Power Relations between Transactional and National Actors and Their Impact on the Mining Sector in Malawi

Vera Kamtukule[1]*, Mavuto Tembo[2], George Ng'ambi[3], Mtafu Manda[4], Milcha Kalinga[5]

[1] *PhD Candidate, Transformative Community Development, Department of Agrisciences, Mzuzu University, Malawi* vkam2011@gmail.com

[2] *African Centre of Excellence in Neglected and Underutilized Biodiversity, Department of Agrisciences, Mzuzu University, Malawi* tembo.m@mzuni.ac.mw

[3] *PhD Candidate, Transformative Community Development, Department of Agrisciences, Mzuzu University, Malawi*

[4] *Department of Built Environment, Faculty of Environmental Sciences, Mzuzu University, Malawi*

[5] *African Centre of Excellence in Neglected and Underutilized Biodiversity, Department of Agrisciences, Mzuzu University, Malawi*

Abstract: This study analyzes the power relations existing between transactional and national actors and how these impact Malawi's mining sector. Through a survey as well as interviews with 41 key informants, the study established that national actors have more power in the mining sector as far as policy development is concerned. We also found out that the most powerful actors in the mining sector were the International Non-Governmental Organizations and private mining companies at p=0.000 followed by the Department of Mining at (p=0.048) respectively. Transactional actors too have influence in the mining sector. The reasons for their influence included; investment of huge sums of money, control over markets of minerals and funding of policy implementations that meet their interest with at (p=0.000), (p=0.001) and (p=0.003) respectively. Transactional actors have more influence and control over pricing and market access at a score of 96.6% compared to 3.4% control by the government. The legal and policy framework in Malawi partially addresses the power imbalances in the sector with a rating of 40% while 13.3% rated same as fully addressing the power imbalances. The study concludes that the national actor's power is only a channel to receive taxes, grants and aid to build the country's struggling economy. The study recommends that the government must pay attention to significant power asymmetry factors to sustain or alter them to their economic, capacity and technological advantage in the mining sector.

Keywords: Power relations, transactional actors, national actors, mining, economic development.

1. INTRODUCTION

Power relations in the mining sector are dynamic among actors. Literature demonstrates that power in the mining sector flows along the value chain. Power in the mining sector takes many forms; economic, capacity, market control, price, import/export, aid, investment and cooperate social responsibility. Therefore, in the mining sector, there are power differentials i.e., the lesser power and the powerful.

Many scholars have written on power relationships in the mining sector. The government in the mineral sector has power of ownership and control (Adeyemi et al., 2023), the government owns minerals through the legal framework (Akpambang et al., 2023), the licensing and compliance regulation power also rests in the government (Shali et al., 2023). The government has power to withdraw license to operate a mining business in the country as dictated by law

(Andreono and Darnis, 2023). Further, Khan et al. (2023) argue that anyone not complying with the legal framework would be found guilty of stealing from the government as the owner of mineral resource.

Private sector investment in natural resources and minerals is growing. Private companies obtain legal power to mine, process, market and develop mines in Africa (Cai and Qian, 2023; Chadha et al., 2023; Maduna, 2023). Government-private sector partnership is often demonstrated by power relationships between the actors whereby risks and cost are shared. For example, Chadha et al. (2023) argue that reconnaissance and exploration are highly risky and costly ventures for government to go alone and therefore they are often left to private sector to invest alone under clearly defined terms of references. The Chinese owned companies have dominated Cameroon’s mining sector because of economic, technological, human resource and market powers (Lucien, 2023).

