The Mine Workers Union of Zambia’s ability to utilise the Political Opportunity Structure

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Problem Area

The right to form a collective labour organisation is a fundamental aspect of the employee/employer relationship, within the liberal democracy. As individuals, workers previously possessed only inefficient leverage in negotiating the conditions of labour. Selling your labour force in a capitalist society has since the industrialisation been accompanied by collective struggles against employers. As such, the conflict of interest between worker and employer is an inherent struggle, which means that trade unions exist as a direct consequence of the already mentioned employee/employer relationship (Hagen, 2012: 30-58). The essential idea of protecting and negotiating workers’ conditions through collective action is a basic principle of unions. Trade unions in developing countries are mainly categorised as social movement unions, which differs from the standardised European unions in promoting social changes in ways that goes beyond the traditional conceptualisation of trade unions. Understanding trade unions in the developing world offers additional problems in that social movement unions exceeds the normal “mere” organisation of workers and additionally seeks democratic and social justice (Scipes, 2003: 81).

For trade unions in Africa, focus has primarily been on creating a union organisation that transcends the traditional political-economic divide (Scipes, 2003: 84). Several countries in Africa experienced a gradual liberalisation of their national economies, since the 1980’s (Koyi, 2011: 26). In reacting to privatisation and economic demands, put forth by the International Monetary Fund (IMF) and World Bank, the trade unions and the general labour force of Africa attempted to structure themselves with alliances in social movements and national campaigns of resistance against the state (Scipes, 2003: 84). As the struggle between labour force and employer undeniably exists, the African trade unions and labour movements are understood as agents of social change. Social movement unionism recognises that the struggle for workers conditions cannot be separated from the national socio-political context, which brings us to the case of Zambia (Scipes, 2003: 86).

As a former colony of the British Empire, Zambia possesses a strong tradition of unionism and solid mining regulations, safety standards and labour laws, which on an official level at least controls the usage of the rich copper belt of the former Northern Rhodesia (former British colonial name for Zambia). Central to the unionism in the mining industry is the Mine Workers Union of Zambia (MUZ). Zambia can be seen as a developing democracy with trade unions.
already implemented in the national political structure. The case study therefore, resides in an existing context of a well-established POS. The extend of this POS is however another question altogether (Human Rights Watch, 2011: 2).

The case of the MUZ is prudent insofar as to analyse challenges and limitations of the POS, in Zambia. In the context of a growing influence of China (People’s Republic of China) in Zambia, the structure and institutions of which the MUZ’s opportunities of socio-political influence depends, are linked to the Zambian government. China has invested heavily in the Zambian economy and represents 39 % of all import/export of the country (Ulandssekretariatet, 2014: 20). The linkage between the Chinese run mining corporations and the Zambian government is therefore at a crucial point for the MUZ’s ability to influence policy changes, workers conditions and in general widen and secure their opportunity structure. Furthermore, the Chinese mining corporations and the MUZ has had several encounters of a less than friendly nature. Specific companies have gone so far as to barred workers from joining the MUZ (Human Rights Watch, 2011: 4). Precisely for these reasons, the MUZ is in a unique position in criticizing the Zambian governmental channels of opportunity, influence and connection with Chinese exploration of mineworkers in Zambia. This struggle will be analysed through the opportunity structure within which the MUZ operates, in a direct government and indirect Chinese perspective. As former MUZ president Oswell Munyenyembe expressed, while in office in 2011, the Chinese is a large part of the problem for trade unions, but is by no means the only limiting factor for the MUZ (Lusaka Times, 2011). The Zambian government has for many years cooperated with the MUZ but the problem does not reside in that they work together but rather how and to what extend they work together, which leads us directly to the research question:

**Research Question:**

*How is the Mine Workers Union of Zambia able to utilise Political Opportunity Structure in the context of Chinese influence?*

In order to answer the research question three working questions were created to assist the project. Working question one will be use in the first part of the analysis and working question two in the second part of the analysis. Finally, the third working question will be used in the discussion.
Working Questions:

1. How does the Zambian state’s structure create the Political Opportunity Structure?
2. How does the Chinese presence contribute to the Political Opportunity Structure and the Mine Workers Union of Zambia’s ability to utilise it?
3. How does the Mine Workers Union of Zambia utilise the Political Opportunity Structure discussed from a subjectivist and objectivist perspective?
Project Structure

The project departs from the research question, which leads to the analysis of the Zambian state structure and the Chinese influence on both the POS and the MUZ’s ability to utilise the POS. Furthermore, the discussion incorporates the findings from both analyses and discuss the MUZ’s ability to utilise the established POS, from an objectivist and subjectivist perspective. This leads to a direct answer of the formulated research question.

Theory

In this chapter, we will present the chosen theories and the different aspects of them. The theories will firstly work as a premise for the analysis and then as the understanding that this project adopts later to be able to analyse the empirical data.
Unionism Theory

Unionism Theory is a theory that define and categorise unions based on how the union represent its workers, what the union’s goals are (workplace, industry or societal change) and unions relationship with its workers (Camfield, 2007: 284). The theory defines various types of unions and illuminates how this union acts.

The theory has implications on many aspects of the union’s activities, but an essential part of unionism theory is the importance of being context specific. The theory view the institutional role of the union as being crucial in defining the union within a certain category. The context is best understood through the concept of POS, which is the focus of the analysis and discussion.

Social Movement Unionism Theory

In order to analyse a trade union like the MUZ, one needs to define what kind of union the MUZ is. Various definitions on different unions exist in the academic literature. Social Movement Unionism Theory (SMUT) is one approach, which is used to define and categorise unions as social movement unions.

Social movement unionism is a contemporary trend of theory and practice that distinguishes itself from earlier theories by incorporating multiple dimensions; such as economic, social, cultural and political dimensions into trade union activity (Masiya, 2014: 447-448).

The MUZ is an example of a trade union that moves beyond the target and goals of traditional western trade unions. The MUZ has succeeded in enforcing transformations of the Zambian political system into a multi-party liberal democracy (Larmer, 2006: 309-311). SMUT is applicable to trade unions that can be described as exceedingly active in industrial production politics, state power issues and the local community. The distinction between other unionism theories and SMUT lies in the high commitment of social movement trade unions’ struggle against oppressive political regimes and workplaces exploiting workers in the developing world. A trade union qualifies to be defined as a social movement trade union if it combines conventional institutionalised collective bargaining with modes of collective action and alliances, which is typically associated with social movements. Beyond concerning itself with
wages and working condition, SMUT is also actively engaged in broader social, political and economic issues. Social movement unionism assumes that workers are citizens and therefore they have an interest in public policies that affect and shapes the distribution of rights, entitlements and responsibilities, as well as issues of equality in economic and social issues (Masiya, 2014: 448).

When identifying a social movement union four key variables are employed:

1. Social movement trade unions have a local focus and base.
2. Social movement trade unions practices are associated with collective action that goes beyond workplace bargaining mechanism to the economic, political and social spheres.
3. Social movement trade unions build coalitions and solidarity alliances with other trade unions and social movement groups in the community that shares the same values and combats the same problems, and political parties.
4. Social movement trade unions demands are framed around state governance issues and they formulate transformative visions.

