Act is to give effect to the provisions of Article 60 of the Constitution of Kenya, 2010 which sets out the principles of land policy. Plus, Article 62(1)(f) which provides that all minerals and mineral oils form part of public land and shall vest and be held by the national government in trust for the people of Kenya and Article 66(2) that requires parliament to enact legislation to ensure that investments in property benefit local communities and their economies. Also, Article 69 that sets out the obligations of the state with regards to the environment, in particular, the use of the environment in a sustainable manner and Article 71 of the Constitution which requires Parliament to enact legislation to ensure that investments in property benefit local communities and their economies.

2.13.6 Background of the legislation

The Act replaces the pre-independence Mining Act Cap. 306 of 1940. The 1940 law was criticized by investors as having been out of date and out of touch with the times.

The previous Act did not make any provision for technological, economic and environmental advancements.

The new Act seeks to provide clear guidance on mining activities in Kenya. It introduces amongst other things legalization of Artisanal Miners and Transparency and Accountability through use of the Online Mining Cadastre portal for licensing and for management of mineral rights and permits. It also introduces Community Development Agreements, mandatory for all holders of large scale mining rights, and sharing of royalties among the national government, the county governments and the local communities.

2.13.7 Principle objective of the legislation

The Act is intended to streamline the country's mining sector and open the gates for its development as well as ensure environmental conservation and sustainable development in the mining sector. It also seeks to address the key gaps in the Mining Act of 1940, and align the sector to the latest global trends such as value-addition and the use of technology to spur investor interest. The Cabinet Secretary for Mining has termed the Act as one of the most "progressive mining laws in the continent."

2.13.8 Institutions and bodies

The Act establishes several institutions which in essence breaks the concentration of decision making in the office of the Cabinet Secretary. The previous Act only made provision for a Commissioner of Mines and Geology, who carried out most of the duties and decision making that is now carried out by the different institutions and bodies established under the new Act.

2.13.9 Mineral and metal commodity exchange

There is also established the Mineral and Metal Commodity Exchange, whose purpose is to facilitate efficiency and security in mineral trade transactions. The commodity exchange will act as a marketplace for minerals.

2.13.10 Mineral rights board

The Mineral Rights Board is established under Section 30 of the Act. Its function is to advise and give recommendations, in writing, to the Cabinet Secretary on the grant, rejection, retention, renewal, suspension, revocation, variation, assignment, trading, tendering, or transfer of Mineral Rights Agreements; the areas suitable for small scale and artisanal mining; the areas where mining operations may be excluded and restricted; the declaration of certain minerals as strategic minerals; cessation, suspension, or curtailment of production in respect of mining licenses; fees, charges and royalties payable for a mineral right or mineral; and any matters which under this Act, are required to be referred to the Mineral Rights Board.

2.13.11 Directorate of mines and directorate of geological survey

The Act also establishes the Directorate of Mines to regulate the mining sector and the Directorate of Geological Survey to develop the national geological database and promote interest in the mining sector.

2.13.12 Mineral rights

A mineral right is defined under Section 4 of the Act to mean a prospecting license, a retention license, a mining license, a prospecting permit, a mining permit or an artisanal permit. Section 32 of the Act which falls under Part VI of the Act that deals with general provisions on mineral rights categorizes mineral rights into two: Large Scale Operations and Small-Scale Operations.

The power to grant, deny or revoke a mineral right is vested on the Cabinet Secretary. However, such powers can only be exercised after the recommendation of the Mineral Rights Board.

2.13.13 Artisanal mining

The Act makes provision for artisanal mining. Artisanal mining is defined under Section 4 of the Act, as traditional and customary mining operations using traditional and customary ways and means. The Cabinet Secretary is tasked with establishing offices in the Counties headed by a representative of the Director of Mines. This representative shall have the function of granting, renewing and revoking artisan mining permits amongst other duties.

An Artisan Mining Committee shall also be established in every County. This Committee shall be tasked with advising the representative of the Director of Mines in the granting, renewal or revocation of the artisanal mining permits.

2.13.14 Local equity participation

The Act protects local participation with provisions for equity participation in large mining operations. The Act also provides for the prioritization of local procurement of goods, services and workforce.

2.13.15 Mineral agreements

The Act provides that the Cabinet Secretary in consultation with the National Treasury may enter into a mineral agreement with the holder of a mining license where the proposed investment exceeds USD 500 million. It is a requirement that all mineral agreements entered into shall be public and made accessible to the public. This is in line with the Constitutional provision for access to information.

The mineral agreement shall set out the terms and conditions for minimum activity and minimum expenditure in respect of prospecting and mining operations amongst other provisions. All mineral agreements shall be submitted to the National Assembly and the Senate for ratification.

2.13.16 Environment management

The Act has enhanced the provisions on the environment, health and safety. Section 176(1) states that a mineral right or other licenses or permit granted under the Act shall not exempt a person from complying with any law concerning the protection of the environment. Section 176(2) further provides that a mining license shall not be granted to a person under this Act unless the person has obtained an environmental impact assessment license, social heritage assessment and the environmental management plan has been approved.

2.13.17 Land use, water rights laws and pollution

A holder of a mineral right is also required to comply with the prevailing laws on water rights and use the land in accordance with the terms of the permit of license. In doing so, the holder of the permit or license will ensure that the land is used in a sustainable manner.

Section 179 of the Act which deals with land use requires the holder of a permit or mining license to ensure the sustainable use of land through restoration of abandoned mines and quarries; that the seepage of toxic waste into streams, rivers, lakes and wetlands is avoided and that disposal of any toxic waste is done in the approved areas only; that blasting and all works that cause massive vibration are properly carried out and muffled to keep such vibrations and blasts to reasonable and permissible levels in conformity with the Environmental Management and Coordination Act, (Cap. 387);

and that upon completion of prospecting or mining, the land in question shall be restored to its original status or to an acceptable and reasonable condition as close as possible to its original state.

2.13.18 Land restoration

After completion of the prospecting or mining, the mineral right holder will ensure that the land in question is restored to its original status or to an acceptable or reasonable condition as close as possible to its original state.

2.13.19 Environmental protection bonds

Environmental protection bonds are also provided for under the Act. This requires an applicant for a prospecting license, a retention license or a mining license to provide a bond or some other form of security sufficient to cover the costs associated with the implementation of the environmental and rehabilitation obligations of the holder under the Act.

2.13.20 Health and safety

The Act has provisions to ensure the health and safety of persons working at the mines. It provides that the holder of a mineral right will comply with the Occupational Health and Safety Act, 2007 with regards to the safety of workers and mine operations.

2.13.21 Technological developments

The Act embraces technological advancements by providing for a computerized mining cadaster and registry system which includes an online transactional facility to enable applications for the granting and renewal of mineral rights to be submitted online.

2.13.22 Royalties

The Act provides for the payment of royalties by a holder of a mineral right to the State. The royalty payable as per the Act will be determined by the gross value of the sales. The Act provides that the Cabinet Secretary will prescribe the rates of royalties payable.

Section 255(2) of the Act provides that any Regulations made under the laws repealed by the Act shall continue to be in force, so far as they are consistent with the Act until such time as they are revoked by the Cabinet Secretary.

On 16th August, 2013, the then Cabinet Secretary for Mining, Hon. Najib Balala, via Legal Notice No. 187 made the Mining (Prescription of Royalties on Minerals) Regulations of 2013. These Regulations will apply on the royalties payable by holders of mineral rights.

2.13.23 Revenue sharing

The Act makes provision for the sharing of the royalties that are payable under the Act. Section 183(5) provides that the National Government will be entitled to 70%, the County Government 20% and the community where the mining operations occur will be entitled to 10% of the revenue.

This provision has been viewed as being probably one of the most progressive provisions in the Act, if not the environmental provisions. It embodies the spirit of the Constitution that requires equitable distribution of revenue among the national and county governments and inclusion, more so, financial inclusion for the people of Kenya.

2.13.24 Dispute resolution

Section 154 of the Act provides for dispute resolution. It provides that any dispute arising as a result of a mineral right issued under the Act, may be determined by the Cabinet Secretary, through a mediation or arbitration process as may be agreed upon by the disputing parties or as may be stated in an agreement; or through a court of competent jurisdiction. Section 155 sets out the disputes that may be determined by the Cabinet Secretary.

2.13.25 Repeals, savings and transitions

The Act repeals the Mining Act Cap. 306, the Trading in Unwrought Precious Metals Act Cap. 309 and the Diamond Industry Protection Act Cap. 310.

Any Regulations made under repealed laws shall continue to be in force in so far as they are consistent with this Act until such time as they are revoked by the Cabinet Secretary. The Act also provides that mining rights under the previous law will have a transition period of eighteen (18) months.

2.13.26 International best practice on mining

The Act generally prescribes for the carrying out of prospecting and mining activities in accordance with international best practice. Below is a discussion on some of the international best practices on mining.

2.13.27 Sustainable development in mining

Sustainable development is at the heart of international best practice on mining. There is no universally adopted definition of sustainability in the mining industry. However, there are five (5) main pillars that embody sustainable mining practices. These are Economy, Safety, Resource efficiency, Environment and Community. A brief description of each dimension follows.

2.13.28 Environmental management

Environmental assessment is a process that will ensure the mineral right holder considers the potential environmental effects before they can begin the mining process. It is important that the impact to the environment is managed through specialized low impact exploration practices, water management, pollution prevention and control and the rehabilitation of mines after closure.

The Act has several very progressive provisions on environmental management, which include the requirement for a person to obtain an impact assessment license before being granted a mining license. The Act also requires the holder of a mineral right to comply with the prevailing laws on water and use the land in a sustainable manner.

There is also provision for rehabilitation of the mining site after completion of mining and the requirement for an applicant for a prospecting license, a retention license or a mining license to provide an environmental protection bond or some other form of security sufficient to cover the costs associated with the implementation of the environmental and rehabilitation obligations of the holder under the Act.

2.13.29 Community engagement & development

Mining has an impact on communities. This impact can be a positive catalyst towards social and economic development, transforming people's lives for the better. Unless the community is engaged and supportive of a mining operation, opposition and confrontation may ensue. This will ultimately distract management from its main focus of efficiently running the mine.

Good mining practice requires the holder of a mineral right to proactively engage with communities to build strong relationships based on trust and respect. This will minimize negative impacts and maximize benefits. It should be noted that it is important to engage the community right from the initial phases of the mining process.

The new law seeks to ensure employment opportunities are created for Kenyans, ensure skills transfer and capacity building for the citizens by requiring the holder of a mineral right to give preference to members of the community and Kenyan citizens when it comes to employment and only engage non-citizen technical experts in accordance with such local standards for registration. The Act also provides for revenue sharing with the communities where the mining operations occur being entitled to 10% of the revenue.

2.13.30 Health and safety

A mining operation should aim to prioritize safety. Characteristics of safe mines include a commitment to risk management; appropriate attitudes and behaviors; reporting systems need to be in place; a focus on education and training; and a focus on processes and equipment.

The Act has provisions to ensure the health and safety of persons working at the mines. It provides that the holder of a mineral right will comply with the Occupational Health and Safety Act, 2007 with regards to the safety of workers and mine operations.

2.14 Compliance with the Constitution of Kenya

Article 35(1)(a) of the Constitution states that every citizen of Kenya has the right of access to information and 35(3) further provides that the State shall publish and publicize any important information affecting the nation. Additionally, transparency and accountability constitute two of the key national values and principles of

governance as stipulated under Article 10(2) of the Constitution. Section 119(3) of the Mining Act, which mandates the Cabinet Secretary to make regulations on how mining and mineral related activities must be reported in a transparent and accountable manner, clearly satisfies the requirements of the Constitution.

2.15 Features of the Mining Act, 2016

A. Environment, Health and Safety The Act requires that mining operations comply with provisions of existing water rights law, occupational health and safety laws, land use laws, and environmental management and protection law. Under this provision, the Act mandates that mining license be granted on condition of having obtained environmental impact assessment license, approved social heritage assessments, approved environmental management plans, as well as site mitigation and rehabilitation or mine closure plans. Regulations on site or mine closures will be developed separately as well.

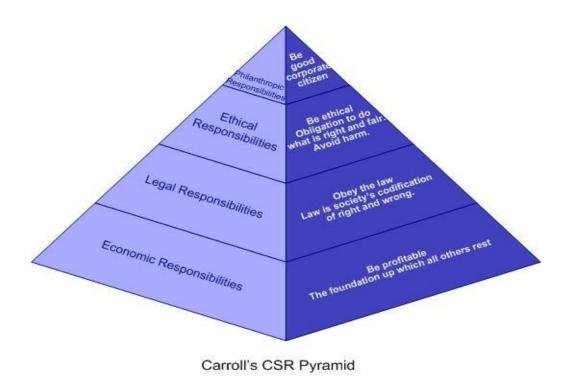


Figure 2.1: The Carrols CSR Pyramid

Source: www.carrols pyramid.com

A stakeholder model is represented by the Pyramid of CSR where the different stakeholders are affected by the different responsibilities. If the business is not profitable, economic responsibilities will directly affect employees and owners. Legal responsibilities are vital to the owners, but it is also necessary in the relation with employees and consumer stakeholders. Ethical responsibilities impact on all stakeholders, but most frequently they engage consumers and employees. The major effect of the Philanthropic responsibilities is on the community, but there is also impact on the employees since the company's philanthropic performance influences the employees' morale.

Pinkston and Carroll (1994) carried out a survey among top managers in 591 U.S. subsidiaries of multinational chemical companies with headquarters in England, Germany, Sweden, Japan, U.S., Switzerland and France. CSR Quest (2006) emphasized that the findings from the survey confirmed Carroll's pyramid model, but Sweden and Germany are shown as exceptions, where legal responsibilities were ranked the highest priority followed by economic, ethical and philanthropic aspects.

2.16 Some Criticisms of Corporate Social Responsibility

One — stated most famously by Milton Friedman — is that there's no such thing as corporate social responsibility; because only people have responsibilities. Another criticism (again most famously stated by Friedman) is that CSR is exhausted by economic responsibilities. Corporations exist for a purpose, and that purpose is an economic one. As long as the corporation is carrying out that function (while following the law & the rules of basic ethics), it is performing its social responsibilities (Blowfield & Murray, 2008). You can see his famous — and widely criticized — essay on this, here: The Social Responsibility of Business is to Increase its profits. (An interesting part of Friedman's criticism is that corporate executives

generally have neither the expertise nor the social legitimacy to decide what's good for society).

Another criticism is that the term "CSR" was distorted to include too much. In particular, it is sometimes used as a synonym for the much broader concept, "Business Ethics." But used that way, the 3 letters that make up the term end up being misleading. For instance, people who use the term CSR broadly tend to be interested in ethical issues faced not just by corporations, but also by other kinds of businesses and by non-profits (Reich, 2007). So the "C" doesn't make sense. They also tend to be interested in how businesses treat their employees. How they treat employees is an important private matter, not a social one. So, the "S" (for "social") doesn't make sense. Finally, people who talk about CSR in the broad sense also tend in fact to be interested not just in what corporations are Responsible for, but what they should be praised for, what they are entitled to do, and so on. So, the "R" doesn't make sense. If we take the term "CSR" seriously, we would use it only to describe the responsibilities that corporations owe to society (Philippe, 2013).

The people responsible to manage companies only care about maximizing profit. The managers have diversified preferences to promote civic purposes. Their ability to achieve non-financial objectives is restrained by competitive pressures unfaltering their personal commitments (Rossman, 2016). It cannot be a business's financial interest to act responsible. Companies have been pressurized by activists, consumers, employees and investors who make significant changes in corporate policies. These company's managers politely succumb to these pressures and stop proliferating the socially responsible activities. The civil regulation changes the strategies of the firms to pursue increased shareholder value.

Corporate Social Responsibility is seen as catering to public relational purposes (Garriga, 2014). The corporations believe in using it as a means of preventing governments from implementing effective regulations. Many people and groups are skeptical in relation to corporate responsibility as conventional public relations with the aim of distracting society converting to an economic system grounded in the ecological and social realities. The critics also blame corporate responsibility as distracting business managers from securing profits for the owners of corporations (Jabara, 2012).

Finally, there's the worry that much of what corporation's call "CSR" actually amounts to a kind of window dressing. According to Carroll and Buchholtz (2003), the pyramid of responsibilities should be seen as a whole and the different parts should not be separated. But the reality is that these responsibilities are so broad and complex and therefore can work separately.

2.17 Theoretical Framework

The CSR field presents a number of theories and approaches that are complex and in some cases contradictory. Various scholars have reviewed the main theories of CSR and classified them into four major groups (Chand and Fraser, 2006). These include (i) Stakeholder theory), in which the corporation is observed as only an instrument for wealth creation, and its social activities are only a means to achieve economic results; (ii) Livelihoods Theory, in which the corporation is focused on the satisfaction of social demands and (iv) ethical theories, based on ethical responsibilities of corporations to society (Garriga and Melé 2004; Chand and Fraser, 2006). These theories are conceptualized based on the role of business in society (Clarke 1998; Lantos, 2001). The study adopted both the stakeholder and the livelihood theory for the reasons discussed below.

2.17.1 Stakeholder theory

Stakeholder theory⁶ can be directly adapted to explain the concept CSR (Freeman and Phillipe, 1984). It has engaged many stakeholders, such as suppliers, customers, stockholders, employees, the media, political action groups, communities and governments; the contention is that companies should integrate sustainable economic development concerns into business operations and in their interactions with stakeholders. The stakeholder model shows all the stakeholders contribute as inputs and try to obtain benefits as output (Mader, 2012).

In addition to the above-mentioned stakeholders, the government, NGOs and suppliers can be identified as internal and external stakeholders. However, the results of the pilot study for this research suggested that organizations are most interested in working with employees, customers, shareholders, communities and environmental activities to enhance sustainable development like in the case of Sri Lanka (Jennifer, 2012). Therefore, the present study assumed the main CSR elements included employees, shareholders, communities, the environment, education, health and customers, and have influenced the implementation of the current CSR in their organizations. In this study, however, the development of the CSR framework used primary stakeholders who are related to the CSR activities of the organizations investigated. Stakeholder satisfaction depends on the expectations of companies, while companies aim to maximize their profit for the stakeholders. This win-win situation was highlighted by Freeman (1984) in his stakeholder theory. The profit of the organization showed a company's financial performance. The present study assessed CP using ROE, ROS and ROA as indicators. The organizations that were

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⁶The stakeholder theory is a theory of organizational management and business ethics that addresses morals and values in managing an organization, such as those related to corporate social responsibility, market economy, and social contract theory.

investigated are involved with a variety of social activities that engage their stakeholder groups. The hypotheses of this study were based on the propositions that good CSR practices directly affected CP in Sri Lanka. The practices of CSR were based on the stakeholders of the firms and stakeholder relations (economic, environmental and societal) were tested with the CP of the companies. The literature reviewed different social measures. Clarkson (1995) and Moore, (2001) used six measures as employees, customers, shareholders, environment, suppliers and community and the several researchers used one CSR dimension such as pollution control for CSR measures (Freedman & Jaggi 1986).

Therefore, the hypotheses of the present study were developed under six stakeholder relationships employees, environment, educational, health, societal, and customers; based on community sentiments.

This theory has some weaknesses. The best results came out from this theory when this theory applied on continuous basis in organization and sometimes the assessment of the analysis of this theory may be subjective and it is also not possible that all stakeholder interests can be met at the same time and as usual company can give more important to stakeholders like shareholders of the company instead of employees and consumers. Thus, therefore the study will combine this theory with the livelihood theory as discussed below (Jennifer, 2012). The main advantages of stakeholder theory are that the theory is not only a single model to resolve the problem of identifying the proper objective of corporations, but also considers economic and ethics issues that make companies take social responsibilities and to present fairness to everyone involved in business. The theory is a good combination between economy and ethic that enables the corporation to grow and promote social wealth as a whole. The theory suggests that if the interests of shareholders are concerned by directors, not only

stakeholder's value will be increased but also the social wealth will be enhanced ultimately. A great social wealth will be produced as companies win the loyalty from their shareholders. The theory presents a moral basis for respecting human rights and promoting efficiency.

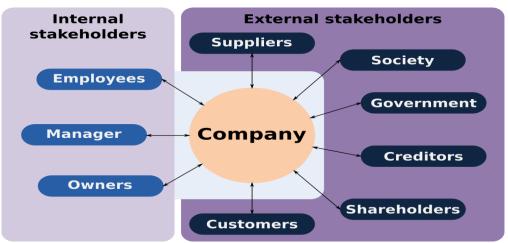


Figure 2.2: The Pyramid of Stakeholder's Theory

2.17.2 Livelihoods theory

Livelihood studies were brought to the Centre stage of development studies in the late 1990s and the beginning of the new millennium, when the so-called Sustainable Livelihood Framework was strongly promoted by the Department for International Development (DFID), the British State Development Cooperation Agency. It was part of an attempt of the New Labor government to design a set of distinguishable policies that would profile the Blair administration as builder of the 'Third Way' between the rusted labor ideology of the past and the neoliberal ideology of the preceding conservative administration. This theory will reinforce the stakeholder's theory which has failed to emphasize the importance of CRS activities as a way of alleviating poverty and enhancing livelihoods. Sustainable Livelihoods became the core of DFID's poverty alleviation policy (Solesbury, 2003a, b). According to Geiser et al. (2011:258) DFID explicitly aimed at "a refocus on assistance to the poor". In this

Approach there are three insights into poverty which underpin this new approach. The first is the realization that while economic growth may be essential for poverty reduction, there is not an automatic relationship between the two since it all depends on the capabilities of the poor to take advantage of expanding economic opportunities (Philippe, 2013). Secondly, there is the realization that poverty as conceived by the poor themselves is not just a question of low income, but also includes other dimensions such as bad health, illiteracy, lack of social services, etc., as well as a state of vulnerability and feelings of powerlessness in general (Yawar, 2014). Finally, it is now recognized that the poor themselves often know their situation and needs best and must therefore be involved in the design of policies and project intended to better their lot.

There is no unified approach to applying the SL concept. Depending on the agency it can be used primarily as an analytical framework (or tool) for Programme planning and assessment or as a Programme in itself, (Van Marrewijk, 2013). There are, however, three basic features common to most approaches. The first is that the focus is on the livelihoods of the poor. The second is that the approach rejects the standard procedure of conventional approaches of taking as an entry point a specific sector such as agriculture, water, or health World Commission on Environment and Development, 2011. And finally, this approach places great emphasis on involving people in both the identification and the implementation of activities where appropriate. In many ways the SL approach is similar to the old Integrated Rural Development approach. The crucial difference is that this approach does not necessarily aim to address all aspects of the livelihoods of the poor. The intention is rather to employ a holistic perspective in the analysis of livelihoods to identify those issues of subject areas where an intervention could be strategically important for

effective poverty reduction, either at the local level or at the policy level (Rowley, 2012). The study adopted these theories as they proved fundamental in analysis the CSR first holistically from all the mining stakeholders and second the focus given more to the community livelihood and experiences.

By drawing attention to the multiplicity of assets that people make use of when constructing their livelihoods, the livelihoods approach produces a more holistic view on what resources, or combination of resources, are important to the poor, including not only physical and natural resources, but also their social and human capital. The approach also facilitates an understanding of the underlying causes of poverty by focusing on the variety of factors, at different levels, that directly or indirectly determine or constrain poor people's access to resources/assets of different kinds, and thus their livelihoods. Finally, it provides a more realistic framework for assessing the direct and indirect effects on people's living conditions than, for example, one-dimensional productivity or income criteria.

Some of the weaknesses of the theory include the fact that it does not really deal with the issue of how to identify the poor that you are trying to assist. Also, the way resources and other livelihood opportunities are distributed locally is often influenced by informal structures of social dominance and power within the communities themselves. Gender is an aspect of social relations and to the extent that relations between men and women are characterized by marked inequality and social domination, they obviously form part of the problem. All three agencies give at least some consideration to gender, but the difficulties of genuinely giving the appropriate time and space to women is not really addressed.

2.18 Chapter Summary

Chapter two has given a detailed literature on Corporate Social Responsibility beginning with the meaning of, history, evolution, international CSR, perceived barriers and challenges to effective CSR in Kenya, the CSR Commitments, CSR implementation and other critical concepts as well as the theoretical frameworks applied in the study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter describes the research design adopted. It then identified the target population from which the sample was selected and the sampling techniques used in identifying the firms that were subjected to the study. The chapter ends by describing the data analysis techniques used in analyzing the data and the models applied in data analysis.

3.1 Research Site

This study was conducted in Magaoni area of Kwale County which is located about 50 km south of Mombasa, off Ukunda Lunga road. The area lies within the coordinates 4º 22'S 39º 21'E and 4º 25'S 39 23ºE (The Kenya Meteorological Department Report, 2017). This site is selected because it is the place where mining activity is actively taking place and hence where people who are directly affected by the mining activities live. Base Titanium Resources, the wholly-owned subsidiary of Australian and UK-listed resources by virtue of being the one currently conducting the mining operation, remains the central focus in the study. Limonite (Iron -Titanium oxide) and other heavy minerals bearing areas was explored and mapped by Tiomin Company in Maumba and Nguluku (before they left), a few kilometers from Magaoni, Kwale County. Base Titanium Company is currently mining and exporting limonite, rutile and zircon. Magaoni area and the mining sites being in Kwale region have similar geological setting and were therefore considered likely those heavy minerals, especially Limonite and rutile are present in the area. The study was conducted in this area to establish the impact of ownership changes in the host communities on the implementation of CRS by Base Titanium Company Kwale which is a County is a

county within the former coast province of Kenya. Its 'capital' is Kwale although Ukunda is the largest town. The County is located in south coast of Kenya, it borders the Republic of Tanzania to the South West, and the following Counties; Taita Taveta to the West, Kilifi to the North and Mombasa to the North East the Indian Ocean to the East and the Republic of Tanzania to the South West. The County covers a total surface area of 8,270.2 square km and accounts for 1.42 per cent of Kenya's total surface area. Kwale are mainly an inland county, but it has coastline south of Mombasa. Diani beach is part of the Msambweni division. Shimba Hills National Reserve and Mwalunganje elephant sanctuary are other attractions in the county. The county has four constituencies: Msambweni, Matuga, Kinango and Lunga Lunga Constituency. There are 20 wards within the county. Kwale County has four main topographical features. They include the coastal plain, the foot plateau, the coastal uplands and the Nyika plateau. The County has a monsoon type of climate; it's hot and dry from January to April while the coolest period of the year is between June and August (Chokera, 2000).

There are short rains and long rains. Short rains are experienced from October to December while the long rains run from March to June and at times to July. The average temperature of the county is 24.2°C and rainfall amounts range between 400mm and 1,680 mm per year. The Monsoon type of climate in the region that is characterized by hot and dry weather between January and April and cool weather between June and August is favorable for livestock rearing which is a main activity in certain parts of the county (Moriasi, 2012). Hot and moist but is cooler than that at the coast with strong sea breezes and frequent mist and cloud in the early morning. Annual rainfall is 855mm-1682mm. Mean annual temperature is 24.2 degrees

Centigrade. Major Attractions sites in the county include: Sable Antelope, Elephant habitat, Sheldrick Falls, Various view points and Mwaluganje Forest.

The county had a population of 649,931 according to the 2009 Kenya Population and Housing Census, which accounted for 1.7 per cent of the total Kenyan population. The dominant communities in the county are the Digo and Duruma. The Digo and Duruma people belong to the Mijikenda ethnic group of coastal Kenya. Other tribes found in the county include the Kambas, Arabs and Indians (Ray, 2012).

The county is home to Shimba Hills National Reserve, Mwaluganje Sanctuary, marine reserves and parks, historic sites (Shimoni Holes and Diani Mosques) forest, coral and sandy beaches, bird habitat areas, hotels and turtle breeding grounds (Robert 2000a). There still exist potential in this sector such as untapped cultural Titanium, plenty of potential tourist sites that could offer accommodation facilities and sport tourism. Hotels in the county offer both local and international tourists local and international culinary delights.

The county has rich titanium deposits with extraction activities already ongoing. It also hosts small scale farming especially in the inland areas. A mixture of fruits, vegetables and cereals are grown (Ray, 2012).

Kwale town, the capital is located 30 km southwest of Mombasa and 15km inland and borders the Shimba Hills National Reserve. Other major towns in the county include Ukunda, Msambweni, Kinango, and Lunga Lunga Source: The Kwale County Strategic Plan 2017. This research was conducted in Kwale County because it is the only place where extractive companies dealing with mining of solid minerals on a large scale have changed hands.

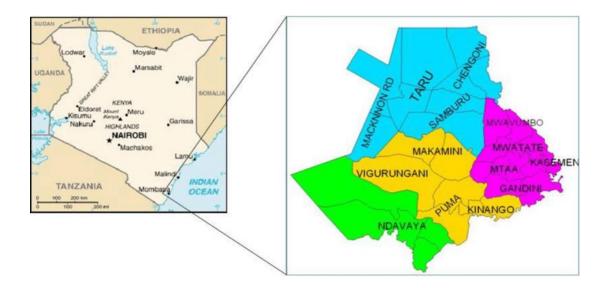


Figure 3.1 Geographical location of the study site

3.2 Research Design

This study adopted the qualitative approach. Qualitative research typically seeks to answer questions about the complex nature of phenomena, often trying to understand and describe the phenomena from the participants' point of view using inductive logic. A key strength of qualitative research in particular is that it can explore unanticipated issues as they emerge (Garriga and Mele, 2014). The qualitative approach creates an "objective" reality where human beings demonstrate an extensive and robust ability to establish agreements as to what is "real" (Babbie, 2010).