2. POWER CONTROL OVER ACTORS

Power relations refers to relationships in which one person has social-formative power over another, and is able to get the other person to do what they wish whether by compelling obedience or in some less compulsive and even a subtler way. Richard M. Emerson’s (1962) theory of Power relations is around “power," "authority," "legitimacy," and power "structures," through bringing them together in a coherent scheme. The relations commonly entail ties of mutual dependence between the parties. *A* depends upon *B* if he aspires to goals or gratifications whose achievement is facilitated by appropriate actions on *B's* part. By virtue of mutual dependency, it is more or less imperative to each party that he be able to control or influence the other's conduct. At the same time, these ties of mutual dependence imply that each party is in a position, to some degree, to grant or deny, facilitate or hinder, the other's gratification. Thus, it would appear that the power to control or influence the other resides in control over the things he values, which may range. He theorizes that power resides implicitly in the other's dependency. The notion of reciprocity in power-dependency relations raises the question of equality or inequality of power in the relation (Emerson, 1962:33).

Power is in no way removed from the relationship. Therefore, power control over resources, over actors and outcomes in a relationship is a dynamic matter (Hart, 1976). Power does not reside in the hands of one person directed against another, but rather, emerges through complexes of power and knowledge (Foucault, 2020).

Power exists in structure in modern organizations that can be public or private, small or large which are directed, controlled, and dominated by a few decisions in accordance with the political and economic elite’s overall goals and directions. There is general harmony among the elite sectors in their overall policy directions, strategic considerations, and political as well as economic philosophies. To maintain itself, the elite system of organization responds to potential challenging demands of the masses with different methods and styles—coercion, reform, bonuses, motivation, persuasion, manipulation, elite membership recruitment, and adaptation (Farazmand, 1999). In this relationship, there is inequality which is determined by; interest, legal and policy aspects, decision making, participation level, market control, agenda setting, labour class, profits sharing and reforms interests.

3. MALAWI MINES AND MINERAL SECTOR AND ACTORS

Malawi repealed the Mines and Minerals Act of 2019 and replaced it with the Mines and Mineral Act of 2023. As of now, the new law is still being supported by the Mines and Minerals Policy of 2013 until a new one is in place. The policy is a blue print of power relations in Malawi’s mining sector. The policy defines actors and roles for implementation of activities. It spells out financial and material resources required from Ministries, Departments, agencies and institutions. The policy also stimulates and guides private mining investment by administering, regulating and facilitating growth of the sector through well organized and efficient institutional framework.

Mining is a sector which has numerous actors in Malawi which include: Political (Cabinet Ministers, Ward Councilors, Members of Parliament); Civil Servants (Principal Secretaries, Directors, Chief Geologists, Principal Officers); traditional leaders like Chiefs; Civil Society Organizations (CSOs); rights activists, environmentalist, the World Bank, European Union and other development partners; international Mining Companies; markets and trade players, artisanal and small-scale miners and local mining communities. The main actors are State actors (government), local communities, social (civil society), political (elected leaders), and economic actors (companies, investors, and banks). The stakeholders interact through an established institutional and legal framework and informal institutions. Hence, governance promotes equal power relations, providing equal stakeholder participation and dialogue opportunities. Quality governance is a vehicle through which transparency, accountability, and efficiency will be addressed. In this way, therefore, rent-seeking by resource extraction can bring about the much-needed benefits from the mining business.

The Malawi Mines and Mineral Policy 2013 states that most of the resources for the key activities such as updating of geological information, creation of a geological data center, establishment of a modern mineral licensing system, and enhancement of the capacity to evaluate and analyze mineral resources among others, will be provided by cooperating partners such as the World Bank and the European Union. The policy framework provides possibility for actors to exercise power within their domain over the other or collaboratively in a dynamic way. However, most studies in the mine and mineral sector in Malawi have paid limited attention to the role of power in the relationships within and how they impact the mining sector. Hence, this paper assessed the power relations between transactional and national actors and their impact in Malawi's mining sector. Specifically, the paper assessed the power relations, the interests and influence of actors along the mining value chain.

4. METHODS

This was a cross-sectional study conducted at national level between June and September 2023. It focused on Malawi's mines found in the administrative regions of the north, center, east and south. Within each of the mining sites, three methods were employed: 1) structured interview survey, 2) focus groups; and; 3) informal key informant interviews.