(Masiya, 2014: 448)

These four key strategies define a union as a social movement trade union, which enables the researcher to examine the union. A defining factor of social movement unions are their ability to undertake political action that is not confined by the framework of industrial relations. The MUZ has previously performed tasks, which places them inside this category. In the 1980’s, the liberalisation of the economy created enormous public discontent, especially among the lowest income groups, who were to a higher degree affected by the neoliberal approach to economy. This liberalisation was in line with the Structural Adjustment Programmes (SAP) of the IMF and the World Bank. The mineworkers were at this point aware that their position in the economy was crucial, even though output from the mining sector had decreased since the heydays of the 1970’s. The MUZ utilised this position by forming unofficial (sometimes illegal) political action in the local mining townships towards establishing the Movement for Multiparty Democracy (MMD) (Larmer, 2006: 302-303, 309).

The heavy pressure from the United National Independence Party (UNIP) leadership, to incorporate them in their structure, by appointing some of the prominent MUZ leaders to top positions as ministers, also averted the vital role of the workers in the mining industry. The MUZ resisted however, and remained autonomous, by excluding the appointed leaders. The
capability of the organisation to democratically select and dismiss their representatives allows the MUZ to meet the SMUT criteria of democratic control of and by membership. However, the extent of the democratic control can be contested (Larmer, 2006: 303-305).

The defiance to be swallowed by the ruling political party was not as successful with the following political leadership. As mentioned above the MUZ played an integral role in the creation of the MMD, and thereby struggled with distancing themselves from the party following their rise to political leadership. The former Zambia Congress of Trade Unions (ZCTU) leader Frederick Chiluba moved on to become the President of Zambia. In the process, he convinced the MUZ to agree to compromises, which entailed privatisations and liberalisations. The heavy involvement of the MUZ in implementing these policies has ramifications for their current organisation (Larmer, 2006: 311).

In summation, the MUZ has been involved in instigating social change beyond industrial relations by forming the MMD. They have had a local basis and focus by creating committees in the mining townships. They collaborated with other social movements in forming the MMD and they pursued claims of a governance nature indicating transformative visions. Thus, the MUZ to some extend contains all the four aspect of a social movement union, formulated by Masiya. The project henceforth defines and sees the MUZ as a social movement union. By maintaining this assumption as a basis instead of the focus of study, the analysis may delve further into what POS surrounds the union.

It is recognised that, there is an inherent weakness to the assumption that the MUZ is a social movement union, due to the fact that some of the data, which the assumption is built upon is scarce and sporadic. Therefore, it cannot be excluded that others may formulate a diverging assumption, which contends that the MUZ is indeed not a social movement trade union, but another kind of movement or union.
Political Opportunity Structure Theory

To investigate this, Sydney Tarrow (1994: 85) provides a comprehensive definition of POS:

"consistent - but not necessarily formal or permanent - dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure" (Tarrow 1994: 85 Cited in Meyer 2004).

The ability of the political environment to provide incentives for people to undertake collective action, describes a concept that explains where the unions can seek influence. This is only one side of the concept, which also explains the effect of the political environment upon the expectations of success for unions.

POS is a very complex subject, because the facets defining it varies between constituencies and even in the same case over time. A methodological and theoretical approach for accommodating the project to these difficulties has been developed by David S. Meyer & Debra C. Minkoff (2004), who maps out the problematic factors of the conceptual POS. They create an analytical framework for approaching the political environment of unions. The framework is based on Political Opportunity Structure Theory (POS Theory) which emphasise the context specificity described above, but is based upon the notion that political activity and mobilisation within the civil society also operates within the conventional governance institutions. The institutions, unions can seek opportunities within, creates a structure. POS Theory thereby offers an assumption, of how the agents in the political environment interact with the structure, on which to base an understanding of what the POS is (Meyer & Minkoff, 2014: 1458-1459).

An Objectivist Definition of Political Opportunity Structures

From an objectivist point of view, the focus of the researcher, when analysing the POS, is on the changes in the political environment that affect the “chances of success” for social movements to obtain their goals. The context is described as the structure of political opportunities. Elements in the political environment impose certain limitations or opportunities for social movements. Social movements behave according to the openings, shortcomings or barriers of the political system. In other words, the trade unions do not create the POS themselves, the state does and the labour unions act accordingly (Opp, 2009: 161-162).
Three factors in the POS increases the actor’s chance of success. Firstly, the goals of the organisation is established empirically. This is because the variables of the political environment needs to be related to the goals of the organisation in order to be called POS. Secondly, the researcher determines the chances of success. This means that they are objective probabilities determined by the researcher. Finally, a causal relationship between the “chances of success” and the actor’s goals must be established to determine whether a factor is a POS or not (Opp, 2009: 162).

The fact that the objective probability of the goal attainment in political action is decided ad hoc by the researchers, creates a problem as the changes in the POS is based on an assumption. This is criticised for being a problematic assumption as the possibility that a mismatch between “structural opportunities” and “perceived opportunities” can occur (Opp, 2009: 169).

The POS is furthermore, described as particular configurations of resources, institutional arrangements, and historical precedents for mobilisation. This enables the development of protest movements in some cases and constrain them in others. To assess whether these factors increase or decrease the chances of success of the organisation is hard to measure even for the unions themselves. The problem arises when researchers choose protests and changes that occur together and thereby confirm the POS Theory. The objectivist definition of the theory lacks a clear measurement to categorise changes in the political environment as changes in the POS (Opp, 2009: 168-169).

**A Subjectivist Definition of Political Opportunity Structure**

The subjectivist definition of POS revolves around the notion of changes in the political environment that give rise to a subjective expectation of success. Tarrow defines POS as;

“... dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure” (In Opp, 2009: 170).

This means that the features of the political environment are only considered POS if they change the expectations of success. In the subjectivist definition of POS, it is not relevant whether the “chances of success” are perceived correctly. Political action are affected by the way environmental factors are perceived (Opp, 2009: 169-170). It is henceforth the perception that a change or an event has occurred, which enables the trade union to take action with a changed expectation of success. If the MUZ perceives an event as an opportunity for the union
to act, then according to the subjectivist point of view, it is a change in the ability of the MUZ to utilise the POS.

**Methods**

This chapter presents the methods used to analyse and discuss the POS within which the MUZ works and their ability to take advantage of it. Focus will be on discussing the framework of the projects operationalisation; how the project will investigate the POS and how the methodological approach will help answer the research question.

**Operationalisation**

There are two sides to the concept of POS: one side focuses on organisation of mobilisation as a product of the POS, and one concerning the policy framework, and thereby the institutional framework that surrounds the union. The former side reflects best how the POS is subjectively perceived, and the latter allows the researcher to create the “objective” explanation of how and which opportunities are made available by the structure (Opp, 2009: 168-170).

Meyer & Minkoff detects three main pitfalls of popular methodological approach to the study of POS.

“First, analysts are not clear about the importance of general political opportunities relative to issue- or constituency-specific factors” (Meyer & Minkoff, 2004: 1461).

Union mobilisation and the characteristics of the POS that surrounds it, is so context specific that it is difficult to undertake comparative studies of POS. In order to meet this consideration the project will examine the current POS, and thereby not compare it with other time periods in the same constituency or other constituencies.

“Secondly, analysts use different dependent variables, looking to political opportunities in explaining outcomes that are likely to respond differently to the same factors” (Meyer & Minkoff, 2004: 1461).

There are two approaches (explained above) that have different sets of variables and emphasis’. This project will try to accommodate this methodological schism, by examining both sides, but
at the same time maintain a clear separation between the two variables. The interplay between the theory and the problematic aspects of this methodological approach will be examined in the discussion.