It is for this reason that a qualitative approach was selected by the researcher for the study to highlight the impact of CSR on the community. The qualitative study allowed for long and deep engagements to bring out rich data from respondents. Local people being 'experts' in terms of their surrounding community and, hence, had superior insight into the benefits and effect that mining operations had on their lives, aspirations and values. These were best brought out through a qualitative approach. Through the use of narratives in presenting the findings, these impacts were better appreciated by readers. Content analysis also brought out the richness of data that

qualitative studies aim for. The study also adopted a qualitative approach by means of semi-structured interviews because the affected communities were in the best position to contribute to an understanding of the changes in the CSR Activities from an In-Depth Perspective. Qualitative research design was used to effectively measure impact through the Impact Assessment Protocol (Quip)-(Remnant and Award 2016) which is an impact assessment approach that places beneficiaries 'voices at the center of the evaluation, enabling them to share and feedback their experiences.

3.3 Target Population

The study looked at the impact of ownership changes on CSR activities on host communities (in whose locality the company is currently carrying out its operations) and at the resettlement site (Mrima-Bwiti). In the resettlement area there were villagers who were relocated here from their condemned homes to pave way for titanium mining. There were also the villagers who 'welcomed' the displaced persons. These two groups (those at the host site at Magaoni) and those at the resettlement site (at Mrima-Bwiti) were the target population. My target population was 24,097 people at the host site and 15,770 at the resettlement site according to 1999 population census data.

3.4 Sample Size and Sampling Procedures

The sample size for the study was 60where was carried out at the host and 25 resettlement site. This was arrived at through saturation where the researcher carried out interview until no new information was forthcoming. When it emerged that there no new information, the researcher carried out an additional five just for confirmation and stopped when again nothing new came out. There was a sample size 15,770 in the host site and 24,097 in the resettlement site according to 1999 population census data.

This being a qualitative study, sampling was non-probability in nature, and hence, sampling was done through snowballing, chance and convenience sampling.

3.5 Methods of Data Collection

Data collection methods used in the study included in-depth interviews, focused group discussion, key informants, and observation and visual sociological methods of data collection. The researcher visited the research site with the help of three research assistants and interviewed respondents while taking notes and tape recording. The various CSR projects were observed and their photographs taken. Table 3.1 below summarizes these methods and the justification for the choice of method. They are then discussed in detail after the Table:

Table 3.1: Research Methods/Research Question Matrix

Research Question	Research Methods and Tools	Justification for Methods
1. To examine impact of ownership changes on CRS in host communities when CSR activities changes hands (from an 'old' extractive company to a 'new' extractive company).	1, In-depth interviews 2.Key informant interviews 3.FGDs 4. Observation and visual sociology	 Allows the researcher to gather as much information as possible. Allows access to information from knowledgeable people about the subject of the study of study. Different opinions among different parties/people. Allows researcher accurately capture study objects through photographing.
2.To assess how the impact of ownership changes expressed in (i) above shape and affect the relations between the community and the extracting company/government	1, In-depth interviews 2.Key informant interviews 3.FGDs	 Allows the researcher opportunity to gather as much information as possible. Allows access to information from knowledgeable people about the subject of the study of study. Different opinions among different parties/people. Allows for a range of opinion and ideas, and the inconsistencies and variation that exists in a particular community in terms of beliefs and their experiences and practices.
3. To assess Kenya's CSR legal and policy framework and to examine how this intersects with community narratives.	1.Key informant interview2.FGD3. Secondary data	1.2. Allows access to information from knowledgeable people about the subject of the study of study. 2. Allows for a range of opinion and ideas, and the inconsistencies and variation that exists in a particular community in terms of beliefs and their experiences and practices.

3.5.1 In-depth interviews

The study used In-depth interviews (IDI) to collect data. In-depth interview allowed the researcher to engage with the respondents at length and this enabled the researcher to obtain the rich data that was required. Since the interviews assumed a rather unstructured interview (as it was guided by discussion topics rather than the scheduled interviews in which questions are standardized), the use of in-depth Interviewers thus helped the researcher to easily establish rapport with participants and make them feel more comfortable and at-ease, so as to be get more insightful responses – especially

regarding sensitive topics (such as searching the hearts of participants to establish how they felt regarding certain impact of CSR on their lives and that of their families). This method equally enabled the researcher to ask follow-up questions, probe for additional information, and circle back to key questions later on in the interview to generate a rich understanding of attitudes, perceptions, motivations, etc. Jennifer (2012) lauds this method for this ability. It also helped the researcher monitor changes to tone and word choice to get a deeper understanding.

The in-depth interview guide was the tool used in this method. This tool proved useful for exploring topical issues for investigation and is typical of 'ongoing' participant observation fieldwork. This tool proved useful as it allowed for in-depth probing while permitting the interviewer to keep the interview within the parameters traced out by the aim of the study. It consisted of open-ended questions that allowed for discuss to easily flow without much restriction. This allowed the participants to express themselves.

3.5.2 Focused group discussions (FGD)

The research also used focus group discussions to collect data more data upon completion of the in-depth interviews to collect more data and for corroboration purposes. This method enabled the researcher to obtain insights into different opinions among different parties in the same setting. FGD was selected as it allowed for the dynamic discussion between participants, stimulated their thoughts and reminded them of their own thoughts regarding the research subject. It also allowed participants the chance to ask questions, and thus producing more information. Further, the informants built on the answers of others and the researcher could clarify clashes among participants and asked about these diverse. The researcher recruited participants for the FGDs during the course of his field work. Once a sufficient

number was recruited, the discussions took place at an agreed time and place. The researcher was thus able to conduct four FGDs two at the host and another two at the resettlement site. The average number of participants was 12, and it was composed of household heads. Both sexes of different ages were included in the discussion. The discussions revolved around the three objectives as stated in this thesis. The researcher conducted the interviews himself, guided by an FGD guide. For accuracy and later reference, the discussions were recorded by the researcher by use of mobile phone recording application. The researcher also took notes during the discussions. Probing was done whenever the researcher needed more information on an item. The recordings were later transcribed analyzed and reported as narratives.

The tool the researcher used was an FGD guide which is semi-structured in form. This allowed for flexibility and for free flow of the discussions. Data was recorded, transcribed and presented as narratives.

3.5.3 Key informant interviews

Key informant interviews are qualitative in-depth interviews with people with specialized knowledge of what is going on in the community such as the community leaders, professionals were interviewed so as to provide information. The researcher interviewed seven key informants, two chiefs and two community leaders, one each from the host and resettlement site respectively. The geologist and the land officer both based in Kwale and the company executive were also interviewed. These community experts, with their particular knowledge and understanding, can provide insight on the nature of problems and give recommendations for solutions. The researcher used both telephone (in cases where field work had already been undertaken but clarification was needed) and face to face interview techniques. Face to face technique was preferred as it allowed for deeper engagement (as advocated by

Marshall and Rossman, 2011). The researcher was thus able to discuss critical topics, get respondents' candid discussion of the topic, or get the depth of information that was needed. The use of KII enabled the researcher to get detailed and rich data, allowed the interviewer to establish rapport with the respondent and clarify questions, provide an opportunity to build or strengthen relationships with important community informants and stakeholders and raise awareness, interest, and enthusiasm around issues of concern (Weitzner, 2010).

The tool used was the key informant interview guide. This consisted of a set of questions (which were aligned to the objectives of the study) that guided the discussions. The discussions were recorded for accuracy and later referencing. Notes were also taken during the course of the interview, as backup in case the recording failed, and also for noting down analyzed statements/findings.

3.5.4 Observation

Observation was the other method used in this study. This was done systematically. The researcher observed mining materiality especially that linked to CRS such CSR infrastructures like schools, wells, agricultural activities, roads and the like. This method helped the researcher gather empirical data which was used to verify information gathered by other means. Observation also helped improve the quality of an initial behavioral analysis based on demographics, therefore increasing the validity of research (Jennifer, 2012). The researcher had an observation list to guide the study and observed the various CSR projects such as the dispensary, healthcare, the roads, the animal and husbandry projects, the boreholes among others as well as analyzes the gestures of the respondents during the interviews. Through observation, the researcher was able to observe the behavior of the research subjects in a natural setting, which can reveal penetrating insights unavailable through other methods such as focus

groups and surveys. This was especially the case when research participants have a conscious or unconscious bias towards presenting their "best self" to a researcher.

3.5.5 Visual sociology

The study also used visual sociology which is an area of sociology concerned with the visual dimensions of social life. Because of the interests of its founders, the international Visual sociological association (IVSA) was concerned with photography and documentary filmmaking within a sociological context. However, visual sociology – theoretically at least – included the study of all kinds of visual material and the visual social world, and used all kinds of visual material in its methodologies. In this context, the camera (in the researcher's mobile telephone piece) was used by the researcher as an analogous to a tape recorder. Film and video cameras proved good as data gathering technologies for experiments and small group interactions, classroom studies, ethnography, participant observation, oral history and the like (Yang, (2017). Tape recordings preserve data not available in even the most carefully annotated transcripts of urban/rural space, etc. The camera captured things that are not preserved in even the best researchers' field notes. Photographs were used in the study to capture the images of the CSR projects that were being studied. The photographs were also used to present data. The photographs allowed the researcher to analyze the images to inform a deeper understanding of user behaviors, interactions with objects and environments, interpretation of artifacts (see Wamba, 2010 for discussion on this). The use of photography in the study enabled the researcher to display images of the CSR project from both sites for comparison and additionally to provide the true picture of look of the exact state of the CSR projects for clear understanding by the readers.

3.6 Methods of Data Analysis

Data was analyzed qualitatively. All the recorded data was transcribed, categorised and the emerging themes identified. All data from all respondents were read through a number of times and then each response was analyzed individually. Emerging subthemes were equally identified and categorised. Thus, the main themes were identified, with sub-themes identified within each of these main themes. The subthemes were developed by using coding (open, axial and selective) to identify words, phrases or sentences that reflected single, specific thoughts thus opening up the text to reflect the various core concepts as it is experienced (Moore, 2001). The results were discussed under the main themes (sub-sections) qualitatively and strengthened.

Because of the qualitative and explorative nature of the study, thematic content analysis was used as a method of analyzing the data. A thematic analysis of the scripts of interviews was done and raw data broken into sentences to identify common themes and patterns. The five stages of thematic analysis were followed in identifying and coding emergent themes within the data and interpreting the themes (as suggested by Carson et al. (2005). Thematic analysis emphasizes pinpointing and examining patterns within the data. After the final themes had been reviewed, the process of writing the final report was undertaken, with analyses carried on in this stage as well.

3.7 The Researcher's Field Experience

Research on conflict in mining operations is a critical area of study, which exposes the researcher to a lot of challenges while planning to venture into the study during the interviews of the participants and even when writing the report. The logistics involved in securing permission from NACOSTI. Equipped with all the research permits, the researcher faced the challenge of having to go all the way to Kwale

County a far-off area of coastal Kenya before booking an appointment to have interview with Base Titanium company officials.

After securing permission to interview the respondents, the researcher faced challenges in interviewing the respondents, as they were suspicious despite being shown documents and permits to carry out the study. In all the cases, the first respondent in all the sites were cautious in the answering of the questions because they thought I was spying on them for Base Titanium Company. Meanwhile, once they gained confidence, they were free and felt that it was a session for easing off their frustrations in the hands of the company. Evidently, the subsequent respondents appeared more relaxed an indication that showed that the first respondent alerted other respondents that all was well. This therefore showed that in interviewing respondents of sensitive nature, caution needed to be taken especially the first respondent who volunteers to be interviewed. The researcher's assumption is best on the reactions of the subsequent respondents who positively respond to the interview after the first successful interview.

The researcher also learnt in the course of the encounter with the respondents that most of the respondents liked digressing on the interview especially on an area of interest to their lives to allow them to build rapport with the researcher. In some instances, serious discussions could derail the interview unless the researcher understands the reaction of the respondent and acts fast to shift to a friendlier question. Such emotive questions could be revisited later, may be at the end of the interview. Some distraction to the study was the presence of prison warders during the interviews, however, in some instances the discussion could attract their attention to laugh or smile thereby encouraging the discussion. The researcher also realized that most respondents reacted negatively whenever one noted down anything that sounded

sensitive. This fact proved to the researcher the warning by the authorities that the respondents by mere intention of taping them would not be free in their interviews.

The researcher realized that some respondents were tenser during the interview a move that caused concerns of security during the interview. Apparently, all the respondents expressed natural humor, expression of positive affection for their families and respect as opposed to the earlier perception of being spied against. Bur generally, they demonstrated respect to academics and felt privileged to be involved in the discussion of the study.

3.8 Trustworthiness of the Data

Criticisms of the lack of objectivity and generalizability are often associated with the qualitative method (Phillimore and Goodson, 2004). Due to the nature of qualitative research, many doubts occur during and after the research process. Often researchers question the credibility of collected data and whether enough evidence was gathered to support the claims, or even determine if the accumulated results should be published. These doubts may be minimized through the aspect of trustworthiness. The above-asked questions capture concerns with validity, reliability, objectivity, and generalizability while broadening and deepening them (Marshall and Rossman, 2006). Three methods namely member checking, triangulation, and pilot study were used to ensure and increase trustworthiness of data (referred to as reliability and validity in quantitative research). They are hereby discussed in the following sections.

3.8.1 Pilot studies

The researcher used pilot studies which refers to a mini version of a full-scale study (also called 'feasibility' studies), as well as the specific pre-testing of a particular research instrument such as a questionnaire or interview schedule because this is a

crucial element of a good study design. The study was carried out both at the host and resettlement sites with 7 respondents at the host and 5at the resettlement site. One of the advantages of conducting a pilot study is that it might give advance warning about where the main research project could fail, where research protocols may not be followed, or whether proposed methods or instruments are inappropriate or too complicated, Ismail, (2000). The pilot study enabled the researcher to develop and test the adequacy of research instruments, assess the feasibility of a (full-scale) study/survey, design a research protocol, assess whether the research protocol is realistic and workable, establish whether the sampling frame and technique are effective, assess the likely success of proposed recruitment approaches Baxi, & Ray, (2012). It will also help in identifying logistical problems which might occur using proposed methods, estimating variability in outcomes to help determining sample size, collecting preliminary data ,determining what Titanium (finance, staff) are needed for a planned study, assessing the proposed data analysis techniques to uncover potential problems, developing a research question and research plan, convincing funding bodies that the research team is competent and knowledgeable and that that the main study is feasible and worth funding as well as convince other stakeholders that the main study is worth supporting (Proti, 2012).

3.8.2 Triangulation

Triangulation also was viewed as a qualitative research strategy to test validity through the convergence of information from different sources (Grobler, 2014). In the social sciences, the triangle is often used to indicate that two (or more) methods are used in a study in order to check the results of one and the same subject. "The concept of triangulation is borrowed from navigational and land surveying techniques that determine a single point in space with the convergence of measurements taken from

two other distinct points. 'The idea is that one can be more confident with a result if different methods lead to the same result (Dryzek, 2006).

Triangulation is a powerful technique that facilitates validation of data through cross verification from two or more sources. In particular, it refers to the application and combination of several research methods in the study of the same phenomenon. The good thing about this method is that it can be used in both quantitative (validation) and qualitative (inquiry) studies. This method is also an appropriate strategy of founding the credibility of qualitative analyses. It becomes an alternative to traditional criteria like reliability and validity (Newell & Frynas, 2007). The methods triangulated were in-depth interview, FGD, and KII.

3.8.3 Member Checking

The researcher returned to the field after the study and discussed the results with both primary respondents as well as the key informants. The researcher read out the Key findings of the study and confirmed with the respondents whether the said findings were accurate. Member checking continues to be an important quality control process in qualitative research as during the course of conducting a study, participants receive the opportunity to review their statements for accuracy and, in so doing; they may acquire a therapeutic benefit.

The trustworthiness of results is therefore the bedrock of high-quality qualitative research. Member checking, also known as participant or respondent validation is a technique for exploring the credibility of results. Data or results are returned to participants to check for accuracy and resonance with their experiences. Member checking is often mentioned as one in a list of validation techniques. This simplistic

reporting might not acknowledge the value of using the method, nor its juxtaposition with the interpretative stance of qualitative research (Newell & Frynas, 2007).

In qualitative research, a member check, also known as informant feedback or respondent validation, is a technique used by researchers to help improve the accuracy, credibility, validity, and transferability (also known as applicability, internal validity or fittingness) of a study. There are many subcategories of member checks, including; narrative accuracy checks, interpretive validity, descriptive validity, theoretical validity, and evaluative validity (Srinivasan Service Trust, 2012). In many instances of member checking, the interpretation and report (or a portion of it) is given to members of the sample (informants) in order to check the authenticity of the work. Their comments serve as a check on the viability of the interpretation.

Member checking can be done during the interview process, at the conclusion of the study, or both to increase the credibility and validity (statistics) of a qualitative study. The interviewer should strive to build rapport with the interviewee in order to obtain honest and open responses (Robert, 2000a). During an interview, the researcher will restate or summarize information and then question the participant to determine accuracy. Member checks completed after a study are completed by sharing all of the findings with the participants involved. This allows participants to critically analyze the findings and comment on them. The participants either affirm that the summaries reflect their views, feelings, and experiences, or that they do not reflect these experiences. If the participants affirm the accuracy and completeness, then the study is said to have credibility (Belem, (2015). These member checks are not without fault, but serve to decrease the incidence of incorrect data and the incorrect interpretation of data. The overall goal of this process is to provide findings that are authentic, original and reliable.

Qualitative method preferred for this study because the said methods (in-depth interviews, FGD, KII, observations, and visual sociology) were sound (as they yielded 'thick data') and that these jelled well with the methods of ensuring trustworthiness.

3.9 Ethical Considerations

Major principles that were considered in the study with regard to ethical conduct included, Do no harm, Privacy and anonymity, Confidentiality, Informed consent, Rapport and friendship, Intrusiveness, Inappropriate behavior, Data interpretation and Data ownership and rewards (Jenkins, 2005).

Confidentiality is one of the most important ethical issues and means that research subjects are protected by remaining unidentifiable. That is, their names may not be used in any written material concerning the research or in discussions of the research project, and all interview materials are stored in a safe place that no one save the researchers can access. Disclosure is another ethical consideration in which the researcher may or may not reveal, or disclose, his or her identity and research purpose. In accordance with ethical considerations, we advocate full disclosure whenever possible (Robert, 2000a).

3.10 Conclusions

This being a qualitative study, the researcher settled on a befitting methodology recommended for carrying out such a study. The study was qualitative in nature, and adopted In-depth interviews, Key informant interviews, focused group discussion (FGD), observation and ethnographic methods of qualitative research. The sample size was determined through the principle of saturation. A thematic analysis of the scripts of interviews was done and raw data broken into common themes and patterns. Content analysis was then used to analyse the collected data.

CHAPTER FOUR

IMPACT OF COMPANY OWNERSHIP CHANGES ON CORPORATE SOCIAL RESPONSIBILITY

4.0 Introduction

This chapter presents analyses and interprets data that was collected from the field using the techniques described in Chapter Three. Five themes emerged, and these were: Deception which from the sociological context means a major relational transgression that often leads to feelings of betrayal and distrust between relational partners or company and community. The other theme was Failed Promises (used to refer to promises that were either never started or were started but implemented unsatisfactorily), next is Discrimination and Marginalization (the process of pushing a particular group or groups of people to the edge of society by not allowing them an active voice, identity, or place in it), then there is Fear and Apprehension (response to an imprecise or unknown threat), and last was Empowerment (which refers to the process of enabling or authorizing an individual to think, behave, and take action, and control work and decision-making about their job in autonomous, independent and self-directed ways). The study was guided by the following objectives:

- 1. The impact of company ownership changes on CSR in host communities?
- 2. The impact of ownership changes expressed in (i) above affect the relations between the community and the extractive company?
- 3. The existing CSR legal and policy framework in Kenya's mining sector intersect with community narratives?

4.1 Demographic Characteristics of the Respondents

Table 4.1 shows the Demographic Profile of respondents at the research site (the demographic age groups have been merged). The profile summarizes the respondents age, the various ethnic groups, sex, occupation, marital status and occupation.

Table 4.1: Demographic Profile of Respondents at both the Host Site and Resettlement Site

Age		Ethnic Gro	up	Male	Female	Occupation		Married	Single	Education
Bracket										
18-24	7	Makonde	2	4	3	Famer	3	5	2	O-level -5
		Digo	3			Teacher	2			Primary -2
		Taita	2			Mason	2			
25-34	19	Dido	5	14	5	BodaBoda	5	14	5	Bachelors -1
		Taita	7			Farmer	7			O-level -14
		Kamba	4			Business	4			Primary -4
		Duruma	3			Nurse	3			
35-44	19	Digo	6	14	5	Teacher	3	15	4	Diploma -2
		Duruma	7			Tailor	3			O- level -13
		Taita	4			Farmer	7			Certificate -2
		Kamba	2			Mason	3			Primary -2
45-54	9	Duruma	4	6	3	Carpenter	2	8	1	Certificate -3
		Kamba	5			Farmer	7			O- level - 3
						Bodaboda	3			Primary -3
55-64	6	Taita	2	4	2	Famer	4	6	0	O-level -4
		Duruma	4			Business	1			Primary -2
						Nurse	1			
Total	60			42	18			48	12	TOTAL -60
Grand			60				60	60		60
Total 60				60						

Source: Field work research data, 2018

The researcher interviewed those living at the host site and those living at the resettlement site. The field study was conducted between July 2018 to December, 2018. The sample population comprised people from the following ethnic origins: the Digo (15%), the Duruma (46%), the Kamba (16%), the Taita (25%), Makonde (3%). The researcher interviewed heads of households aged between 18 to 64 years. The respondents of aged between 18-24 were 17 per cent, 25-34 (32%), 35-44 (32%), 45-54 (17%) and 55-64 (6%). The educational levels among the respondents were found to be generally low with data showing that of those who have attended school,

21% attained a level between Std 1 and Std 8 and 65% attained a level between forms 1 to form 4. Only 14% has obtained a post-secondary school qualification. Occupation of the respondents included *bodaboda* operators (13.3%), farmers (47%), teachers (8.3%), masons (8.3%), nurses (6.7%) and tailors. (5%) Out of the household respondents interviewed, 70% were male while only 30% being female. Married respondents accounted for 80 per cent of those interviewed while 20 per cent of the respondents were single. These demographic details are important as they will assist in the analysis of the study. It will also provide the diversities needed in a qualitative research.

Fate of 'Inherited' CSR Activities

Of interest to this study was to determine the fate of CSR Programmes when mining interests changes hands. In Chapter two, we noted that Tiomin (K) had promised certain activities, which were later taken over by Vaaldiam Resources (when Tiomin exited from the scene). These activities were shortly thereafter taken over by Base Resources when it acquired this company. For ease of discussion, and for the reason that the local residents did not seem to identify the in-between companies between Tiomin and Base Titanium (for the reason also that the time period between this particular take-over was quite short), we will only refer to Base resources having taken over from Tiomin. The table below shows the fate of the CSR Programmes over time, from Tiomin to Base Resources.

Table 4.2: The list and chronology of CSR Programmes in Kwale's Titanium mining project

THE CSR PROGRAMMES THAT WERE PROMISED BY TIOMIN

2 Primary Schools

2 Secondary Schools

2 Dispensaries

1 Health clinic at the host site

Water supply at both sites (resettlement and host site)

2 Social Halls

Rebuild Churches and Mosques Destroyed/Lost

Source: Abuya,2017

THE CSR PROGRAMMES THAT WERE COMPLETED BY TIOMIN

One Primary School, Bwiti primary school

One Secondary Schools (Kiruku secondary school)

One Dispensary (Bwiti dispensary) at the resettlement site

The Borehole at Bwiti

One Social Hall (Bwiti community social hall) at the resettlement site

Churches and Mosques Destroyed/Lost (the community was financially compensated over this)

Source: Abuya (2017) and Key informants and respondents

THE CSR PROGRAMMES THAT WERE TAKEN OVER BY BASE TITANIUM

Base Titanium took over all the Programmes and commitments that were given by Tiomin/ Vaaldium

PROGRAMMES THAT WERE TAKEN OVER/IMPROVED BY BASE TITANIUMARE YOU SURE THESE WERE IMPROVED? OR WERE THEY JUST TAKEN OVER?

Only one Primary School (Bwiti primary school)

1 Secondary Schools (Kiruku secondary school)

One Dispensary (Bwiti dispensary) at the resettlement site

One borehole at Bwiti, the resettlement site

One Social Hall at the resettlement site

Compensated for Churches and Mosques Destroyed/Lost (they were compensated money)

Source: Key Informants and Base Titanium website (www.basetitanium.com)

CSR PROGRAMMES THAT WERE INITIATED BY BASE TITANIUM

Bought Four Wheel Drive Ambulance

Constructed early Childhood Development Centre

Upgraded Msambweni hospital to referral

Agricultural and Animal Husbandry Training Facilities

Health Facilities and Water Facilities

Refurbishment of the existing schools

Upgrading KMTC

Improving educational facilities for special needs in both areas

Construction of maternity wing- and provision of maternity beds in Likoni

Establishment of a Blood Bank in Kwale

Support for NGOs and CBOs & and youth enterprise

Provision of Agriculture and Animal Husbandry services

Scholarships for tertiary and secondary education students

Carrying out of Health campaigns on TB and Polio

Support of the PMTCT Programme

Tarmacking of feeder roads

Extending piped water to homesteads

Support health authorities in their campaigns e.g. polio vaccination, TB and mass net distribution

Support for 7 County Health Units with 241 county health volunteers covering the host site, host site and the Likoni port facility

Assistance in training and logistical support

Source: http://www.basetitanium.com, key informants and respondents

UNFULFILLED CSR PROGRAMMES BY TIOMIN/BASE RESOURCES

Installation of electricity in households

Social hall at the host site

Piping water to households

Tarmacking of feeder roads

Building of a primary school at the host site

Schools not refurbished as promised

Source: Field interviews (August 2018-December 2018)

As can be observed, Base Resources took over the existing CSR activities that had been started by Tiomin, and went ahead to mount new projects. As explained on their website, Base Resources indicate that the company initiated new projects as they aim at developing the community further. Be as it may, this is a positive development in so far as inherited CSR activities are concerned. Having noted this transition, it was now possible to examine the impact of the inherited commitments to the impacted mining community. The study therefore presented and analysed general study objective which was to examine the impact of ownership changes on host communities when CSR activities change hands and how these changes affected the community/company relationships.

As earlier indicated, the themes that emerged from the field work interviews were: Unfulfilled promises, Deception, Discrimination and Marginalization and finally, Empowerment. The following sections will now discuss these themes. Sub-themes that also emerged are discussed within these main themes as follows.

4.1.1 Unfulfilled promises

Tales of failed promises are abounding in many mining projects in Africa. Take the case of AngloGold Ashanti Lake Victoria gold fields at Geita, Tanzania among the two communities of Nyakabale and Nyamalembo, for example. Here, the company had promised to provide clean and constant supply of water to the two local communities. Though in its reports the company stated that this had been done (at a cost of 2 billion Tanzanian shillings), evidence from the ground showed that this was far from the truth (Yang, 2017). Field visits to the constructed water pipes, revealed that in summer of 2007, there were only two spigots that worked; a third and fourth were not operating. According to the villagers, AGA does not pump water every day, so water is not always available. There was also no storage to speak of just 2 foot by 3-foot concrete spillover. The mining company had also helped finance the building of a new water-based modern toilet that however, due to lack of water supply at the school, it could not be used. Indeed, Kawamura (2004) intones that the major concern among the observers of CSR in Thailand is on quality of CSR activities.

Further, in Nyakabale, the company had apparently reneged on its promises to provide livestock watering points. The village's livestock watering pond was taken by AGA with the promise to build another one in the village. That promise had not been fulfilled by 2010, yet there are scant water resources, particularly in the dry season. As a result, cows were dying from drinking contaminated water from ponds. When asked about this, the District Secretary just stated that "people care too much about their livestock" (Muwanga, 2014). This study now examines this issue of failed promises and outlines the sociological explanation on why CSR projects appear not to have been fulfilled in the Titanium project.

To begin the discussion, the study first defines what unfulfilled projects refer to as per the views of the community. As per the respondents, unfulfilled promises refer to those programmes that were either never started or were implemented unsatisfactorily (not to the required standard or expectation of the community). It also refers to the projects that were started but never completed (Shenton, 2014). Tiomin (K) made a series of promises and commitments with regard to CSR projects that were then inherited by Base Titanium Company—but as it turns out, the company failed to fulfill some of the inherited commitments and this section looks into these unfulfilled promises. What emerged from the discussion is that the perception of unfulfilled promises arose from (i) selective interpretation of CSR by company at time of entry; (ii) different standard of measurements between the two parties; (iii) difference in priorities between the company and the community; (iv) misunderstanding on who is responsible for what between the company and the government (and in some instances, the community); (v) insensitivity to people's felt needs, and (vi) on comparative needs. This study will present findings derived from the different sectors that will have been identified.

One area where unfulfilled promises were observed was in the education sector. With regard to this, unfilled promises touching on the establishment of ECDC facilities was mentioned by many respondents. A male 25 year old male carpenter, married and based at Magaoni village within the host site had this to say about the ECDC facilities.

When the company ownership changes occurred, Base [Titanium Company] promised to set up two ECDCs: one here and the other at the resettlement site to assist the local children access early childhood education. But the company ended up establishing only one ECDC and despite pleas by the local community that the second one be established so as to ease pressure on the only existing one, the company is yet to respond. This has caused the community to

really feel cheated. They also said they would improve the learning facilities and bring in more qualified teachers to supplement the efforts of the ones who are already working. This has not been done to date. As a community we feel cheated and see the project as being of no tangible use to us due to the inadequacy of the facility (Interview conducted, 17th August, 2018).

The sentiment was shared by another married, 32 year old female nurse from the resettlement site who stated that:

Indeed when Base (Titanium Company) took over, they promised to set up two ECDC at the resettlement and host site so as to assist the local children access early childhood education within this neighborhood, that is within Mrima-Bwiti, Kiruku and Kikoneni areas; but up to now, the company has not built even a single ECDE here at the resettlement site. Why they have failed to fulfill this promise is not clear to us. At least Tiomin knew not to make such promises that it could not fulfill! (Interview conducted, 6th August, 2018).