4.1. Structured questionnaire Survey

Primary data was collected directly from the selected respondents. The study used both personal- and online-administered questionnaire using Kobo Toolbox. A structured questionnaire was used to collect primary data from a sample of national and transactional actors in the mining sector. Initially, 41 potential respondents were identified based on their relevance to the research objective. However, despite efforts to reach all 41 respondents, a response rate of 29 respondents was achieved as some could not respond to the online administered survey even though they had indicated their participation. The limitation was covered by adequate key informant interviews that were conducted face-to-face.

4.2. Focus Group Discussions (FGDs)

Focus group discussions were conducted with two committees of the Malawi Parliament to gain a collective perspective of the mine and minerals sector in Malawi at political level. The two focus group discussions were with the Parliamentary Committee on Finance and Budget (PCFB) and Parliamentary Committee on Natural Resources and Climate Change (PCNRCC).

4.3. Key Informant Interviews

A total of 41 key informant interviews were conducted to extract valuable insights from experts and individuals with significant knowledge about the subject matter. The key informants included both National and Transactional actors as shown in the table 1 below:

Table 1: list of transactional and national actors engaged in the study

National Actors	Number	Transactional Actors	Number
Government Ministers	8	International NGOs	2
Principal Secretaries	5	International Buyers	0
District Commissioners	5	Mining Companies	3
Environmental Affairs Department	1	UNESCO	0
Local Buyers	2	Artisanal Small-Scale Miners	9
Members of Parliament	4		
Civil Society Organisation	2		
		Total	**41**

Data was analyzed in SPSS version 22 using descriptive statistics (percentages) and analysis of variance (ANOVA) (t-test). For more details on ANOVA see Gamst et al. (2008). The qualitative data was analyzed using content analysis. For more details on Content analysis guide, we refer you to Drisko and Maschi (2016).

In the remainder of the paper a comprehensive assessment of power relationship and impact is presented. Both quantitative and qualitative data are used illustratively to address each of the objectives in the introduction section.

5. RESULTS

5.1. Power Relations Between National and Transactional Actors in Mining

Results in Table 2 shows that the national actors, in particular, the Malawi Government possess higher proportion of decision-making power in shaping the strategic direction of the mining sector in Malawi. National actors possess most decision-making power (58.6%) followed by Transactional actors (41.4%). These finding are in agreement with Adeyemi et al. (2023), Akpambang et al. (2023) and Shali et al. (2023) because of ownership and regulation of minerals and mines by the Government in Malawi. The transactional actors were said to have decision making power because of the funding and expertise they bring in the mining sector as provided by the Malawi Mines and Mineral Policy (2013). It must be noted however, that the concept of power has not yet been rigorously defined by scientist but it is usually defined in terms of a relation between people and expressed in symbolic notation (Dahl, 1957). Whichever way power is defined, it is important to note, as agued by Foucault (1980) that power emerges through complexes of power and knowledge and is simultaneously repressive and constructive.

Table 2: Decision making power

Decision Making Power	Percent
National actors	58.6
Transactional actors	41.4
Total	**100.0**

The state (government), plays a double role, to develop a place as well as to define boundaries of local agency and this may result in tensions stemming from the scalar organization of power but also from conflicting sectoral interests related to mining and regional development (Gormar, et. al., 2022). We found that the power relations existing in the mining sector were not only between the transactional and national actors but data collected from Members of Parliament revealed internal power relations among the national actors due to interests:

> “The law is clear regarding the mandate of mining administration, but of late we have seen the Ministry of Finance being at the center of most decision making trying to control everything and thus frustrating things in the process. The Ministry of Finance is looking for money and do not care how they do it, they have also overtaken carbon trade marketing from the Ministry of Natural Resources.”

An economist savvy in Malawi’s taxation law had this to say:

> “Power relations do exist between local government authorities and communities, between communities and mining companies and so on. And so, for a moment, these conflicts may seem like they are influencing decisions within the mining value chain. But such a situation is only temporary because the people with real and permanent power are the ones with the money as they can buy off anyone standing in their way.”

