Company-community participation as a conflict management strategy: a case study of AngloGold Ashanti in Mongbwalu, Democratic Republic of the Congo

By

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In accordance with Rule G4.6.3, I hereby declare that the above-mentioned treatise/dissertation/thesis is my own work and that it has not previously been submitted for assessment to another University or for another qualification.

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I believe there is real potential for the Mongbwalu project to be an example of good practice and show how mining can be a source of sustainable development rather than a source of conflict. I hope that this body of research can make some small contribution to realising that potential.
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Summary

Mining companies operating in developing countries like the Democratic Republic of Congo (DRC) have come under increasing public criticism for not only failing to bring benefits to the country in which they operate but for often making the situation even worse through adverse environmental and social impacts. The particular focus of this treatise is the social division that a new mining project can generate between the operating company and the community living on or near to the mine site.

In one area in north-eastern DRC, a large multinational mining company, AngloGold Ashanti, plans to develop a gold mine. While there have been no manifest conflicts between the company and the host community, there is evident latent conflict in the form of uncertainty and mistrust between parties. Although the company is engaged in two different models of company-community participation, this has either resulted in or failed to prevent tensions between the company and the local community.

This research offers an exploration and discussion of the existing models of company-community participation as a conflict management strategy. With reference to relevant research and literature, as well as other available models for company-community participation, this treatise will provide a series of recommendations as to how the existing models could be made more effective in managing conflict.

Key words
Conflict
Mining
Participation
Congo
Gold
Corporate Social Responsibility
Key

**AGA**: AngloGold Ashanti

**AGK**: Ashanti Goldfields Kilo

**CAFOD**: The Catholic Agency for Overseas Development

**CdC**: Le Cadre de Concertation des Forces Vives de l’Ituri sur les Industries Extractives

**CSR**: Corporate Social Responsibility

**DRC**: The Democratic Republic of the Congo

**Forum**: The Mongbwalu Forum of Stakeholders

**FPIC**: Free, Prior and Informed Consent

**KIMIN**: Kilo-Moto International Mining

**MINDEV**: Mining Development International

**MMSDP**: Mining, Minerals and Sustainable Development Project

**NGO**: Non-governmental organisation

**NMMU**: Nelson Mandela Metropolitan University

**OKIMO**: l’Office des mines d’or de Kilo-Moto

**UK**: United Kingdom

**UN**: United Nations

**US**: United States [of America]
Chapter 1: Introduction

Mining is a central source of revenue for a huge number of African countries. It is thought that South Africa alone accounts for more than 50% of the world’s gold and diamond supply. The DRC is another African country known for its vast mineral reserves, where the mining industry accounts for around 15% of the country’s economic growth. However, despite its mineral riches of coltan, cobalt, copper, gold, diamonds and tin, the DRC remains one of the poorest countries in the world and more than 80 per cent of people live on less than US$1 per day. Corruption and the illegal exploitation of minerals have actually served to fund rebel groups and perpetuate the conflict in the country, driving its people further into poverty (UN Group of Experts 2002). Any profit from the DRC’s mineral wealth rarely finds its way back to local communities.

This effect is not limited to the DRC. We have seen how diamonds in Sierra Leone and oil and gas in Nigeria have fuelled conflict on the African continent at large. However, the impact of the large-scale mining industry on driving conflict in Africa has also been well documented. Fighting between oil companies and local communities in the Niger-Delta is a commonly cited example and there are numerous allegations of multinational companies cooperating with armed groups and militias in the DRC. A report by the UN Special Representative for Business and Human Rights showed that it is countries like the DRC, which have weak governance, a history of conflict and high levels of poverty which are most susceptible to suffer corporate abuse.

As well as the link between conflict and the illegal trade in minerals, it is also generally accepted that large-scale mining operations can lead to social division and drive existing conflict. Although mining has the potential to create jobs and strengthen and diversify the economy, it can (and does) pollute rivers and streams, destroy biodiversity, displace families from their homes and create social division. This can lead to division within communities but also it is a common source of conflict between the mining company and the community.
To respond to its increasingly bad reputation, most mining companies have begun to recognise the business value of Corporate Social Responsibility (CSR). By the late 1990s and early 2000s, mining companies began engaging in initiatives to develop international (usually voluntary) standards to regulate the social and environmental impacts of mining, as well as tackling issues of corruption, transparency and conflict-free resources. CSR programming can include a whole range of activities such as building schools and roads, ensuring environmentally friendly practices and establishing a dialogue with the local community.

In Mongbwalu in north-eastern DRC, home to around 35,000 people, a large multinational mining company, AngloGold Ashanti (AGA), plans to develop a gold mine. The mine is currently in exploration phase but could be mining for gold (exploitation phase) by 2012. Even though it is only exploring for gold, the company has already started to invest in various social development projects and participates in two main models of dialogue with the local community. The first participation model is a network of local community representatives, established and financed by AGA, with whom they consult regularly about social development projects (AGA 2007a, p.11-15). The second model is a forum, established by local NGOs and civil society groups in Mongbwalu in 2006, in which AGA and other stakeholders meet on a six monthly basis to discuss the mining project (AGA 2007b, p.1).