Another married 34-year-oldmale farmer from the resettlement site reiterated these sentiments:

We had expected the company to build an ECDC in this area especially at Kikoneni where the population is higher and therefore where there is the highest number of children requiring an ECDC by the company blatantly failed to do so. If you look at the resettlement plan that was signed by both the company and the community, it is clear that priority was to be given to the more populous areas when setting up the various CSR projects including the ECDC Programme (Interview conducted, 12th August, 2018).

The narratives above indicate that the company had promised to build more than one ECDC educational centers to support early childhood education at both the host and resettlement site but had by the time of the study not fulfilled these promises—only one had been set up at the host site. Even the only one that had been established at the host site was said to have not meet the standards especially on the part of infrastructure. The center also lacked adequate teachers.

When asked about this conflict, the company representative said that they had built the ECDC center first at the host site as this was where they felt there was immediate need. He stated red the researcher that that as soon as funds were available, the other ECDC would be set up. What this shows is that there was no agreement on timelines and priority. Whereas the company considered priority as the deciding factor, the community looked at comparative needs as the driving factor. To the community, programmes must be simultaneously pursued in both sites, otherwise in their eyes; this was viewed as a failed promise. Hence, the two entities had different priorities and different perceptions. Again, the lack of stakeholder participation is noted as having precipitated this problem.

Still on education, the establishment of special needs facilities was the other item that irked the community. One 34 year old female tailor, married and a resident of the host site bitterly criticized the company for not doing much to support educational facilities for special needs children and asserted that the company had failed to fulfill the promise it undertook with regard to this. Said she:

Am not even aware of anything meaningful that Base has done to support the educational facilities for the special needs children in primary schools around here. They have not fulfilled what they promised which was to improve educational facilities for special needs children. Look for example at Mwapala primary school, where we have several special needs children and where despite this, no meaningful facilities for special needs children have been established by the company. The company is simply insensitive to the needs of the vulnerable or other people with special needs and that is why they are not even employing people living with disability in the company (Interview conducted, 4th August, 2018).

A married 44 year old male farmer from Kiruku within the resettlement area lamented that the company had failed to build the promised educational centers for special needs students. He lamented that:

The company had made a very clear promise to build special needs education facilities for children with special needs in both the host and resettlement areas. They have not bothered to construct any in any of the identified sites. How can a big company like Base engage in such lies?? I will answer you: It is because they don't care about us! (Interview conducted, 4th September, 2018).

However, in response to these criticisms, a male 45 year old married company executive defended the company saying:

We never promised to put up special need's educational centers at both the host and resettlement areas but said we would improve the existing facilities in the already existing schools which indeed we have already done. Look at Magaoni primary school and Bwiti primary schools among others and you will find the good work we have done with regard to the improvement of special needs educational facilities. Anyway, we have done so much with regard to the same and those who are complaining are those who do not understand what is actually happening on the ground (Interview conducted, 14th September, 2018).

The preceding narratives and counter narrative bring out the sub-theme of selective interpretation of CSR by the company (and even by the community) at the time of entry and when the company is already on site. This company executive's view contrasts sharply with what appears in its website, in which the company indicates that it will establish facilities for special needs children within the mining and resettlement site. True, the website also indicates that the company would improve existing educational facilities. It is unclear how the company executive could have confused the two issues. It is clear from the narratives and from the evidence found on the company website that indeed the company had selectively interpreted what CSR activity they should pursue, and in the process left the community behind in this process. This also shows that there was no meeting of minds at the time the company came in, and even as it settled into its operations. A participatory approach would have ironed out this. As the stakeholder theory (Chokera, 2000) holds allowing a

community to participate in decision making usually ensures the success of the activity.

On the mentioned improvement of educational facilities, the communities were also displeased on how the company had gone about this. Community members voiced that the communities had received a raw deal with regard to the same. A 42yearoldmarried male farmer from the host site lamented thus:

When Tiomin left, a primary school at the resettlement site, and a secondary school at the host site were pending. Base never fulfilled the promise on the primary school and the government had to come in and constructed the Magaoni primary school. Would the construction of this primary school have bankrupted Base? To their credit Base constructed the Magaoni secondary school. But are there teachers in this school? No. So of what use is this school to us? (Interview conducted, 18th August, 2018).

Another 33 year old married female business lady married and resident of the host site spoke bitterly about the primary school at Bwiti:

The company lied that it would take care of the schools left to them by Tiomin. Have you been to Bwiti Primary school? Every single day 'am holding my breath waiting to be telephoned that the school's roof has collapsed. The school is in a bad state. No company worth its name would be proud to be associated with that school. In addition, this school has no teachers—no wonder there is perennial poor academic performance in this school (Interview conducted, 8th September, 2018).

The researcher had the occasion to inspect the primary school and he noticed the slopping roof and the charred floor (see figure 4.1 that depicts this school. Notice the slopping and dilapidated roof).



Figure 4.1: Bwiti Primary School Source: Researcher's Field Data (2018).

The site of the constructed secondary school was also mired in controversy. A34yearoldmarried male businessman from Kikoneni within the resettlement site explained this:

The company (Tiomin in this case) had promised to build the secondary school at Kikoneni which has a higher population than other areas. But it instead ended up building the school at Kiruku which had a much lower population. Whose interest was the company fulfilling? Both Tiomin and Base are unscrupulous companies (Interview conducted, 27th August, 2018).

What the narratives show is the sub-theme of different priorities, conflict over shared responsibility and different standards of measurements that both entities hold on CSR. Whereas to the community putting up a facility meant meeting the building standard that they had in mind, plus providing equipment to the infrastructure and ensuring that it staffed with personnel, to the company putting up the contested infrastructure only meant putting up the building. This shows that the two entities had different measures of standards. This was the case in Abuya (2017) research when company officials maintained that equipment and staffing was a government responsibility and not the company's—thus touching on another sub theme on disagreement over shared responsibilities. To the community, the facility had to be handed over when it is operational, but to the company, this was a shared responsibility where they put up the

center and the government staffs it with teachers. This further shows the differing standards of measurements that each entity had.

Convergence is a key agenda in contemporary discourses on consensus (Yin, 2003). This (convergence) is the process on how two actors view social phenomena differently, and hence one strategizes to make the other see things the way he himself sees it. In convergence studies, the actor network theory (ANT) is often used to examine the means through which consensus are reached. It examines how strategies and actions of actors are mediated and coordinated through standards as they pursue their own strategies in the process of transitioning to a new era. The core of ANT analysis is to examine the process of translation--where actors align the interests of others with their own. Translation follows three phases, problematisation, where the focal actor frames the problem and defines the identities and interests of other actors that are consistent with its own interests; an *obligatory passage point* (OPP) where the focal actor is in the pursuit of its interests. The focal actor executes these strategies to convince other actors to accept its definition of their interests (interessement). The final phase of translation, enrolment, is the moment when another actor accepts the interests defined by the focal actor (Van Der Laan et al, 2008). In this instance, we can see that the community perceives a social infrastructure differently from the extractive industry (where to the community putting up a facility meant meeting the building standard that they had in mind, plus providing equipment to the infrastructure and ensuring that it staffed with personnel, while to the company, their responsibility ends in the provision of the structure; maintenance and staffing was not part of the deal). The two are therefore in the stage of translation. The community and the company are now currently in the problematization and OPP stage where each is construction (defining) the concerned social structure in their own understanding

and attempting to push through their defined definition. The enrolment stage is still far from their grasp, hence the on-going conflict.

When contacted regarding the accusations over the primary schools, the company executive explained as follows:

Yes we indeed promised to build a primary school at the host site but the agreement was that the community would provide the land in which we were to build, but up to now, no such a land has been provided by the community and that is expressly the reason why we have not yet built the primary school, The failure school be blamed on the community us (Interview conducted, 17th September, 2018).

He was non-committal on the state of the primary school at Bwiti, only stating that plans were underway to see how best that particular concern can be sorted out. From these narratives, it is clear that there was again confusion over shared responsibilities, this time between the company and the government. This can be attributed to the lack of concrete documentation on who was to do what, and by what time. This confusion calls for the enactment of CSR laws where such matters would be clearly spelt out. The local content bill (see Chapter six) promises to have this in place should the bill become law. In the meantime, the promises remain unfulfilled going by the perception that each party holds.

Other failed promises were noted in the health sector. The researcher conducted an interview with regard to the health care institutions at both the host and the resettlement site and obtained the following narratives. One respondent, a 32 year old female, married and hailing from the host site criticized the company for not doing much to improve the health care needs as had been promised. Said he:

There are dispensaries and health centers in this area that require to be boosted with health care facilities such as Magaoni health Centre and the Bwiti dispensary yet nothing much has been done by the company. As we speak, none of the health care institutions here have the requisite health care facilities. The company is simply insensitive to the health -care needs of the people and that's why they are not

following on the health care projects with the aim of improving them (Interview conducted, 4th September, 2018).

Another 42 year old married female tailor from the host site lamented on the time it took to put up the Magaoni health center saying that:

The building of the Magaoni health center took too long, three years! The Company had earlier promise to build a health center with speed but they took too long. This means we had to wait for years before starting to get the health care services closer for ourselves and our families. This delay was due to laxity on the part of the company (Interview conducted, 14th September, 2018).

What emerges from these narratives is that the company, at least in the eyes of the community, appeared to be insensitive to the needs of the people. This sub-theme appeared time and again over the discussions held with respondents as will be seen through the study. The livelihoods theory emphasizes the importance of CRS activities as a way of alleviating poverty and enhancing livelihoods. In this Approach there are three insights into poverty which underpin this new approach. The first is the realization that while economic growth may be essential for poverty reduction, there is not an automatic relationship between the two since it all depends on the capabilities of the poor to take advantage of expanding economic opportunities (Philippe, 2013). Secondly, there is the realization that poverty as conceived by the poor themselves is not just a question of low income, but also includes other dimensions such as bad health, illiteracy, lack of social services, etc., as well as a state of vulnerability and feelings of powerlessness in general (Yawar, 2014). Finally, it is now recognized that the poor themselves often know their situation and needs best and must therefore be involved in the design of policies and project intended to better their lot. A married and 27 year old single male bodaboda operator, married and based at the resettlement site criticized the company for failing to fulfill its promise with regard to the quality of the medical Centre to be built at the site. Said he:

The company built a dispensary here instead of a health center as they had originally promised. The dispensary is small and can hardly house a reasonable number of patients at one go. The facility doesn't even have a maternity wing! We feel both duped by this company. We feel terribly shortchanged. More so, the facility has no adequate medicine and medical facilities (Interview conducted, 4th September, 2018).

It was clear that to the residents, the difference between a dispensary and a health center was a point of annoyance. This points to the difference in standards as held by the company and the community. To the company, a dispensary was good enough, while to the community, a health Centre was better than a dispensary.

The residents were quite unhappy that for maternity services, they had to travel all the way to Likoni where Base Titanium had put up a modern wing at Likoni hospital. One 34 year old married middle aged female farmer from the host site lamented about the company with regard to the construction of the maternity wing and bed at Likoni saying that:

Why should they put up the maternity wing in Likoni, while the promise was to have that facility here in Bwiti? They expect women on labour to travel from here to Likoni to deliver? I can see the dispensary staffs here have tried to model a room into a maternity room. But it is not good. Everyone will hear you scream and deliver as it has no privacy. The bed used is also quite dilapidated beds. I hated delivering in that place but I had no choice. And what happens when you have complications with your deliver as the hospital does not have modern maternity facilities to handle complications related to deliveries? (Interview conducted, 4th September, 2018).

The absence of maternity facilities at the Mrima-Bwiti health center was quite contentious. When the company official was asked about this, he defended their decision saying:

What we did was to modernize the maternity wing at Likoni so that it can serve the larger population of this area. Likoni is in a central place so it can serve all those in Kwale, Msambweni all the way to Mombasa Island. I believe our decision would be appreciated in the long run (Interview conducted, 4th September, 2018).

This again brings out the noted contention over comparative needs. Whereas the company sees its role as that of serving the larger population, those in Bwiti were more concerned about their own welfare. This again brings up the convergence discourse on consensus (see Weitzner, 2010). To reiterate, convergence is the process whereby two actors view social phenomena differently, and hence each (or one) strategizes to make the other see things the way he himself sees it. Consensus building to arrive at the stage of *enrolment* (the moment when another actor accepts the interests defined by the focal actor) can only be achieved when all stakeholders are involved in decision making. It is obvious from the company representative explanation that the mining community was not consulted in this process, hence the banding of the various CSR programmes as unfulfilled promises.

There were further complaints regarding the ambulance services. One married40 year old businessman from the host site said that the ambulance service was too far and was not helpful especially during emergency times:

The company had promised to bring us an ambulance here at the Magaoni Health center but they have failed to do so. An ambulance is very important yet the one that is available is based at Msambweni. This has not been helpful to the community at all because it is based too far off and does not serve any purpose especially during cases of emergency. And what happens when more than one patient requires the ambulance? (Interview conducted, 14th September, 2018).

Another 31 year old single male resident of Mrima-Bwiti echoed these sentiments arguing that they rarely benefitted from the ambulance services as it was too far away in Msambweni, some 25 kilometers away. Here is how yet another respondent put it:

An ambulance is very important yet the company failed to buy two ambulances for the Magaoni health center and for the Bwiti dispensary. This is what the community had asked for, and this is what the company had agreed to. But this has never come to pass. Everyone in Kwale has to rely on that one ambulance stationed at Msambweni. In effect, that ambulance is for those residing in Msambweni! (Interview conducted, 4th, September, 2018).

Again, the narratives bring out the contention over comparative needs. While the company views it prudent to have the ambulance at the county headquarters so as to serve the larger population, the mining residents are hanging on to the promises that were made. This also brings out the other sub-theme of difference in priorities. The company's priority is to please a larger population while the mining community priority is on their own welfare. This again points out to lack of consultation and participation in decision making when it comes to CSR programmes. This also played out on the polio vaccination Programme.

The polio vaccination and TB Programme was another area that elicited talk on unfulfilled promises. A key informant, a 38 year old married female medical doctor at Mrima-Bwiti explained this as follows:

The company had promised to bring this Programme to all the villages around Kwale, but they didn't fulfill this. This activity is mainly based at Magaoni village and not in the other villages. This Programme is very important and has been very helpful to the community at Magaoni but not in other places. The assistance on polio vaccination and TB would also be welcomed here. Look for example, no nets have ever been distributed to the people here since this Programme was started (Interview conducted, 6th September, 2018).

A 35 year old widowed, who is a farmer based at Bwiti complained as follows:

I hear that the company had promised to bring us the Programme for the support touching on polio vaccination, TB and mass net distribution. That is all there is to it here: talk. This Programme is yet to reach us here (Interview conducted, 13th September, 2018).

In the company website, it is stated that the company would offer support on campaigns over polio vaccination, TB and mass net distribution and over support for 7 County Health Units covering the resettlement site, the host site and the Likoni port facility. However, on the ground, only some few villages had benefitted from this support. When the company official was asked to comment on this seemingly failure to meet its promise, the official stated that the programme would eventually cover all the targeted areas. He complained that the residents were too impatient and judgmental, emphasizing that the company cannot do everything at once. They also have company business to attend to. And after all, the company was only offering support to the government health Programme. This, he insisted, was strictly speaking not company responsibility, but that of government. Here we again continue to observe the confusion over collective responsibility as well as the issue on differences in priorities.

Let us now turn to infrastructural development. Residents also had issues with the company with regard to this. The construction of roads was one of the thorny issues that came up. A 32 year old married male *bodaboda* operator from Mkurumunzi village within the host site faulted the company over its failure to tarmac the local feeder roads as promised.

We thought that with the company ownership changes we will see improvements on our roads. However, much of the road activities that were promised have been done very shoddily or not at all. For example the company promised to tarmac the feeder roads around this place (host site) but up to now not a single road has been tarmacked by the company. If you talk to people here, they will tell you that the company has really let the community down; and we are in fact very bitter with this company (Interview conducted, 28th August, 2018).

As can be observed, those in the transport sector were dissatisfied with the road works carried out by Base Titanium. Similar views were espoused in the resettlement site.

Several respondents held the view that the company ownership change had not created any meaningful impact with regard to the road infrastructure. One married 34 year old male teacher from Bwiti commented as follows with regard to the road infrastructure around the resettlement site:

The road such as that from Bwiti to Kiruku was in a sorry state as a result of the company's failure to act fast after taking over from Tiomin. They have been very slow to do any meaningful road upgrading works. They have only concentrated on the Bwiti Kiruku road while those such as the Bwiti Mvumoni roads remain in a very sorry state. But the worst road currently is that from Kiruku to Mrima which is completely impassable, especially during the raining season. This is despite the fact that the company had promised to tarmac all main and adjacent feeder roads. (Interview conducted, 12th August, 2018).

The teacher was quite in touch with the status of the road infrastructure in the study site. To the residents, it appeared as if the company had little interest on this, and this had left the infrastructure in the sorry state it was in. The company had thus failed to meet the now familiar theme regarding standard of measurement in so far as the matter touching on the road network was concerned.

This dissatisfaction was also felt over the provision of water services. Apparently, the company had promised to provide piped water to the residents but by the time of fieldwork had been undertaken, they had not done so. One married 42 year old female farmer from Mwaloya village complained over unfulfilled promises with regard to this:

The company had promised to provide clean piped water to all the households but up to now not a single house has been connected to piped water. We just have the one borehole around which again serves only a few people living around the host site at the Magaoni. The borehole is even inside a school making access to it troublesome. (Interview conducted, 8th August, 2018).

Similar sentiment was expressed by an unmarried 33 year old male farmer from Zigira village:

The company had promised to pipe water to all the households in this area but they failed to do so. That is one of the reasons why we have perennial water shortage and problems related to water-borne diseases around this place. The company has only constructed one borehole which can hardly supply water to the large population you see around this place (Interview conducted, 14th September, 2018).

With regard to the issue of piped water, company official had this to say:

Yes, we did promise to provide residents with piped water. But you know that Rome wasn't built in a day. Eventually we will get there. For now we have constructed the bore holes which are definitely assisting the locals (Interview conducted, 24th September, 2018).

The sub-theme of selective interpretation of CSR appears to be what the company was adopting. They first chose to provide water boreholes while the community was expecting piped water. In this as well, the issue of different priorities seems to be playing out. To the company, what was important was to have some sort of water supply for the villages, while to the community, their priority was provision piped water to every household. The sub-theme regarding different standards of measurements can also be observed here. To the villages, boreholes are not equal to piped water in every household.

The failed promise over a social hall also elicited similar indignant responses. A 31 year old married male farmer from Vumbu village took issue with the company over this, claiming that:

There was an agreement which is in fact is in writing in which the company made a solid commitment to build a social hall here at the host site. They ended up only building a social hall at the resettlement site and ignored the one that was supposed to be put up here. We hear that even the one at the resettlement site was done very shoddily and does not meet the needed standards. We as a community feel very let down by the company on account of this failed promise (Interview conducted, 28th August, 2018).

Certainly, the issue of comparative needs was at play here. The villages were comparing the benefits accorded to each site that the company was concerned with. The host site appeared to have been neglected, hence the complaints.

Other complaints over the constructed social hall also emerged. Another married 41 year old male mason said that the social hall that was built was constructed without proper planning as it doesn't serve the purpose for which it was built. Further the company was accused over building the social a hall at Bwiti instead of Kiruku where there is a higher population.

Said the respondent:

By choosing to build the social hall at Bwiti, instead of Kiruku with a higher population, the company has demonstrated a high level of discrimination. But also as you can see, the social hall lies abandoned there with no meaningful activities that should take place at such a place. The building is fast getting dilapidated because it is never regularly put to use. The company must have terribly miscalculated when it was planning to build the facility. It has not really benefitted the people here in any recognizable way (Interview conducted, 8th August, 2018).

The complaint, the researcher gathered, was that the social hall lacked facilities that would make it usable. It lacked chairs, tables, public address system, a television set, or even electricity, making its use at night impossible. When asked over this, the company official pointed out that it was not their responsibility to provide those utilities, but the government or the host community. Their work was to construct the hall. However, to the community, constructing a hall including fitting it with the said missing items, and handing over a complete usable facility. This demonstrates that there was confusion over who was responsible for what in the construction of the social hall. A clear agreement on this would have prevented this confusion. This

calls for the need for enabling legislation to specify this. The local content bills (see Chapter Six) provide this promise.

Connectivity to electricity elicited similar complaints. A single 36 year old male Mason from the host site raised complaints against the company with regard to unfulfilled promises over connectivity of electricity to households as earlier promised. He said that:

The company had promised to connect electricity to all the households around the host site upon taking over the mining operation from Tiomin Company but up to now, they haven't connected electricity to even a single household as promised and clearly there is no sign that they will ever do so in the near future. We have tried raising the issue severally but no action has been taken. The community here feels completely cheated and taken for a ride by the company. The bigger problem is that for an artisan like myself, I am unable to carry out my business as needed. I have to 'chase' for electricity in Ukunda which makes my operational cost quite high (Interview conducted, 3rd September, 2018).

Similar sentiment was echoed by a 31 year old widow farmer from Mrima within the resettlement site who said:

When the company took over operations here, they promised to connect electricity to all the households in this area but they failed to do so. Even the social hall which they built here has no electricity. That is one of the reasons why there is abject poverty in this area since there is no electricity which is crucial for doing business. Our plea to the company to consider supplying us with electricity over the years has fallen on deaf ears (Interview conducted, 12th September, 2018).

Lack of electricity, which was seemingly promised by the company (a promise that is listed in its website), appears to affect those keen on enhancing their businesses. When contacted over this, company officials reiterated his earlier sentiment that all this will be done in good time. That the company also needs to make profit first before it can realize this promise. But he also added that the government should also use the royalties that the company pays to also provide these services to the affected

communities. He was categorical that the company cannot be burdened by the provision of all these social services. This echoed Akpan's sentiments that governments in Africa have the knack of abandoning the provision of social services to extractive companies. This demonstrated that a consensus document that outlines the responsibilities of each party, as envisaged in the local content bill, would be welcomed. The confusion over who is responsible for what would therefore not arise.

This same contestation was also observed over the nonfulfillment by the company over the promise on the provision of a fishing boat. Apparently, the company had promised to supply the community with three, but had so far only made good on one. One 34 year old female business lady from the host site stated that:

The company had promised to buy three fishing boats and fishing equipment's but only brought one. The problem is also that there are some brokers and unscrupulous fish traders who have started coming to the beach where they buy all the fish at a slightly higher price and take it to Mombasa hence denying the locals the chance to get fish for their subsistence use. (said one married 34 year old female business lady from the host site. Interview conducted, 18th August, 2018).

Payment of royalties to the community was also another item over which the community had a grievance. One 31 year old married male farmer from Mrima village said that:

The change of company ownership led to the promise that there would be payment of royalties to the victims of displacement but up to now, nothing has been done. No royalties have been paid and despite raising the issue at different forums with the company, no positive response has ever come forth and as we speak now, we doubt the resolve of the company to pay royalties of those whom they displaced and whose lives are currently in a pathetic state (Interview conducted, 9th September, 2018).

Another married 43 year old female farmer from Kikoneni village added that:

We doubt the resolve of the company to pay royalties of those whom were displaced and our lives are currently in a pathetic state. This is the seventh year running since we were given the strong promise that we would be paid royalties but so far nothing has been done. We have sent reminders to the company on many occasions but no positive response and we have almost given up on this particular matter (Interview conducted, 17th September, 2018).

On this, the company representative clarified that they were waiting on the government to instruct them on who and how the 10% community royalty should be paid. A resident scoffed at this assertion asking ridiculously "who doesn't know who the 'community' is? They are now playing around with words to deny us our right". Clearly, the company was taking advantage of the confusion over the term 'community'. In some quarters, community included the entire population of the county, and not only the affected mining community.

One 55 year old male, married community leader from the resettlement site summarized this issue of unfulfilled promises as such:

The company had promised the community here many things such as piped water, payment of royalties, installation of electricity in households, a Social hall at the host site but this has turned out to be a mere promise as nothing has actually been done. There was also the promise to tarmacking of feeder roads and building of a primary school at the host site that are yet to be fulfilled and so the communities here feel much shortchanged by the company. (Interview conducted, 4th September, 2018).

It can be concluded from that narratives that indeed certain promises had been made, but the findings point out that the unfulfilled promises came about as a result of (i) selective interpretation of CSR by company at time of entry; (ii) different standard of measurements between the two parties; (iii) difference in priorities between the company and the community; (iv) misunderstanding on who is responsible for what between the company and the government (and in some instances, the community); (v) insensitivity to people's felt needs, and.; (vi) on comparative needs. This thesis

suggests that a participatory approach to CSR activities would put to rest these contestations.

As Frooman Clinton (1997). Argues, for mining to be appreciated and therefore be sustainable there is need for CSR activities to be accomplished through effective management. Certainly, the CSR projects in the earlier mentioned case of Tanzania, in Kwale and elsewhere in the world, have 'failed' for the reason that these have not been managed well. Hence, local communities continue to be devastated by the mining activities as the envisaged CSR projects have so far failed to ameliorate their situation on account of 'unfilled promises'. This situation is also evident in the case of Base Resources in Kwale. As cited by Yawar (2014) three types of motivations for corporate engagement in CSR: instrumental (e.g. to improve financial performance of the company); relational (e.g. to improve relationship with stakeholders); and morality based. In the case of AngloGold Ashanti and Base Resources, it appears that the second and third type for corporate engagement in CSR was not met.

4.1.2 Discrimination

From the sociological context, discrimination is treating, or proposing to treat someone unfavorably because of some attributary characteristic (Welford, 2014).

In the study area, tales of discrimination emerged. According to the residents, discriminatory was said to have taken place when CSR programmes were implemented on one site and not on the other; meaning, in their perception, the company paid more attention to one site than it did to the other. The two sites in question were the re-settlement site and the host site. Much of the complaint centered on education, health, infrastructure, and disbursement of bursaries. Analysis of the various narratives informed that the causes for this perception revolved around the

following observations; (i) comparative needs issues; (ii) difference on understanding between company needs and community needs; (iii) felt needs versus company priorities; (iv)comparison vs. reality and; (v) on policy versus practice

First instance of discrimination touched on the early childhood education (ECDC) Programme. The bone of contention on this was that some facilities were constructed on one site and not on the other. A 51-year-oldmale farmer based at the host site reiterated that:

Base promised to set up two ECDC (one at the host site and another at the displacement site) to assist the local children access early childhood education within their neighborhood. But the company ended up establishing only one ECDC at the host site and ignored the resettlement site. The plea by the community that an ECDC be set up at the resettlement site has fallen on deaf ears. The company is yet to respond and this has caused the resettlement community to really discriminate against because they are not benefitting from the ECDC like communities at the host site. I know this because I have heard them complain about this during community meetings and whenever they drop their children at the ECDC School at our neighborhood (comments by a married 33 year old male bodaboda operator at the host site. Interview conducted, 17th August, 2018).

The respondents believed that the practiced discrimination would only marginalize them further, having already been marginalized through social displacement when they were evicted from their land to make way for the mining operation. A similar sentiment was expressed by an irate 37 year old male farmer based at the resettlement site who complained over this.

When Base took over from Tiomin, they promised to set up an ECDC at Mrima and at Magaoni. This was to assist the local children access early childhood education within the two sites. However, they only built one at Magaoni, ignoring the displaced now settled at Mrima. Is this really fair? Remember, they threw us out of our land in Kikoneni where we enjoyed all these facilities and dumped us here. Where our kids are now supposed to attend nursery school? Seemingly we now don't matter much to them. They are only concerned with these people where they are operating. We in the bush no longer matter! (Interview conducted, 6th September, 2018).

What emerges from these narratives is the sub-theme of comparative needs. The deprived community is aggrieved over the fact that they have not been treated in the same manner as the other has. They expect that if a facility is constructed in one site, the same facility must be constructed in the other site. When asked about this, the company executive defended the company stating that:

As a company we figured there was no need to put up another ECDC at the resettlement site since we had already provided these facilities at the existing primary school. Hence putting up a new ECDC would have meant duplication of services by the company. Perhaps we needed to have better explained this to the community to avoid the misunderstanding that has arisen over this (Interview conducted, 16th September, 2018).

With this explanation emerges the other sub-theme, touching on the difference in understanding between company needs and community needs. As far as the company is concerned, one needs to maximize on profits by not being extravagant. Stakeholder involvement in decision making would most likely have sorted out this confusion. After thought explanation as suggested by the official may not be enough to pacify community disaffection over this.

One problem that Kapelus (2002) noted with mining companies in South Africa was their knack for making decisions without consulting the local communities. This "top down" approach, which left the local communities alienated from the programmes, despite enjoying the relative benefits, would leave the community discontented with the programmes that were rolled out. The danger with the top down approach, as noted by Kapelus is that it would transform some areas into "island(s) of development", while the other surrounding communities continued to live in abject poverty—this eventually strains inter-community relations.

Construction of special needs education also elicited similar opinion of discrimination. In this instance, it was the residents at the host site who complained

over being discriminated against. One married 47 year old male farmer lamented as follows:

Base improved the special needs educational facilities at Mrima-Bwiti primary school but did not extend the same courtesy to us at the host site. Do they mean to tell us that we don't deserve this type of assistance, while in fact we need it more than those at Mrima (the resettlement site)? All these fumes that the company is emitting in our environment will certainly result in our giving birth to kids with physical problems. Already, we have seen increased cases of miscarriages and birth of deformed animals. Go ask mzee Juma over there about his deformed goats (Interview conducted, 18th September, 2018).

The researcher noted the above narrative as a statement aimed at demonstrating just how serious their situation was enough to warrant establishment of special needs schools. It was further noted that there were accusations of discrimination even over how these facilities were managed. This was explained by one 50-year-oldmarried male mason, at the resettlement site as follows:

The company brought the facilities for special need children to the schools here at the resettlement site but this was not spread equally to all schools. Some schools received help others did not. Even among those who received assistance, the quality of this assistance varied from one school to another. Why can't Base treat us all like children from the same mother? (Interview conducted, 19th September, 2018).