“Thirdly, analysts offer different conceptions of how political opportunities work, that is, the mechanisms by which conditions in the polity can translate into collective action” (Meyer & Minkoff, 2004: 1461).

One of the main schisms in the studies of POS is the distinction between the movements’ subjective expectation of success and the researcher's evaluation of the chances for success likewise based on the POS. This project will attempt to undertake both sides, by delving into an “objective” interpretation of the POS, and afterwards discuss it, by using data on the MUZ’s own subjective perception, and examples of how they utilise the opportunities provided by the POS.

In order to analyse both sides of the POS the project will analyse the institutional structure that surrounds the union. Although, the first section presents the objectivist picture of what POS the Zambian state creates, it will mainly be built upon interpretations of the existing policy framework. The first independent variable will therefore be defined from an assessment of policy network that guards the labour market, through three core texts. The texts consists of a report of the Zambian labour market developed by the ZCTU, a review written by a cited professor of the International Labour Organisation (ILO), and lastly an academically written article. The first two texts are biased in favour of the trade movement, because of their origin, and the last academically written text presents a more nuanced view. Even though the first section builds on biased interpretations, it has the factual laws at its central point of departure.

The independent variable of state institutional structure will be further investigated in the second section of the analysis, which focus on how the Chinese influence the Zambian state’s creation of the POS. The section will explain the influence on the independent variable of policy-making, and institutional labour negotiations, through two key texts addressing the Chinese role e.g. trading partners and investors from Haglund and Kragelund. The last point shows the Chinese as the employer, which leads to a further study of the direct influence on the MUZ’s ability for utilising the POS. Thereby the Chinese influence on the Zambian state's creation of the POS, is measured partly through concepts concerning direct employee/employer
relations and partly through interstate influence in terms of favouritism as a result of economic influence. Furthermore, the project operates from a basic assumption of the Chinese owned companies, as an extension of the Chinese state. When referring to “the Chinese” the project by proxy means the Chinese state.

The second section of the analysis will be based on an additional core text, which is produced by Human Rights Watch. It must be mentioned that this text will be used to explain both sides of Chinese influence in Zambia, however it poses problems as academic material. An organisation and not an academic scholar have carried out the interviews from the rapport, which is used in this project. This means that they may be biased, because they were looking for human rights abuses. Apart from the aspect of academic legitimacy, the text also constitute an example of a problematic aspect of the data, which this study is based upon. Therefore, most of the data are interviews, with union officials and other actors in relation to the trade union and this form of data and interviews is used by most scholars studying industrial relations in Zambia (Human Rights Watch, 2011, Larmer, 2006 and Lee, 2009). Thus, the Human Rights Watch report faces certain difficulties, but provides an unprecedented access to interviews with MUZ officials and mineworkers. The project incorporates the Human Rights Watch report, with the intend to underline the perceptions of the MUZ.

The third and last section will discuss what possibilities the MUZ has for utilizing the possibilities made available by the POS (which was presented in section one) and influenced by China (explained in section two). The section explains the independent variable of the organisational formation of mobilisation as a product of the incentives created by the political environment. Thus, the ability of the MUZ to utilise opportunities has been highlighted through the MUZ’s own perspective in order to discuss the subjectivist and objectivist interpretations of the POS. From the basis of a number of trade union activities, the discussion examines how the MUZ and the Chinese employers conflict in the state structure. Apart from interviews portraying the first hand subjective perception of the POS, the discussion will build mostly on core texts on the Zambian labour market from Ching Kwang Lee (2009) and Miles Larmer (2006).

The study purely aims at the impact on the MUZ’s ability to utilise the POS. This is done to focus the project and secure a concrete answer to the research question. The investigation of POS and MUZ’s possibilities for utilising the POS is however in a current perspective. The
analysis and discussion builds upon a broader timeframe, but leads up to the current abilities of the MUZ to utilise the POS.

Case Study

The project is a case study unravelling the different aspects of the MUZ, their abilities and possibilities for utilising the POS. Thus, by conducting a case study, the project is able to perform a precise analysis and discussion. A case study, in its basic form is “the detailed and intensive analysis of a single case” (Bryman, 2012: 66). The case study provides a comprehensive explanation of the conditions, which the MUZ operates under. Thereby, the project is able to investigate how internal and external factors have an influence on the ability of the MUZ to utilise the POS.

The case of the MUZ has been selected based on the representation of the conflict between a trade union and the Chinese presence as an issue of foreign influence on the MUZ’s ability to take advantage of the POS. There are limitations to generalising on the basis of a case study. According to Flyvbjerg (2006: 225), it is possible to generalise from a single case, although the situational nature of unionism makes it difficult to generalise on this specific case. This is however not the intend of this project, which makes the point of generalisation irrelevant.

A History of Zambia

The following chapter presents a brief and focused account of Zambian history, mainly dealing with unionism, the economic liberalisation of the 1990’s, the MUZ and the state structure of Zambia. In order to familiarise the reader with the context, in which the different actors, the MUZ, the Chinese mining companies and the Zambian government operate, the descriptive chapter provides some relevant background information.

In the 1920’s huge deposits of copper was discovered in Northern Rhodesia, in what is today known as Zambia. This initiated the mining business in the Great Copperbelt, which today is a vital part of the Zambian economy. Zambia gained its independence from the British Empire in 1964 and a republic was proclaimed, with a unicameral national assembly lead by a president. Both presidential- and parliamentary elections are taking place every five years. In
the decades after the independence Zambia was ruled by Kenneth Kaunda and his party, UNIP, in what is called the “One-Party period”. Since the 1991 elections, a multiparty liberal democracy was established (CIA, 2015; Mulenga, 2011: 2-18).

The Economic Transformation of Zambia

After the independence, the postcolonial UNIP government nationalised big sections of the industry, especially in the mining sector. As a result of a favourable world copper price, the national mining industry prospered, contributing up to two-thirds of the total revenues of the Zambian state and a major part of the national export (Fraser & Lungu, 2009: 7). However, in the late 1970’s, a decline in world copper prices and inefficient management of the economy by the UNIP, turned the national mining industry into a negative asset for the Zambian state, who was forced to subsidise it which lead to a mounting public debt (Fashoyin, 2008: 1) (Fraser & Lungu, 2009: 9). The deterioration of the Zambian economy was an argument for the UNIP’s political opponents, including the MUZ, who called for new economic policies and an end to the “One-Party” rule (Larmer, 2006: 294).

In 1991 Zambia transitioned to a multi-party liberal democracy, were the Movement for Multiparty Democracy (MMD) won the elections and ousted the UNIP. MMD wholly aligned their economic policies to the SAP, envisioned by IMF and the World Bank. This move was done in the hope that a more liberal economic policy would revitalise the economy (Fraser & Lungu, 2009: 9). The SAP is built upon the liberal economic principles of deregulations and private enterprise. One important requirement of the SAP was that the national mining company Zambia Consolidated Copper Mines (ZCCM) was to be divided into different assets and sold to private companies in 1997, this set the stage for foreign companies to overtake the mining operations in Zambia (Fraser & Lungu, 2009: 10).