However, despite this established communication and social development efforts, the relationship between AGA and the Mongbwalu community is tense and some groups, who were formerly employed by a previous company in the area, have carried out protest marches against AGA and its Congolese mining partner OKIMO (l’Office des mines d’or de Kilo-Moto).

This treatise offers an overview of the root causes of conflict between AGA and the local community and describes the way in which the two models of company-community participation which exist in Mongbwalu have been effective or ineffective in terms of managing those conflicts. It will be argued that the degree to which communities are able to access information about
and meaningfully participate in decision-making about their own development is a central consideration in conflict dynamics. It will be proposed that the way in which those participation spaces are initiated and managed can affect the way parties perceive one another and their interests, which can have a significant impact of conflict dynamics.

1.1 Specific research problem to be addressed
There are a number of different challenges in the company-community relationship but it is not clear whether dialogue and increasing participation between the two parties is an effective way to address those challenges. Given the extent of latent and sometimes manifest tensions that exist between AGA and the community in Mongbwalu, it must be concluded that the current two models of company-community participation have either resulted in or have simply failed to manage those conflicts. This treatise will explore the benefits and challenges to these two models and whether and how they could be enhanced in terms of their contribution to managing company-community conflict.

1.1.1 Aims and objectives of the study
This treatise will offer an exploration and discussion of the existing models of company-community participation as a conflict management strategy. With reference to relevant research and literature, as well as other available models for company-community participation, a series of recommendations will be provided as to how the existing models could be made more effective in managing conflict.

1.1.2 Delimitations
This treatise will not make reference to all existing models of company-community participation nor will it attempt to design a new one. It will offer a discussion of relevant models in so far as they can contribute learning which is relevant to the existing AGA models. It is also not the intention of this treatise to examine the legal rights, practical implications, or moral obligations of company-community participation. These issues will be addressed only insofar as they are of relevance to conflict management theory.
1.2 Central research question
Given the links between mining and conflict and the fragility of the DRC context, this treatise will use the case study of AngloGold Ashanti in Mongbwalu to explore and discuss how company-community conflict can be managed. It will pose the question: *How can the current models of company-community participation be enhanced in terms of conflict management?*

1.2.1 Sub-foci
In order to answer this central research question, the following sub-questions must be asked:

- *Who* are the stakeholders?
- *What* are the two current models?
- *What* conflicts (if any) exist between company and community?
  - *Which of those conflicts (if any) are directly or indirectly caused by the current model(s) of participation?*
  - *How* can these conflicts be understood in terms of conflict theory?
- *What* alternative models for company-community participation exist?
  - *Which* of those models (if any) would be effective in managing the case study conflict and *why*?

1.3. Motivation for the research
1.3.1 Practical
The findings of this research could provide a useful perspective for those involved in the participation models under examination to reflect on existing tensions between parties and how (if at all) they are caused by/related to the existing model of participation. The resulting recommendations might also prove useful as a guide for implementing changes to enhance the value of each model as a conflict management strategy.

The treatise will also offer a much needed balance to discussion about the challenges and difficulties in company-community relationships. It is evident from the literature review that much has been written from a community perspective but very little from the view of the mining company.
1.3.2 Academic

The research findings will contribute a unique conflict perspective to international and academic debate on company-community engagement, which has been identified as a gap in existing literature and research, needing to be filled. Lewis et al (2008, p.iii) recommend further research on community participation in the management of DRC’s natural resources, and Lindsay and McDonald (2006, p.56) specifically stress the need for this particular mining company to address the way in which it currently communicates with the local community in order to manage local expectations and “prevent conflict.”

Although it is not the purpose of this treatise to make generalisations about company-community participation in other contexts and in other industries, the findings may also make a useful contribution to the larger collection of research available on this problem area.

1.4 Outline

This treatise is divided into six chapters. Each chapter will present evidence which contributes to an understanding of the central research question. This first chapter has provided a general introduction to the context of the research problem and sets out the aims and objectives of the study. The second chapter provides an overview of the existing literature and research relating to conflict and conflict management between mining companies and host communities. It will explore the significance of company-community participation as a conflict management strategy and will introduce the two main models of participation which exist within literature. The third chapter will explore the case study in more detail, with particular reference to the stakeholders involved and the two models for company-community participation which exist in Mongbwalu.