This view was shared by several other respondents at the resettlement site. When the researcher pointed out that at least Base Titanium had begun this special needs Programme while Tiomin never had this in their plans, the respondents were indignant that when one rolls out such an important Programme, it was only fair that one should affect such programmes equally across the board. Failing to do so would only lead to unequal development in the region. Before Tiomin and Base Titanium, the locals insisted, the residents lived in a state of equal development. No area was marginalized, as was now seemingly the case.

A male middle-aged female farmer from the host site stated that:

Look, Tiomin at least never made promises that it could not keep. But with Base, they either do not keep their word or when they do, they show open favoritism. Is this how a multinational company should behave? Look at the special needs Programme. Why set up facilities of varying quality across sub-county? Why provide material of differing quality across the two sites? Why create classes where there were none? (Interview conducted, 4th September, 2018).

On this subject, the 45 year old man refused to accept responsibility over the special needs Programme. He explained:

We did not build special need schools because we had not promised the community that we would do this. This is in fact our own initiative and we are doing it in phases, as and when finances allow. Further, we thought it wise to provide this within the existing primary and secondary schools as it is more prudent to do so. In so doing, we will assist the pupils around attending these schools and who need these services. This way we will be able to reach out to many of the pupils who need this assistance at both the host and the resettlement. About the quality of the facilities, we provided facilities from different manufactures and that does not necessarily mean some were of poor quality (Interview conducted, 15th September, 2018).

Here again we encounter the sub-theme of competing interest between community felt needs versus company priorities. Though the community was convinced that there was need for these facilities, the company on the other hand did not see this as a priority concern. These would be constructed as and when time and money allowed. It is clear that the two entities embrace their own different reality, hence the ensuing misunderstanding.

Still on the educational front, the researcher received complaints touching on discriminatory practices regarding the establishment of secondary and primary schools. As evidenced in the last section, Base Titanium chose to construct a secondary school in one site but not on the other. The residents pointed out this as further evidence of discrimination. Of course, the company had its own reasons for

not doing so—they argued that this is in their plan and at the time that will be convenient to them, this will be constructed.

Perhaps the most cited case of discrimination and that that caused the most indignation was that on the medical facilities put up by the company. This touched on the seeming discrepancy on the size and facilities available on the two facilities, something that irked the residents at Mrima-Bwiti. A visual comparison of figure 4.2 which juxtaposes the two facilities is provided so as to enable readers obtain a picture of this contestation. To the residents, they argued that the facility at the host site was much better than that at the resettlement site. Noting that the there was no major difference in terms of population between these two areas, the residents at the resettlement site were convinced that the company cared much more about the community within whom their operations would be running in, than those who were stationed far away. One 29 year old married female business lady and a resident of the resettlement site summarized the views of those affected at the resettlement site as follows:

The company ended up building a health hence at the host site and a dispensary at the resettlement site. Why did the company do this whereas in the initial agreement with Tiomin, both sites were premised to have a dispensary? Why didn't they also upgrade the health facility at the resettlement site when they did so for that at the host site? Is it because the company did not have enough money or it was just a case of unequal treatment? To add insult to injury, the company has invested more medical facilities and drugs at the health center than at the dispensary at Mrima-Bwiti. This is a clear case of treating those at the resettlement site as step-children (Interview conducted, 4th September, 2018).



Figure 4.2: Magaoni Health Center. *Source:* Researcher's fieldwork (2018)



Figure 4.3: Bwiti Dispensary. *Source:* Researcher's fieldwork (2018)

The company executive stated as follows:

We as a company did a feasibility assessment with the ministry of health and noted that because of excessively low population at the resettlement site (a view opposed by the residents); we agreed that there was no need to build facilities of equal size at the two sites. We therefore decided to construct a dispensary at the resettlement site and a health center at the host site. Since this would also be our area of operation, we also anticipated that there might be more people moving into this area who will need this assistance. With the company operations as well, health complications at the host site would be more than at the resettlement site, hence our decision (Interview conducted, 12th August, 2018).

What the preceding narratives tell us is that there is a disconnect between comparison and reality. Whereas the community is more concerned with comparative needs, the reality on the ground is that the company is concerned with other issues that advance their agenda. This also shows that the company did not involve the locals in the implementation of CSR it is this non-involvement that creates the perception of discrimination. It also shows that the company have a discretion to implement CSR the way they so desire. This state of affairs exists as there is no legal framework to guide how CSR is to be carried out. This therefore calls for an urgent need to have a framework in place. Only South Africa, on the continent, currently has such laws in place. Uganda and Kenya presently have bills on the same.

The last admission by the company official is also quite telling as to why the two facilities appear to be of unequal standards. As Hughes (2008) notes in her research at Magadi, residents complained about the emissions from the extractive company which has resulted in many cases of respiratory diseases. She added that when one approached Magadi town, the stench from the factory could be sensed from many miles away. The community had to bear with the chemical stench from operations at the lake, a stench that can be smelled from afar, resulting in human sickness and health hazards. Most mining companies usually have this in mind, reason why most provide medical facilities for its staff and the community around its operations.

With regard to the health campaigns, specifically on the issue of polio vaccination, TB and mass net distribution, this emerging discriminatory theme was again echoed by a newly married 27 year old male matatu driver from Mrima-Bwiti:

The company runs the polio vaccination, TB and mass net distribution Programme in a discriminatory manner. Despite the fact that all the community members need these services, these are only administered in some and not all the villages. This activity is mainly based at Magaoni village and not in other villages within the host site such as Zigira and Barcelona and Mwaloya for instance. In my view this is not fair (Interview conducted, 4th September, 2018).

Residents at the resettlement site (Mrima-Bwiti) had their own complaints as over this. While those at the host site complained over poor coverage of the campaign, those at the resettlement site complained over no coverage at all. One married 31 year old female truck driver from Mrima village put it this way:

The Programme for the support on polio vaccination, TB and mass net distribution is just being administered at the host site and not here at the resettlement site. This is contrary to what the company has been saying. Why this unfair treatment? Or did they hear that we rely on herbal medicine and as such we don't need these services???

The foregoing indicates that perception of discrimination is perceived in terms of equality, and not equity. Competing communities expect equal treatment, as that is how they are able to judge matters.

The company official however denied this accusation, stating that:

We have done our best to distribute the various company-run CSR Programmes to the communities both at the host and the resettlement site. What we have been doing is identifying most needy area and rolling out the Programmes in those areas and this makes other communities feel left out or discriminated against which is not true. For instance, where there was an outbreak of malaria around the resettlement use to the swampy neighborhoods, we embarked on an aggressive mission to provide nets and other anti-malaria support operations something some community members saw as discrimination (Interview conducted, 12th August, 2018).

The above statement qualifies our earlier observation that company is more concerned with equity while the community is more concerned with equality.

The above observation reminds one of the findings by Szegedy-Maszák's (2008). In his study of the Cerrejón mining project in Colombia, managed by BHP and Glencore mining companies, he found a contradiction between policy and practice. Szegedy-

Maszák found that there was a disconnect between the impressive array of programmes/projects listed in company documents and what was on the ground. Whereas CSR activities were reputed to be carried out in the larger Cerrejon area, the fact was that only a few territories, such as Uribia, received excellent social services. The majority of the indigenous population, such as those in Tamaquito, remained in a vulnerable situation. This is similar to the finding with regard to the health programme pursued by Base Titanium. Whereas there is an impressive array of programmes in the company webpage (the health campaign being a case in point), in reality, these programmes were only being carried out in a few locales.

Similar complaints were aired over the road infrastructure and the construction of social halls. On road infrastructure, there were complaints that the company was concentrating more on roads at the host site while only carrying on cosmetic road repairs, if at all, at the resettlement site. The issue of the social hall was particularly sensitive as it rubbed much community at the host site the wrong way:

If you look at the Resettlement Plan (RP) that was drafted jointly with the government, the company and the community, it was agreed that the company builds two social halls, one at the host and the other at the resettlement center but what we see here is a company building the social hall at the resettlement site and ignoring the host site despite that fact that the host site equally needs this facility. By putting up a social hall at the resettlement site and neglecting the host site, the company has openly demonstrated an element of discrimination against the people with regard to the social hall (complained a 36 year old resident at the resettlement site stated).

The placement of the social hall was also said to have been discriminatorily decided as stated by a married 32 year old female tailor who stated that:

The company set up a social hall at Bwiti shopping Centre instead of either Kiruku or Kikoneni where the population is much higher. We the people of Kikoneni like in the case of those who come from Kiruku feel that the company has not acted fairly in this regard (Interview conducted, 12th September, 2018).

From the above narratives, it appears that the company seemed to have acted in a discriminatory manner with regard to the social hall. This perception however arises because the residents were not involved in the decision-making process leading to the CSR Programmes.

There were also comments on discrimination with regard to the scholarships Programme rolled out by the company. One other married 43 year old male farmer from the resettlement area alleged that:

If you look at the statistics, you will find that majority of the students under the company sponsored scholarships Programme are from the host site. Those from the resettlement site have been completely ignored and sidelined by the company despite the fact that the communities here are very poor and students from here are even needier with regard to scholarships. By offering most chances to the host community and ignoring the resettlement areas, the community here feels much discriminated against. (Interview conducted, 22^{nd} September, 2018).

But even at the host site, there were complaints of discriminatory disbursement of the bursary. One married 45 year old male mason complained that ever since he was denied bursary on the basis that he has all along been opposed to the mining project.

Because am an advocate for the people, the company has been sidelining me on this bursary Programme. I am considered as a rebel and thus underserving of the bursary award. In fact, when they refused to offer me bursary, I confronted the company management and asked why I was being discriminated. I in fact threatened to organize a public demonstration over this (as well as over their new intention to acquire more land for their mining operations) but the police flatly chased me away with my letter giving intent for this demonstration. Anyway, that is a story for another day. Yes, the company eventually did award my child the bursary. But that's me. What about the many others who are denied this bursary and have no spine or power to complain? (Interview conducted, 4th September, 2018).

There were complaints as well of the bursary being offered to outsiders (people from upcountry popularly referred to as 'wabara') at the expense of locals. One married37 year old male farmer from the resettlement site lamented that:

Despite initiating the scholarships Programme, not many needy children at the resettlement site are benefiting since there are many students from upcountry (wabara) who are in the Programme because they are being put there by their relatives who are senior officials in the company. This preference for 'wabara' is detrimental to our wellbeing (Interview conducted, 8th August, 2018).

One other married 34 year old male nurse from Vumbu village volunteered a personal experience over this, saying:

Despite being very needy, my son who had qualified for university education was denied sponsorship by the company to pursue a bachelor degree in Education Arts at Egerton University. This was after he completed high school at Magaoni base secondary school. Instead, chances were offered to students from upcountry (wabara) some of who did not so deserve these awards. My son is currently at home and not attending school due to lack of fees. (Interview conducted, 12th September, 2018).

Others complained about how the Programme was administered. One 44-yearoldmarried businessman based at Mwaloya village stated that:

The company insists that a student has to maintain a mean score of C to qualify for continued assistance. This is unfair because at times the grades fall due to lack of teachers at the school. Once your child is dropped from the Programme, reinstating him/her becomes an uphill task. The funny thing is that some people's kids are retained on the Programme no matter their grades. This is particular for children of those in the host site and children of company officials and wabara! (Interview conducted, 12th August, 2018).

This last narrative brings out another sub-theme of the contradiction between policy and practice. The policy on scholarships indicates that residents will be supported in this front, but when it comes to implementation, the company throws in certain requirements. Again, this reflects the now observed company policy of managing CSR without input from the community.

When asked about the alleged discriminatory practices, the company executive refuted these rebutting that:

We have done our best to distribute the various company-run CSR Programmes to the communities both at the host and the resettlement site. On the scholarship Programme, what we have been doing is identifying most needy students and we have offered them bursaries. We also have opened channels through which one can appeal should the set criteria have denied his child this opportunity (Interview conducted, 24th September, 2018).

From this, we again encounter the sub-theme of the contestation between equality and equity. Whereas the locals expect these bursaries to be awarded in equal numbers, the company on the other hand fronts that it provides these awards in a need-to-need basis (equity).

Clearly, feelings of discrimination were evident among the mining communities, mostly arising from how the two entities have socially constructed the CSR activities. Such discrimination at times emerges when the company, in its attempt to save on expense and realize more profit, go about identifying the community through which these CSR activities will be concentrated. They then going about this using their own criteria to determine what will be placed where. In so doing, they are often accused of segmenting communities into "core" community and "peripheral" community, and then distribute "goodies" as per this criterion (see Kapelus 2002). This then leads to what Akpan calls "identity rape" as communities are fragmented into these economic distinct groups. This makes appreciation of CSR activities not forthcoming as the feelings of discrimination emerge and take center stage in the ensuing discussion. Inviting the community to participate in the process of decision making with regard to CSR programmes would most certainly go a long way in minimizing conflicts observed in mining enterprises.

Xu (2010) on his part did find that the CSR activities of ok Tedi Mining Company Limited (OTML) only concentrated on the communities living in upper Ok Tedi River (which was the host community) while often ignoring the people in the lower part of the river (especially the Yonggom people) despite the fact that the company's toxic waste dumped into the river system passed through their villages and gardens. This kind of social provisioning often "entailed a conscious effort on the part of the transnational companies to structure social inclusion and exclusion in the communities" Litz (1916) thus denying others from enjoying the benefits of CSR. Participatory approach to decision making would ensure that such discriminatory practices, whether perceived or real, do not occur.

4.1.3 Deception

Based on the field study, the respondent's defined deception as the act where the company appeared to be doing something for the community but in the end turns out that what they were doing it for themselves. Or where it appeared that the company had fulfilled a promise but, in the end, ended up being just an act for the sake of deception is described as a major relational Sociologically, appearances. transgression that often leads to feelings of betrayal and distrust between relational partners (Korhonen, 2013), (in this case, between the company and community. Deception violates relational rules and is considered to be a negative violation of expectations. Most people expect friends, organizations, and even strangers to be truthful and to reflect on matters as correctly as they should be in their interaction with one another (Korhonen, 2013). The community perception is thus not very far from the accepted sociological definition. In this theme, it came out deception centered on the different ways through which both parties evaluated success or standards, or confusion arising over shared responsibilities, or selective interpretation of CSR by the company, or different priorities between company and community.

Feelings of deception did emerge during the course of field work. The change of company ownership led to some improvement of and even introduction of some new CSR projects; the community however viewed some of these projects as acts of deception.

One matter that stuck out was on the construction of the health facilities. This is how a married 43 year old male carpenter respondent put it:

Both parties (Tiomin and Base Titanium) deceived us that they will put up a dispensary here at Bwiti. Please note, a dispensary is not just a building; it is the drugs and the services found in that building. As you can see, we have a building, but one that has no drugs. Can you call that a health dispensary or just a show? Again, how can it be a dispensary when it has no maternity facilities? Doesn't that just confirm to you that that is just a building to deceive us that we have a dispensary while in real sense we just have a structure with the name dispensary written on it (reflected one 34 year old responded).

One married 29 year old female tailor from the host site (Magaoni) criticized the company saying that:

Here in Magaoni we have a beautiful structure called Magaoni health center. Now what do you expect in a health centre? Enough doctors, enough medicine, enough bed for patients and enough nurses, right? Aha! Now this beautiful building here does not have those things that I have mentioned. Is this then a health centre? Of course not! This is no better than a dispensary; even some dispensaries are better than this. Those in Mrima usually marvel at our health center, but when they come here for treatment, they are usually disappointed as they go back without drugs. So if you ask me, we don't have a dispensary here; we just have a glorified dispensary that does not even have facilities. So if Base tells you that they have built for us a health center, that's a lie. They have just deceived people with this big building (she remarked in anger).

From this, it appears that the conflict is over how success of a project is evaluated. To the community, a dispensary is a functional entity. As will be seen later, the company maintained that their brief was to construct the building, and not equip or staff it. Here again we encounter the sub-theme of selective interpretation of CSR activities

by the company. The company maintained that equipping the health facility and providing drugs was a responsibility of the government. Here again we encounter the sub-them of confusion over who is responsible for who over a CSR project. In the community's eyes, the company deceived them that they have put up health facilities whereas all they have done is offer concrete structures. This again arises out of non-participation of the community in the decision process leading to the construction of the particular CSR facility. Had the community been consulted, a consensus would have been arrived at as to what constitutes a health center of a dispensary. Matters on who is responsible for what would have been resolved at that juncture, and the current noted social conflict would not have emerged.

The matter of the hall was also cited as another instance of deception. The complaint over the hall was that it was nothing but just another stone structure and not a social hall. One married 36 year old female tailor from the host site (Vumbu village) criticized the company saying that:

What we have here is a structure my friend. How can this be a social hall when it doesn't have electricity, it has no chairs, no public address system, no television sets, no projector, no nothing? Isn't a social hall where people gather together and events are held? How can one hold an event when there are no tables and chairs? How can one address a gathering in a social hall when there is no public address system? How can we hold night events when there is no electricity? By the way, the chairs you are now sitting one belong to that home over there from where we have borrowed them from. Tiomin or Base can boast that they built us a social hall but what we know is that they just put up a structure and left. Saying that they have provided us with a hall is a lie (Interview conducted, 6th August, 2018).

The residents complained that the structure so provided cannot in real sense be regarded a social hall. This again rises the issue of selective interpretation of CSR by the company, difference in standards of measurements (or difference in evaluating success) and confusion over who is responsible for what over the social hall project.

One respondent said the social hall was built without proper feasibility planning since it doesn't serve the purpose for which it was built. Proper planning here entails consultations with the local residents which were clearly not done. As a consequence, due to its limited use, the building was fast becoming dilapidated. This may be what inspired Hamann and Kapelus (2004) to remark that CSR is primarily about greenwash, or the projection of a caring image without significant change to welfare of the mining community.

On the issue of health campaigns, the resident pointed out that the company was only putting up a show as hardly anything worthwhile was being carried out. A married 42-year-oldmale farmer from Zigira village within the resettlement site summarized this as follows:

Carrying out a few scattered activities here and there is not carrying out a campaign! Shouldn't a campaign be one where one transverse the entire area? I have participated in political campaigns and I therefore know what the word campaign means; this is not a campaign. This is just a cosmetic exercise to deceive the community and the government and other interested parties that they are doing something. While in actual fact, they are doing very little (Interview conducted, 13th September, 2018).

Another married 31 year old female agronomist from Kiruku within the resettlement site complained as follows:

I have not even heard of that kind of Programme here, yet the people here have all manner of health-related challenges including malaria and TB. You have told me that they have this on their web page? I have not been to their web page, but what I can tell you is that having something on your web page and not having it on the ground is an act of deceit. At least Tiomin never had a web page though which they could spread propaganda (Interview conducted, 4th September, 2018).

Information gathered from the respondents indicate that the Programme support touching on campaigns over polio vaccination, TB and mass net distribution only operated in some villages and not others. In the eyes of the community, this was

much ado about nothing. An act of deception, they called it. But as earlier narrated by a company official, the campaign was being done in phases. The company has to balance between company needs and community needs. What come out again is that community participation in the design of the project was lacking. As Akpan (2008:504) reports, corporate sustainability reports may be replete with stories of successful corporate-assisted development interventions, while field excursions may reveal that specific corporate-sponsored community projects in the communities could become subjects of communal discontent and may only serve to exacerbate existing communal divides. There appears to be a parallel with what Akpan found in Nigeria with what is found in Kwale. What appears on the company web site is not replicated on the ground, and this brings about discord, which however arises from the subthemes that have emerged from the study.

Cries of deception also related to the development of road infrastructure also emerged. A 28 year old male married farmer from Mwaloya village shed some light on this.

On road infrastructure if you ask the company, they will show you the beautiful Kiruku-Kikoneni road as one of their accomplishment. But you have to ask yourself why they built that road. Isn't it because that's the road that trucks from Base use to transport their material to Likoni port? That road was not built for the benefit of the community but for their own benefit. If they were to act for the community, then would they also construct the Bwiti-Mvumoni road which the common mwanainchi (citizen) uses on a daily basis? So, let them not cheat you and us that they are serious about road construction in this area. Base is only after fulfilling its own self-interest (Interview conducted, 14th September, 2018).

Another married 33 year old male teacher had this to say regarding Base Titanium road projects.

If Base is serious about providing us with good roads and good feeder roads then it should fix the Bwiti-Mvumoni road. That's the road that we use. All they did on this road is filling it with marram every now and then. This is not a long-term solution. Why can't they construct us a road similar to the one that leads to their mine which they constructed that leads to their mine? Placing marram on our road is just an act of deception that they care about us. They don't!



Figure 4.4: A truck transporting Titanium minerals to the Likoni port facility (note the well tarmacked road)

Source: Researcher's fieldwork (2018)



Figure 4.5: The road upgrading work on the Mvumoni/Bwiti road (contrast this with the tarmacked road in figure 4.4)

Source: Researcher's fieldwork (2018)

When asked about this road, the company officials stated that they had to first build the said tarmacked road as that was the priority. In the meantime, they are making the other feeder roads motorable. In good time, they will tarmac the roads. From these narratives, it appears again that the perception of deception come about due to differences on priority. Whereas the company is of the view that the Kiruku-Kikoneni was their top priority, the residents championed for the roads that they themselves use on a daily basis. Consultation would have perhaps led to the tarmacking of at least the Bwiti-Mvumoni road at the same time that the Kiruku-Kikoneni road was being constructed. This would have eased conflict.

The issue touching on water was also another instance where the locals complained of deception. One married 31-year-oldmale farmer from Vumbu village complained over lack of adequate water sources in the area:

The company promised that they would provide boreholes for use by the community. The boreholes are there alright but are they functional? Here at Vumbu there is only one borehole serving thousands of people. Can you call that "providing water to the people"? (Interview conducted, 14th August, 2018).

A similar sentiment was expressed by a married 37 year old female nurse from Bumamani village. At Bwiti, the complaint was no different:

The company had promised to pipe water to all the households in this area but they failed to do so. Instead, they have gone ahead and constructed this borehole. But this borehole is insufficient for the large population here. Because of this over use, the borehole has the tendency to dry up very fast. Can you confidently then say that you have a bore hole while it is a seasonal? To make it worse, the bore hole is inside a school thus making it not very accessible to us. You know that during national examinations school gates are closed and no one is thus allowed in the school compound. During such times we actually suffer a lot (Interview conducted, 14th August, 2018).

Another respondent, a married 38 year old male female ECDC teacher from Bumamani village complained over the charge levied on the borehole water sources:

The water here is on sale at shs.2 per Jerrican. How is that making water available to the people when you know that we are poor people who cannot afford to buy the water? As a result, we just opt to fetch water from the river sources around this area (Interview conducted, 17th August, 2018).

On the later narrative, the conflict appears to be over policy versus practice. The company promised to provide water to the residents, but the charge rendered the water unavailable to the villagers who cited poverty as their major undoing in accessing this water. The company again appears to have carried out the CSR projects without input from the community, hence the ensuing perception of deception. As explained earlier in the last section, the scholarship programme was also tainted with allegations of perception. The residents complained that award of scholarship only to performing students only gave the illusion that the company was warding scholarship, whereas they only did so according to their own needs. In response to the accusations leveled against the company, the company executive explained that:

Tiomin Company made a series of promises and commitments with regard to CSR projects that were inherited by Base Titanium. We have dealt with most of these promises especially those in the line of health, education, infrastructure and agriculture except a few and this is due to lack of finances by the company. Others have delayed due to avoidable circumstances but we have made it clear to the communities that we will fulfill all these promises at the end of the day (Interview conducted, 17th September, 2018).

It is evident that the company's undoing was their lack of involving the community in the decision-making process leading to the launching of the various CSR activities. Stories of deception and false promises are abounding in many mining projects in Africa. This is what made Mishra & Suar (2010) comment that "The provision of social services as commitments to principles of ethical behaviour in the local communities seems a genuine effort in assisting poor villagers; however, the obvious question is whether there exists another hidden agenda...". This seems to suggest that perhaps extractive companies may only be after obtaining the social license to operate and not be entirely committed to the development of mining communities. Or perhaps they are indeed committed but their way of doing it is what brings about the problem. Most would therefore rather be entrepreneurs than engage in cooperate citizenship

(see Warhurst, 2001 who discusses the issue of Corporate Citizenship, and Amao, who touches on the need for CSR regulation). Karim (2012) stresses that there is need to distinguish between the rhetoric of socially responsible corporate behaviour and substantive action. That is, corporations may pay lip service in corporate reports, advertising, web sites, and elsewhere to the idea that they act in socially responsible ways, but that their rhetoric may diverge from their substantive behaviour insofar as they take the issue seriously and dedicate significant resources to it. Given this view, instance of deception is likely to emerge.

Logsdon (1996) states that social constructivism is an approach that aims at uncovering processes of communication and interaction that allow people to make sense of their social world and for them to create or construct the structures that structural functionalists treated simply as social facts. Individuals give meaning to the world by defining and interpreting it in certain ways; their meaning constitutes interpreted reality. In the examined instance, the mining community have defined the various CSR activities as acts of deception as this was how they have made sense of the acts by Base Resources. It is clear that in providing CSR activities, Base Titanium implemented projects that would also benefit it.

4.1.4 Empowerment

Empowerment is the process of enabling an individual to think, behave, and take action, and control work and one's decision-making about one's own life. It is the state of feeling self-empowered to take control of your own destiny (Jariwala, 2013).

Lantos (2001) describes it as the process of becoming stronger and more confident, especially in controlling one's life and claiming one's rights. Empowerment is an action that refers both to the process of self-empowerment and to professional support

of people, which enables one to overcome their sense of powerlessness and lack of influence, and to recognize and use their resources. Empowerment forms a practical approach of resource-oriented intervention. In the field of citizenship education and democratic education, empowerment is seen as a tool to increase the responsibility of the citizen (Rossman, 2016).

To the respondents of Kwale, empowerment meant an enabling process that will make them self-reliant. Despite the earlier misgivings highlighted in the preceding sections, majority of the respondents were found to appreciate the change of ownership in as afar as facilitating empowerment was concerned. They cited the scholarship Programme, infrastructural development, the agricultural support and the savings scheme as examples of this empowerment.

One road infrastructure, some respondents indicated that the company ownership change had led to the improvement of the road infrastructure which had in turn led to enhancement of their economic wellbeing. A married 28 year old male *bodaboda* operator from Mwaloya village host site said that:

When the new company took over, they engaged in aggressive roads upgrading works to allow for ease of movement of the locals. The company has since upgraded the marram road from Mrima to Kikoneni. Also they did other feeder roads such as that from Kiruku to Bwiti and another from Bwiti to Mvumoni and for this, I appreciate the company (Interview conducted, 6th September, 2018).

Another 41 year old male teacher from Mrima-Bwiti within the resettlement site said that:

The new company had greatly improved the local feeder roads such as that of Mvumoni/Bwiti, Bwiti/Kiruku and that from Kiruku to Kikoneni. The roads are now passable for both motor vehicles and bodaboda operators in the areas and has enhance the movement of people and their goods to and from the local markets here, and for this, I appreciate the company (Interview conducted, 16th August, 2018).

So whereas as earlier observed, there were those who derided the poor or none improvement of the road infrastructure in the area, some respondents appreciated the effort that the company had made and saw it as an opportunity to open up markets and trading and business, and hence enhance their livelihoods.

Other respondents commented on the agricultural and animal husbandry programmes within both the host and resettlement site. They appreciated the Programme rolled out by the company. One married 55 year old retired male teacher from Magaoni village had this to say:

When Base took over from Tiomin, they established the Agricultural and Animal Husbandry Programmes. In this Programme, the company has been offering famers free and quality cotton, sweet potatoes and finger millet seeds and also free fertilizers during every planting season. They have also sponsored free agricultural training to the local community members aims at equipping farmers skills aimed at boosting crop production/yields. The company also gave free fertilizer to farmers in this area, I being one of the beneficiaries. All this has improved income of the households and helped in reducing the poverty levels. They also sponsored training on animal husbandry which has helped us get the required knowledge and skills needed to rear better and healthier livestock (Interview conducted, 4th September, 2018).

This was a view that was shared by many. However, the researcher came across another married 32 year old female farmer in Bwiti area who narrated that although the company had provided the seeds and other related support, they had however in the end greatly disappointed him. Said she:

Base provided me with the seeds and fertilizer to grow this cash crop (cotton). They however, later turned round and said that my cotton cannot be sold to the targeted market as it was of a poor variety. How could it now be of poor variety while they and their expert were the ones who supplied these seeds? So instead of empowering me, Base has in fact financially messed me up. I have loads of this produce in my store with nowhere to take it. I am not alone in this (Interview conducted, 14th August, 2018).



Figure 4.6: A cotton farm supported by Base Titanium Company at Magaoni village

Source: Researcher's Field Work (2018)



Figure 4.7: A cotton farm supported by Base Titanium Company at Mrima-Bwiti

Source: Researcher's Field Work (2018)

From the response, it is clear that the company sponsored animal husbandry Programme greatly improved the economic status of the community members. Weber (2008) the business case for corporate social responsibility: A company-level measurement the host and the resettlement site by boosting food crop production hence reducing poverty. The community feels happy and proud of the Agricultural and Animal Husbandry Programmes and feels it has empowered them especially due to the benefits such as the provision of free seeds, free ploughing services and free

agricultural training services locally. This is supported by the Livelihood's Theory which emphasizes that emphasizes the importance of CRS activities as a way of alleviating poverty and enhancing livelihoods (Weber (2008). According to Warhurst (2001), DFID explicitly aimed at "a refocus on assistance to the poor", and further that poverty as conceived by the poor themselves is not just a question of low income, but also includes other dimensions such as bad health, illiteracy, lack of social services, etc., as well as a state of vulnerability and feelings of powerlessness in general (Yawar, 2014).