After a period of crisis in the copper-sector, the Zambian economy experienced an upturn in exports of that exact commodity. The increase of demand in electrical devices, and the fast pace of economic growth in countries such as China, resulted in copper resurging as a profitable part of Zambian economy. The re-emergence of the industry has created an economic growth in Zambia that is based on a new set of main trading partners. Mining activities in copper are not as concentrated among western companies as before, due to the high and increasing demand of copper in the Chinese production lines. This has brought copper back as a profitable
commodity, and it has brought China to the table as a key investor in Zambia (Lee, 2009: 650-651).

**Unions in Zambia**

Soon after the start of the mining operations in the Great Copperbelt, several mineworker unions was established. These were organised by Europeans and exclusive to Africans, even though Africans had been working in the mines for several decades, the first African unions was first formed in the late 1940’s. Following the independence the umbrella trade union organisation ZCTU was formed, in 1965. The newly formed government deemed a weak union sector too easy to be exposed to foreign influence, therefore they sought to strengthen it. To facilitate this, the UNIP government enacted the “Industrial Relation Act of 1971”, which consolidated the trade unions under its rule. ZCTU was made the sole trade union confederation, all trade unions had to become an affiliation of it. This move helped to improve the situation for trade unions in Zambia, Mulenga described the Zambian labour movement as “…one of the largest, one of the best organised and one of the strongest, one of the dinosaurs of trade unionism in Africa...” (Mulenga, 2011: 3). That changed after the 1991 elections, where Zambia transitioned from a ‘One-Party State’ to a ‘Multi-Party state’. ZTUC had supported the bid of the winning party MMD. However, this gambit served to weaken ZCTU and the entire labour movement as MMD embarked on a campaign to liberalise the economy in accordance with the SAP. Initially, the MUZ and ZCTU was in favour of a liberalisation of the economy because they deemed it necessary to kick start the stifled economy and they had lost trust in the government’s ability to run the economy. Overall trade unions have lost ground since the 1991 elections, as both the total number of people employed in the formal economy and the total number of union members in Zambia has declined. In 2013 5.7% (327,111 workers) of the total labour force of 5,954,000 (in the formal economy) was member of a trade union (Mulenga, 2011: 2-18 And Ulandssekretariatet, 2014: 4).

Trade unions in Zambia, can often not afford to hire qualified people to formulate official policies on behalf of the union, and therefore very little material is available to those to want to study them (Nyirenda & Shiwke, 2003: 30). The mineworkers have been aware of the strategic importance of copper in the Zambian economy since production was started. Initially collective organisation was hindered by the colonial power, but the labour movement has been traced in the liberation movement, and the MUZ has existed since independence as one of the
most (if not the most) important affiliate to the ZCTU (Parpart, 2007: 491-492). Although unity has always been a crucial aspect of the Zambian labour movement (explained in the literature review). The MUZ have tried to leave the umbrella institution several times, although the separation came to fruition when they left the ZCTU in 1994 after the Zambian commitment to the SAP allowed for such a move. The MUZ, along with other trade unions, formed the Federation of Free Trade Unions of Zambia (FFTUZ), but later re-joined the ZCTU over allegations that the FFTUZ had mismanaged its funds. The heydays when the MUZ was the only miners’ union has passed, as two new miners unions has been formed, the National Union of Miners and Allied Workers (NUMAW) and United Mine Workers Union of Zambia (UMUZ) (Mulenga, 2011: 2-18; Ulandssekretariatet, 2014: 2, 5-6).

Analysis

The Zambian State Structure

In this chapter, an analysis of the Zambian state’s structure, relating to trade unions, will be conducted by utilising an objectivist approach to the empirical data, as elaborated on previously. The empirical data concerning the Zambian state focus on the policy processes having an impact on the POS. This is done in order to answer the first working question; how does the Zambian state’s structure create the Political Opportunity Structure?

The Zambian government does various things to set up collective bargaining (Nyirenda & Shiwke, 2003: 6), which creates the opportunity for the trade unions to influence the labour policies. This is legitimised through Part III of the Constitution of Zambia article 21, sub-article 1, which ensures the right to associate and especially the right to join any trade union to take care of one’s interests (Nyirenda & Shiwke, 2003: 6). It is furthermore, ensured in the Labour Relations Act, which includes the following rights for all contract workers:

- “The right to take part in the formation of a trade union and to be a member of a trade union of his choice;
- The right to take part in the activities of a trade union including the right to seek and hold trade union office subject only to the rules of such trade union;
- The right to obtain leave of absence from work for the purpose of taking part in trade union activities;
● The right not to be prevented, dismissed, penalised victimised or discriminated against or deterred from exercising the trade union rights;
● The right not to be dismissed victimised or prejudiced for exercising the trade union rights;
● The right not to do work normally done by an employee lawfully on strike or locked out unless such work constitutes essential service.”

(Nyirenda & Shiwke, 2003: 9)

These rights affect the POS for trade unions since the Labour Relations Act prohibits any discrimination towards a worker for being a member of or even participating in trade union activities. This influences the POS since it allows the unions to recruit members without any legal restriction. Furthermore, contract workers have the legal right to participate in any union activities making the union better organised, as well as giving them more comprehensive union activities. The Labour Relations Act however, also limits the POS by allowing workers to enter any union of their wish. This creates competition for the unions, which divides them, up making them multiple unions that are weaker individually. The competition can create an opportunity for exploitation by the employer, since weaker unions cannot negotiate with the same impact of force as one unified union.

The Labour Relations Act also, ensures the trade unions’ presence during wage and working condition negotiations by binding employers to not only recognizing the trade unions, but also accepting them as a legitimate bargaining partner (Nyirenda & Shiwke, 2003: 10). The negotiations are conducted in the Tripartite Consultative Labour Council, which includes an equal number of representatives from the different actors; workers, employers and the government (Nyirenda & Shiwke, 2003: 16). The representatives for the workers and the employers are nominated by the trade unions and employers organisations. This equal number of members can at the same time be problematic as well as profitable for the democratic decision process. When assuming that employers and workers are the center of the dispute, these two should be on the opposite sides of the negotiations. They should furthermore, have an equal voice and influence on the government to make an informed and fair decision. However, this creates the possibilities for other factors to have an impact on the state. Having a weak state (Larmer, 2005: 32) empowered to make a fair decision, when the union and the employer cannot come to an agreement, can make space for the influence of other factors like financial leverage. This would create a situation where the party with the largest economic
power would have a larger impact on the decision-making than the opposition. If a scenario like this would appear, it would be hard to imagine the trade unions having enough collective power to have a larger impact than the mining companies do.

Due to lack of personnel in the regional offices of the labour ministry, the ability for the government to supervise workplaces has been severely hampered. Effectually rendering many employers unchecked in the way they conduct their employment relations, thus creating areas where Zambian labour laws *de facto* are not being upheld (Fashoyin, 2008: 11).

Strikes and lockouts are legitimately recognised in Zambia (Nyirenda & Shiwke, 2003: 13), meaning that both parties in the dispute are allowed to strike or lockout. These are tools for employers or employees to show disapproval with a specific change in the political environment. This ability to use as a last resort, in cases where the negotiations are not operating to the satisfaction of one of the actors, empowers the parties in the discussion. This is because they are not obliged to accept the course of the negotiations and therefore, can neglect the current outcome. The ability for the workers to strike when injustice occur enhances the POS, in which the trade unions operate. This is a powerful tool for the trade unions and especially their workers to influence the negotiations. Furthermore, the analysis examines the reality of the POS created by the Zambian state by looking at the government’s economic policies, which is conducted in the following segment.