The fourth chapter will set out the research methodology and data collection tools and the fifth chapter will present the researcher’s findings. It will analyse commonalities of response between interviewees to identify some of the challenges and advantages that exist within the current models of participation in Mongbwalu.
The sixth chapter will draw the findings and literature together to offer a response to the central research question. A series of recommendations will be made as to how the current models of participation in Mongbwalu can be enhanced in terms of conflict management. However, it will be concluded that AGA should undertake further study into the conflict dynamics in Mongbwalu and produce a comprehensive conflict management plan.
Chapter 2: Literature review

2.1 Introduction
The history of conflict between extractives companies and host communities has been well documented. One need only look to the Niger Delta to see the sort of violence that can result from poor company-community relations. However, a great deal of non-violent conflict has also been observed, ranging from protest marches and work stoppages, as well as legal hearings and international campaigning.

This chapter provides an overview of existing literature and research which has addressed the issue of conflict management between extractives companies and host communities. It will explore some of the more common sources of conflict between the two parties, as well as looking at the ways companies have sought to address these issues. In reference to the sub-focus question outlined in the first chapter ‘What alternative models for company-community dialogue exist?’ this chapter will outline two commonly recognised models for company-community participation. The factors affecting the success or failure of conflict management models will also be explored.

2.2 Mining and conflict
‘Conflict’ is a complex term about which there is much debate. Some have argued that social conflict occurs where groups of peoples compete for scarce resources (Rhoodi cited Bradshaw 2007, p.13). Therefore, within the social context there will be “purposeful struggles between collective actors who use social power to defeat or remove opponents and to gain status, power resources and other scarce values,” (Himes, cited in Bradshaw, 2007:13). Others have argued that conflict can result if there is a perceived divergence of these interests, where parties believe that their current aspirations are incompatible (Pruitt and Kim 2004, p.7). John Burton (1990, p.36) argued that conflict is caused by the frustration of human needs, values, and interests which all humans possess “in addition to the more obvious biological needs of
food and shelter”. These include personal growth and development and Burton argued that people will pursue them “by all means available.”

A great deal of conflict has been recorded between mining companies and host communities. While there is no exhaustive list of the different potential sources of conflict between companies and communities, there are some recurrent themes. The Mining, Minerals and Sustainable Development Project (MMSDP) (2002, p.217) separate company-community conflict into four primary categories. These are outlined in the following four sections.

2.2.1 Loss of land and loss of individual and collective sustainable livelihoods
Mine construction takes up a huge amount of land and, if there are people living or working in a particular area where a company has license to operate, those people are usually displaced. People are required to leave their homes and their livelihoods, sometimes voluntarily but more often involuntarily or by force, and relocate to a new area. Mining legislation in developing countries rarely recognises community or traditional land titles, with governments having sovereign power to grant mining licenses.

The displacement of communities can be a serious cause of conflict between companies and communities, particularly when people are moved to an area where they have less access to resources and a source of income than at their previous settlement.

The displacement of settled communities can be a significant cause of resentment and conflict associated with large-scale mineral development. Communities may lose their land and thus their livelihoods, disrupting also community institutions and power relations. (MMSDP 2002, p.202)

2.2.2 Degradation of the environment and natural resources
Mining is also one of the most environmentally harmful practices on the planet because of the way in which it disturbs the land and the chemicals it uses to extract minerals from the rock ore. There are documented cases where cyanide spillages have heavily polluted rivers and ground waters killing
livestock and fish, as well as destroying fields and crops. This is not always the case at every mine site but it is clear that this could be a serious cause of conflict between mines and communities when it does occur, particularly when it results in a loss of livelihood for local people.

2.2.3 Human rights abuse
The abuse of human rights has been another major source of conflict between companies and communities. Many companies employ private security firms to guard their mine sites and prevent illegal miners from digging for gold on their concessions. Unfortunately, there have been many documented cases where clashes between security staff and locals have resulted in violence and even death.

As well as these more ‘overt’ abuses of human rights, there are some abuses which exist in a more subtle form. In a study of 38 mining-related human rights controversies, the International Council for Mining and Metals (cited Laplante and Spears in Yale Human Rights and Development Law Journal 2008, webpage) reported that nearly half of all conflicts stemmed from community complaints that companies had failed to conduct ‘meaningful’ consultations or obtain community ‘consent’ for projects. John Burton (1990, p.37) has argued that conflict will result when our most basic human needs, like the right to self-determination, are threatened and the right to ‘consent’ can essentially be reduced to the right to self-determination. From a conflict management perspective, it is clear that the exclusion of one party from the decision making process can have a dramatic effect on conflict dynamics.

2.3 Corporate social responsibility (CSR) and sustainable development
Taking into account these common company-community conflicts, the need to engage with local people is becoming increasingly recognised within the mining industry as a necessary part of mining operations. This is often referred to as the ‘social license’ to operate. Based on this principle, many companies in the early 1990s began to integrate at least some level of social engagement into their mining operations through a CSR plan. Laplante and Spears (cited Yale Human Rights and Development Law Journal 2008,
webpage) agree that this trend became internationally concretised when the International Finance Corporation, the private lending arm of the World Bank, began to require social and environmental impact assessments for all large-scale projects as a condition for financing agreements. This trend continued and, towards the late 1990s and early 2000s, mining companies began engaging in initiatives to develop international (usually voluntary) standards to regulate the social and environmental impacts of mining, as well as tackling issues of corruption, transparency and conflict-free resources. These include the Voluntary Principles, the Extractives Industries Transparency Initiative and the Kimberly Process.