However, the sentiments of the other farmers who were given poor quality seeds variety poured cold water on this Programme. Another question that arises is exactly how impactful these programmes are. For as Hilson (2007: 48) cautions, most of the projects being implemented by extractive companies emphasise the expansion of existing agrarian based and livestock activities which provide little opportunity for advancement. He cites (Carson *et al.* 2005:4) who asserts that even the 're-skilling' programs undertaken only have limited impact, mainly due to lack of financing available for participants to start new business ventures'.

Respondents gave their views with regard to the Savings and Loans Association ("VSLA") schemes for volunteer community health workers and enterprise development. A married 36 year old female farmer from the host site commented on this:

Base Titanium Company initiated the Community Projects and Livelihood Programmes which has enabled me save and take a loan which have I used to buy myself a piece of land and two grade cows. I currently use these assets to support my family. This is a good Programme and many people especially those from this area who are largely poor should be encouraged to join and later take a loan for their own family investment. In fact, I recently convinced my cousin to enroll into the Programme and as we speak, he is

continuing to save and will soon take a loan to invest in the project of his own choice (Interview conducted, 11th September, 2018).

Another married 42 year old female business lady based at the resettlement area also praised the Programme saying that:

This company-initiated project has helped my family so much. We now have a savings scheme and took a loan of 150,000 which we used to renovate our family house and the balance to pay school fees for our son in college. The Programme has led helped empower the community here. (Interview conducted, 24th August, 2018).

It is clear that the Savings and Loans Association ("VSLA") schemes for volunteer community health workers and enterprise development for youth has helped empower the communities at both the host and resettlement site many of who have already saved and taken loans for several development projects for their families. The resonates with Mehra's (2004) argument that in a sustainable context, the objective of community policy is to deploy part of the income generated by the mine to develop community activities which are independent of the mine and have the capacity to continue to function after the mine is depleted. It can take a number of forms such as that for the creation of business enterprises which leverage off the mine but which do not depend for their existence on it. VSLA appears to follow this model.

The respondents were also interviewed with regard to the establishment of the high school educational programmes and had the following to say. One married 30-year-oldmale farmer from the host site said that:

The new company established the school and is currently sponsoring many bright needy children who are studying at the Magaoni Base secondary school. The company is paying the tuition and other expenses for all such students although there besides offering the all-important high school educational services (Interview conducted, 7th September, 2018).

While interviewing the head of the house, one respondent invited his son to support his views regarding Base titanium's educational programmes. A youthful male from the resettlement site said that she had studied at Bwiti secondary school are really appreciated that the change of company ownership which led to the establishment of the school. He reiterated that:

When Base Titanium Company took over from Tiomin, they built Kiruku secondary school (see figure 4.11) which has been very helpful to the community. The built the school here and we have really benefited by receiving the requisite high school educational support for our children. I studied in that school myself and I appreciate the school for shaping my destiny. I am who I am today because of the school which apparently was built by the company. I attended the school from form one to form four, sat may KCSE exams in 2016 and got a B+. I'm now doing my diploma in computer studies at the Mombasa polytechnic (Interview conducted, 18th August, 2018).

There were also appreciative comments coming from the community with regard to the scholarships Programme offered by Base Titanium:

A married 48 year old peasant female farmer from Bumamani village within the host site said as follows:

When the company took over mining ownership, they immediately started the scholarships Programme that had earlier been promised by Tiomin in order to support the students from this area who are on scholarships. The scholarships Programmes is a very good initiative that need to be extended to another needy student here. That the Programme has so far enabled many students who are studying at a variety of institutions across the country and this has helped in reducing illiteracy levels within the community here (Interview conducted, 8th August, 2018).

One other married 51 year old retired female nurse from Bwiti within the resettlement community village said that:

My second born son is in his third year of study at Kenyatta University courtesy of the scholarship offered by Base Titanium. My poor family was relieved when the company offered to educate our child. We now have hope as a family that our only son will complete his studies and hopefully find a job later help us in life. We hope he will be able to educate his other siblings once he secures a job (Interview conducted, 18th August, 2018).

It is very clear that the company scholarships Programme have enabled many students from poor families from both the host and resettlement site access high school and university education. Because of the Programme literacy levels have increased in both the host and resettlement community. It is clear that the community appreciates the company for establishing the Magaoni Base Secondary School and Kiruku secondary schools respectively and which are currently offering the necessary academic opportunities for the students at both the host and the resettlement community.



Figure 4.8: Magaoni Base Secondary School. *Source:* Researcher's Field Work (2018).

There were positive comments regarding the fishing Programme that the company had initiated. A married 39 year old male farmer from Bumamani village within the host site said that:

With Base, we have experienced some economic wellbeing arising from the fishing Programme. Base supplied us with fishing nets that has helped in netting higher volumes of fish. Coupled with the provided fishing boat we are now fishing further into the ocean and catching bigger fish. This has greatly increased our earnings. We are thankful for this (Interview conducted, 8th August, 2018).

Another married 32-year-oldfemale nurse from the resettlement site said that:

The Provision of fishing boat and fishing equipment to the Likoni Beach Management Unit had helped boost economic status of the local people through higher fish harvest and hence increased fish availability and hence reduced fish price for the locals. Also a few people are employed at the boat facility. The so-called fishing boat and fishing equipment has really helped the community (Interview conducted, 17th August, 2018).

It is clear from the responses that the company's fishing Programme was realizing some positive impact among some community members. However, as earlier discussed, the community would have appreciated the delivery of the promised number of fishing boats.

The respondents also appreciated the role played by the KMTC in improving the lives of the community members at both the host and the resettlement site. One married43 year old businesswoman from the host site noted that:

The upgrade of the KMTC has helped improve the quality of services at the facility and hence improved services. We now get more polished medical trainees courtesy of the KMTC. The KMTC offers both diploma and certificate courses in nursing and many of those trainees are absorbed into our local medical institutions. Many more of those trainees are also sent to our nearby health centers and dispensaries for attachment during which time they help supplement the human resource by the doctors and nurses there (Interview conducted, 12th August, 2018).

Another respondent, a married male 38-year-oldfemale human rights activist from the resettlement reiterated that:

Having been expanded, the KMTC can now absorb more trainees having been expanded to accommodate more trainees at one given time. The facility also has good and enough learning facilities as well as very qualified tutors at the moment. The college offers better and more quality training services and does not only help the locals' communities here but also people all the way from 'bara' (Interview conducted, 14th August, 2018).

It is clear from the narratives that the KMTC had helped boost the skills of the medical trainees as well as improve the general health care system in the area by playing its role in the realization of Sustainable development goals something even the locals were aware and acknowledged going by their remarks.

Instructively, CSR ownership change created a significant positive impact on the CSR programmes is as far as community empowerment was concerned. Imbun (2006) argues that it is intriguing and worth acknowledging that it is the other goods and services (i.e. construction of infrastructure, roads, bridges, health centres and schools) that extractive companies are increasingly providing apart from attending to traditional responsibilities. Indigenous communities are today more than ever demanding for the provision of these services as these empowers them. Indeed, Agenda 21, the action plan resulting from the Rio Earth Summit in 1992, obliges industry—although morally, not legally—to contribute to local capacity-building in developing countries (Warhurst, 2001). The step take by Base Titanium appears to be in the right direction with regard to this. In a study carried out in Colombia by Oshookoya (2013), it was found that only 20% of the mining community had benefitted from the social practices of the extractive company. He added that on the other hand, whatever positive effect these social projects might have, they are seemed to be accompanied by the negative effects of the general functioning of the mining project.

Looking at the convergence discourse, in this particular instance, it appears that the two groups have reached the last stage of translation, *enrolment*, is the moment when another actor accepts the interests defined by the focal actor (Hajer, 1995). Generally, both parties appear to have reached a convergence on this particular social interest.

4.2 Chapter Summary

This chapter has delved into the impact of company ownership changes on CSR under five themes that emerged including unfulfilled promises, deception, discrimination, marginalization and empowerment; while chapter five below examines the impact of company ownership change on the relations between the company and the community under five themes including the relations of frustration and aggression, relations of trust and relations of reciprocity and exchange, relations of social conflicts as well as relations of prejudice.

CHAPTER FIVE

THE IMPACT OF OWNERSHIP CHANGES ON SOCIAL RELATIONS

5.0 Introduction

This chapter examineshow the impact of company ownership changes expressed in objective one affects the relations between the community and the extractive company. In this regard; the following social relations formed the themes of the study: Relations of frustration and aggression, relations of trust, relations of reciprocity and exchange, relations of social conflicts and relations of prejudice. The notion of types of social relations was first introduced by Geiser *et. al.*, (2011) in his groundbreaking work on the characteristics of social relations. A relation can represent both positive and negative attitudes such as like or hates Wood, (1991). The positive or negative charge of a relation is important on its own for the study of balance within social networks.

5.1 Relations of Social Conflicts

Social conflict or group conflict occurs when two or more actors oppose each other in social interaction, reciprocally exerting social power in an effort to attain scarce or incompatible goals and prevent the opponent from attaining them. It is a social relationship wherein the action is oriented intentionally for carrying out the actor's own will against the resistance of other party or parties Fluhman, (2005).

Conflict theory emphasizes interests, rather than norms and values, in conflict. The pursuit of interests generates various types of conflict. Thus, conflict is seen as a normal aspect of social life rather than an abnormal occurrence. Competition over resources is often the cause of conflict. In this study, a relation of social conflict is defined as the relations that emerge following disagreement over certain matters.

A married 41 year old female tailor from the host site claimed that the company activities were interfering with the environment and this has led to constant conflict between the company and the community:

He stated that:

The company had promised to build tarmac roads around this place but up to now not a single feeder road has been tarmacked and so most of the roads here are virtually impassable and so when we recently decided to hold a demonstration against the company to press them to build the said feeder roads, they called the police who came in with tear gas and arrested score of people here. (Interview conducted, 11th September, 2018).

Another married 32 year old female farmer base at the host site stated that:

The emissions from the factory machines results into a lot of dust and noise around here and this interferes with the people living around this place hence has caused a lot anger by the local people. These emissions from the company are also toxic and often affect coconut and food crop yields and occasionally causes miscarriage on human and animals around this place and when we held demonstrations against the company the police were called in to harass and arrest some of us. (Interview conducted, 11th September, 2018).

Another married 30 year old female university student and farmer from the resettlement site lamented that:

The company promised to build a social hall at both the host and resettlement site but ended up building only one at the resettlement site and ignoring the host site, something that has been interpreted as receipt and which has subsequently sparked a lot of anger and discontent against the company by the people living at the host site who feel they have been both deceived and discriminated against by the company (Interview conducted, 10th September, 2018).

Another married 31 year old female business lady from the host site lamented that:

The company has been arresting community members who encroach into Gogoni forest which belongs to the company and charging them in court. So there has been a lot of conflict between the company and the local community members who encroach the land for grazing purposes. Similarly, there are also wild animals which crossover from the forest and end up destroying crops of the community members and despite complaints the company has remained

adamant hence causing anger against the company. (Interview conducted, 14th September, 2018).

Another married 32 year old businessman from the resettlement community lamented as follows:

The company promised to compensate us fully after forcefully displacing us from our ancestral land (the mining site) but failed to adequately compensate us for our land and crops. Besides we were displaced at night around 5am while it was raining and some of the people here were sick. They promised to pay adequate compensation and royalties but the company has always kept mum and this has often created a lot of anger from community members especially those who were directly affected by the displacement. (Interview conducted, 9th September, 2018).

Another respondent, a 61 year old married retired male teacher from Mrima-Bwiti explained that:

The company established the CSR projects such as the Bwiti primary school, the social hall, the borehole and the dispensary in Mrima-Bwiti and left out Kikoneni areas something seen as open discrimination hence setting these communities against each other because one felt discriminated against the other. There is currently a lot of rivalry between the communities living at Kikoneni who are claiming that the company has decided to establish most of the CSR projects at Mrima- Bwiti and ignore Kikoneni area hence sparking anger against the company on grounds that they are administering the projects with discrimination (Interview conducted, 11th August, 2018).

One other married 42 year old male form four school leaver and a teacher operator from Mrima-Bwiti lamented that:

The company build a dispensary here at Mrima-Bwiti instead of a health center according to what was initially promised and even documented in the resettlement plan and this has led to a lot of anger and discontent against the company by the local community here who fee that the company has openly deceived them. (Interview conducted, 25th September, 2018).

One married 31 year old form four school leaver and a male *bodaboda* operator from Mrima-Bwiti lamented that:

When we resettled at Mrima-Bwiti, we found squatters already settled at the area and despite being given title deeds by the company, most of us never settled on the pieces of land because the squatters refused to move out insisting first on compensation for the trees and coconut that they claim to have planted on those pieces of land before they could leave and this has left the resettled communities and the squatters in constant conflict. This conflict is seen as company instigated and has as a result led to a lot of anger by the community against the company. (Interview conducted, 15th September, 2018).

One married 41 year old male carpenter from the resettlement site lamented that:

The company promised to build a social hall at Mrima-Bwiti and then equip it with the requisite recreational facilities but instead they put up the structure shoddily without even plastering and even they left the social hall without good doors or windows and with no electricity and no furniture at all and as a result the community here have felt deceived by the company. (Interview conducted, 16th September, 2018).

Another married 43 year old male nurse from Kikoneni claimed that:

The company upgraded several roads at the resettlement site. They also dug two boreholes at the resettlement site, one at Mrima-Bwiti and the other at Kiruku and that the two boreholes have really helped the locals have access to adequate fresh and clean water something the community considers that has helped in empowering them (Interview conducted, 16th September, 2018).

It is clear from the narratives that the impact of company ownership change failed to improve the company -community relations with most respondents saying that the overall loss they had suffered due to the company activities such as environmental degradation, loss of land, loss family ties and graves among others far superseded the gains they had acquired from the company through the so called CSR programmes.

5.2 Relations of Reciprocity and Exchange

The concept of 'reciprocity' also relates to Kang, (2008), concept of the habitus—the general normative reaction towards a favor that a citizen gets from an organization or individual. Similarly, Karim (2012) idea of the 'public sphere' also relates to 'reciprocity'. Reciprocity is a set of actions taken to recognize or appreciate

supportive action on the community by the company (Nnabuife, 2010) so that it works as a motivation for socially meaningful activities. In particular, elite groups might internalize social expectation as being affected by imagined reference groups. This theme examines community expectations on the company with regard to CSR programmes. The background of the word reciprocity can be traced to the Latin reciprocals which means, logically enough, "moving back and forth." This is an appropriate meaning for a word that describes a system that moves goods and favors back and forth between participants, sort of a business version of the Golden Rule or, in a different light, the expression "you scratch my back and I'll scratch yours. "In social psychology, reciprocity is a social norm of responding to a positive action with another positive action, rewarding kind actions (Habermas 1989). As a social construct, reciprocity means that in response to friendly actions, people are frequently much nicer and much more cooperative than predicted by the self-interest model; conversely, in response to hostile actions they are frequently much nastier and even brutal. Majority of the respondents appreciated the change of ownership as having led to the reciprocal relations between the company and the community with regard to the CSR projects rolled out by the company.

One married 33 year old male married farmer, a diploma holder, from the resettlement site said the Company Ownership Change had led to the improvement of Bwiti dispensary and hence improvement of healthcare services and that the government reciprocated by sending personnel, drugs and facilities to the institution.

He stated that:

When base titanium took over mining operation, they offed to build a health center at the host site and the community reciprocated by producing land on which the health canter was build. The same is the case with the secondary school at the host site (Magaoni

secondary school) whereby the company offered to build the school and the community gave land on which the school was built. (Interview conducted, 16th September, 2018).

Another 43 year old female farmer based at the host site stated that:

When Base Titanium Company took over from Tiomin, they ensured that Bwiti dispensary was improved and that all the services at the healthcare facility are free and we generally very happy with the services offered here. The government reciprocated by posting in doctors and nurses into the facility so as to help in the delivery of the health care services to the people. The government also sends drugs and other medical facilities to the dispensary (Interview conducted, 6th September, 2018).

Another married 53 year old female farmer based at the host site stated that:

The company offered to build and early childhood development Centre (ECDC) center at the host site and the company reciprocated by providing land in which the early childhood development Centre has been built. (Interview conducted, 6th September, 2018).

Another married 33 year old male farmer, diploma holder based at the host site stated that:

The company offered to drill a borehole at Magaoni and the community offered a space within Magaoni base secondary school when water was drilled and is currently supplying water to support the community around there (Interview conducted, 6th September, 2018).

Another respondent, a 33 year old married male *bodaboda* operator from Mwapala village within the host site said that:

When the new company took over, they engaged in aggressive roads upgrading works to allow for ease of movement of the locals. The company has since upgraded the mar rum road from Mrima to Kikoneni and that from Bwiti to Kiruku (See figure 4.6). The county government has reciprocated by also sending in tractors to upgrade some of these roads. And for this, I appreciate the company and now cooperate and support their initiatives and mining operation here (Interview conducted, 17th August, 2018).

Another married 41 year old form four school leaver and a male farmer from Mrima-Bwiti within the resettlement site said that: As was our expectation, the new company had greatly improved the local feeder roads such as that of Mvumoni/Bwiti, Bwiti/Kiruku and that from Kiruku to Kikoneni. The roads are now passable for both motor vehicles and bodaboda operators in the areas and has enhance the movement of people and their goods to and from the local markets here, and for this, I appreciate the company and I have moved more closer to them and fully support their activities here as a result of this but hope that they will do even more with regard to the road improvement of road infrastructure network (Interview conducted, 15th August, 2018).

Respondents also commented with regard to the agricultural and animal husbandry Programme. One female respondent from the host site affirmed that the change of company ownership had led to the establishment of the Agricultural and Animal Husbandry Programmes which had in turn led to the improvement of the economic status of the communities there hence caused the community to allow for further introspection without any resistance.

A 41 married year old married female farmer from Mrima within the resettlement site said that:

Immediately the company ownership changed hands Base Titanium they established the Agricultural and Animal Husbandry Programmes. The company has been offering famers free and quality cotton, sweet potatoes and finger millet seeds and also free fertilizers during every planting season. They have also sponsored free agricultural training to the local community members aims at equipping farmers skills aimed at boosting crop production/yields. The company also gave free fertilizer to farmers in this area, I being one of the beneficiaries. All this has improved income of the households and helped in reducing the poverty levels and the community reciprocated by cooperating with the company and allowing them to do prospection of their lands (Interview conducted, 19th August, 2018).

Another 41 year old married businessman from the resettlement site affirmed that:

When the company ownership changed hands Base Titanium they established the Agricultural and Animal Husbandry Programmes (See figure 4.4) which has helped empower the local community here massively. But they said they will buy off the proceeds from the farmers and set up a processing factory locally but ended up not

doing so something the locals considered to have been deceived by the company (Interview conducted, 12th September, 2018).

From the response, it is clear that the company sponsored animal husbandry Programme greatly improved the economic status of the community members both at the host and the resettlement site by boosting food crop production hence reducing poverty massively and this led to increased trust of the community in the company and helped reduce criticism against the company by the community.

The researcher also sought views with regard to the boreholes at both the host and the resettlement site.

One other 30 year old married business lady from the host site said that:

When Base Titanium Company took over from Tiomin, they embarked on digging the borehole at Magaoni (See figure 4.2) and I and my family have really benefitted out of the water coming from the borehole. In reciprocation for the land offered to them by the community, they also built roads and started the animal and husbandry programs (Interview conducted, 11th September, 2018).

Another 26-year-oldfemale married untrained teacher from the resettlement community noted that when Base Titanium Company took over it improved water services to the community through the borehole.

He said that:

Base Titanium took over the running of the company offered to dig two boreholes, one at Mrima Bwiti and the other at Kiruku and the local community reciprocated by offering land on which to drill the boreholes to provide fresh clean water to the (Interview conducted, 10th August, 2018).

Another respondent, a married 38 year old female farmer from the resettlement narrated how upon the company's offer to build a primary school at Mrima Bwiti, the company came together and donated land which Bwiti primary school is currently set up.

Said she:

The company came here and explained that they wanted to build a primary school for the community and we the community here met and set up a seven-acre piece of land in reciprocation and that is where Bwiti Primary School is currently located (Interview conducted, 20th August, 2018).

Another 41-year-oldmale farmer from the resettlement stated that:

The company initiated the PMTCT programmer and the community reciprocated by supporting the initiative and embracing the services offered there (Interview conducted, 10th September, 2018).

A married 48 year old male peasant from Bumamani village within the host site said as follows:

When the company took over mining ownership, they immediately started the scholarships Programme that had earlier been promised by Tiomin in order to support the students from this area who are on scholarships. The scholarships Programmes is a very good initiative that need to be extended to other needy student here. That the Programme has so far enabled many students who are studying at a variety of institutions across the country and this has helped in reducing illiteracy levels within the community here. The community reciprocated by embracing and cooperating with the community (Interview conducted, 18th August, 2018).

One married 31 year old male standard eight school leaver who is a *bodaboda* operator from the host site noted that:

We had strong expectations that the company would upgrade the KMTC and by helping improve the quality of services at the facility. We now get more polished medical trainees courtesy of the KMTC. The KMTC offers both diploma and certificate courses in nursing and many of those trainees are absorbed into our local medical institutions the community has reciprocated by embracing the company and sending their children to the college (Interview conducted, 12th August, 2018).

One married 28-year-oldfemale farmer from the resettlement community reiterated that:

The company did the good thing of building the social hall at Mrima-Bwiti and although the company left without equipping it with the furniture, us the community here took the initiated to buy the chairs and tables that are currently being used in the facility and

the community has reciprocated by installing electricity on the social hall (Interview conducted, 17th September, 2018).

The company executive stated that:

The community gave us land to do mining activity and as a result of that the company has offered to establish so may CSR programs such as the Magaoni health Centre, the ECDC Programme, the agriculture and animal and husbandry and the scholarships Programme among other programs aimed at improving the condition of their lives for the better and the community has done well by reciprocating by way of cooperating with the company in its endeavors (Interview conducted, 12th August, 2018).

The 44 year old married area chief reiterated that:

The company has indeed supported the community here very much through the various CSR programmes but the community needs cannot never be all dealt with hence there is constant expectation that the company would go ahead and deal with the several other areas which they have not tackled already while at the same time improve more the running CSR programs for the betterment of the welfare of the local communities. All this has helped endear the community more to the company (Interview conducted, 19th September, 2018).

Instructively, CSR ownership change created a significant positive impact on the CSR programs whereby the new company embarked on a mission to improve the existing ones and establish one. Agricultural engineer Dahlsurd, (2006) that company ownership change can affect management style and policies and in turn, the company sponsored CSR projects.

Like is in the case of the Kwale Titanium Mining, conflict has been experienced in Peru which holds an estimated 13 percent of the world's copper reserves, 4 percent of gold, 22 percent of silver, 7.6 percent of zinc, 9 percent of lead and 6 percent of tin. Peru is the third largest producer of copper, silver and zinc in the world and a major producer of gold.

At a minimum, all mining companies operating in Peru actively participate in the country's Extractive Industries Transparency Initiative (EITI) process, a global initiative designed to promote disclosure of revenue payments by oil, gas, and mining companies. Peru has made limited progress since the government signed onto the EITI in 2006.

5.3 Relations of prejudice

Prejudice is an affective feeling towards a person or group member based often on that person's group membership (tribal behavior). The word is often used to refer to preconceived, usually unfavorable, feelings towards people or a person because of their Political, sex, gender, beliefs, values, social class, age, disability, religion, sexuality, race/ethnicity, language, nationality, beauty, occupation, education, criminality, sport teach affiliation or other personal characteristics Davis, (1973). In this case, it refers to a positive or negative evaluation of another person based on that person's perceived group membership (Dahl, 1972).

Prejudice can have a strong influence on how people behave and interact with others, particularly with those who are different from them. Prejudice is a baseless and usually negative attitude toward members of a group. Common features of prejudice include negative feelings, stereotyped beliefs, and a tendency to discriminate against members of the group. While specific definitions of prejudice given by social scientists often differ, most agree that it involves prejudgments that are usually negative about members of a group.

When people hold prejudicial attitudes toward others, they tend to view everyone who fits into a certain group as being "all the same." They paint every individual who holds particular characteristics or beliefs with a very broad brush and fail to really

look at each person as a unique individual. When prejudice occurs, stereotyping, discrimination, and bullying may also result. In many cases, prejudices are based on stereotypes.

A stereotype is a simplified assumption about a group based on prior experiences or beliefs. Stereotypes can be positive ("women are warm and nurturing") or negative ("teenagers are lazy"). Stereotypes can not only lead to faulty beliefs, but they can also result in both prejudice and discrimination.

According to psychologist Antin (2013) prejudice and stereotypes emerge in part as a result of normal human thinking. In order to make sense of the world around us, it's important to sort information into mental categories. "The human mind must think with the aid of categories," Many respondents who were interviews made prejudiced comments about the company with regard to the administration of the CSR projects.

Several respondents gave views with regard to the CSR project which amounted to some aspect of prejudice. One 24 year old male unmarried *bodaboda* operator based at Magaoni stated as follows:

The company has not necessarily helped by digging a borehole but that they were actually prospecting when they ended up with a borehole. They are not sincere but are pretenders and the borehole was just dug to lure and confuse the community into accepting them in the area (Interview conducted, 18th September, 2018).

Another married 32 year old farmer from the host site stated that:

The company pretended to establish the animal and husbandry Programme only for them to support a few community members leaving the majority to suffer and yet try to claim credit for helping the community around here. In fact the Programme has not helped many people here and the company had acted in a manner suggesting that they are not sincere in their handling of the CSR programmes (Interview conducted, 15th August, 2018).

Another married 26 year old farmer from the host site lamented that:

Despite looking for a job from the company for the last two years, I'm yet to get a chance due tribalism and favoritism by the company, they (the company officials) only employ those who are their friends or are their relatives at the expense of the locals who they accuse of lacking skills or adequate education (Interview conducted, 15th September, 2018).

Another married 42 year old diploma holder and a farmer from the host site lamented that:

My tribesmen the Makonde have never been considered for employment at the base titanium company like in the case of other tribes within this area and this amount to open biais and discrimination against our people by the company (Interview conducted, 5th August, 2018).

Another married 34 year old male *bodaboda* operator from the host resettlement lamented that:

The company had actually failed to build an ECDC at the resettlement site despite promising to do so claiming that the area was too remote to host an ECDC a fact that amounted to prejudice of the highest level since our area is not as they are trying to depict (Interview conducted, 14th September, 2018).

One 45 year old diploma holder and a male farmer from the resentment site claimed that the company sponsored CSR projects had greatly empowered the community members in various ways.

He noted that:

The company has undertaken various CSR programmes such as Bwiti dispensary, Bwiti primary school, several boreholes and roads both at the host and the resettlement site that have greatly empowered and improved the lives of the communities living in these areas. (Interview conducted, 14th August, 2018).

One single 25 year old male certificate holder who is currently working as an untrained teacher from the host site claimed that:

The company had put up a very shoddy Infrastructure in the name of Bwiti primary school and which had indeed turned out to be a safety

risk for the pupils who are learning there and for this reason, we feel the company has been both deceitful, cunning and insincere with the community with regard to these CSR programmes such as this one (Interview conducted, 14th August, 2018).

The married 45 year old male employee of Base Titanium Company claimed that:

The company had put up an extremely small borehole barely enough to supply the community with water. Besides they are pretending to help the community when water from that borehole is not even free but is sold at a fee to the community members who are already very poor. These people are pretenders who don't mean well for the community here with regard to the CSR programme but are even using the so-called CSR programmes to fleece the people. This is a very open act of deceit by the company (Interview conducted, 15th September, 2018).

Hostility stemming from the ubiquitous frustrations of social life which is displaced onto out-groups has been viewed as a general causal mechanism or process underlying prejudice. A review of experimental research indicated that this proposition had not been unambiguously supported Weimer & Vinning, J. (1992).

Several studies which are frequently cited in the literature concern the response of victims of prejudice to other minority groups. Thus, Catholics in the U.S.A. who felt they had been victims of discrimination expressed more prejudice against Jews and blacks (Allport & Kramer, 1946; Rosenblith, 1949). Similarly, Gordon in 1943 found that Jewish subjects who reported they had experienced anti-Semitic prejudice tended to be more prejudiced against blacks. Although these studies seem confirmatory, the extent to which the experience of prejudice or discrimination can be regarded as indicative of frustration is rather problematic. Certainly, other responses such as anxiety, depression, or reduced self-esteem seem as likely. Moreover, Ashmore and Chang (2008) point out that Jews in the U.S.A. despite experiencing more prejudice than Protestants or Catholics, nevertheless show less prejudice overall against blacks.

A number of other findings can be mentioned. An American survey by Campbell (1947) found that those who were dissatisfied with their economic condition were higher in anti-Semitism. Glock et al. (1975) in their study of U.S. adolescents in three communities found that socioeconomic and academic deprivation was significantly associated with anti-black and anti-Semitic prejudice. Unfortunately, their study did not include more direct measures of experienced Frustration. Two other studies used a variety of indices of general dissatisfaction, deprivation, and angry feelings but reported inconsistent findings. Some of these measures did correlate with prejudice while most did not Em *et al.* (2012).A large-scale study of students attending eleven racially mixed schools in a U.S. city found little association between racial prejudice and black and white students' satisfaction with their home and school life. However, this study did find strong correlations between prejudice and aggressiveness in both racial groups (Patchen *et al.*, 1977).

5.4 Relations of Frustration and Aggression

The feeling of frustration is an emotion that occurs in situations where a person is blocked from reaching a desired outcome. In general, whenever we reach one of our goals, we feel pleased and whenever we are prevented from reaching our goals, we may succumb to frustration and feel irritable, annoyed and angry Ndaiga (2010). Typically, the more important the goal, the greater the frustration and resultant anger or loss of confidence. In psychology, the term aggression refers to a range of behaviors that can result in both physical and psychological harm to yourself, others, or objects in the environment. This type of behavior centers on harming another person either physically or mentally Friedman, (1970). It can be a sign of an underlying mental health disorder, a substance use disorder, or a medical disorder. Aggressive behaviors can be caused by biological, Environmental factors and

Physical factors (Concise oxford English dictionary, 2002). The terms "aggression" and "aggressive behavior" are used interchangeably. Aggressive forms of behavior can be characterized by verbal or physical attack. Aggression may be either appropriate (e.g., self-protective) or, alternatively, it may be destructive to the self and others (Puch, 2003).