As explained in the descriptive chapter the Zambian government abandoned its past economic model and embraced the liberal economic program, espoused by the IMF and the World Bank in its SAP, in the 1990’s. This economic overhaul has limited the trade unions POS by limiting the influence they possess and thus their ability to act on the POS that the Zambian state represents. Since the Zambian state has not taken any significant step to alter its economic policies, these limitations brought on by the Zambian commitment to the liberal market economy, and its principals of deregulations, still persist today and thus continues as a limitation, stemming from the Zambian state, on the unions access to the POS (Koyi, 2011: 26).

Fraser and Lungu (2009: 2) argue that the Zambian government’s liberal economic policies has favoured companies, at the expense of workers and trade unions, because the Zambian state has failed to regulate the foreign companies, that was invited. Fashoyin adds to this argument by stating, “*The labour policy of the period clearly sought to subordinate the trade union*
...movement...” (Fashoyin, 2008: 6), which underpin the claim that the liberalisation of the economy has overall been detrimental to the MUZ. The privatisation process has caused a significant reduction in the total number of contract workers, however there has been an increased sum of casual workers (ZCTU Country Report: 19). These casual workers do not necessarily possess the right to join unions, which can actually hurt their chances of being employed by companies who does not want to hire unionised workers. This renders workers less inclined to actually join a union (Fashoyin, 2008: 7-8). Thus, unions are being denied potential members, which affects their organisation ability.

Another indicator of how the Zambian government creates the POS is the political climate in the Copperbelt region of Zambia. Here the policies of the government have spurred on strikes, demonstrations and a change in the electoral preferences of the voters. The negative attitude towards the government and companies has contributed positively to the POS used by the trade unions, by giving the MUZ a basis for capitalising on incidents and public opinion (Fraser & Lungu, 2009: 2).

In order to attract investments to the country, the Zambian government concludes these so called ‘Development Agreements’ with foreign companies, in order for them to start operating in Zambia. The content of Development Agreements differ, but a common feature is tax exemptions and a ‘stability period’ which ranges between 15 and 20 years, in which the content of a Development Agreement cannot be renegotiated and “...are legally binding and overrule any existing or future national legislation” (Fraser & Lungu, 2009: 15). The actual content of the individual Development Agreements are kept secret from the public. Fraser and Lungu argue that this is done in order to prevent interests groups from demanding more accountability and responsibility from the government or from companies (Fraser & Lungu, 2009: 17). These Development Agreements are kept secret, not only for the public, but even “...for trade unions, MPs, local government, even the regulating authorities that are supposed to keep the companies to the promises they made in the agreements” (Fraser & Lungu, 2009: 17).

The case can be identified as a reduction of the MUZ’s ability to utilise the POS caused by the weakness of the Zambian state. First by failing to provide good governance, by not adequately
securing the competence of the Ministry of Labour’s ability to monitor employers and making sure that they act in accordance with the laws and regulations, adopted by the Zambian state. Secondly, by signing Development Agreements with foreign companies, whose content the companies can deny to be renegotiated or is not affected by new legislation, throughout its Stability Period. Coupled with the secrecy of the Development Agreements, which gives the companies an advantage by not providing disclosure of its content to regulating authorities or trade unions. This deprive the MUZ’s of its ability to utilise the POS since it cannot gain insight into the Development Agreements nor try to affect it during the Stability Period.

Sub-conclusion

In summation, the Zambian state has created laws, which are meant to protect the rights of workers, but the weak nature of the Zambian state, as well as its economic policies, have caused an erosion of these rights. Both of these two aspects affect the POS that the Zambian state creates.

China in Zambia

This part of the analysis will be focusing on the Chinese influence and contribution concerning the Zambian government and state. This influence should be viewed in connection to the creation of the POS, created by the Zambian government. It analyses the Chinese state’s mining corporations’ direct influence on the Zambian government in labour negotiations and handling of trade unions, but also the indirect influence through the Chinese overall policy strategy. Finally, the analysis will investigate the direct influence of the Chinese on the MUZ as a social movement union. Thus, answering the question: How does the Chinese presence contribute to the Political Opportunity Structure and the Mine Workers Union of Zambia’s ability to utilise it?

Foremost the Chinese investment strategy in based on a politically motivated, “long term” approach, which can be seen as a more stable approach than Western foreign engagement (Haglund, 2009: 627). Stable, in this context refers to the consistent value of investment, led by the Chinese state. The weak democratic structure of the Zambian state, as touched upon in the text above, in addition to create a POS, establishes an environment of regulatory constraints,
limited transparency and political incentives. This environment gives way to Chinese investors’
determining concrete governance in “...how host-country relationships are negotiated and
interpreted over time” (Haglund, 2009: 628).

The Chinese Relationship with the Zambian State

Widespread liberalisation in the 1990s coupled with the highly centralised bureaucracy of the
Zambian state has repeatedly resulted in inefficient enforcement of capacity, especially in the
case of Chinese mining operations. The already weakened, democratic government of Zambia
can be seen as lacking in the continued effort: “...of regulators to monitor and enforce
government policy...” (Haglund, 2009: 360). This tendency to negate or corrupt the policies
of the Zambian state is furthermore made difficult by the limited transparency of Chinese
mining corporations, and as a result, it prevents both civil and governmental oversight of the
mining industry (Haglund, 2009: 360).

An example of this deliberate evasion of oversight, is pronounced by an anonymous MUZ
mineworker, who describes how the Chinese-run copper operations allegedly, intentionally
under-report accidents, or bribe workers, not to report them (Human Rights Watch, 2011: 33).

It should be mentioned at this time, that the account of the MUZ mineworker is one of many
interviews with mineworkers, all expressing similar concerns about Chinese transparency in
daily operations. This is partly the result of a depleted government agency named: Mines Safety
Department (MSD), located in the ministry of Mines and Mineral Development. The MSD is
supposed to enforce mining regulation, but seems in reality to be so inadequately staffed and
with such low fines to enforce, that it has lost any real deterring effect (Human Rights Watch,
2011: 33). As mentioned in the previous analysis, the Ministry of Labour likewise experience
reduced capabilities as a result of lacking personnel in their regional offices. The problem of
understaffing seems to be a general tendency in the Zambian state, which favours mining
companies including Chinese ones.

As previously mentioned the Chinese mining corporations have faced heavy criticism for
workers conditions. In regards to the criticism, post-privatisations strikes have become a
common sight. Furthermore, the neo-liberal economic discourse of the Zambian government
has funnelled the connection between foreign investments and development. Evidence shows
however, that the Foreign Direct Investment (FDI) oriented economic growth has failed to
result in a decrease of poverty levels (Haglund, 2009: 637). The political integration of Chinese
Investments have left its mark on the policymaking in connection to the Chinese investments. Negotiations on terms for investments are executed with Chinese as well as Zambian political appointees. Another form of Chinese influence on the political sphere in Zambia is through the handling of trade unions like the MUZ, which Non-Ferrous China Africa (NFCA) avoids negotiating with directly, but rather expects that the Zambian government represent the affected companies (Haglund, 2009: 638).

In addition, the corporate defiance to regulation seems troublesome in the way that the companies operate with impunity, because of the close relationship between the Chinese state and the Zambian government. For example, the NFCA reported that despite having problems with immigration regulations, due to the excessive use of foreign workers from China, they have found ways around this. Pulling strings with top government official, approaching the Ministry directly or the Minister himself, and emphasising that the person in question is a serious investor, shows that the Chinese influence inside the Zambian government structure is far reaching (Fraser & Lungu, 2009: 51).