5.2. The most powerful actors in mining sector in Malawi

We found that the most powerful actors in the mining sector were international non-governmental organizations and private mining companies at p=0.000 followed by the department of mining at (p=0.048) respectively. The private companies were powerful because they have power in multiple domains including power market information, technical capacity in mineral and mines and global mineral economy. One respondent had this to say:

> “They actually control most of the resource allocation because it is them who are investing, you know, in the mining sector and they actually choose where to put their money. The national actors have no control over resources, they don’t set prices of the minerals, they don't even know the market. They just own the resources as a country, but it's actually the investors who control everything".

In this relationship, the local NGOs act as a weaker actor economically but are able to exploit their weaknesses to gain economic power by pursuing the interests of multinational corporations who in turn funds them (e.g., Hart, 1976).

The role of NGOs in development, particularly in the mining sector has evolved over time. Maddox (2020) argues that early engagement was more polarised with some NGOs playing a more aggressive, public watchdog role, whilst others chose a closer, some would argue transactional relations, using mining companies as a source of funds to drive priority projects as part of a company’s corporate social responsibility (CSR) commitment. He adds that the former caused great levels of anger on all sides whilst the latter suffered hazy lines between fundraising and selling out; CSR and greenwash. A local NGO/CSO (Association of Environmental Journalists) funded by a UK based institution had this to say:

> ‘Our interest is to safeguard the interests of communities as far as environmental management is concerned, we do not, in any way, work to frustrate developmental projects in the mining sector. There is so much we can benefit from the mining sector but unfortunately, we are not able to do so to an extent that a lot of people have lost trust”

Another respondent from a CSO working in the northern region, who indicated that they did not have any funding at the moment stated that:

> “We are into advocacy now and want more young people to be engaged in the sector. However, due to capital and information challenges and the fact that it seems like the mining sector is closed to the locals and very much open to foreigners, young people do not want to engage in mining. We believe that advocacy efforts can connect young entrepreneurs to financial institutions and explore options for funding”

This agrees with Maddox’ argument that a mining company may tick all the boxes. However, decision to work with a mining company automatically opens an NGO to criticism and scrutiny, particularly if money is involved, as is often a harsh necessity (Maddox, 2020).

The qualitative findings revealed that international NGOs such as ActionAid and Plan International were advocating for the review of the laws governing Malawi’s mines and minerals which suit multinational corporations’ interests in the mining industry.

> “Action Aid Malawi assess the extent of stakeholders’ participation in understanding of policy formulation processes, advocacy, and engagement in development and review of mining laws and policies…… Nongovernmental organizations (NGOs) have been at the forefront of proposing policy reforms and monitoring the implementation of mining interventions including a review of mining licences between the Malawi Government and the multinational corporations, advocating for tax justice within the mining sector in Malawi”

A respondent from Plan International said:

> “Our interest in mining sector is in child labour and girl child protection. As a matter of principle, we do not take money from the extractive sector. The mining sector is exploitative and operates like a mafia enterprise so much so that any actor operating therein and tries to bring in change needs state protection. It is therefore imperative that the Government develops regulations that take these into account”

These finding were in agreement with Zuka (2023) observation that NGOs’ use their low economic power as a commodity to gain economic power from powerful economic actors. It was the NGOs that endorsed most of the neoliberal oriented strategies for managing the environmental harms in Malawi. Gill (1997) in Bolivia found that NGOs were recruited to support reforms and access funding from international aid agencies.

Table 3: The most powerful actors in mining sector in Malawi

	Cluster		Error		F	Sig.
	Mean Square	df	Mean Square	df		
Department of Mining	4.441	1	1.022	25	4.344	.048
Government Minister	.062	1	1.032	25	.060	.808
Mining Private Company	20.070	1	.862	25	23.274	.000
Principal Secretary	.079	1	1.037	25	.076	.785
District Commissioner	2.107	1	1.302	25	1.618	.215
International NGO	27.673	1	.576	25	48.039	.000
Artisanal small-scale miners	.371	1	1.212	25	.306	.585
Civil Society Organisations	2.246	1	1.457	25	1.541	.226
Local buyers	.334	1	.852	25	.392	.537
International buyers	5.053	1	1.238	25	4.082	.054
UNESCO	.430	1	.969	25	.443	.512
Environmental Affairs Department	.219	1	.578	25	.379	.543