2.3.1 Whose responsibility?

Perhaps the broader question, and one often raised by mining companies in their own defence, is whether it is really the private sector’s responsibility, rather than the national government’s, to support the development of the host country. Elson (cited Corbridge 1995, p.307) observes,

> [Mining companies’] prime objective is global profit maximization and their actions are aimed at achieving this objective, not developing the host third world country.

Clearly, in an ideal world it should not be the responsibility of the private sector to be the sole actor to contribute to development. This should be primarily the role of government. However, in a context such as the DRC which is characterised by instability and weak governance, two things should be recognised. Firstly, claiming that development is not the private sector’s responsibility is tantamount to accepting that development will not happen at all. Secondly, there should be recognition of the fact that private sector operations in such a fragile context can actually serve to make the situation worse than if they were not there at all. The presence of a multinational corporation in a context of poverty and extreme insecurity is not a neutral one. For example, artisanal miners are often displaced to make way for large-scale mining and if there is no ostensible benefit by way of compensation or provision of alternative livelihoods, then conflict is likely to ensue. MMSDP (2002, p.198) observe that in many cases the few benefits mining brings to an
area are “poor recompense for the loss of existing livelihoods and the damage to their environment and culture.” They further explain that,

...for communities to accept mining on their doorstep, they must see some realisable benefits over and above being compensated for loss or other impacts. (ibid.)

There are two further points to be noted—the moral argument and the business case. Morally, it could be (and has been) argued that if a mining company is able to support development, then it should do, particularly when the wealth disparity is so evident and the cost to the company would be relatively little. This ties in with a final point from a business perspective. Increasingly, modern debate is asking not what profits have been made but how were they made. What was the human cost? Investors and shareholders are asking this question of companies but not entirely based on moral foundations. It is increasingly recognised that an ‘ethical’ model of business is also a more stable one, and therefore a more reliable investment. Oil extraction in the Niger Delta is a classic example of how operations can be disrupted and sabotaged when the local communities do not support the project. In extreme cases, mining staff as well as civilians have been killed in these conflicts. The principle of the ‘social license to operate’ argues that it is in a company’s best interests to work harmoniously with the local host community because they have the ability to disrupt operations and thereby affect profitability.

Laplante and Spears (Yale Human Rights and Development Law Journal 2008, webpage) observe that CSR programming became increasingly popular in the mining industry at a time where companies were facing a large amount of international criticism for harmful environmental and social practices. Through CSR, companies were able to highlight some of the ways in which mining can contribute positively to social and economic development. However, there is research to show that the way in which development projects are designed and implemented can also have a significant impact on conflict dynamics. A poorly designed project can actually serve to exacerbate existing tensions and drive conflict so it will be useful to look at this idea in more detail.
2.4 Mining, communities and development

There is no single understanding of the term ‘development.’ For some it brings forth ideas of paternalistic giving and colonial arrogance, whereas for others it might mean a participative process through which a community’s wellbeing, life choices and standard of living are improved. A development project could involve the construction of a national road network but it could also mean an investment in school materials. It is a broad and far reaching term and there has been much discussion about what constitutes the most appropriate model for the private sector. The two main theories of development which will be discussed in this chapter are modernisation theory and the so-called person-centred approach. The focus of this chapter will be the implications of each approach for local conflict dynamics.

Buttel and McMichael (cited Booth 1994, p.47) explain that, essentially, modernisation theory measures how ‘developed’ a country is in terms of its economic progress and strength. Person-centred development (PCD) on the other hand is closely linked to the Basic Needs Approach (BNA) which, according to Preston (1996, p.245) draws an important distinction between economic growth and the provision of the basic necessities of life. It argues that development is about meeting the needs of the poor rather than national economic growth, and that development should therefore pay attention to the micro-scale. As Paul Streeten observes,

[the BNA] reminds us that development studies is about making better lives for people. (ibid., p.247)

Under modernisation theory, industrial mining would seem to support the goal of economic growth. Martinussen (1997, p.126) explains that working with Trans-national Corporations (TNCs) like mining companies can open the door to much needed financial investment in industrial development; as well as technology and skills transfer; access to markets; job creation; and a deeper and more diverse industrial sector. Elson (cited Corbridge 1995, p.300) agrees that even though TNC investment may be “a drop in the ocean” compared to what is actually needed, some investment in most developing countries is still very significant.
By attracting international investment of this sort, the expected result is that the host country’s economy will be strengthened, thereby allowing the whole country to benefit from industrial growth, as well as other short-term benefits like job creation. However, Martinussen (1997, p.126) also recognises that national economic growth is not always the guaranteed product of working with TNCs and that the impact of many corporations on their host countries has been “modest or even negative.” It has been common for TNCs to claim a disproportionate share of profits from the host government and to direct those profits back to shareholders in their home country. This is perhaps due to government inexperience in mine management or their eagerness to attract foreign investment.