According to Muchimba from the MUZ, the NFCA is having the “tacit approval” of the Zambian government, while pointing out the gap between the governmental approach to FDI and the local workers view on the subject. He also argues for the approval of the government being misused for the political elite to secure and protect the foreign interests and capital. This is consistent with the Zambian elites’ preference for short-term goals (Haglund, 2009: 639). Once again the structure of Chinese influence and FDI has reduced the range of possibilities for the MUZ to change or influence policy on a long-term basis. In addition, the Chinese have a limited first-hand experience of union concerns, because China and the Zambian government act as middlemen between the unions and the NFCA. This contributes to a reduced opportunity for the civil society and thereby social movement unions to interact in issues of: labour practices, transparency and standards. This can be seen as a result of the “aggressive production strategy” that is limiting the dialogue between the actors, as well as the limited Chinese experience of dealing with: “pluralist non-state actors’ interests” (Haglund, 2009: 643).

The Zambian government can therefore be said to have failed in their attempt to offer protection for the local workers and union representatives. The Chinese have on the other hand successfully negated the understaffed MSD, which endorses collective bargaining agreements. This collective bargaining also consists of provisions that are in conflict with Zambian and
international law. However, the Chinese are consistently the worst in fulfilling the responsibility of the right for workers to organise (Human Rights Watch, 2011: 97).

**Barring the Mine Workers Union of Zambia**

In this part of the analysis, the direct Chinese influence on the opportunities of the social movement union, the MUZ, will be investigated. At first, it should be mentioned that data about the Chinese FDI and trade are, at best, unreliable or kept confidential, which makes them subject for exploitation by both politicians, investors and trade unions. The lacking transparency in Chinese data means that groups easily are able to influence public opinion, which seems to be strongly polarised in regards to the current Chinese presence (Kragelund, 2009: 645).

Returning to the point of the direct Chinese influence on the MUZ’s abilities, a MUZ national-level official expressed that the general ineffectiveness of the government's safety department was especially damaging for unions in the context of the Chinese mines (Human Rights Watch, 2011: 68). A concrete example of this direct limitation of the MUZ consists of the Chinese casualisation of employment in Zambia. More than any other foreign investor in the Zambian copper industry, the Chinese employ their workers on a casual basis. Half of the workers employed in the five major mining houses have a fixed term contract with a duration varying from six months to three years. These short term contracts are what is termed casual employment, which means that the Zambian government allows the employer to circumvent national labour legislation, because the employee is not entitled to the usual conditions of formal employment, for example pension, medical coverage etc. (Lee, 2009: 651). Zambian labour laws do therefore not assist the employees and the MUZ’s ability to negotiate on behalf of the workers is almost non-existing. In addition, casualisation makes it very difficult for the employees to undertake collective action, because their contracts are not negotiated on terms resembling those of permanent contracts without a fixed termination date. Thereby the emphasis on casualisation by the Chinese can be said to negatively affect the opportunities of the trade unions to protect the casual workers through collective action. Specifically in the Chambishi mine, which is owned by a subsidiary to the state-owned China Non-Ferrous Metal Industries Corporation, only employ 56 people on a permanent contract out of the total number of 2063 employees (Lee, 2009: 651). Thereby, the Chambishi mine is a good example of how the Chinese negate the opportunities of collective action in Zambia. As employers, they go to
great extend to circumvent national labour legislation, and thereby seclude the unions from using the state to secure collective interests.

The connection between the Zambian state and the involvement of Chinese interests in Zambian politics is highlighted by the permanent secretary of the Ministry of Mines and board member of ZCCM; Godwin Beene, who refuses any wrongdoing in the Chinese mines and furthermore explains how the Zambian workers is trying to cheat the mine managers (Human Rights Watch, 2011: 47). This example is included to show how officials in the Zambian government view the struggle between mineworkers and their Chinese employers. Therefore, discrepancies can be seen as existing between the perceived importance of Chinese investments and the organised workers conditions.

The separation of union opportunities and the Zambian government in a Chinese perspective, harper’s additional problems. The MUZ representatives and union leaders have likewise faced discrimination based on their union activity (Human Rights Watch, 2011: 85). Furthermore, the International Trade Union Confederation (ITUC) have stated that:

“Zambia has ratified the ILO Conventions on trade union rights... the legislation on freedom of association and collective bargaining is not in full conformity with ILO conventions... [and] trade union rights are widely flouted in the mining sector in particular” (International Trade Union Confederation, 2009: 1 In Human Rights Watch, 2011: 86).

In 2009, the ITUC noted that while Zambia has ratified the ILO conventions on trade union rights, the legislation on collective bargaining has yet to follow suit. More specific, the ITUC reported that the Zambian law permitted calling off strikes that are not “in the public interest” and subjected the unions to requirements that has made holding a legal strike almost impossible, again reducing the trade unions possibilities for collective actions. According to Charles Muchimba, the director of research at the MUZ’s national office, Sino Metals and Chambishi Copper Smelter (CCS) management has continually refused recognition negotiations with the MUZ. The Zambian court ruled in 2007, that CCS must allow the MUZ at the mine, in accordance to Zambian and international law. Still, the MUZ members are not allowed to work in the mine (Human Rights Watch, 2011: 86).
Miners at both CCS and Sino Metals have expressed the desire to join the MUZ, and tried achieving representation but were threatened with layoffs, by management (Human Rights Watch, 2011: 88). The lacking labour legislation of Zambia have consistently made it more difficult for workers to organise, especially creating union branches in new workplaces. Before being recognised at a mine, the MUZ’s experience is that when identifying workers to form a committee, the workers are instantly fired. The Chinese actively use the struggling unemployment rate to pressure the MUZ activities away from certain mines, sending a strong message to the workers that unionising will not be tolerated (Human Rights Watch, 2011: 88).

In response to the allegations of barring the MUZ at certain Chinese mines, the deputy labour minister, Simon Kachimba said:

“If MUZ is being denied somewhere, they should involve us. If MUZ involves us and says that they want to recruit at a mine where workers want them, we will summon management. They took the wrong channel by going to court. We are the custodian” (Human Rights Watch, 2011: 90).

It seems that the Zambian government consistently underplay the role of Chinese labour abuse, while the Chinese seek to bar the MUZ at CCS and Sino Metals removing the opportunity for the MUZ to represent workers. Furthermore, this also seems to be in direct violation of Zambia’s Industrial and Labour Relations Act, which is supposed to secure the employees’ rights to form and join trade unions (Human Rights Watch, 2011: 90).

**Sub-conclusion**

The structural and governmental failure to secure and protect union association, in a Chinese context is problematic at the least. The linkage between the Zambian government's FDI oriented liberalisation and the Chinese interests result in deliberately worsening the channels, in which the Zambian government enables the MUZ to bargain, which union representatives describe as a tendency in the POS. Furthermore, the direct Chinese influence on the MUZ’s ability to utilise the POS, challenges their internal structures. This reduces the abilities of the MUZ to utilise the POS.
Discussion

In this chapter, a discussion of SMUT and differing definitions of POS is conducted. Furthermore, various events occurring under the POS is discussed in relation to the SMUT and the subjectivist and objectivist definitions of POS. This enables the project to discuss the theories with the outcome of the two analyses discussing the abilities of the MUZ and their utilisation of the POS. Thus, the discussion answers the question: How does the Mine Workers Union of Zambia utilise the Political Opportunity Structure discussed from a subjectivist and objectivist perspective?