5.3. Reasons behind Transactional actors' power in mining sector in Malawi

Transactional actors have influence in the mining sector. Investment of huge sums of money, control market of minerals and funding of policy implementation that meets their interest were the most influencing reasons with (*p=0.000*), (*p=0.001*) and (*p=0.003*) respectively (Table 4). The least influencing factors were: fund development policies to meet their interests, fund policy change process and bring in own technical expertise at *p=0.023*, *p=0.013 and p=0.05* respectively (Table 4). Private mining companies' goal was to fulfil the agenda of multinational private firms of private governance to help regulate the mining sector across-scales and maximise profitability in Sub-Saharan Africa (Elbra, 2014). The other reason is that transactional actors (such as the World Bank and European Union) finance the National Mines and Mineral Policy development and bring in their international experience on regulations (Malawi Government, 2013).

The mandate to administer the mining sector lies in the hands of the Ministry of Mining but the ministry lacks the means to control and thus transfers the power to control to investors. This inability by government to manage the sector is no mere accident; serious institutional differences make government officials less efficient at managing scarce resources than their private sector counterparts (Murphy, 2013). Other respondents argued that:

> "Much of the control is with the investor. He [investor] has brought his money. He [investor's] is doing exploration. He is doing everything, you know, then he goes into mining. So, it's him [investor] controlling. Government comes in as a regulator, just to try to regulate if they are doing the right things, like is the environment, okay? Are our people compensated? So, government comes as a regulator, but all the power to control the whole process is with the investor."

Another said:

> "It is not like the transactional actors have the power because they have more resources, how is it that other countries such as Botswana have negotiated better deals? It is rather the inefficiencies within the Ministry mainly in terms of license issuance. People are willing to spend money even in just trading the license itself before any mining commences. A lot of collusion happens between the transactional actors and national actors which end up empowering the latter."

A respondent from an international non-governmental (INGO) organization had this to say:

> "The people that are coming with the money, are able to buy off anyone within the system willing to sell them an agenda they can manipulate to advance their cause; these are the people that have the power."

The Ministry of Mining also added that:

> "transactional actors have a significant influence on decisions within the mining sector in Malawi because they provide capital and expertise that is needed to develop and operate mines. As a result, transactional actors have a strong bargaining position in negotiations with the government"

Table 4: Reasons behind Transactional actors' power mining sector

	Cluster		Error		F	Sig.
	Mean Square	df	Mean Square	df		
Fund policy change process	5.192	1	.591	11	8.787	.013
Fund development policies to meet their interest	4.310	1	.615	11	7.007	.023
Fund policy implementation that meets their interests	5.908	1	.400	11	14.769	.003
Imposition of policy ideas on the government	.577	1	.591	11	.976	.344
Bring in own technical expertise	3.477	1	.327	11	4.513	.050
Bring in state of the art technology	.503	1	.206	11	2.439	.147
Invest huge sums of money in mining	10.503	1	.206	11	50.968	.000
Control markets of minerals	7.477	1	.327	11	22.846	.001
Never disclose the real deposit quantities	4.964	1	2.570	11	1.932	.192
Fostering authoritarianism	.656	1	1.297	11	.506	.492

5.4. Access and Control Over Mining Resources

Transactional actors have 80% rating of access and control over mining resources compared to 20% national actors (Table 5). The mining companies at production level do have financial obligations to mining multinational corporation holding shares. This rating of access and control collaborates with Elbra (2014) who found that gold mining firms operating in sub-Saharan Africa are co-governors and sovereign possessing the authority to set standards and regulations that are accepted as legitimate by other actors including governments. One of the mining company respondents had this to say:

> "The transactional actors have the financial muscle to explore and extract minerals. They have the means to establish both quality and quantity and they know where these are needed across the globe. Generally, national actors do not have this capacity and require a middleman to broker deals on their behalf. The fact that national actors are policy holders is not enough to make a determination that they have power."