However, it has also been true that corrupt host governments have mismanaged mining profits. This means that the national economy has never benefited from the full profitability of its mining sector and that revenues rarely trickle down to local level, to the people most affected by mining. So, even though it may be the case that a company is fulfilling its legal obligations and paying the appropriate taxes to the government, the benefits of those payments are not always apparent locally. In conflict situations, perception can be just as important as objective reality and, in a context of desperate poverty, the contrast between a rich company and a poor community is likely to be all the starker. For example, in many developing countries, the government has been encouraging the development of the mining sector for national interests without making provision for the tens of thousands of artisanal and small-scale miners on those concessions who are dependent on that mining as a source of income in an area with few other options for employment. In terms of conflict management, it should be recognised that these miners and others in the community are likely to feel that a rich, foreign company is taking away their mineral wealth at the expense of their own mining livelihoods. The reality is that mining is not labour intensive and so “the proportion of those who can be employed by these companies will always be small compared to the huge number currently mining artisanally” (Global Witness 2006, p.40).
The literature and research reviewed in this chapter has shown that a company’s approach to development can have significant implications for conflict dynamics. A person-centred approach to development, particularly in a context of poverty, can be an important way to demonstrate tangibly to local people that they can benefit from a company’s operations. This is not to say that national scale development is not also important but in terms of managing conflict in a specific context, person-centred development is clearly more valuable. Furthermore, it has been seen that failing to respect the human need of self-determination can result in conflict and that this logic can be extended to argue that people should be involved in their own ‘development destinies’ (Sohn et al 2007, p.10). When communities are empowered to participate in their own development, rather than simply being the beneficiaries, this can have a positive impact on conflict dynamics.

2.5 Community participation

The idea of local ‘participation’ in development has developed over a period of time. Midgley (1986, pp.15-21) argues that its emergence is linked to Western democratic theory and populist ideals. At a time of real exploitation, participation was a means of mobilising the masses and offering a collective means of redress. Midgley also looked for similarities between participation and anarchy, the community development movement and the emergence of western social work and community radicalism. However, Midgley finally traces the concept of participation in development back to the United Nations popular participation programme, which created not only an opportunity for political involvement but also the adoption of measures that would enable ordinary people to share and participate in the development process.

Within existing literature, there are two main variables that have been discussed in terms of how effective participation can be. The first is the way in which the participation was initiated and the second explores the capacity and ‘power’ of each participant. These will each be discussed in turn.
2.5.1 Initiating participation

Gaventa (cited Hickey and Mohan 2004, p.35) explains that there are different kinds of spaces for participation and that they exist in a dynamic relationship to one another. Closed spaces are those in which the real decisions are made behind closed doors, invited spaces are when people are invited to participate (as users or beneficiaries), and claimed/created spaces are those which are claimed from or against the power holders. Midgley (1986, p.27) also refers to coerced, induced and spontaneous participation, with the latter considered the best option, reflecting autonomy and self-reliance.

How a participatory space is initiated can influence the power dynamic between parties and also the level of participation expected. For example, in invited spaces, it is important to look at how invited participants view one another because this influences what they are perceived to be able to contribute or entitled to know or decide, which in turn influences whether or not they are heard. (Cornwall cited Hickey and Mohan 2004, p.83). It is also generally agreed that the motivation for creating participatory spaces has a significant impact on the outcome (Plummer 2000, p. 27). There is an important distinction between participation as a *means* and as an *ends* approach i.e. whether participation is justified in commercial terms or according to moral values. This is significant in terms of conflict management because an *ends* approach does not require any sharing of power and some argue that without this, any attempt at consultation will be interpreted as ‘token and paternalistic’ (Crawley and Sinclair 2003, p.370). Sager observes,

The opportunity to talk is not enough: the communicative negotiation process has to pay respect to certain principles to result in effective conflict management. (Sager 1994, p.161)

Freedman (2006, p.28) explores the example of Canadian mining company Anvil Mining Ltd (Anvil) which began its operations in Katanga province, DRC by building schools and health centres in the area but without engaging with or consulting the local community. Even though the company turned to a more participatory approach in its development programming later on, Freedman argues that a paternalistic tone had already been set by this initial ‘bestowing’ of development without consultation. He further observes the later
‘participatory’ approach was actually still fairly paternalistic because the community was only invited to choose from a limited “menu” of pre-approved projects. These projects were then implemented by another (foreign) organisation, rather than by the community themselves. Freedman describes the tensions that this caused and explains that a series of protests and violent clashes between the company and artisanal miners ensued. The channels of communication between company and community were not sufficient to provide an outlet for community concerns about the mining project because when tensions arose, the miners turned to other more violent means to make their voices heard.