The Collum Coal Mine Incidents

The Collum Coal Mine (CCM) is a privately owned mining company, established in 2000 when five Chinese brothers took over the mine from the Zambian government. The CCM has since its inauguration been involved in multiple controversies culminating in the 2010 shootings where Chinese managers fired shotguns at protesting mineworkers, wounding 13 people. The management eventually apologised to its Zambian workers and to all of the Chinese-owned companies in Zambia. Controversies has however continued in the years after the incident (Sautman & Hairong, 2014: 1073-1074). Early on, the company clashed with the government and the president of the MUZ stated that mineworkers were beaten by the Chinese managers. After being detained by the police, the Chinese would pay bribes and be released. CCM also avoided meetings with union leaders and when meeting finally were held, the atmosphere were highly charged (Okeowo, 2013). The CCM controversies are used to exemplify the MUZ’s utilisation of the POS and to discuss the objectivists and subjectivists definitions of the theory.

The Shooting Incident of 2010

The first major strike occurred in 2008 after an accident where one worker was killed and three injured. Wages at the factory were low and had for a while incited workers to strike. When the accident happened, it incited a protest. During the protest, Chinese managers fired warning shots and the workers responded by throwing stones. The strike did not amount in sufficient labour condition increase, but in 2009, another strike occurred at the mine over wages and the lack of adequate protective gear. This time 300 miners were involved and 10 people were
injured. Six months later a riot occurred where 22 people were injured when a mob tried to assault a Chinese manager. Chinese media termed the CCM management culture informal, irregular, with disregard of ethics and a company that saw the use of violence as problem solving. Unlike the Chinese State-Owned Enterprises (SOE), the CCM is a privately owned company unregulated by China’s Ministry of Commerce and can only be exhorted to follow the Ministry’s principles. The Chinese Embassy urged the Zambian Government to punish both the shooters and the rioters and condemned the shootings (Sautman & Hairong, 2014: 1077-1078).

The MUZ’s subjective perception of the shooting incident is seen as an event that could change their “expectation of success” and thereby use it to obtain their goals of generating better conditions for the workers at the mine. In the aftermath of the shootings, the MUZ utilised the situation, to set up a negotiation with the CCM. The meeting resulted in the CCM’s agreement to officially recognise the MUZ, provide safety gear for all its workers and build underground toilets. In addition, a human resource manager was hired as well as an interpreter. The lowest monthly wages were doubled and thus reached the level of the highest paid worker at the mine, before the shootings. On top of this the MUZ negotiated housing, transport, meals and underground allowances and got the CCM to pay miners back for days not worked. Compensations were given to the injured miners and all agreed that the supervisors should not be prosecuted (Sautman & Hairong, 2014: 1081-1082). On the other hand, the objectivists are experiencing difficulties explaining the change in the MUZ’s ability to utilise the POS. They cannot explain the influence of the riots on the chance of success. However, according to the subjectivists the important factor is not the chance of success, but on the contrary the MUZ’s expectations of success, meaning their perception of how this changes their ability to utilise the POS.

**The Riot of 2012**

In 2012, two years after the shooting incident a minimum wage law only affecting workers not covered by a contract, was implemented by the new government led by Michael Sata, and because of confusion due to the employers’ attempt to delay the law, companies and employees were in doubt whether the law was enforced or not. The Labour Minister has later stated that employers, trade union officials and general workers did not understand the implementation of the new minimum wage law. The minimum wage law is an example of an objective change in
the POS that does not create an opportunity that the MUZ can utilise to achieve their goals. Nevertheless, the MUZ utilised this opportunity and responded by arranging a meeting with some of the owners of the CCM in the first week after implementing the new minimum wage law. Here they negotiated a wage increase of 25%, which landed the wage above the government's new wage minimum. However, due to poor communication between the MUZ and the workers, the message of the wage increase, did not reach the workers. Furthermore, some of the unionised workers at the CCM did not know that the new minimum wage law did not directly affect them. While other workers saw it as an entitlement to a raise even though they earned above the new minimum. This resulted in a new conflict at the CCM mine where 300 rioters attacked the mine, killing one Chinese worker, injuring eight in the rioting, and looting (Sautman & Hairong, 2014: 1084-1085).

The workers action in the riot of 2012 is an example of the subjectivist definition of POS. The workers undertook collective action because of their expectations of success regardless of their misperception of the change in the POS. A group of workers believed that their “chances of success” increased and acted accordingly and tried to utilise the opportunity to obtain their goals. The MUZ exploited the minimum wage law to achieve their goal at the CCM, knowing that the law did not affect its members at the mine, nor the other workers at the mine. Even though the POS objectively did not change, the MUZ subjectively utilised the situation and achieved the wage increase. The MUZ’s subjective perception of the POS caused them to take action against the CCM, but due to poor communication and connection with its members, the positive result from the negotiations never reached the workers (Sautman & Hairong, 2014: 1085-1086). These examples show that regardless of the objective change in the POS, the subjective perception of the POS will enable workers or social movements to take collective action.

The Mine Workers Union of Zambia as a Social Movement Union

In this part of the discussion, the focus will be on the MUZ’s ability and perception of the ability to utilise the established POS. This will be executed by confronting an objectivist perspective with a subjectivist one, in accordance with the POS Theory. Furthermore, the discussion takes its departure from the definition of the MUZ as a social movement union, which entails a distinct set of characteristics for their ability and perception of ability, to utilise the POS.
The MUZ has previously been identified as a social movement union. This entails a linkage between national politics and the MUZ, which means that officials from the union can be elected into political office. Seen from an objectivist point of view, this allows the MUZ to maintain labour-interests on a much higher level, and serves as a direct possibility for the MUZ to take advantage of the POS. The perceived possibility for influence however differs. The MUZ views this possibility as an inoperable approach for attacking the POS, based on past experiences. Former union officials and politicians have, to a large extent distanced themselves from the labour movement, and obtained a much more pragmatic approach to politics. For example, president Chiluba, former ZCTU leader, took office after the transition to multi-party democracy, and launched a campaign of drastic privatisations along the lines with the SAP, which directly counteracted the common goals of the labour movement (Mulenga, 2011: 7). The actual possibility for utilising the POS would from the objectivist perspective seem to be in favour of the MUZ, in that union members could potentially hold office, but on the other hand, the MUZ’s perception differs in a strictly pragmatic understanding of possibilities for them to affect the POS.

“...the structures of trade unions were [...] transformed into sections of the ruling party, but this did not prevent local activists from organising unofficial forms of industrial action” (Larmer, 2015: 76).

The quote above builds upon Larmer’s findings, which explains that social movement unions are “swallowed” up by the political movements they are a part of. Seen from a subjectivist viewpoint, the MUZ perceives this inclusion into political parties, as a reduction of their ability to utilise the POS. Because the MUZ is a social movement union, their reluctance to join or form political parties reduces their ability to utilise the POS. By becoming part of the political environment, the MUZ has in addition worsened their relationship with potential and current members and therefore their own position in regards to the POS possibilities (Larmer, 2006: 303).