Information gathered shows that the company had promised to build more than one ECDC educational centers to support early childhood education at both the host and resettlement site but only built one at the host site. The only one they established did was done very unsatisfactorily especially on the part of infrastructure leading to mistrust between the community and the company.

A 30 year old married female farmer from the host community criticized the company for failure to build the ECDC at the host site saying that:

Despite a definite promise by the company that they would build two primary schools at host site, not a single one has been built up to now. As we speak, the only primary school, Magaoni primary school around this place that was built by the government in collaboration with the local community members here. In this regard, the company has caused frustration to the community here and hence we do not trust them at all. That is why there was a street demonstration against the company here last week (Interview conducted, 17th September, 2018).



Figure 4.8: Bwiti primary school *Source:* Researcher's fieldwork (2018)

A 20 year old male standard eight school leaver and a *bodaboda* operator married and hailing from the resettlement site said he was frustrated by the company's' for failure to keep its promise to build a good primary school saying that:

The company promised to build two quality primary school within the resettlement site but ended up building only one (Bwiti primary school) instead of two and for this, we as a community feel cheated by the company and therefore do not have faith in them. Further, the said primary school is dilapidated with worn out floor and cracked walls because it was built using substandard materials effectively making it a safety risk for the children who are learning there. This has led to frustration on the part of the community members who now feel cheated by the company (Interview conducted, 7th August, 2018).

Information gathered through the above narratives shows that the company had actually promised to build two primary schools at the host and two at the resettlement site but ended up building only one at the resettlement site and none at the host site something that has made community members to feel frustrated and lose trust in the company.

One other 51 year old male teacher married and hailing from the resettlement site said that the company's handling of the health care facilities issue had made him frustrated in the company.

He reiterated further that:

The company ownership change led to delay in establishing of Magaoni health center despite promising to put up the facility quickly enough the company took too long (3 years) to set up the health Centre. Further, despite saying that they would bring the requisite medical facilities, they blatantly failed to do so and as we speak now, there are no facilities in that health Centre and we as community feel we have been deceived by the company and have subsequently lost faith in the company hence bad relations. (Interview conducted, 4th August, 2018).

One 34 year old female, married and a standard eight school leaver hailing from the resettlement site he felt frustrated by company's conduct:

I feel frustrated and my trust in the lost because despite promising to build a health center here at the resettlement site but ended up building only a dispensary (Bwiti dispensary) here as compared to the host site where they have built a very big health center. The company is simply insensitive to the health -care needs of the people here and have openly deceived and discriminated against us here by saying they would do a health center only to turn around and build a dispensary making the community feel deceived and hence the poor relations currently existing between the company and the community (Interview conducted, 4thAugust, and 2018).

The narratives indicate that the company deceived communities at both the resettlement community that they would build a health center there only to turn around and build a dispensary which is small and can barely host the medical services. At the host site, the community thought the health center would be completed fast but it ended up taking too long to complete. Trust in the company by the people at the host site had diminished and the people feel frustrated on account of the company's failed promises.

The researcher also conducted an interview with regard to the Maternity wing and maternity beds at Likoni. One 40 year old male farmer married and hailing from the host site lamented with regard to the project of building a maternity wing and equipping with beds saying that:

Despite promising to build a maternity wing and bringing in maternity bed at the Likoni health facility, the company failed to do so and this has made the communities both at the host and the resettlement site really lose faith in the company on grounds that they are deceitful. As we speak, not a single person has faith in the company hence the bad blood with the company (Interview conducted, 13th September, 2018).

One married 32 year old male farmer from the resettlement site said his faith in the company had been lost due to the company's handling of the project of the

Construction of maternity wing-2017 and provision of maternity beds in Likoni saying that:

I feel frustrated by the manner in which the company is handling of the maternity wing project. They did promise to Construct a maternity wing-2017 and provide maternity beds in Likoni but up to now, nothing substantial has been done. But blatantly failed the entire community by giving false hope. They never set up a maternity as promised and also, they failed to buy beds have been bought. The health facility there is not well equipped to handle many maternity cases as we speak and efforts to remind them about this promise has always fallen on deaf ears and as a result, we feel very frustrated and let down by the company and hence the poor relations with the company (Interview conducted, 13th September, 2018).

Data gathered indicates that the company had indicated that it would establish the maternity wing at the Likoni hospital but never did so. The facility still has the same old beds and is lacking in many other requisite maternity facilities and which effectively means that the company has failed to keep its promise and this had led to the loss of faith in the company by the community who also feel very frustrated as a result.

The researcher similarly proceeded to collect data with regard to the campaign on the polio vaccination, TB and mass net distribution and over support for 7 county health units covering the host site and secured some responses.

One 18 year old form four three student at Magaoni secondary school based at Zigira village within the host site complained of the poor handling of the CSR Programmes the company:

He said that:

I feel deceived that despite promising to do so, the company has been completely failed to spread the polio vaccination, TB and mass net distribution Programme to all the villages around but they failed to. The Programme is mainly based at Magaoni village and not the others like in our area and as a result we feel much cheated by the company. I personally have lost faith in Base Titanium Company and has very poor relations with the company as we speak (Interview conducted, 13th September, 2018).

Another 32 year old female carpenter married form four school leaver based at Kiruku within the resettlement site complained as follows:

My frustration remain the fact that the company has gone all time low and I feel frustrated because despite promise by the company to bring us the Programme for the support touched on campaigns over polio vaccination, TB and mass net distribution, they are yet to do that. I have not even heard of that kind of Programme here, yet the people here have all manner of health related challenges including malaria and TB. We feel the company simply deceived us here and as community and we are very upset, frustrated and have effectively lost faith in the company and currently very strained relations with the company. (Interview conducted, 14th September, 2018).

Information gathered from the respondents indicate that the company had actually failed to satisfactorily implement and administer the Programme of the support on campaigns over polio vaccination, TB and mass net distribution in all areas hence making community members from some of the areas feel let down and as result feeling frustrated. The company should ensure that the Programme is spread to all the other areas as a way of making sure all community members benefit and hence improve trust and confidence of the community.

There were also numerous community responses regarding the CSR Programme of the promise by the company to tarmac the feeder roads at both the host and the resettlement site.

A middle-aged female farmer from Mwaloya village who requested anonymity stated that the company's' failure to tarmac the local feeder roads as promised had made him feel frustrated and lose faith in the company.

He said that:

We though the company ownership change would bring help here but many of the activities that were promised were done very shoddily or not at all and as a result I can tell you I remain a very frustrated man. For example the company promised to tarmac the feeder roads around this place (host site) but up to now not a single road has been tarmacked by the company. If you talk to people here, they will tell you that the company has really deceived and let the community down; and we are in fact very bitter with this company (Interview conducted, 18th September, 2018).

One male respondent from Bwiti who requested anonymity lamented that the new company promised to tarmac the feeder to the roads only to renege on the promise hence causing a lot of frustration in the community.

He stated that:

The company promised to tarmac the roads such as that from Bwiti to Mvumoni was in a sorry state as a result of the company's failure to act fast after taking over from Tiomin and this caused me to feel frustrated and lose faith in the company. The company has been very slow to do any meaningful road upgrading works. They have only concentrated on the Kiruku-Kikoneni road while those such as the Bwiti-Mvumoni roads remain in a very sorry state. But the worst road currently is that from Bwiti to Mrima which is completely impassable. This is despite the fact that the company had promised to tarmac all these feeder roads. On account of this, the community feels frustrated and shortchanged and has effectively lost hope in the company and led to strained relations with the company (Interview conducted, 12th August, 2018).

Data collected from the field interviews indicate that the company had actually failed to do the road infrastructure- related CSR projects satisfactorily and to the expectation of the community members despite having promise to do so and this effectively led to loss of trust in the company by the community.

The researcher also conducted interviews with regard to the water resource related CSR projects. A married 33 year old male farmer from Vumbu village complained

over unfulfilled promises to pipe water to the various households and said this had led to him losing faith in the company:

Despite promising to pipe water to all the households, the company has not done anything and I feel my faith and trust in the company is no more. We just have the one borehole around which again serves only a few people living around the host site at the Magaoni. The borehole is even inside a school making access to it troublesome. The company has really failed us here as a community when it comes to the issues of water and we really feel frustrated by the company hence lack of trust and strained relations with the company (Interview conducted, 18th September, 2018).

A similar sentiment was expressed by a married 51 year old female nurse from Mwapala village within the host site who said that:

The company had promised to pipe water to all the households in this area but they failed to do so hence leading to complete frustration by the community members here. There are serious water problems in these communities and had the company kept its promise, the people here would today be living a good life devoid of water shortage and problems. The company has only one borehole which can hardly supply water to the large population you see around this place hence the feeling of deception and which has caused poor relations with the local community (Interview conducted, 14th August, 2018).

It can be deduced from that narratives that the company had given false promises with regard to the water related CSR projects at both the host and resettlement site hence leading to loss of faith in the company by the community. The boreholes dug at Bwiti, Kiruku and Magaoni were not adequately providing water to the community because of they were too scattered and in the case of Kiruku and Bwiti boreholes, solar power was used which is in fact unable to pump water round the clock. Further, the company had promised to pipe water to every household only to renege on the promise.

Research was also conducted with regard to the social hall where the researcher sought views of the respondents.

One other married 38 year old farmer from Vumbu claimed that:

There is an agreement which is in fact in writing in which the company made a solid commitment to build a social hall here at both the host and resettlement site. They ended up only building a social hall at the resettlement site and ignored the one that was supposed to be put up here. We hear that even the one at the resettlement site was done very shoddily and does not meet the needed standards. We as a community feel very let down by the company on account of this failed promise and feel frustrated by the company which has led to strained relations with the local community (Interview conducted, 27th September, 2018).

Another male married 32 year old farmer from the resettlement site said that:

By choosing to build the social hall at Bwiti, instead of Kiruku with a higher population as had earlier been promised, the company has engaged in open act of deceit and this has led to complete loss of faith and trust in the company and depicted them as discriminatory in conduct hence very poor relations with the local community. (Interview conducted, 28th September, 2018).

From the above narratives, it can be concluded that the company's promised to build a social hall at the host site has never been fulfilled to date. The one that was built at the resettlement site was done is a rather substandard manner with rough floor and cracked walls no chairs or tables and as result is not being put into use by the community hence leading to loss of trust in the company.

Respondents were also interviewed with regard to the PMCT project and they had the following to say. Another married 30 year old male *bodaboda* operator from Zigira village within the host site the PMTCT Programme as not spread to all parts of the neighborhood as should have been the case and therefore had not helped improve his trust the company.

He lamented that:

The company had promised to spread the PMTCT Programme to all villages around the host site but the Company has up to now not done anything substantial to make people from all the neighborhood benefit from the PMTCT Programme and as a result the people here

feel cheated since the Programme not helped clear my frustration (Interview conducted, 4th September, 2018).

A similar sentiment was echoed by a married 37 year old male doctor from Mrima within the resettlement site said that the Programme had not helped improve his trust in the company:

The company had promised to administer the PMTCT to all the villages within the resettlement site through an outreach Programme but they have effectively failed to do so and because of this the people here feel very frustrated. Our plea to the company to consider bringing the PMTCT services closer to the people over the years has always fallen in deaf ears and this has negatively affected the relations with the local community (Interview conducted, 24th August, 2018).

Facts gathered from the narratives indicate that the PMTCT actually failed to improve the relations between the company and the community since the community felt the company had failed to establish the PMTCT project satisfactorily by spreading the Programme to all the villages at both the host and resettlement site as had earlier promised to do and this truly amounts to unfulfilled promise on the part of the Company and hence complete loss of trust in the company.

Interviews were also conducted by the researcher on the project of fishing boats and fishing equipment had not helped in improving his trust in the company.

One male 45 year old married mason from the host site reiterated that the company had failed to expedite the fishing boat and fishing equipment thereby lowering his trust and faith and the company.

He stated that:

The company had promised to buy three fishing boats and fishing equipment's but only brought one and because of this failed promise, If and the entire community feels very frustrated with this companyled initiative. (Interview conducted, 17th September, 2018).

Another respondent, a female married 41 year old farmer from the resettlement site explained that the Programme for fishing boat and fishing equipment had not helped in improving the trust in the company and the community.

She stated that:

The company had promised to bring in three fishing boats but had so far only brought one implying a false promise, this was to be distributed in the three main beaches here but they are yet to do so. As a result, there is not enough fish to feed the people here. Hence the community here feels deceived and severely frustrated by the company. (Interview conducted, 17th September, 2018).

It can be concluded from that narratives that the relations between the company and the community had not in any way improved because the community felt the company had failed to administer the project satisfactorily.

Interviews was further conducted with regard to the project on the Support NGOs and CBOs & and youth enterprise with respondents having the following to say.

A married 46 year old male farmer from Mwaloya village within the host site lamented over the company's handling of the project on the Support NGOs and CBOs and youth enterprise and sad the project had not helped in improving their trust in the company:

The company had promised to Support NGOs and CBOs & and youth enterprise in this areas in bid to uplift the economic standards of the people here but so far they have not done anything substantial with regard and hence no to trust and no improved relations with the community (Interview conducted, 12th August, 2018).

One married 26 year old female respondent at Kikoneni within the resettlement site also lamented with regard to the Programme on the Support NGOs and CBOs & and youth enterprise CSR projects saying that:

The Programme is very important and has been very helpful to the community specifically the youth but it is based too far off and do

not serve the local community members well especially the issue of economic empowerment, As a result, it has not helped in the improvement of the trust between the company and the community (Interview conducted, 14th September, 2018).

From the above narratives captured, it is very clear that despite initiating the Programme for the Support NGOs and CBOs & and youth enterprise, the trust between the company and the community did not improve substantially because the community felt the Programme had not been administered well. The programme has not been spread to all parts of the neighborhood hence further fueling queries with regards to its effectiveness and inclusivity.

The scholarships Programme also came under focus with the respondents commenting on the same.

One 20 year old form four student from the host site stated that despite being helpful, the scholarships Programme had not helped clear my frustration with regard to the way the company has been conducting its business.

Yes, the scholarships Programme have assisted the communities here but it has only led to the increase of my frustration because l have a feeling that the company has not done anything adequate to support the many needy students here who come from very poor families and who also need these scholarships. This is a very big company making lots of money and should commit more resources in this endeavor since the people here are very poor and need a lot of support, As of now, we completely feel short changed by the company (Interview conducted, 28th August, 2018).

One married 34 year old male certificate holder and farmer from the resettlement site explained that:

Scholarships Programme had not helped in improving my trust in the company since the programmer is given on who knows who basis instead of on the basis of who is more deserving. And even more worrying is the fact that the chances are given to students from outside the county at the expense of the needy local community members. The company had promise to increase the number of students enlisted into the scholarships during a recent meeting but

that is yet to materialize. On account of matters scholarships, the local community feels very frustrated by the poor manner in which the Programme is being administered (Interview conducted, 18th August, 2018).

One other married 54 year old female nurse, a diploma holder from Bwiti said that:

My son is in his third year of study at Moi University and despite struggling to find him a scholarship; nothing has come forth. I visited base Titanium Company over the same but was turned away and told to wait till next year. Because of this, my trust in the companies has turned out to be all time low. (Interview conducted, 11th September, 2018).

The married 57 year old male community leader explained that:

The company made several promises and commitments with regard to CSR projects but failed to fulfill some such as the building of a primary school at the host site and tarmacking of feeder roads at both the host and resettlement site among others. Consequently, this has led to the community to feel frustrated and to lose trust in the company as far as the administration of the CSR programmes is concerned. (Interview conducted, 6th September, 2018).

Instances of frustration and aggression and best reflected by the happenings in Ghana, a west African country with extensive gold mines, the Ghanaian Commission on Human Rights and Administrative Justice issued a report in 2000 that found "overwhelming evidence of aggression and human rights violations occasioned by the mining activities, which were not sporadic, but a well-established pattern common to almost all mining communities". Between 1990 and 1998, more than 30,000 people in the Tarkwa district were displaced by gold mining operations. "Our people have suffered beatings, imprisonment, and murder for standing up for our community rights against multinational mining companies," said Daniel Owusu–Koranteng, a mining activist from Tarkwa. An investigation by the Ghanaian community group WACAM (Wassa Association of Communities Affected by Mining) found evidence that between 1994 and 1997, AGC (Ashanti Goldfields Company) security personnel, acting in conjunction with the Ghanaian police and the military, had killed three

artisanal miners. In one incident in January 1997, 16 artisanal miners were severely beaten by AGC security personnel, and others have been attacked by security guard dogs. A study in a Dutch psychiatric hospital illustrates the clinical relevance of Bandura's point very well (Finnema, Dassen, & Halfens, 1994). Finnema and coworkers interviewed nurses working in a psychiatric hospital to find out more of how they perceived and characterized patient aggression. Most of the nurses acknowledged positive as well as negative aspects of aggressive behavior. However, the descriptions of aggression varied considerably and the authors concluded that "it was not possible to formulate a general definition of aggression on the basis of the results of the study" (Finnema et al., p. 1088). One may question how the nurses managed to plan and coordinate treatment interventions in relation to aggressive incidents when they apparently were unable to share a common definition of the phenomenon. It is claimed here that the definitional issue described above illustrates a situation representative of state of the art in a majority of clinical practice settings, and that this is closely related to the low status of theories of aggression in clinical practice. In sharp contrast to this, it is generally acknowledged that a sound theoretical grounding is at the core of efficient clinical practice. Taken together, these assumptions contribute to justify the focus on theories of aggression in this chapter. To the dual drive-theory, if the aggressive impulses are not combined with or adequately "bound" or fused with love, then increased aggression and destructiveness can be expected. Deprivation, object loss, or child abuse are all traumas that can interfere with attachment and the normative fusion of love and aggression. In case of such failures, destructive energy will accumulate and, in its primitive form, result in destructive behavior. Freud entertained the notion of catharsis or tension reduction in connection with destructive energy. Catharsis refers to a process in which the affective, nondestructive display or hostile and aggressive inclinations can discharge destructive energy and thereby reduce the strength of these inclinations.

5.5 Relations of Trust

Trust in corporations is at an all-time low. For the past 10 years, Edelman has released an annual trust report and according to the 2009 Edelman Trust Barometer, U.S. respondents trust in corporations eroded to 38%, a 20 percentage point decline from 2008 numbers (Anand, 2010).

This means only a third of the public trust organizations to do what is right especially with regard to matters CSR. Trust is at the core of a business' license to operate (Jariwala, 2013).

It is key to both corporate social responsibility and sustainability. Long-term business sustainability is dependent upon relationships of trust with all stakeholders (customers, employees, supply chain, shareholders, etc.) – the essence of corporate social responsibility (Kwok, 2011).

Majority of the respondents appreciated the change of ownership as having led to the creation of several CSR projects in the area such as the Magaoni Health (See figure 4.0) which has in turn enhanced health care services to the community.

One 33 year old married male farmer from Mwaloya village within the resettlement site said that:

The Company Ownership Change between Base Titanium and Tiomin led to the construction of a dispensary at the resettlement site instead of a health center like in the case of Magaoni health at the host site this failure by the company to hour its promise to build a health center at the resettlement site has created lack of trust in them by the community who view them as being untrustworthy and deceitful. (Interview conducted, 14th August, 2018).

The researcher conducted an interview with regard to the company ownership change and how it affected the road infrastructure which had in turn led to enhancement of their economic wellbeing.

A 48-year-oldmale *bodaboda* operator from Mwaloya village host site said that:

When the new company took over, they failed to engage in aggressive roads upgrading works to allow for ease of movement of the locals as earlier promised. The company has since not upgraded the mar rum road from Mrima to Kikoneni. Also, they failed to other feeder roads such as that from Kiruku to Bwiti and another from Bwiti to Mvumoni a fact that has made us to lose trust in the company (Interview conducted, 6th August, 2018).

Another male 41 year old farmer from Mrima- Bwiti within the resettlement site said that:

The new company has failed to improve the local feeder roads such as that of Mvumoni/Bwiti, Bwiti/Kiruku (see figure 4.6) and that from Kiruku to Kikoneni despite promising to do so and that has led to loss of trust in the m by our community here. The roads are currently passable for both motor vehicles and bodaboda operators in the areas and have made it difficult for the people to move with their goods to and from the local markets here, and for this, however most of the roads have been upgraded with substandard materials making the community feel cheated and shortchanged. (Interview conducted, 7th August, 2018).

A married 52 year old male community leader said that:

Despite promising to do so, the company failed to upgrade the local roads here hence they are in very in very poor condition as we speak and because of this human movement are good and the community around this place is very difficult hence sparking the feeling of deceit and subsequently lack of trust in the company (Interview conducted, 77th September, 2018).

The responses gathered shows that indeed the company built several feeder roads within both the host and resettlement site thereby improving the transportation of both goods and services to and from the various destinations. The company may have not tarmacked the roads but had improved them by upgrading using the marram hence

improved pass ability especially during the rainy seasons and this led to improved trust in them by the company.

Respondent also made comments with regard to the agricultural and animal husbandry programmes within both the host and resettlement site. A married 52-year-oldmarried male farmer from the host site affirmed that:

Immediately the company ownership changed hands Base Titanium they established the Agricultural and Animal Husbandry Programmes. The company promised to offer free and quality cotton, sweet potatoes and finger millet seeds and also free fertilizers during every planting season but only ended doing so at the resettlement site and leaving out the host site something that has been construed by us here to constitute discrimination. This has in effect made the community here loose trust in the company. (Interview conducted, 19th August, 2018).

Another married 41 year old female respondent from Mrima-Bwiti within the resettlement site affirmed that:

Immediately the company ownership changed hands Base Titanium they promised to establish the Agricultural and Animal Husbandry Programmes (See figure 4.4) which has helped empower the local community here massively. They also promised to sponsor a training on animal husbandry to help us get the required knowledge and skills needed to rear better and healthier livestock but failed to do so. The Company has also failed to offer famers free and quality cotton, sweet potatoes and finger millet seeds and also free fertilizers during every planting season and this has led to lack of trust in the company by the community and hence strained relations (Interview conducted, 11th September, 2018).

A married 48 year old male local chief explained that:

The agriculture and animal husbandry Programme had not helped boost the living standards of the locals and as a result the relations between the community and the company remains very poor because the community feels deceived by the company, there is lack of trust and confidence in the company (Interview conducted, 12th August, 2018).

From the response, it is clear that the company sponsored animal husbandry Programme greatly improved the economic status of the community members both at the host and the resettlement site by boosting food crop production hence reducing poverty massively hence boosting trust and confidence of the community. The community feels happy and proud of the CSR Programme especially due to the benefits such as the provision of free seeds, free ploughing services and free agricultural training services locally.

The researcher also sought the comment with regard to the boreholes that was dug by the companies at both the host and the resettlement site.

One such respondent, a married 33 year old farmer from the host site said that:

When Base Titanium Company took over from Tiomin, they embarked on digging the borehole at Magaoni and I and my family have really benefitted out of the water coming from the borehole. But the borehole was not spread to other villages within the host site as earlier promised by the company and this led to mistrust between the company and the community. (Interview conducted, 2nd September, 2018).

Another respondent, a married 38 year old farmer from the resettlement community stated that:

Base Titanium took over the running of the company they promise to build a social hall at the both the host and the resettlement site but ended up building one only at the resettlement site something that has rightly been interpreted by community at the host site as discrimination against them by the company and this has led to lack of trust in the company and in fact a strained relations with the company. (Interview conducted, 14th August, 2018).

It is clear that the company did boreholes at both the host and the resettlement site and these boreholes served people with water for both domestic and commercial use and hence has massively solved the community's water needs at both the host an the resettlement site and this really helped in improving the trust between the company and the community.

Respondents gave their views with regard to the Savings and Loans Association ("VSLA") schemes for volunteer community health workers and enterprise development.

A married 36 year old farmer from the host site stated that:

Base Titanium Company initiated the Community Projects and Livelihood Programmes which has enabled me save and take a loan which I used to buy land and two grade cows which I currently use to support my family and as a result but this programme has only been administered in some villages and not others and hence this has created the impression of discrimination and hence lack of trust in the company and ultimately poor relations with the community. (Interview conducted, 8th September, 2018).

A married 45 year old male Community leader stated that:

We sincerely trust that this company means well for the community because it started such a life changing Programme of the Community Projects and Livelihood Programme which has given an opportunity to many locals to save and take loans for their various development initiatives. Our trust in the company had greatly improved due to the fact that they initiate this project (Interview conducted, 4th August, 2018).

It is clear that the Savings and Loans Association ("VSLA") schemes for volunteer community health workers and enterprise development for youth has helped empower the communities at both the host and resettlement site many of who have already saved and taken loans for several development projects for their families.

The respondents were also interviewed with regard to the establishment of the high school educational programs and had the following to say. One respondent, a married 22 year old farmer from the host site said that:

The new company established the school and is currently sponsoring many bright needy children who are studying at the Magaoni Base secondary school (See figure 4.3) as earlier promised and hence improve community trust in them. The company is paying the tuition and other expenses for all such students although there besides offering the all-important high school educational services but they are yet to increase the number of students in the Programme as

earlier promised hence the hard feeling against them by the community (Interview conducted, 14th September, 2018).

Another respondent, a married male 53 year old carpenter said that:

Children who are learning at the Magaoni base secondary school are often rarely sent home for school fees because the company often subsidizes the school fees paid for by the local student's but the problem is that the company is only sponsoring a section of the students and ignoring others, including the more needy ones a fact considered as discrimination and which has led to very bad blood between the company and the community. (Interview conducted, 14th August, 2018).

A youthful male from the resettlement site said that she had studied at Bwiti secondary school are really appreciated that the change of company ownership which led to the establishment of the school but said that had not helped improve his relations with the company.

He reiterated that:

When Base Titanium Company took over from Tiomin, they built Kiruku secondary school (see figure 4.11) which has been very helpful to the community. The built the school here and we have really benefited by receiving the requisite high school educational support for our children. But the community at the resettlement fees that the school should have been built at Kikoneni and not Kiruku where there is a higher number of the population as had earlier been agreed and this has led to the perception of deceit by the company and hence bad blood with the community members living around Kikoneni area,. (Interview conducted, 18th August, 2018).

It is clear that the community appreciates the company for establishing the Magaoni Base Secondary School and Kiruku secondary schools respectively and which are currently offering the necessary academic services for the students at both the host and the resettlement community.

There was also comment from the various respondents with regard to the PMTCT Programme at both the host and the resettlement site.

Another respondent, a married male 43 year old farmer and a resident based at Mwaloya village within the host site reiterated that:

I think that is an excellent idea that the company brought about the PMCTC program since its existence would enables mothers especially those from poor families accesses such important health care service since it ensures that the mother is safe Mother to Child Transmission, the company has however failed to fulfill the promise to spread the programme to all the villages leading to the feeling of discrimination and this has led to the feeling of being discriminated against by a large section of the affected community (Interview conducted, 16th September, 2018).

Community members affirmed that the PMCTC Programme was very important to the community members since it gave them an opportunity to enjoy the mother to child health care services both at the host and the resettlement site. According to the respondents, the Programme had failed improve maternal child health within the two communities and hence failed to improved trust between the two.

Another married male 41 year old respondent from the resettlement site said that:

The Provision of fishing boat and fishing equipment to the Likoni Beach Management Unit had helped boost economic status of the local people through higher fish harvest and hence increased fish availability and hence reduced fish price for the locals. Also a few people are employed at the boat facility but the community feels that the company has failed to buy more fishing boats and fishing nets to cover the entire area. (Interview conducted, 27th August, 2018).

It is clear from the responses that the company bought the fishing boat and fishing equipment which really helped in quick harvest of fish for use by the community especially those living near the beaches. Through this, the company can be said to have helped boost food availability for the community hence increased trust in the company.

The researcher also collected community view in relation to the scholarships Programme offered by the company to residents at both the host and resettlement site: A married male 34 year old peasant farmer from Bumamani village within the host site said as the Programme had helped improve his trust with the company:

When the company took over mining ownership, they immediately started the scholarships Programme that had earlier been promised by Tiomin in order to support the students from this area who are on scholarships but the scholarships opportunities are mainly directed to those students who are in upcountry at the expense of the poor needy students from this area and this has caused a very bad blood between the community and the company. (Interview conducted, 1st August, 2018).

One other 52 male respondents and a farmer from Bwiti within the resettlement community village who requested anonymity said that:

My second born son is in his third year of study at Kenyatta University courtesy of the scholarship offered by Base Titanium. 'My poor family was relieved when the company offered to educate our child. However the scholarship is offered partially and we still have to turn to their to meet the full school fee requirement (Interview conducted, 15th August, 2018).

It is very clear that the company scholarships Programme have enabled many students from poor families from both the host and resettlement site access high school and university education. Because of the Programme literacy levels have increased in both the host and resettlement community and this has in turn boosted the trust of the community in the company.

The researcher also sought the community views on the Programme of TB, polio and mass net distribution as having transformed the lives of the people at the host site.

One respondent, a married 41 year old business lady stated that:

My children were vaccinated of polio and also they were given nets and that this has Programme had helped their family so much. My brothers 'children were vaccinated against polio and also we were given free mosquito nets and this really helped my family. This Programme is important and has helped reduce cases of Malaria, TB and other opportunistic infections and as we speak our trust in the company is very strong but the problem is that this Programme is only administered in some areas and not others and this has led to

the feeling of discrimination by a section of the community members and hence a bad blood with the company (Interview conducted, 11th August, 2018).