Person-centred development also offers a series of other advantages in terms of project delivery and community empowerment, which in turn has benefits for conflict dynamics. Preston (1996, p.297) outlines the value of local knowledge as a *means* in terms of ensuring that development initiatives are well designed and reach their intended beneficiaries. A common source of conflict between companies and communities is the perception that a rich multinational is taking more from local people than it is giving back. A well-targeted project which enjoys community ownership can challenge this perception by ensuring that communities get maximum benefit from development efforts.

This process can also be an *end* in itself. Martinussen (1997, p.41) agrees that human development involves increased autonomy and the ability to make and execute decisions effectively. He argues that the participation of people in their own development is empowering and capacity building, and helps avoid the trap of dependency on paternalistic giving. Reflecting on the experience of the World Bank, Paul (1987, p.v) defines participation as

> an active process whereby beneficiaries influence the direction and execution of development projects rather than merely receive a share of the project benefits.

He argues (ibid., p.3) that dialogue should always lead to empowerment of the community through the sharing of power and capacity building, but should also lead to increased project effectiveness. Of course, it need not be the
case that dialogue is either empowering or functionally beneficial— the two are not necessarily mutually exclusive—but which of these objectives is the primary motivator would seem to be important. A community advisory group may feel empowered within their role but without capacity support their role will end with the closure of the mine. In contrast, if a community is supported in its functional role and investment is made in its growth and development, the community may be better able to identify suitable projects and will likely be able to use the skills it has acquired well beyond the life of the mine. As an independent body, it will likely feel more empowered than if it were simply an advisory add-on to the company.

2.5.2 Capacity and power

How much ‘power’ is given to or retained by each party is a crucial issue for conflict management. If one side feels as though they are not being heard or simply ignored, any value in creating a participatory space will be negated and could actually increase resentment towards the other party. In a worst case scenario, a failed attempt at dialogue may serve to drive latent conflict into manifest conflict if participants feel that peaceful negotiation will be fruitless.

Plummer (2000, p.52) distinguishes between different degrees or intensities of participation in terms of ‘power.’ At one end of the scale is ‘manipulation participation’ where people have no opportunity to participate in decision making. The second level, ‘informative participation,’ limits itself to simply sharing information but communities still have no control over how information is used or any participatory decision making power. Further along the scale, Plummer places ‘consultation participation,’ which is based on positive intentions for participation but, ultimately, information and decision making still controlled by power holder. The fourth intensity, ‘cooperation participation’ means that the community is included from a very early stage. It allows for a stronger level of community decision-making but provides limited capacity building. The final and most intense stage of participation is termed ‘mobilisation participation.’ At this level, communities are in total control of decision making with support from other parties as necessary.
The ‘intensity’ of participation or the power of each party is significant because it affects the degree to which participants’ concerns are heard and taken into consideration. A forum in which community members are simply provided with information is substantially different to a forum in which their opinion is sought. In turn, that is significantly different to a forum in which their consent is sought. However, as a bottom line, A White argues that if there is no sharing of power whatsoever, the process cannot be termed participation (1986, p.26).

So what are the factors affecting a company’s approach to power sharing and participation? Midgley (1986, p.35) outlines a range of ways in which the ‘power holder’ might react to the participation of the ‘weaker’ party. At one end of the scale, the power holder might seek to suppress the participation of the other (anti-participatory mode) or it may support it but for ulterior reasons (manipulative mode). Slightly further along the scale, Midgley describes a situation in which a party offers official support for participation but in practice does very little to implement it (incremental mode). Finally, at the opposite end of the scale, there is the so-called participatory mode, in which the power holder supports and creates mechanisms for the effective involvement of the other party.

Set in context and given the increasing pressure for companies to demonstrate their ‘social credentials,’ it is almost naïve to expect a modern company to not have at least some ‘ulterior’ motive in pursuing a socially responsible dialogue. CSR is becoming something companies are obligated to do. In principle, this does not mean that some companies might not also have a genuine commitment to community participation but Brammer and Milington (2003, p.216) observe that, while shareholders may demand that the ‘social box’ be ‘ticked,’ they often have no preference over the means by which that is achieved. The result is that CSR budgets can be quite restrictive. Kapelus (2002, p.281) agrees that some companies are more concerned with appearing socially responsible than being so, and are often unwilling to really commit to their social obligations if the cost is too high.
Given these different ‘levels’ of participation and the realities of modern business pressures, Mayer (2000, p.52) argues that at an absolute minimum, each party must have

an adequate basis of power to participate effectively in conflict. They require enough power that others must at least consider their concerns and enough power to resist any solution that fundamentally violates their interests.

However, ‘power’ in itself is not easy to quantify because, while there is not a finite amount of power, there are different types of power. For example, a mining company might have ‘formal authority’ by virtue of their position in the structure; ‘expert power’ by having access to information the other party does not; ‘procedural power’ through an ability to influence the decision-making process; ‘resource power’ i.e. time and money. The community on the other hand might have what Mayer calls ‘nuisance power’ and ‘moral power’ i.e. an appeal to values, beliefs and ethical systems of the conflicting party.