Moreover, the MUZ’s positionary ability for approaching the POS likewise resides in their relationship with its members. The MUZ’s members hold a significant position in the union, especially because of the nature of social movement unionism. The membership of the MUZ has however been dropping since 1998, from 38,000 to 24,245 in 2002. This tendency is partly the result of the declining density of formally employed workers (Nyirenda & Shiwke, 2003:
19). The tendency further implicates the chance of success, for the MUZ to utilise the established POS, and is from a researcher’s perspective seen as reducing the MUZ’s ability and legitimacy in representing their members. During the second era of increasing copper-prices, the mineworkers have been able to access the London Metal Exchange price on copper, and compare it to what they gain from selling their labour (London Metal Exchange, 2015). This innovation in information technology has made the workers able to critically assess all the causes they experience in the exploitative differences in working hours, working conditions and wages. The MUZ is therefore a union caught between workers that think they do too little and politicians that think they do too much in the struggle for better wages. They are from an objectivist, research, perspective constrained by their political and organisational nature, in regard to the members, but have at other times (as touched upon in the previous chapters) gained a strong subjectivist relationship through member participation, which perceived by the MUZ, is a basis for the ability to utilise the POS (Parpart, 2007: 492). The MUZ’s subjective perception of possibilities are somewhat squeezed in between the very active uncoordinated labour movement and the difficulties they meet in transforming the unorganised actions into policy.

The Mine Workers Union of Zambia Versus Sino Metals and CCS

In 2007, the MUZ sued the Chinese mining companies Sino Metals and CCS for denying the MUZ affiliates access into the Chambishi mine. This was according to the ILO and ITUC a violation of the workers’ constitutional right to join a union. The MUZ won the case multiple times, however, Sino Metals and CCS refused to follow the court’s decision that they should allow MUZ officials access into the Chambishi mine. Furthermore, they refused to pay the fines (Human Rights Watch, 2011: 86-87).

In the last part of the discussion, this event is discussed in relations to the objectivist and subjectivist definitions of POS, contesting the strength of the Zambian state and the Chinese mining companies. The influence of other nations’ mining industry, will not be discussed or considered, neither will the influence of other trade unions.

From an objectivist viewpoint, the POS, created by the Zambian government, provides possibilities for the MUZ to obtain their goal of gaining access to the mine. They are able to file a lawsuit and go to court. Furthermore, they are capable of winning in court. These factors also enhance the MUZ’s chance of success since the POS enables them to sue mining companies.
The subjectivist viewpoint would agree that this is positive for the MUZ’s expectations of success. They would however, argue that this is because they were able to successfully sue the mining companies and not just the fact that a POS existed. The MUZ using this channel and winning the case indicate that they perceive this possibility as a plausible way to achieve their goals.

The two different viewpoints of the POS are able to observe the lawsuits as a utilisation of the POS. However, when investigating the empirical case, it was observed that even though the MUZ won the cases it did not make the Chinese mining companies follow the court ruling.

As explained in analysis 1, the Zambian state is weak (Larmer, 2005: 32). The Labour ministry are understaffed in their regional offices (Fashoyin, 2008: 11) and therefore, underrepresented in various parts of the Zambian mining region. The state has failed to counteract foreign investors. On top of this, as explained in analysis 2, the Chinese presence in Zambia is influential. Union representatives describe the relationship between ZCCM board members and the Ministry of Mines as worsening the chances of success (Human Rights Watch, 2011: 47).

The influence of the Chinese on the Zambian government has an important impact on the POS. This impact influences the MUZ’s ability to take actions even though the Zambian government has created the POS, through the legislative body. The MUZ’s struggles in achieving their goal to gain access to the Chambishi mine, and permission to do work in the mine, are hindered by the influence of the Chinese investments.

This influence changes the viewpoints of both the objectivists and the subjectivists. The subjectivists view this as hurting the MUZ’s expectation of success since the government is unable to enforce the court-rulings. The POS in this case is initially seen as present from both the objectivist and subjectivist viewpoint. However, when the influential impact of the Chinese presence is included into the discussion, a change in the subjectivist perception of the possible utilisation of the POS occurs. When the Chinese influence the Zambian government, to the extent that this project argues, the MUZ would obtain a decreased expectation of success. Furthermore, from the objectivist viewpoint the influence of the Chinese on the Zambian legislative body is negative for the MUZ’s chance of success. When the Chinese actually influence the POS through the government, it diminishes the chances for the MUZ to utilise the POS.

What can be understood from the two cases of Sino Metals and CCS is twofold. Firstly, the objectivist and the subjectivist viewpoints can, in contrast to the two former segments of the
discussion, agree and argue the same thing, through different focuses in the argument. Secondly, the influence of the Chinese on the MUZ in these two events are highly damaging for the MUZ’s ability to utilise the POS.

Sub-conclusion

The CCM example shows that the MUZ’s subjective perception of the POS enables the union to take collective action regardless of the objective change in the POS. Furthermore, the MUZ functioning as a social movement union affects their internal structure and connection to the political structure of Zambia. This reduced the perceived possibilities for the MUZ to utilise the established POS but also entails consequences for the relationship with members, which furthermore reduces their ability to utilise the POS. In the cases of Sino Metals and CCS, the POS is objectively advantageous for the MUZ and perceived as positive by the MUZ. Even in such a situation the outcome might not be to the advantage of the MUZ. The influence of the Chinese mining companies caused a change in both the objectivist and subjectivist perspectives on the POS because of the lack of enforcement from the Zambian government.

Conclusion

In conclusion, the weak Zambian state has established a POS, which inadequately protects the rights of workers. The failure of the Zambian state to protect union association and influence is further obstructed by the close connection between the Zambian government and the Chinese. This linkage results in a deterioration of the MUZ’s ability to utilise the POS. The MUZ’s subjective perception of the POS enables the union to take collective action, regardless of objective changes in the POS. In addition, the MUZ as a social movement union determines its internal structure and relationship to the political system, which reduces the perceived abilities to utilise the POS, as well as their relation to members. Even when the POS is objectively and subjectively advantageous for the MUZ, the weak Zambian state and the direct influence of the Chinese on the MUZ, create a structural disadvantage for the MUZ’s abilities to utilise the POS. These conclusions leads to answering of the research question: How is the Mine Workers Union of Zambia challenged in their ability to utilise Political Opportunity Structure in the context of Chinese influence? The MUZ is compromised in their abilities to
utilise the established POS based on a disadvantageous and weak Zambian state, affected by a corrupting Chinese influence.

**Perspectives to the Project**

The first section of the analysis delves into the structure of the POS, and how it is created by the state. Many of the findings in the section indicate a state of a corporatist nature, although the analysis is purely undertaken with the application of POS Theory. A further analysis of POS may be undertaken with corporatism as the framework, although this approach would to some extent be hindered by the narrow nature of the problem area of this project. The analysis could explain the corporatist nature of the Zambian state, and how it influences the relationship with trade unions.

The second section of the analysis examines the Chinese influence on the state creating the POS. This section drives the methodological approach to a study, that purely aims at explaining the current situation, although, as mentioned in the operationalisation, an alternative approach could be a comparative study of two separate time frames. To better understand the Chinese influence, it could be compared to the western influence, which has been seen in the 1970’s and especially 1980’s through the presence of international financial institutions. This form of study would however be comprehensive, and the researcher would be forced to be clear about how to incorporate other elements, that do not relate to the foreign influences, but have an impact on the POS.
Bibliography

Books


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