However, the Ministry of finance had this to say:

> "There is a set common mechanism for profit sharing that puts the national actors at an advantage and these are found in the existing and predetermined minimum thresholds of elements that go into the fiscal regime such as the royalty rate, corporate income tax, the resource rent tax and the free carry equity tax among others; if these are adhered to, national actors will retain their power."

Table 5: Access and control over mining resources

Access and control of mining	Percent
National actors	20.0
Transactional actors	80.0
Total	**100.0**

5.5. Transactional Actors Influence in Controlling the Mining Market in Malawi

Transactional actors are influential in controlling the mining market in Malawi (Table 6). The transactional actors have been deemed to be very influential in controlling mining markets with a rating of 73.3%. Ericsson et al. (2020) findings show that mining in Africa is now controlled by Chinese companies with estimated investment of about US$ 33 billion as of 2017. Historically, Diogo and van Laak (2016) argues that African mines have been controlled by European imperial powers.

Table 6 shows that transactional actors are very influential when it comes to their influence in controlling markets and mining agreement negotiations. The government may own the mines but has less negotiation skills or even access to global markets. A respondent in the ministry of finance had this to say:

> “Pricing and market access opportunities reflect the power dynamics in that it is usually transactional actors who have access to international prices and market access information which they normally use in negotiating mining development agreements to their advantage.”

However, the Ministry of Justice had a contrary opinion when it stated that:

> “If transactional actors had more influence, they could have had power over the signing of three agreements which have been pending for the past three years. Their inability to influence decision making therein, proves that they do not have that much power.”

Table 6: Transactional Actors influence

Transactional Actors influence	Percent
Influential	6.7
Moderately influential	6.7
Not influential	6.7
Slightly influential	6.7
Very influential	73.3
Total	**100.0**

5.6. Control Over Pricing and Market in the Mining Sector

We found that transactional actors had price and market control power in Malawi’s mining sector. Transactional actors have more influence and control over pricing and market access at a score of 96.6% compared to 3.4% control by the government (Table 7). Global mining companies and multinational corporations regulate pricing of minerals, often pricing is less transparent which makes tax evasion take place (African Union, 2013). Transactional actors such as the World Bank and IFM use the power of mineral prices to enforce sector reforms to suit the interest of multinational companies and shareholders (Guj et al., 2017).

The Ministry of Justice, Government Contracting Unit and the Ministry of Finance all argued that since transactional actors have control over pricing and markets, they negotiate for a fiscal regime that suits their needs. The understanding is that the companies should be duly registered in Malawi and pay all taxes in country. But since most of these companies are internationally affiliated, transfer pricing occurs. Unfortunately, Malawi just like most African countries, lacks the capacity to conduct effective transfer pricing audits (Guj et al., 2017).

Table 7: Control over pricing and market access

Power over pricing	Percent
National actors	3.4
Transactional actors	96.6
Total	**100.0**

5.7. Impact of Legal and Policy Framework in Addressing Power Imbalances

We found that the legal and policy framework is partially addressing power imbalances with a rating of 40% while 13.3% rated the same as fully addressing power imbalances. Some held the perception that the legal framework does not address power differences between the actors and the other category, 20.0% were not sure (Table 8). Scholars have written on power of ownership and control of minerals through legal framework (Akpambang et al., 2023 and Shali et al., 2023) to argue that predominantly, African countries remain reliant on Chinese or European companies and the World Bank and IFM for multiple support in the mining sector (e.g., Ericsson et al., 2020).

The investors who participated in this study indicated that, Malawi has too much regulations and taxes which have negative impact on investors. These, according to the Taxation Act of 2020, include: Royalty at 5%, corporate income tax at 30%, resource rent tax which varies with internal rate of return of the mine but it is placed at 15% when internal rate of return is more than 20%, sometimes a corporate social responsibility tax on 0.4% is included , the free carry equity at 10% and exports at 0%.