These different types of power are important to consider when determining how successful a forum for dialogue could be in achieving its aims. For example, if one of the objectives of the forum is for communities to share their concerns about the possible environmental impacts of the mine, it is crucial to know whether they have adequate ‘expert power’ or ‘resource power’ to be able to make a meaningful contribution to the debate. Unfortunately, it is more likely than not that most community members will not be sufficiently knowledgeable about the technical aspects of mining to be able to participate in a discussion in an informed way.

Andrea Cornwall (cited in Hickey and Mohan 2004, p.81) agrees that spaces for participation are not neutral. They are always shaped by ‘power relations,’ which determine what is possible within those spaces, who may enter and which discourses, identities or interests may be presented. Power inequality and even perception of power inequality can be sufficient to prevent even the most well intentioned dialogue from succeeding. Failing to acknowledge power in another party can also have significant consequences for conflict dynamics. MMSDP observes that sometimes
...mining companies [are] unaware of or choose to ignore traditional decision making bodies, and negotiate with individuals who do not have the trust or support of their own community. This is problematic because firstly, the existing decision-making bodies and their communities may feel excluded or sidelined and secondly, the unrecognised individuals or groups with whom the company has chosen to work are ineffective in their ability to mediate between local people and the company. It is important that power relationships are carefully identified and are not artificially constructed by the dominant party.

2.6 Developing a model for conflict management
Many scholars disagree about what conflict management means and involves. Conflict resolution implies that a conflict can be solved and has an ending point whereas 'management', coupled with the term 'transformation,' has more of a focus on the changing and continuing nature of conflict. Conflict management implies a process which would serve to prevent/contain the conflict from escalating further and help to transform it into a more manageable (and less destructive) type of conflict. As David Cowan (2003, p.22) observes,

Resolving a conflict doesn't necessarily eliminate the source of the conflict. In all likelihood people will continue to hold divergent positions and opinions. However, when a conflict is well managed it is possible for individuals to maintain their beliefs and at the same time understand, accommodate and accept the beliefs and behaviours of others.

When determining how to manage a given conflict, Jay Rothman (1992, p.49) explains that there are two polar approaches: adversarial conflict management and integrative conflict management. The former approach is characterised by 'us-them' thinking; it assumes competition and a zero-sum solution. The latter approach assumes a problem in the relationship between the parties, rather than focusing on objective sources of conflict such as scarcity of resources or perceived incompatible interests. According to John Burton (Hill 1982, p.111), conventional conflict management techniques rely heavily on coercive (adversarial) methods, often resulting in an imposed compromise or a win-lose solution. Burton's research suggested that
impositions by authority are not the most effective way of reducing hostility and violence. Rather than as a competition to be won, it is possible to interpret a conflict as a problem to be solved together, allowing parties to explore integrative solutions where both sides (rather than just one) might 'win.' This integrative approach focuses more on the 'human dimension', whereas an adversarial approach addresses certain objective and material realities. However, the danger of developing a zero-sum approach to conflict management is not exclusive to objective/material disputes, this danger is clearly also very real when dealing with relationships. The difference lies rather in the attitude with which parties frame the conflict (adversarial or integrative) rather than the subject matter they are discussing.

With a cooperative approach to dialogue, parties are essentially “for each other” whereas competition implies a more negative attitude that “we are against one another” and, in its most extreme form, ‘you are out to harm me’” (Deutsch 2000, p.21). When this happens, Deutsch believes that the conflict becomes a struggle for power. Parties become obstructive and communication is impaired, listening to what they are prepared to hear rather than what is actually being said (Buscaglia 1984, p.66).

Whatever you say, you should expect that the other side will almost always hear something different. (Fisher 1982, p.33)

Establishing dialogue or communication between two or more parties can therefore be an important conflict management strategy because it allows parties to share information, ideas and feelings (Hybels and Weaver 1998, p.78) and conflict can easily be born of misunderstanding or perception.

Misunderstanding can reinforce prejudice and lead to reactions that produce counter reactions in a vicious circle; rational exploration of possible solutions becomes impossible and negotiation fails. (Fisher 1982, p. 19)

Dialogue can also help to challenge pre-conceived ideas about the other party which may have led to mistrust. Bosson and Varon (1977, p.135) agree that there may be a pre-existing tendency to perceive mining companies as “hard-faced, profit-dominated negotiator[s], entirely motivated by the capitalistic urge
to maximise advantages and ignore whatever arguments may appeal to the other party.” This prejudice is so entrenched in some cases as to exclude the possibility that mining companies might have “a capacity for objective consideration or conscientious regard for the rights of others.” In turn, Bosson and Varon (ibid.) believe that many mining companies think that host countries are “so suspicious of motive that it is unable to make up its mind on most subjects, and unable to comprehend the factors which govern competitive business.” These preconceptions may be further reinforced by any previous experience of engaging with other companies or communities in the past.