Another married 45 year old farmer from the resettlement area said that:

My bothers' children were vaccinated against polio and TB and also we were given free mosquito nets and this has really helped families here to avoid opportunistic infections. This Programme is important and has helped reduce cases of Malaria, TB and other opportunistic infections and I can tell you the general health of the people here had drastically been improved but the problem is that the company has failed to expand this Programme to all the villages around this place despite having promised to do so hence the feeling of lack of trust and poor relations with the company (Interview conducted, 14th August, 2018).

The programme for TB, polio and mass net distribution has really helped improve the lives of the community members who according to the narratives are generally satisfied and has a lot of faith in the company for initiating the programmer. The interviews were also conduct in relation to the ambulance based at the Msambweni referral hospital:

The CSR project was put on focus with the researcher interviewing the community members and coming out with the following remarks.

One respondent, a married 33 year old nurse female respondent from the host site expressed his views about the company with regard to the ambulance service saying that:

The Base Titanium Company has provided four-wheel ambulances to Msambweni Referral Hospital at the time we need it most. This is very helpful as many sick people needing transport used it to various healthcare centers within the division. My nephew was transported by the ambulance from Mwaloya to Kikoneni where she was treated and her life saved as a result but the problem is that the ambulance is not the modern type fitted with modern medical equipment's and facilities hence the community feels that it is not very helpful and therefore deceived by the company and this has consequently led to a frosty relations with the company (Interview conducted, 12th September, 2018).

The married 50 year old female community leader based at the resettlement site said that:

When the company took over the mining operations, they opted to buy an ambulance to support the medical services around here (Shimba hills) but they ended up buying one only for Msambweni. Failure by the company to heed our voice has led to lack of trust ad bad blood especially because they did promise to di it but changed their mind. (Interview conducted, 14th August, 2018).

The ambulance service has generally helped the community who acknowledges and appreciates its role in helping the sick not just around Msambweni but the entire area covering the host and the resettlement all the way to Shimba hills.

Another respondent, a married 43 year old medical doctor from the resettlement reiterated that:

Having been expanded, the KMTC can now absorb more trainees having been expanded to accommodate more trainees at one given time but recruitment into the college is done with a lot of discrimination and this has led to strained relations between both the company and the management and the community hence bad blood and lack of trust. (Interview conducted, 15th August, 2018).

The company executive explained that:

The company made a series of promises and commitments with regard to CSR projects that were inherited by Base Titanium and went ahead to fulfilled said promises and commitments hence winning the trust of the community here. Commitments such as the building of schools, roads and health care centers at both the host and resettlement areas. However most of these CSR services are not spread to all the villages and this creates the feeling of discrimination. (Interview conducted, 16th September, 2018).

It is clear from the narratives that the KMTC had helped boost the skills of the medical trainees as well as improve the general health care system in the area by playing its role in the realization of Sustainable development goals something even the locals were aware and acknowledged going by their remarks.

Instructively, CSR ownership change created a significant positive impact on the CSR programmes whereby the new company embarked on a mission to improve the existing ones and establish new ones. Agricultural engineer Dahlsurd, (2006) that company ownership change can affect management style and policies and in turn, the company sponsored CSR projects.

As illustrated using a case study of Ghanaian companies where AngloGold's took over from Ashanti Goldfields in 2006, Kenya's Titanium mine's policies on CSR and stewardship can, in fact, change – and often, quite radically (Jariwala, 2013).

The improvement of existing CSR programmes and establishment of new ones is in line with organization's commitment to assessing and taking responsibility for its impacts on environmental and social wellbeing through CSR which can take many several forms, but whose core purpose is to contribute to sustainable development carried out in a manner that is aligned with the expectations and needs of stakeholders (Jensen, 2012).

In Kenya just like in the case of Nigeria and many other countries, extractive companies focus on CSR Programmes as a way of uplifting the local community's economic conditions. This finding here is consistent with the situation in Nigeria where most CSR projects record positive impact on the communities and where CSR programmes designed in a way as to offer maximum benefit and support to the communities (Fluhman, 2005).

In Nigeria and South Africa, many companies focus on Community-focused CSR Projects and Livelihood Programmes such as agriculture and animal husbandry as a way of improving the local community's economic conditions as seen in the Kenyan case.

This then lead to social and economic empowerment of the communities, a fact synonymous with instrumental theories (Garriga and Mele, 2004; Jensen, 2002) in which the corporation is seen as only an instrument for wealth creation, and its social activities are only a means to achieve economic results as well as the basic idea about investment in a local community. As Friedman (1970) strongly stated earlier, the investment in the long run provides resources and amenities for the livelihoods of the people in the community. This is also in line with the views of neoclassical economists like Hayek (1960) who asserted that the function of business is doing business that contributes to society and economy and its function must not be confused with other social functions performed by nonprofit organizations and governments.

In South Africa, change of company ownership led to the situation where most CSR projects recorded positive impact on the communities (Frankenthal, 2011).

5.6 Chapter Summary

This chapter has delved into the impact of the company ownership change on social relations under four themes: Relations of Frustration and aggression, Relations of Trust, Relations of reciprocity and exchange, relations of social conflicts and relations of prejudice. The following chapter analyzes the existing CSR legal and policy framework in Kenya's mining sector intersect with community narratives within both the host and the resettlement site.

CHAPTER SIX

LEGAL AND POLICYFRAMEWORK OF CSR IN KENYA'S MINING SECTOR

6.0 Introduction

This section has captured and analyzes the existing CSR legal and policy framework in Kenya's mining sector intersect with community narratives within both the host and the resettlement site. The respondents had various feelings about the CSR policy provisions with regard to the Minerals Policy 2016, The Mining Act 2016 and The Local Content Bill 2016.Questions were put to them based on selected sections of the law and they made the following comments:

6.1 Minerals Policy 2016

Respondents gave views with regard to the Minerals Policy 2016 as outlined below.

6.1.1 Health safety and environmental regulation in mining specifically on the balance between mining and environmental conservation (Section 3.5 of the Minerals Policy 2016).

Sixty-seven per cent of the respondents acknowledged that the law on health safety and environmental regulation in mining specifically on the balance between mining and environmental conservation was a good law but the authorities had failed to put up proper enforcement mechanisms of the law. One respondent, a 49 year old teacher from the host area was asked what he his take on this law and he stated as follows:

This law is good because people need to be safe and healthy and it important to keep the environment protected as well as this is an important way of helping realize social and economic development. Clean end healthy environment is crucial for social and economic progress (Interview conducted, 6th September, 2018).

Another respondent a 35 year old mason from the host area reiterated that:

The problem is that this law is not being implemented as should be the case. There is also no proper mechanisms for depletion/exploitation of the minerals while at the same time protection of the same. You know most of our laws are good and are designed to protect the vulnerable but the problem here in Kenya is that there are weak mechanisms for enforcing these laws. This happens because of corruption and laxity on the part of the people charged with the responsibility of enforcing these laws such as the National Environmental Management Authority (NEMA) (Interview conducted, 14th September, 2018).

Another 34 year old married nurse r from the resettlement area said that environmental laws in Kenya were hardly enforceable because of the rampant corruption in Kenya.

He stated that:

Another reason why these environmental laws are not enforced is corruption. In the case of NEMA and Base Titanium, you will find that there is so much corruption that even the chairs and tables used at the NEMA offices are all donated by Base Titanium so any attempt to report any environmental complaint against the company to NEMA is often just but a waste of time (Interview conducted, 4th September, 2018).

Another respondent a male 25 year old college student from the resettlement village emphasized that:

The law on health safety and environmental regulation in mining specifically on the balance between mining and environmental conservation is very crucial and needed to be respected and implemented to the latter for the benefit of the entire society. Everyone including the ordinary citizens should recognize the important of environmental protection and must join efforts to help conserve the environment (Interview conducted, 3rdSeptember, 2018).

Another respondent, a female 20 year unmarried college student from the resettlement area commented that:

The safety of the environment depends on the types of laws formulated to protect such environment and how well such laws are implemented. Without that, the safety of an environment remains shaky. I don't know how good our environmental laws are. I think they need to repeal some of the laws because most of the environmental laws being used today are those that were inherited from the British colonialists (Interview conducted, 14th September, 2018).

But the company executive said that the company had a strict policy on the mitigation and conservation of the environment as well as prevention of environmentally related harm.

In order to achieve this, he explained that:

We are empowering the company employees to work in an environmentally responsible way and stop any activity that will result in non-compliance with policy, legal or other requirements including the Equator Principles and IFC Performance Standards and require our contractors to do likewise. We are caring for the environment by preventing pollution, maximizing resource efficiency and GHG emission reduction, minimizing harm and encouraging environmentally responsible behavior in others.

He went on to state that:

We are providing and maintaining an appropriate environment management system that supports best practice. We are protecting and conserving biodiversity and maintaining ecosystem services. We are engaging our workforce and host communities and regularly reviewing our performance to achieve continuous improvement. We are encouraging everyone to take responsibility for the environment and providing the capacity and resources for employees to fulfill their individual environmental responsibilities as clearly defined in our role descriptions. We are demonstrating visible leadership that provides recognition for environmentally responsible behaviors in identifying, assessing and managing environmental risks and opportunities and also consequences for non-compliance.

He concluded by saying that:

Here at the company, we take suitable precautions to protect the people in our company from accidents and work-related illnesses. We maintain an emergency management system for the prevention of injury to persons and damage to property or the environment. We have also engaged in an aggressive environmental rehabilitation and restoration as a way of minimizing and mitigating impacts of mining operations. The successful rehabilitation of the Mukurumudzi Dam embankment and other areas impacted during project construction forms the basis of this Programme, which provided an

opportunity to trial a number of methodologies. Various land preparation techniques, bank stabilization methods, green manures for soil improvement and a variety of pioneer plant species have been tried ahead of the rehabilitation works. In line of the CSR guiding principle No 4, we exercise utmost vigilance in protecting the environment and seek ways to minimize our environmental footprint wherever we operate. We will always meet, and where possible exceed, regulatory requirements in our environmental performance (Interview conducted, 28th September, 2018).

A male 45 year married legal expert based in Kwale who was interviewed said that the CSR laws mean good but the problem can be caused by the lack of goodwill to implement those laws. Corruption and vested interests start right from when these laws are formulated.

He explained that:

In some resource-rich African countries, large private corporations sponsored elections, and lobbied the clandestinely sponsored winners to formulate and implement favorable legislation or policy frameworks even against the interests of the citizens. From the above finding it is clear that most of the respondents appreciated the law on health safety and environmental regulation in mining specifically on the balance between mining and environmental conservation as a good law aimed at protecting both the environment and people from harm. This is supported by utilitarian approach (Bentham, 1956) focuses on using ethical actions that will promote the most good or value among a society while limiting the amount of harm to as few people as possible(Interview conducted, 26th September, 2018).

6.1.2 Maximization of benefits of mining with regard to employment, training and skills transfer of Kenyans and the use of local goods and services (Section 3.8 of the Mineral Policy 2016).

Sixty-eight per cent the respondents interviewed said that the law on Maximization of benefits of mining with regard to employment, training and skills transfer of Kenyans and the use of local goods and services was generally good and well-meaning but the problem is to do with its implementation. One of the respondent's 38 year old peasant farmers from the host site said that:

To be fair, just take your time and look at how the company is handling matters employment, training and skills transfer of Kenyans and you discover a lot of discrimination and unfairness. Look at issues training and you realize that all the whole process is very selective and no training is being offered to the community members by the company as required by the law (Interview conducted, 14th September, 2018).

Another 35 year old married farmer from the host site said that:

This law is good and if it can be implemented to the latter a lot of good progress can be achieved because people will end up with skills which then they can use later to assist themselves and other community members in engaging in gainful activities and increase profits and enhance their livelihoods (Interview conducted, 13th September, 2018).

Another married 33 year matatu driver from the resettlement said that:

The use of local goods and services is one way through which the company can help empower the local community members economically. Base Titanium Company used to procure vegetable and fruits from the local farmers but have since shifted to Mombasa where they procure these foodstuffs directly from the Kongowea market (Interview conducted, 15th September, 2018).

The company executive stated that the company was paying very special attention to the law on maximization of benefits of mining with regard to employment, training and skills transfer of Kenyans and the use of local goods and services.

He stated that:

We have a policy on employment, training and skills transfer and which we are following very strictly as we do this mining activity and we are being monitored on this by the government through the ministry of mining with regard to this matter. We have a very fair and transparent system of hiring for all our employees from the junior to the senior ones and also we offer very elaborate and comprehensive training Programmes for our employees and the community members to foster economic development40. We still float our tenders on the supply of gods and services with special consideration to the local communities but often give the best bidder in case no local community member qualifies (Interview conducted, 27th September, 2018).

It can be deduced from the above finding that Sixty-seven per cent of the respondents appreciated the law on maximization of benefits of mining with regard to employment, training and skills transfer of Kenyans and the use of local goods and services as being a good law a good law aimed at protecting the ordinary citizens from exploitation by the government and other organizations including mining companies. Most respondents said training and skills transfer would enable the people have knowledge necessary for living economically productive lives while the use of local goods and services owned by the local community was of direct economic benefits to members of the community. This finding is in line with the Minerals Policy 2016 Section 3.8 which states that: To maximize the benefits from growth of the mining sector and ensure that it fosters socioeconomic development and contributes to sustainable economic development, the government will develop legislation that will provide guidelines requiring mining companies to meet obligations on:

- a) Employment, training and skills transfer of Kenyans
- b) Use of local goods and services

6.1.3 Mineral benefits sharing among the national government, county government and local communities (Section 3.9 of the Minerals Policy 2016).

Seventy three per cent respondents stated that the law on Mineral benefits sharing among the national government, county government and local communities was good because it would give the locals a right to get their rightful share of the mineral resources but that the problem is that the law was not being implemented because of corruption and impunity.

A 34 year old male teacher from the host site said that:

A way should be found through which this law can be implemented so as to ensure that the community enjoys the benefits due to them. Originally, we were told that there is money that will be sent directly to support the community but we are yet to see any. I think this money is coming but it is being squandered by our leaders. Too bad. Mnyonge hana haki (it's like we have no rights). The common man has nothing to shoe for from this mining project. Seems the money was squandered by a few people at the expense of the entire community (Interview conducted, 11th September, 2018).

Another 23 year old male college student corroborated this claim by saying:

We believe the company is paying taxes in full to the central government which is in turn supposed to remit to us the 10% to support the community development initiatives but that is not happening due to corruption in government in collaboration with community leaders at the expense of the poor and unsuspecting community members. At first the money used to be sent only to stop suddenly. (Interview conducted, 17th September, 2018).

But the company executive who was interviewed emphasized that the company was not to blame adding that them they pay all the taxes due to the government and as per the law on Mineral benefits sharing among the national government, county government and local communities.

Said he:

We promptly remit all taxes due directly to the national government and it is up to the national government which is then supposed to channel that which belongs to the county government(20%) and the local community(10%) and retain the remaining(70%). We can't tell whether or not the government then shares the revenues as per the law or not. But what I know is that as accompany, we often remit all taxes due very diligently and promptly as is required by the Kenya Revenue Authority Act and other relevant Tax regulations (Interview conducted, 27th September, 2018).

It is clear that Seventy-three per cent t of the respondents appreciated the law on Mineral benefits sharing among the national government, county government and local communities as being a good law a good law aimed at protecting the ordinary citizens from exploitation by the government and the mining companies. Most respondents said equitable distribution of minerals between the central government, the county government and the local community would positively impact on social and economic development so dearly needed by the local community. This finding is in line with the works of Puch (2003) who stated that: As far as economic justice⁷ is concerned, Rawls argues that the authorities will always want principles of justice that will "fairly and equitably distribute" certain goods to everyone—what Rawls calls "primary social goods" (105).

6.2 The Mining Act 2016

Respondents gave views with regard to the mining act 2016 as outlined below.

6.2.1 Royalties in terms of paying royalty to the state in respect to the various mineral classes won by virtue of the mineral right (Sec (183)1 of the Act).

A respondent said this law was very good since it was advocating and protection and the rights of the weak and vulnerable. However, it was not being implemented due to lack of government support and corruption.

A 35 year old farmer said that:

Many companies were not paying royalty to the state in respect to the various mineral classes won by virtue of the mineral right as required due to corruption and ineptitude. Many companies often ignore this rule and instead of paying the royalties, they give kickbacks to state officials. This law is good but it has been abused. A mechanism should be put in place to help in ensuring this law is properly enforced (Interview conducted, 4th September, 2018).

⁷As far as economic justice is concerned, Rawls argues that the authorities will always want principles of justice that will "fairly and equitably distribute" certain goods to everyone—what Rawls calls "primary social goods" (105).

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Another 32 year old *bodaboda* operator from the host site reiterated that:

This law did not directly fight for the rights of the common man but was focused on the state. Said he, but you know money paid through state often end up in corrupt hands. One cannot be sure if the money will end up being used for a just course. Royalties in terms of paying royalty to the state in respect to the various mineral classes won by virtue of the mineral right (Interview conducted, 5th September, 2018).

A 51 years old peasant farmer from the resettlement site reiterated that:

This law is good because it encourages these companies to pay royalties to the state which is good because that way, the state gets money to initiate development projects to support its citizens (Interview conducted, 16th September, 2018).

The company executive reiterated that:

The law on Royalties in terms of paying royalty to the state in respect to the various mineral classes won by virtue of the mineral right was a good law and their company was obedient to its provisions to the latter. We often pay royalties to the state as is required by the law. Payment of royalties is important because it enables the state to fulfill its obligation to the citizens. This law is relevant to the South African law Act of 1991, which stipulates that the holder of the mineral rights "had the right to remove and dispose of minerals found" (Section 5(1) of the Minerals Act of 1991). After severance from the land, the minerals became the properties of the mineral rights holders. However, in the MPRDA, there is great ambiguity in this regard.

The narratives above shows Sixty-seven per cent of the respondents appreciated the law on the Royalties in terms of paying royalty to the state in respect to the various mineral classes won by virtue of the mineral right is a good law a good law aimed at protecting the ordinary citizens from exploitation by the government and other organizations including mining companies. Most respondents said conducting mining practice in line with and relation to the industry practice by paying royalty to the state in respect to the various mineral classes won by virtue of the mineral right is a sure way of ensuring mining is done to the satisfaction of the relevant stakeholders. This is reinforced under section 183. (1) Of the Mining Act 2016 which states that the holder

of a mineral right shall pay Royalties. Royalty to the State in respect of the various mineral classes won by virtue of the mineral right and that the royalty's payable under sub-section (1) shall be distributed as follows: seventy per cent to the National Government; twenty per cent to the County Government; and ten per cent to the community where the mining operations occur.

6.2.2 Employment and training for Kenyans (Sec 46(1) of the Act)

Seventy-four per cent respondents interviewed state that the law on employment and training for Kenyans was a very important law that needed to be upheld and practiced to the latter since it was about the welfare of the common man.

A 42-year-oldmarried respondent from Vumbu village within the host site commented that:

The importance of training for Kenyans saying the idea of training is important because people get to acquire skills necessary to earn a living and understand the society better. High output can only be achieved through qualified human resource which can only be achieved through thorough training of such personnel and workers (Interview conducted, 4th September, 2018).

Another 32 year old female married teacher from Mwaloya village within the host site said that:

It was the duty of the government to invest resources in educating and training its citizens and should not leave such work to other organization like Base Titanium. The government should take charge and do its work (Interview conducted, 4th September, 2018).

Another 28 year old married mason from the resettlement site argued that:

This law is good but it is rarely implemented by the various organizations and governments. Where they are offered, training is rarely ever done equitably. Some of these Programmes are often run with a lot of discrimination. And despite the Programmes being undertaking for the last three years not a single person known to me has been nominated to attend the Programme from the whole of Vumbu village (Interview conducted, 15th September, 2018).

Another 40-year-oldmarried nurse from the resettlement community stated that:

Base Titanium Company has not helped in building capacity of the local people. They have been conducting some training here but all that is based so much on favoritism where people are employed according to who they know in the company. Only people who have friends or relatives in the company were offered opportunities to attend the training Programmes (Interview conducted, 14th September, 2018).

Another 34-year-oldwidow from the resettlement area said that:

A large number of company staff as well as the ordinary member s of the public have undergone capacity building trainings that have helped people grow socially and economically. The trainings Programmes that organized and sponsored by the company locally have helped the community members acquire skills needed for income generating activities. These trainings have enabled the local communities understand and provide better and more efficient services (Interview conducted, 7th September, 2018).

The company executive who was interviewed said as follows:

Beyond our direct employees, we also welcome students and local community members to participate in tailored Programmes including: 18-month graduate Programmes; 3-month attachment/internship Programmes; 2-year apprenticeships; biannual high school work experience; and community skills development. Our Training partners include the National Industrial Training Authority ("NITA"), a state corporation that has also accredited Internal Programmes.

He added that:

We run a year-round training calendar for our employees. Training provided includes safety and job-specific technical training, soft skills (e.g. delegation, time management, record keeping), computer training, first aid and emergency response training. Additionally, "Front Line" supervisory courses are provided for selected employees to prepare them for future leadership roles in the company. They undergo both class room training, tuition from mentors and complete online, internationally accredited certificate courses in management.

He defended the company's employment record and policy saying that:

All vacancies are advertised. While our policy is to prioritize opportunities for local communities, we also aim to select the best candidate for the job. For positions requiring minimal qualifications, we first advertise internally and in the surrounding

communities. Such advertising is done by our community sensitization team and through liaison committees, social media and the chiefs' offices at Kinondo and Mvumoni'.

He added that:

Where a position requires specialized skills or formal qualifications and cannot be filled locally, the vacancy is adverted online and interested candidates must apply through this online portal. During the construction phase, over 1,300 employees were drawn from local communities by contractors who were required to recruit through Base Titanium's database created under its Labor Recruitment and Influx Management Plan.

He concluded by saying that:

Currently, in the operational phase, over 1040 people are employed, both directly by Base Titanium and by outsourced service providers. In line with prioritizing recruitment from project affected and local communities, 65% of all employees are now sourced from Kwale County. In line with the guiding principle No.8 of CSR, we seek to maximize employment, business and economic opportunities for local communities from our existing operations and new projects (Interview conducted, 6th September, 2018).

From the above responses, it is clear the most the people appreciate the law employment and training for Kenyans but said the problem was failure by the relevant authorities to implement the law. Most Seventy-four per cent respondents said conducting mining practice in line with and relation to the industry practice by employing and training Kenyans a sure way of ensuring mining is done to the satisfaction of the relevant stakeholders. This is in with the ethical principle of CSR which seek to maximize employment, business and economic opportunities for local communities from existing training and job opportunities (Weil & Fernandez, 1999).

It leads to better human resource development as well as organizational advancement and the general prosperity of the community. This finding is corroborated by the work of Italian economist Barrack Mullar (2010) who said that training and capacity building organizational employees enables them to gain

knowledge necessary for personal development as well as organizational expansion and advancement.

6.2.3 Preference in employment by giving preference to members of the community and the citizens of Kenya (Sec 47(1) of the Act).

Sixty-six per cent of the respondents interviewed stated that the law on Preference in employment by giving preference to members of the community and the citizens of Kenya is good since it gives first priority on matters employment to the local citizens.

One respondent, a 24 year old farmer from Mwaloya within the host area said that:

The company needs to give employment priority to the locals as stated in the law but that is not happening, instead they employ people from up country and we are aware of that. The law should be implemented to strictly ensure that priority in employment goes to the local community members many of whom are languishing here in poverty and joblessness (Interview conducted, 16th September, 2018).

Another respondent, a 45 year old female teacher from the host area affirmed that:

The law is good but it should go further to address the issues such terms of employment because the company has formed the habit of employing people for only a few months and then they sack them. But people from outside the county are given good and permanent jobs. The salary is also not the same and one is paid salary in a discriminatory manner (Interview conducted, 7th September, 2018).

A 41 year old anonymous respondent from the resettlement area argued that:

The law should also go ahead is talk about the issues of human rights abuses saying their people employed in the company are often mistreated and sacked arbitrarily. One person recently caused an accident while driving accompany vehicle and the vehicles was damaged beyond repair and he was never even given a warning letter but when another caused an accident which just resulted into a broken headlamp was suspended from duty. You can see how unfairly they treat their employees (Interview conducted, 26th September, 2018).

Another farmer from Mrima-Bwiti within the resettlement affirmed that:

The local who are employed in the company were mostly given temporary jobs with little salaries while those from other parts of the country, especially central province were often given permanent jobs with better salaries. And these are people from central Kenya where a senior lady who is in charge of recruitment of staff hails from (Interview conducted, 6th August, 2018).

The company executive asserted that:

The company valued and encouraged a diverse workforce and provides a work environment in which everyone is treated fairly, with respect and can realize their full potential. While respecting different cultures, traditions and employment practices, we share common goals and a unifying set of beliefs and behavioral expectations in the "Base Way". As a company do the following with regard to employment, employing on the basis of job requirements and, ensuring our people are trained to work and requiring managers to be models of the highest standards of behavior.

He added that:

We often offered employment giving priority to the locals. We also consider gender, sex and persons living with disability. We have always tried our best and a company to assist the community in this regard but the challenges we have been experiencing include too much expectation and unrealistic demands from the local community and therefore conflicts the mining area (Interview conducted, 5th September, 2018).

The company executive in charge of human resource defended the company's Employment Record saying their employment policy was fair and just.

He said that:

All the vacancies are advertised. While our policy is to prioritize opportunities for local communities, we also aim to select the best candidate for the job. For positions requiring minimal qualifications, we first advertise internally and in the surrounding communities as stipulated on the above law. Such advertisements are done by our community sensitization team and through liaison committees, social media and the chiefs' offices at Kinondo and Mivumoni.

He went on to say that:

Where a position requires specialized skills or formal qualifications and cannot be filled locally, the vacancy is adverted online and interested candidates must apply through this online portal.

He added that:

Currently, in the operational phase, over 1040 people are employed, both directly by Base Titanium and by outsourced service providers. In line with prioritizing recruitment from project affected and local communities, 65% of all employees are now sourced from Kwale County (Interview conducted, 5th September, 2018).

Sixty-eight percent of the respondents said that the law on preference in employment by giving preference to members of the community and the citizens of Kenya was a good law that need to be enforced so as to prevent the common practice discrimination in matters employment whereby employers offer opportunities to expatriates even where and when such work can be done by the locals. This is also in with the ethical principle of CSR which seek to maximize employment, business and economic opportunities for local communities from existing operation and new projects (Hilson 2011).

There are rampant cases of discrimination in matters employment by failing to give preference in employment to members of the community and the citizens of Kenya. Prioritization of employment to the local nationals not only encourages the feeling of ownership of the company by the locals but also help in minimize the conflict between the company and the community (Strieker, 1963).

6.3 The Local Content Bill 2016

Those interviewed gave views with regard to The Local Content Bill 2016 as below.

6.3.1 Strategic alliance to broaden opportunities for local persons and enterprises to build capacity (Sec 23(1)a of the Act).

One respondent, married 44 year old mason from the host area said that:

This is one law that should be really upheld but unfortunately it is not being followed through. This law needs to be followed and strictly implemented because it can be very beneficial to the community in terms of ensuring there is strategic alliance to broaden opportunities for local person's capacity building plans (Interview conducted, 5th September, 2018).

Another respondent, a married 60 old farmer from the host area reiterated that:

Base Titanium has not helped enough to build capacity of the local people. They have been conducting some training here but all that is based so much on favoritism where people are employed according to who they know in the company (Interview conducted, 11th September, 2018).

Another respondent, a 35 year old *bodaboda* operator from the resettlement area said that:

A large number of company staff as well as the ordinary member s of the public have undergone or have been taken through capacity building trainings that have helped them gain important life skills and also grow socially and economically. (Interview conducted, 16th September, 2018).

Another respondent, a 45 year of farmer from Mrima in the resettlement area narrated that:

Capacity building is key; it helps people keep abreast with current development in their line of profession. And it helps both staffs and the participating communities and other stakeholders to remain relevant in the ever-changing work environment. The law also helps in broadening the knowledge so one can solve or face multiple daily challenges of work (Interview conducted, 4th September, 2018).

The company executive who was interviewed said that it was the policy of the company to work closely with partners to offer the best services to the community members.

He said that:

We are currently working with several local educational NGOs and institutions by providing financial support to fund various other educational Programmes aimed at increasing the number of boys and girls access to secondary and tertiary education leading to positive long-term impacts. As organizations we strive to boost the scholarships Programmes in collaboration with Hatua Likoni, Friends for Life, Aga Khan Academy Mombasa, Al Kahf Foundation and the Ummah Initiative Group. We have given these organizations various amounts of money ranging from 7million to 30 million to support needy students within Kwale and Mombasa County (Interview conducted, 14th September, 2018).

The above narratives indicates that Sixty-seven per cent of the respondents appreciated the law on Strategic alliance to broaden opportunities for local persons and enterprises to build capacity is a good law that need to be enforced so as to prevent the common practice of discrimination in matters training employment and capacity building whereby employers offer opportunities to expatriates even where and when such work can be done by the locals. This finding is supported by the work of Italian economist Strieker Richard (1963) who said that training and capacity building of company employees enables them to gain knowledge for their own economic development as well as organizational expansion and advancement. There are rampant cases of discrimination in matters employment can also be rampant at the workplace often due to failure to give preference in employment, training and capacity building to members of the community and the citizens of Kenya in equal measure.

6.3.2 Minimization of employment of foreign nationals (Sec 26(1) b of the Act)

A 35-year-oldmarried farmer from the host site stressed that:

Minimization of employment of foreign nationals will pave way for the local people to rise up and take their various positions in employment. Some of these jobs given to the white men can actually be well done by the local persons because they don't require very special skills. The respondent summed up by saying the law is actually a challenge to the local folk to rise up to the occasion and take up their rightful positions in matters employment and development (Interview conducted, 14th September, 2018).