However, the 13.3% of respondents indicated that the policy and legal framework fully addressed power imbalances as explained by the Ministry of Justice informants:

> " The mining law itself is robust in terms of setting up governance structure; the challenge may be how it is implemented. For the law to be implemented well, you need corresponding institutions. The current law creates a mining authority, which is not yet established. This puts pressure on the central government until that institution becomes self-sustaining. Mining also operates with several laws, V.A.T Act, Exchange Control Act all of which are implemented by several institutions which must coordinate."

Members of parliament especially those in the Natural Resources Committee however expressed concern that:

> "Though parliament repealed the 2019 Mines and Minerals Act and replaced it with the Mines and Minerals Act of 2023, the 2019 law was never adequately implemented and the mining regulations were not developed at all. This means that the Ministry will have to develop new regulations to implement the new law which will culminate into the reduction of illegal mining in the country."

An international non-governmental organization working on mining issues agreed with the 26.7% who argued that the legal and policy framework do not address the power imbalances when they said:

> "Malawi is currently offering a wide range of tax incentives with the aim of encouraging development, enhancing output, earning and saving foreign exchange and expanding employment opportunities but this is so much abused by multinational corporations (MNCs) operating in the mining sector leading to tax avoidance and loss of revenue by the Government. Additionally, the existing double taxation treaties for example the UK-Malawi double treaty, Netherlands-Malawi double treaty/Dutch-Malawi double treaty do not work for Malawi."

Table 8: Impact of legal and policy framework

Impact	Percent
Do not address power imbalances	26.7
Fully address power imbalances	13.3
Not sure	20.0
Partially address power imbalances	40.0
Total	**100.0**

6. CONCLUSIONS AND RECOMMENDATIONS

The results show that Malawi Government has a higher proportion of decision-making power but that powerful actors in the mining sector were international non-governmental organizations and private mining companies at p=0.000 followed by the department of mining at (p=0.048) respectively. Power of transactional actors was in huge investment in the industry, control of markets of minerals and funding of national policy implementations at (p=0.000), (p=0.001) and (p=0.003) respectively. The power gave them 80% rating of access and control over mining resources with respect to mining market with a rating of 73.3% and pricing with a score of 96.6% compared to 3.4% by the government. The legal and policy framework is partially addressing power imbalances in the mining sector in Malawi. The paper concludes that the national actor power is only a channel to receive taxes, grants and aid to build the country's struggling economy. We recommend that the government pay attention to significant power asymmetry factors to sustain or alter them to their economic, capacity and technological advantage in the mining sector. We further recommend that the legal instruments governing Malawi's mining sector be reviewed as they are currently too fluid and puts the country at a disadvantage when it comes to mining development agreement negotiations.

7. ACKNOWLEDGEMENT

We acknowledge the contribution of the Malawi Government Cabinet ministers who participated in this study, Members of Parliament from the budget and natural resources committee of Parliament, mining companies, INGOs and local NGOs as well as all respondents too numerous to mention. Thank you all for making this possible.

8. REFERENCES

[1] African Union, 2013. AU Conference of Ministers Responsible for Mineral Resources Development.

[2] Akpambang, E.M. and Akanle, A.O., 2023. Outer Space Commercial Mining: Ownership Rights and Contemporary Legal Issues. *Sch Int J Law Crime Justice*, *6*(7), pp.343-365.

[3] Andreono, D. and Darnis, D., 2023. Supervision of Mineral and Coal Mining Business Permits in Solok Regency. *Siber International Journal of Advanced Law (SIJAL)*, *1*(1), pp.32-40.

[4] Cai, Z. and Qian, L., 2023. Scarcity of mineral resources and governance and development of renewable energy projects in China. *Resources Policy*, *86*, p.104065.

[5] Chadha, R., Sivamani, G. and Bansal, K., 2023. Incentivising Non-Fuel Mineral Exploration in India.

[6] Dahl, R.A., (1957) *The Concept of Power.* Department of Political Science, Yale University. Pp 201-215. https://fbaum.unc.edu/teaching/articles/Dahl_Power_1957.pdf

[7] Diogo, M.P. and Van Laak, D., 2016. *Europeans globalizing: Mapping, exploiting, exchanging*. Basingstoke, UK: Palgrave Macmillan.