Another respondent, a 35 year old mason from the host area stressed that;

The law on minimization of foreign nationals is a good law which is practiced in every country but here in Kenya it is the other way round. Only white men have the best jobs here even the jobs that can be done by Africans. This is amounting to discrimination this law should be implemented to the latter if the local communities are to benefit (Interview conducted, 26th September, 2018).

The 45-year-oldcompany executive asserted that:

Our company values and encourages a diverse workforce and provides a work environment in which everyone is treated fairly, with respect and can realize their full potential. While respecting different cultures, traditions and employment practices, we share common goals and a unifying set of beliefs and behavioral expectations in the "Base Way". As a company do the following with regard to employment.

He added that:

The policy is very welcome as it gives the local communities opportunities that helps keep much of the revenues within the country which would otherwise be lost to a foreign country. Giving the local communities opportunities helps in solving numerous problems like alleviating poverty and reduce unemployment, and reducing brain drain giving the government a chance to concentrate on other development agendas. (Interview conducted, 27th September, 2018).

Seventy per cent of respondents agreed that the law on Minimization of employment of foreign nationals was a good law that need to be enforced so as to prevent the common practice discrimination in matters employment where employers offer opportunities to expatriates even where and when such work can be done by the locals. Further analysis of the data revealed that most of the employment opportunities that the company had created are sourced locally because most youths in the host and resettlement community are either unskilled or semi-skilled. This is in line with the study of Eisenhardt (1989) who found that mining projects provide a

significant number of jobs, but only the casual jobs because the locals often lack the necessary skills required for employment in better positions (technical aspects of the mining operations).

6.3.3 Technology transfer, strategies with local enterprises to provide credible and measurable plans on incremental transfer of technological know-how to the locals (Sec 23(1) b of the Act).

Seventy-one per cent of the respondents interviewed stated that the law on Technology transfer, strategies with local enterprises to provide credible and measurable plans on incremental transfer of technological know- how to the locals was so important because it stressed on capacity building through transfer of technology. And this is a sure way of empowering the local community members.

One 41 year old female nurse from the host area said that:

This is an excellent law that needs to be enforced if its benefits are to be realized. This like other laws is very important. The problem is the fact that it is not being implemented as should be the case due to corruption and vested interests (Interview conducted, 14th September, 2018).

Another 50 year old carpenter from the resettlement community stated that:

The company has failed to put in place organized criteria of training and transferring technology to its employees and the general community and hence the poor-quality human resource you see here. Where such is offered, the company often does that with a lot of discrimination in which some people are offered opportunities while other, sometimes even more deserving cases are denied a chance (Interview conducted, 8th September, 2018).

The company executive reiterated that:

Our company has a systematic policy and plan on Technology transfer, strategies with local enterprises to provide credible and measurable plans on incremental transfer of technological knowhow to the locals Additionally, "Front Line" supervisory courses are provided for selected employees to prepare them for future leadership roles in the company. They undergo both class room training, tuition from mentors and complete online, internationally accredited certificate courses in management.

He continued to say that:

Beyond our direct employees, we also welcome students and local community members to participate in tailored Programmes including: 18-month graduate Programmes; 3-month attachment/internship Programmes; 2-year apprenticeships; biannual high school work experience; and community skills development. Our Training partners include the National Industrial Training Authority ("NITA"), a state corporation that has also accredited these external graduate, intern and apprenticeship training Programmes (Interview conducted, 10th September, 2018).

It can be deduced from the above narratives that people appreciated the law on Technology transfer, strategies with local enterprises to provide credible and measurable plans on incremental transfer of technological know- how to the locals was a good law that need to be enforced so as to prevent the common practice discrimination in matters Technology transfer. According the respondents (67 per cent), there are never transfer of technological know- how to the locals as a way of building their capacity Prioritization of Technology transfer to the local nationals not only encourage the feeling of ownership of the company by the locals but also helps in minimize the conflict between the company and the community. This finding is supported by the work of Italian economist Barrack Mullar (2010) who said that training and capacity building organizational employees enables them to gain knowledge necessary for their own economic development as well as organizational expansion and advancement and this helps bring the community closer to the company.

6.3.4 Implementation of strategies for the capacity building of local persons in the respective field (Sec 25(1) b of the Act).

Seventy percent of the respondents who were interviewed said that the law on the implementation of strategies for the capacity building of local persons in the respective field was a good law but were poor enforcement mechanisms.

One 36 year old peasant from the host community said that:

The law on capacity building is so crucial for the realization of development of the human resource. Many a times, companies help developed capacities in the wrong field and of the wrong people. Good development should be about building capacities for the right category of people and for the right skills (Interview conducted, 12th September, 2018).

Another 43 year old teacher from Magaoni village within the host site suggested that:

There should be a mechanism to compel the government an these local companies to ensure they initiate Programmes that help in building the capacity of the local communities at work as well as the general survival skills (Interview conducted, 26th September, 2018).

Another 54 year old married respondent based at the resettlement site and who is an employee of an a Chinese construction firm in Mombasa and a beneficiary of the Base Titanium graduate training Programme said she had benefited from the Programme and managed to acquire skill that ended up help her get her current job.

She said that:

"I hold a mechanical engineering degree from Moi University and managed to get a place on the graduate trainee Programme with Base Titanium in the engineering maintenance department. The professional experience I gathered while there gave me an excellent grounding and a distinct advantage in the employment market and I believe that training greatly increased my chances of getting my current job." (Interview conducted, 13th September, 2018).

The company executive said that:

The company was offering comprehensive training as a matter of policy. We run two broad streams of training Programmes — internal development for employees and external Programmes to impart skills and experience to the wider community.

He continued to say that:

Internal development focuses on our own employees, while the graduate scheme, internships, apprenticeships and high schools work experience and community skills development comprise the external stream'. We are demonstrating a significant commitment to rapidly transfer skills to our employees and wider community, investment in training and development Programmes is funded from a budget allocation of around KES 70 million per year'.

He continued that:

We offer training for our employees throughout the year. Training provided includes safety and job-specific technical training, soft skills (e.g. delegation, time management, record keeping), computer training, first aid and emergency response training.

Additionally:

Front Line supervisory courses are provided for selected employees to prepare them for future leadership roles in the company. They undergo both class room training, tuition from mentors and complete online, internationally accredited certificate courses in management. We are aiming to provide our neighboring communities with a variety of marketable skills, we have, since 2014, been transferring some of its in-house staff development Programmes to local residents. The training provided is theoretical in the classroom, workshop and field based. In excess of 40,000 training man-hours have to date been allocated by our company to our local communities spread across 2,200 individual beneficiaries. Training modules provided vary from entrepreneurial and life skills such as micro finance, basic computing, first aid and formal Grade 3 technical training in boiler making, HDPE welding and electrical wiring.

He concluded by saying:

Beyond our direct employees, we also welcome students and local community members to participate in tailored Programmes including: 18-month graduate Programmes; 3-month attachment/internship Programmes; 2-year apprenticeships; biannual high school work experience; and community skills development. Our Training partners include the National Industrial Training Authority ("NITA"), a state corporation that has also

accredited these external graduate, intern and apprenticeship training Programmes (Interview conducted, 14th September, 2018).

Respondents were accordingly interviewed and sixty-two per cent most of them affirmed that the law on the implementation of strategies for the capacity building of local persons in the respective field was a good law that needs to be enforced so as to increase knowledge and skills which is necessary for human resource development and therefore economic development for community members.

6.3.5 Annual work Programmes with regard to of the Programmes with respect to the extractive activity of the operator (Sec 46 (1) of the Act)

Sixty-nine per cent of the respondents who were interviewed affirmed that the law on annual work Programmes with regard to of the Programmes with respect to the extractive activity of the operator was a good law.

One 41 year old married nurse from the host community said that:

That the law on the Annual work Programmes with regard to of the Programmes with respect to the extractive activity of the operator is very important as it enables the people to participate in the annual work Programmes by giving an opportunity for people to exchange useful ideas with regard to work, employment and skills transfer (Interview conducted, 6th September, 2018).

Another respondent, a 35 year old teacher from the host site said that:

These Annual work Programmes with regard to of the Programmes with respect to the extractive activity of the operator are good and serve important purpose but are often misused and misapplied so that the purpose is not achieved (Interview conducted, 11th September, 2018).

Another respondent, a 30 year old farmer from the resettlement area emphasized that:

The law on annual work Programmes with regard to the Programmes with respect to the extractive activity of the operator is not being applied properly because some of these companies feel they do not have funds to conduct such activities or they simply do not want to spend their money to prepare the annual work Programmes (Interview conducted, 6th September, 2018).

But the company executive who was interviewed stated that:

The company is closely observing the law on Annual work Programmes with regard to of the Programmes with respect to the extractive activity of the operator because it help the company interact with its various stakeholders and get useful information from stakeholders on its operation and performance. The company organizes an annual work Programmes every year as a matter of policy.

She went on to say that:

Annual work Programme helps us plan our lives so we may know when to apply employment at the time when our relevant skills are needed because we may not know if the Programmes is now approaching our area of skills (Interview conducted, 4th September, 2018).

Those interviewed explained that the law on annual work Programmes with regard to the Programmes with respect to the extractive activity of the operator because it makes the relevant stakeholders be at par with the Programme of action of the company activities with regard to the CSR Programmes and other important company activities. Annual work Programmes enables the company to both plan for its current and future activities in a prudent and organized manner (Chokera, 2000). It also encourages Public participation and makes the community not only to own activities of the company but also appreciate the activities of the company. It also helps in minimizing the conflict between the company and the community.

6.3.6 Public participation of the stakeholders in the extractive industry's CSR activities (Sec 51(1) of the Act).

Sixty-seven per cent of the respondents who were interviewed affirmed that the law on Public participation of the stakeholders in the extractive industry's CSR activities was a very useful law that needed to be implemented to the latter.

One 41 year old carpenter from the host area stressed that:

The law on public participation of stakeholders is very good but many companies don't practice it. They do their things without reference to the community. Base Titanium is a very good example of such companies that are doing things without reference to the host communities. This is one of the reasons why there are endless feuds between these companies and the communities. Without constant consultation there cannot be any harmony between the two (Interview conducted, 6th September, 2018).

Another 37 year old mason from host community stressed that:

Public participation of stakeholders ensures there is understanding and harmony between the company and the community. The law helps in minimizing conflicts and bring the company and the community together (Interview conducted, 14th September, 2018).

Another respondent, a married doctor from the resettlement community said that:

The law on public participation of stakeholders was a very good thing which can help reduce corruption and discrimination by the companies in their dealing with the people (Interview conducted, 12th September, 2018).

A 40 year old married mason based at Kiruku within the resettlement site affirmed that:

The law on public participation of stakeholders is good but an amendment should be made to make it mandatory for companies to ensure there is public participation of stakeholders in all the activities that they engage in (Interview conducted, 11th September, 2018).

The company executive who was interviewed claimed that:

In all matters they consulted an engage the community. We carry out regular awareness Programmes which are aimed at looking into the interest of the community members. The company has specifically employed the liaison officer whose work is specifically to look into and address matters affecting the community.

He continued that:

The company currently works with the Mining Project Liaison Committee acts as the primary channel of communication for affected stakeholders in Msambweni and Lunga Lunga Sub-Counties, the Likoni Liaison Committee providing links to communities near the Likoni ship loading facility as well as the Kwale Liaison Committee represents communities affected by the transport corridor between Ukunda and Likoni. We have also been holding thorough and meaningful engagement with all the 14 committees for a period of 5 years from 2013 to 2017, dealing with a variety of issues ranging from grievances to community development. More than 450 meetings have been held during this period. New committees are formed to cover the next 5-year term in accordance with the SEP, said the company executive.

He went on to explain that:

Following the implementation of the Stakeholder Engagement Plan ("SEP"), we established a number of committees to act as an interface between the Project and affected communities in various locations. This is an important tool for addressing grievances or concerns and establishes a mechanism for achieving more participatory and inclusive solutions. These committees also play a major role in identifying community development priorities. These committees provide for direct two-way engagement with communities in the vicinity of the Project footprint. An independent selection process defines membership who elects the chairman whose added task is to sit in the sub-county level liaison committee.

He continued to say that:

These are, Access Road Committee which represents communities adjacent to the mine access road, Miembeni Committee, Kibwaga Committee, Vumbu and Nguluku Committee, Host Site Committee, Kibuyuni Committee, Likoni Beach Management Unit Committee, Mtongwe Beach Management Unit Committee, Kaya Elders Committee, Conservation Committee and the Security Committee. In line with the guiding principle No. 3 of CSR, we promote an ongoing dialogue and engagement with stakeholders in the communities where we operate, maintained in a spirit of transparency and good faith.

Said he:

We also have groups that are made up of a combination of affected stakeholders, area community leaders representing women, youth and the disabled, political leaders, religious leaders; government and county level lead agencies and administrators. These forums provide an avenue for a diverse range of stakeholders to engage with Base Titanium on matters that affect their communities.

He concluded by saying that:

Three committees cover the Project footprint, the Mining Project Liaison Committee acts as the primary channel of communication for affected stakeholders in Msambweni and Lunga Lunga SubCounties, the Likoni Liaison Committee providing links to communities near the Likoni ship loading facility and the Kwale Liaison Committee represents communities affected by the transport corridor between Ukunda and Likoni. In line with the CSR guiding principle No.10.we have maintained an active engagement and dialogue with our global industry peers, associations, governments, and civil society on CSR best practices and evolving global standard (Interview conducted, 5th September, 2018).

Corporate Social Responsibility policy implementation problems include corruption, inadequate human and material resources, all of which often lead to implementation gap, i.e. the widening of the distance between stated policy goals and the realization of such planned goals (Naidoo, 2011).

Sixty-eight per cent of the respondents stated that the law on Public participation of stakeholders in the extractive industry's CSR activities was good because it gave the common citizen an opportunity to give an input on the CSR activities and make a suggestion that help cater for their collective and self-interest. Public participation not only make the community have a sense of ownership but also appreciate the activities of the company and this helps in minimizing the conflict between the two.

This finding intersects with the works of Eisenhardt (1989) who wrote that public participation and involvement of the community in CSR activities not only endear the community to the company but also promotes the spirit of transparency and accountability in the entire CSR management process. A key principle of CSR states that a company shall maintain good relationship with the local community and support their efforts to achieve economic development (Freeman, 1984). The theory argues that the engagement of many stakeholders, such as suppliers, customers, stockholders, employees, the media, political action groups, communities and governments; the contention is that companies should integrate sustainable economic development concerns into business operations and in their interactions with

stakeholders. The stakeholder model shows all the stakeholders contribute as inputs and try to obtain benefits as output (Coase, 1961).

Instructively, mining policy implementation has been described as one of the major problems confronting developing countries. Umejesi (2010) argues that "relativity, the successful implementation of public policy is difficult in first world countries; it is more difficult in the third world, and may be most difficult in reform oriented governments in the third world such as Africa and Latin America and most usually it is the problem of widening gap between intentions and result". Weimer and Vinning (1992) buttress this point, by drawing the analogy between implementation and marriage, "that if policy adoption is courtship, then implementation is marriage. Courtship is a sort of coalition building in which the couple maneuvered to gain the support of their parents, they often must seek the support of their own children from previous marriages. Not all courtships are successful, however, with the wedding, begins implementation of the wedding agreements. The couple must constantly work to keep the marriage healthy in ever changing environment. At some point, they may become so accommodated to each other that the marriage stays healthy with little conscious effort. Perhaps achieving this latter condition, though not always permanent, represents the closet we can come to declaring a successful implementation".

Studies have shown that there are numerous factors that challenge development in Nigeria (Detomasi, 2013) the imposition of policies on citizens of a nation, lack of adequate human resources or capital to implement these plans/policies, corruption and lack of credible leadership are the major challenges the CSR legal and policy framework in Nigeria.

For example, Briggs, (2005) have argued that if an intervention is implemented, it will deliver the planned development goals and objectives. However, Makinde (2005) observes that interventions are rolled out regularly in developing nations, but hardly achieve the desired results.

6.4 Chapter Summary

Seventy-three per cent of the respondents who were interviewed said most of the CSR laws are good because they tended to protect the interest of the common man but the problem is on the issue of implementation. They said both the company and government agencies were not following the CSR laws as it is especially those laws dealing with matters employment and compensation. For example, Dahlsurd (2006) lamented that eminent domain⁸ serves not the interest of the public, but the interest of private corporations. According to them, "in every instance, the government was a conduit to take property from one private owner and sell, exchange or give it to another private owner under the guise of public purpose" (Dolan, 2013). Most respondents blamed impunity and corruption for failure to observe the CSR laws. This is in line with John Rawl's (1972) principle that people only appreciate laws seen to be defending their right and welfare and that good laws are those that defend the rights of the common citizen and protect them from oppression by the state and not the other way round.

⁸Eminent domain refers to the power of the government to take private property and convert it into public use.

CHAPTER SEVEN

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

7.0 Introduction

This chapter gives the summary of the findings of the study. The summary is given in relation to the aim, objectives, assumptions and research questions that this study was based on. Answers to the research questions are briefly discussed in this section so as to give an overview of the findings. Conclusions and recommendations of the study are also presented in this chapter. The researcher ends the chapter by giving an outline of suggestions for further research.

7.1 Summary of Key Findings

Before presenting the summary of the key findings, it is necessary to quickly recap the research objectives that guide this study. These are to examine impact of ownership changes on CRS in host communities when CSR activities changes hands, to assess how the impact of ownership changes expressed in (i) above shape and affect the trust between the community and the extracting company/government and to assess the existing CSR legal and policy framework in Kenya's mining sector and to assess how this framework intersect community with narratives.

The first research objective sought to examine impact of ownership changes on CRS in host communities when CSR activities changes hands. The following is a summary of the findings on this research objective:

The study found out that change of company ownership not only ended up in the improvement of the management of the inherited CSR programmes but also introduction of more CSR projects which led to the general empowerment of the

community. But there were also disappointments due to the failed promises, deception and cases in which the CSR programmes were offered with discrimination.

The second research objective sought to assesses how the impact of ownership changes expressed in (i) above shape and affect the trust between the community and the extracting company/government. The following is a summary of the findings under this research objective:

In general, most of the respondents considered that the overall loss they have undergone as a result of the activities of the company was much more than the benefits, they acquired through the so-called company sponsored CSR programmes. There was social conflict occasioned by the way the company run the programmes as a result of which the community members felt frustrated and hence made comments that amounted to prejudice against the company. But there were some relations of trust reciprocity and exchange for that projects that were properly administered by the company. This is in line with the Social Exchange Theory by Wamba (2010) who stated that a relationships can never be one sided but that a community can only invest its time and energy in relationships out of which they get returns or benefits.

The third objective sought to assess the existing CSR legal and policy framework in Kenya's mining sector and to assess how this framework intersect community with narratives. The following is a summary of the findings on this research objective:

The study found out that that community members who understood the laws on The Local Content Bill 2016, the Mining Act 2016 Minerals Policy 2016 and appreciated most of the laws but said that the laws were not helpful because they were not being implemented properly due to corruption and lack of good will. The study also found out that that community members wanted full enforcement of the CSR laws so as to

adequately protect their welfare and rights over matters concerning CSR and mining in general. It is clear that the community member's criticized some of the laws such as the law under section 40(1) of the Mining Act 2016 on Compulsory acquisition of land for prospecting and mining was a bad law since it tended to deny them their absolute property ownership rights. The community felt they needed to be conducted through training on CSR and mining laws so as to help them understand these laws better and therefore their rights and obligations with regard to CSR and the mining practice. Finally, the study found out that that most community members felt that the failure by the company and the government to observe the CSR laws amounted to violation of their social welfare rights, property rights and human rights.

7.2 Deductions from the Findings and Contributions to Knowledge

The following lessons can be deduced from the findings of the study

7.2.1 Objective one

a) It has been found out that when organizational ownership changes hands, from Tiomin to Base Titanium and the new organization embarked on an aggressive mission to improve the CSR projects and even introduced more CSR projects for the benefit of the community. As supported by the findings of Umejesi (2010), the arrival of new management resulted in a fused of corporate culture, which, in turn, lead to the setting of – often radically – different goal and the implementation of new CSR Programmes which in turn impacted on the community socially and economically. This is further supported by the livelihood's theory emphasizes that poverty as conceived by the poor themselves is not just a question of low income, but also includes other dimensions such as bad health, illiteracy, lack of social

- services, etc., as well as a state of vulnerability and feelings of powerlessness in general (Yawar, 2014).
- b) The study found out that each the CSR Programmes had different levels of impact on individuals both at the host and resettled site with some having a higher impact than others. From the study, we can learn that the impact of CSR Programmes is never the same. This finding is reinforced by livelihoods theory which states that CSR projects have different impacts on the people depending on the capabilities of the poor to take advantage of the CSR Programmes and other expanding economic opportunities around them (Philippe, 2013).
- c) The study found out that community members valued and perceived the various CSR projects differently depending on the level to which each of the CSR projects impacted on their individual lives. Yusto (2011) carried out a research on factors influencing preference for CSR projects and deduced that people regarded CSR projects with more impact than those with lesser impacts on their lives.

7.2.2 Objective two

- a) The study found out that that CSR Programmes/services offered by a company helped improve the economic status, quality of lives and hence affected the trust between the community and the company. The impact of CSR services affects the trust between the provider and the beneficiaries of the services.
- b) However good the CSR laws may be, they can never guarantee a good relationship between the company and the community. Improvement of relations depends on other factors such as the relevance, availability, accessibility and affordability of the CSR Programmes and other factors such

as the historical conduct/image and perception of the company by the community. This finding is reinforced by an annual report by European Union Commission on Institutional Relations (Published July 2014, pp7 paragraph 2) which alludes to the fact that present trust between a company and community depends on perceptions, past relations as well as the quality of the CSR Programmes offered to the community.

c) The study can deduce that the larger the number of beneficiaries of a CSR project, the more the regard for the project. This finding is similar to that of Geiseret.al., (2011) in his study on factors influencing preference of CSR projects in which he found out that that the importance of a CSR project does not only depend on the quality of the CSR services but also on the number of people such a CSR project supports.

7.2.3 Objective three

- a) The study also found out that community appreciated most of the CSR laws as being good but not helpful due to lack of implementation arising from corruption, impunity ⁹ and lack of good will especially by those in authority. It can be deduced from the findings that laws can be useful to the community if they are implemented. This finding is in line with one of the principles developed by Staut (1894) where he argued that laws on CSR like other good laws loses meaning if they cannot facilitate justice for the general society.
- b) Some community members did not know about their rights due to ignorance of CSR and other mining related laws. It can be concluded from the study that ignorance of the law can lead to the prevalence of social injustice and

⁹ The law on CSR like other good laws loses meaning if they cannot serve their rightful purpose of enhancing justice to the general society...if they can't be implemented due to the forces of impunity corruption and evil interests (Mill, 1894).

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violation of human rights of a people. This finding is captured in (The Kenya Law Report 2013pp 14.par. 2) which states that ignorance of the law is a recipe for oppression.

c) The study established that the community members felt both the government and the company were not observing some CSR and mining laws the result of which amounts to violation of their social welfare, property rights as well as human rights. It can be deduced from the study that only stronger better and enforceable mining and CSR laws helps in doing justice and preventing violation of property and human rights. This finding is supported by John Rawls (1972) who found out that justice is indeedbased on rights. One of these rights is the right to retain own property, even against the state. Justice is, perhaps also giving people what they are due. The study found out that that the community are of the view that in order to avoid exploitation with regard to matters compensation the people should not be allowed to operate in a free market as a way of avoiding exploitation and oppression. This is because absolute property rights lead to a free market, but an unregulated free market can lead to exploitation—disrespectful and oppressive behaviour towards others.

7.3 Conclusion

Throughout the world, it has become exceedingly difficult to predict how new ownership will approach the interrelated challenges of environmental protection and community development following takeovers or change of ownerships of mining operations (Dashwood, 2005). The arrival of new management results in a fusion of corporate cultures, which, in turn, can lead to the setting of – often radically – different goals and the implementation of new Programmes altogether. Surprisingly,

little research has been undertaken to determine the impact a merger or outright takeover a company has on CSR strategy at a mine, including the fate of commitments made by previous management. New management no doubt handles these pledges much in the same way that it would issues such as staffing and operations. Cohesiveness Model posits that the strength of the bond between partners is a function of two basic factors: the various inducements to remain in the relationship and the inducements to leave it. Interdependence Theory reminds us that satisfaction and stability are not necessarily one and the same and that relationships develop as a function of changes in the partners' needs, motives, and expectations as well as shifts in the surrounding social context.

7.4 Recommendations

a) The study also recommends that Base Titanium Company should strictly involve the community on decision making on matters concerning the environment and the CSR projects as a way of ensuring that better decisions with regard to the management of these CSR projects are arrived at as per (See Section 51. (1) of the Local Content Bill 2016 on Public participation). This is further reinforced by the Stakeholder theory which posits that a company should engage many stakeholders, such as suppliers, customers, stockholders, employees, the media, political action groups, communities and governments; the contention is that companies should integrate sustainable economic development concerns into business operations and in their interactions with stakeholders (Freeman, 1984). The stakeholder model shows all the stakeholders contribute as inputs and try to obtain benefits as output (Karim Mader, 2012).

b) The study also recommends the government through the ministry of energy should revisit the draft Energy Policy 2014, the Mining Bill 2014 and the draft Energy Bill 2014 in order to make provisions for structures within which the local community may effectively engage the investors and the government on projects in the extractive industry. The models of community engagement that have been adopted in Turkana, Kitui and Kwale counties are not anchored in law, and are ad hoc in nature. This education should be based on reliable sources of information for the community to get reliable information. In line with what Dryzek (2006) suggested with regard to environmental law, that policy-makers should adopt a deliberative approach in environmental governance in order to make environmental policy more pluralistic and effective. The inclusion of diverse and contending voices is essential for enhanced deliberation among stakeholders. This is what Berg and Lidskog (2018) referred to as 'discursive democratisation'. Through discursive deliberation among stakeholders becomes more open, reflexive and free of power differentials Geiser et.al., (2011). One of the ways of achieving discursive democracy is through "discursive representation" (Berg and Lidskog, 2018). The government should also develop clear and substantive policy guidelines to form the basis for the negotiation of mining contracts with investors and also develop effective compensation legal framework to ensure that mining host communities are effectively protected from exploitation by unscrupulous mining companies. It is the obligation of the government to protect the rights and welfare of all its citizens as stated by John Stuart Mill, (1894) in the Strength of the Law.

c) The study recommends that the government should initiate training and awareness Programmes on CSR and mining laws to communities, in particular, on the Local Content Bill 2016, the Mining Act 2016 as well as the Minerals Policy 2016 and CSR to laws to the community. Additionally, measures should be put in place by the relevant authorities to ensure that the laws on mining and on CSR are adequately implemented for the benefit of the community and all the other stakeholders. The host communities should be educated on the mining laws, especially the constitution and the mining Act 2016.

7.5 Suggestions for Further Research

The conclusion of the study is that change of company ownership affected the management of CSR Programmes which in turn impacted on the CSR programmes hence the community socially economically. The change resulted into the introduction of new CSR programmes which in turn helped improve the social and economic welfare of the community. The better the CSR Programmes the better the lives of the community members. This finding is reinforced by the livelihoods theory (Bennett, 2010) which states that economic growth may be essential for poverty reduction, and that poverty reduction is not just a question of low income, but also includes other dimensions such as bad health, illiteracy, lack of social services, etc., as well as a state of vulnerability and feelings of powerlessness in general (Yawar, 2014).

The study further found out that the CSR Programmes impacted positively on the lives of the community members but this did not lead to improved trust between the company and the community. Trust in the Company remained pegged on other factors such as to whether or not the earlier promises given by the company were fulfilled, the quality, availability as well as affordability of the CSR services and the historical

behaviour or reputation of the company. The community also felt that the benefits of the mining project have not been shared equitably in contrast to the stakeholder theory states that the purpose of a business is to create value for stakeholders not just shareholders. Business needs to consider customers, suppliers, employees, communities and shareholders. On Kenya's legal and policy framework, the study found out that most community members said CSR laws and policies which they said were good and well-meaning but were not of much help due to lack of proper implementation arising from corruption and lack of good will.

- The study found out that the change of company ownership between Tiomin and Base Titanium led to better management of the inherited CSR Programmes and led to the introduction of new ones. Better management CSR services led to the improvement of the lives of the people socially and economically. The research however has not dwelt on why change of company ownership often leads to better management CSR and introduction of new Programmes.
- The study found out that that the CSR Programmes improved the socioeconomic status of the people at the host and resettlement site; yet this did not
 lead to the improved trust between the company and the community. This is
 because the community felt that the overall loss they suffered from the
 company activities far superseded the gain they got from the so called CSR
 programmes.
- The study established that many people felt the CSR laws were good but lacked implementation due corruption and lack of good will but did not dwell on the factors that make people think there is corruption and lack goodwill on matters CSR legal and policy framework. A major area of further research

should however be to examine the role of public participation in the enhancement of CSR programmes.

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APPENDIX

Research Authorization



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone:+254-20-2213471, 2241349,3310571,2219420 Fax:+254-20-318245,318249 Email: dg@nacosti.go.ke Website: www.nacosti.go.ke When replying please quote NACOSTI, Upper Kabete Off Waiyaki Way P.O. Box 30623-00100 NAIROBI-KENYA

Ref. No. NACOSTI/P/18/13309/24343

George Odongo Moi University P.O Box 3900-30100 ELDORET Date: 27th July, 2018

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "Corporate social resposibility and conflict in mining operations: The case study of Kwale Titanium Mining Project" I am pleased to inform you that you have been authorized to undertake research in Kwale County for the period ending 27th July, 2019.

You are advised to report to the County Commissioner and the County Director of Education, Kwale County before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

BONIFACE WANYAMA FOR: DIRECTOR-GENERAL/CEO MAGAONI
41810

DISTRICT EDUCATION OFFICER

MSAMBYENI

FOR THE PROPERTY OF THE

Copy to:

The County Commissioner Kwale County.

The County Director of Education Kwale County.