[8] Drisko, J.W. and Maschi, T., 2016. *Content analysis*. Pocket Guide to Social Work Re.

[9] Elbra, A., 2014. Gold mining in sub-Saharan Africa: Towards private sector governance. *The Extractive Industries and Society*, *1*(2), pp.216-224.

[10] Ericsson, M., Löf, O. and Löf, A., 2020. Chinese control over African and global mining—past, present and future. *Mineral Economics*, *33*(1-2), pp.153-181.

[11] Farazmand, A., 1999. The elite question: Toward a normative elite theory of organization. *Administration & Society*, *31*(3), pp.321-360.

[12] Foucault, M. (1980), *power/knowledge: selected interviews and other writings 1972-1977, (ed)*

[13] Foucault, M., 2020. Power/knowledge. In *The new social theory reader* (pp. 73-79). Routledge.

[14] Gamst, G., Meyers, L.S. and Guarino, A.J., 2008. *Analysis of variance designs: A conceptual and computational approach with SPSS and SAS*. Cambridge University Press.

[15] Gill, L., 1997. Power lines: The political context of nongovernmental organization (NGO) activity in El Alto, Bolivia. *Journal of Latin American Anthropology*, *2*(2), pp.144-169.

[16] Gormar, F., Grillitsch, M., Hruska, V., Mihaly, M., Nagy, E., Pisa, J. and Stihl, L. (2022) *Power relations and local agency: a comparative study of European mining towns.* Urban Research & Practice. Open access. https://doi.org/10.1080/17535069.2022.2051066

[17] Guj, P., Martin, S., Maybee, B., Cawood, F., Bocoum, B., Gosai, N. and Huibregtse, S., 2017. Transfer pricing in mining with a focus on Africa.

[18] Kasim, A., Yodo, S., Surahman, A.M.R. and Imran, M.P., 2023. Mining Business Licensing in Indonesia: Perspective Administrative Law After the Revision of the Mineral and Coal Law. *Russian Law Journal*, *11*(3).

[19] Khan, M.A., Ahmad, A., Attaullah, D.I.A., Ahmed, R. and Ibrahim, M., 2023. Rule Of Minerals and Conservation of Nature: According to Hinduism, Judaism: Analytical Study. *Journal of Positive School Psychology*, *7*(6), pp.458-468.

[20] Lucien, N.N., 2023. China-Cameroon: A win-lose relationship in the Mining sector? *African Journal of Political Science and International Relations*, *17*(1), pp.1-16.

[21] Maddox, T. (2020) *Mining and NGOs: an evolving relationship.* Expert Insight. Mining journal. Stakeholder Engagement. https://www.mining-stakeholders.com/expert-insight/mining-and-ngos-an-evolving-relation

[22] Manduna, K., 2023. Are mining-induced displacement and resettlement losses compensable? Evidence and lessons from mining communities in Zimbabwe. *The Extractive Industries and Society*, *15*, p.101281.

[23] Murphy, R.P., (2013) *why government doesn't and can't manage resources like a private business.* Econlib Articles.

[24] Oluwadamilare Adeyemi, K.O.N. and Motunrayo Ibironke Joseph-Hunvenu, O.B.A., 2023. Legal Framework for Solid Minerals Ownership and Control in Nigeria. *International Review of Law and Jurisprudence (IRLJ)*, *5*(1).

[25] Shali, A., Supriyadi, S. and Indrayanti, K., 2023. Discourse Study on Minerals and Coal: Licensing Regulations and Compliance of Government Apparatus. *International Journal of Social Science Research and Review*, *6*(4), pp.8-13.

[26] Zuka, S.P., 2023. Non-governmental organisations and the politics of mining law review in Malawi: Bifurcations, subjectivities and contested emancipation agenda. *The Extractive Industries and Society*, *14*,

DOI: https://doi.org/10.15379/ijmst.v10i4.2365