While dialogue can be an important tool, it is clear that it is not sufficient for successful conflict management unless both parties are really committed to the process. If they are not, then dialogue could easily serve to make matters worse by reinforcing misunderstanding and prejudice. If dialogue is to be a successful conflict management strategy, it must be approached with sensitivity and a full understanding of the context and historical relationships involved. Within literature there are two primary models which have been put forward as a structure for company-community engagement and participation. The benefits and challenges of each model in terms of managing conflict will be examined in turn.

2.7 Existing models for company-community participation

2.7.1 Consultation
Consultation usually involves some kind of process through which parties exchange information. It has already been seen that this is an important element of participation but also that if participation is not of a sufficient ‘intensity’ it can actually serve to drive conflict further. In a mining context, consultation would not confer any decision-making power on the host community. A company could feasibly hold a series of meetings with local communities and ask them for their feedback but, at the same time, have no intention of really addressing community concerns. Sohn et al (2007, p.7) agree,
Consultation requires only an exchange of information among project sponsors, regulators and affected communities. It therefore provides only a limited mechanism for the public to provide information to project decision-makers, or to be apprised of decisions that have already been made elsewhere. Consultations do not involve sharing or transferring decision-making authority to those who will be directly affected. Furthermore, they do not necessarily facilitate more inclusive and collaborative decision-making, and are rarely an empowering form of public engagement.

Consultation alone, if it is not ‘meaningful’ i.e. it does not enable active influence over the other party’s behaviour, is not sufficient to address the power imbalance between parties and to manage conflict. While information sharing and ‘listening’ to community concerns are certainly important elements of conflict management, research suggests that if the power imbalance remains unaddressed, consultation will ultimately be ineffective. Based on four case studies of company-community engagement, Sohn et al (ibid., p.48) conclude that consultation is not successful in averting conflict or in securing popular consent for the project...Only by relinquishing some measure of control over decision-making can a project sponsor expect to achieve politically durable agreements.

To address some of the challenges of the consultation approach, some models of community participation propose rebalancing this power inequality through an alternative model: community consent.

2.7.2 Consent

To bring a [mining] project online, a project sponsor must successfully address a daunting array of issues, and must gain the consent and cooperation of many different actors, including project shareholders, bankers, insurers, operators, public permitting authorities, contractors, suppliers, workers, and...customers...Yet ironically, the stakeholders that may have the greatest interest in the project-the host communities-may often be least likely to have the opportunity to negotiate their interests or consent to the project...While the interests of other stakeholders are subtly choreographed, host communities are often relegated to observer status. (ibid., p.5)

Consent gives communities a certain power- the power to say ‘yes’ or ‘no’ to the mining project. This is a clear way to ensure that the interests of
-communities are put front and centre- the definition of person-centred development. As Sohn et al observe (ibid., p.9) consent processes can

...give communities the leverage to negotiate mutually acceptable agreements...thereby ensuring that the projects stand a better chance of producing results that benefit them...and that the poorest and most marginalised or disenfranchised groups are included in the decision-making and receive an equitable share of project benefits.

Although there is no internationally agreed definition for consent, a useful model for reference is Free, Prior and Informed Consent (FPIC). FPIC confers the right to full and informed participation to anyone whom a proposed mining activity stands to affect. In some instances companies are legally obliged to make provision for community consent. The requirement for the Free, Prior and Informed Consent (FPIC) of indigenous people is built into some national legislation, for example in the Philippines (Indigenous Peoples Rights Act 1997). It is also found in the UN Declaration on the rights of Indigenous Persons and the International Labour Organisation convention 169 but FPIC is not legally binding. In these examples, the right to FPIC is only usually afforded to indigenous persons. However, there is increasing international recognition that this model can and should also be applied to non-indigenous communities. Sohn et al (2007, p.10) agree that the case for non-indigenous FPIC can still be legitimately based on the following principles: the right to meaningful participation in decision-making; the right to control access to their land and resources; contemporary standards of public participation as a hallmark of legitimate governance; and basic principles of equity and justice.

According to FPIC, consent is free if it has been given without external coercion or manipulation and should always be sought prior to the commencement of mining activities. It should also be an informed decision, based on meaningful participation and full disclosure on the part of the company. Although the P in FPIC requires that communities give their consent prior to the commencement of a mining project, this does not mean that it is a one-off activity (Herbertson et al 2009, p.19). Sohn et al (2007, p.7) agree that consent should not just be treated as something given at the outset as a sort of “blanket immunity from subsequent opposition.” Rather,
community concerns should continue to be addressed over the life of a project as new issues present themselves.

2.7.3 Challenges to achieving community consent

While the benefits of FPIC for conflict dynamics might be clear in principle, there are certain practical challenges which should be addressed. Laplante and Spears (Yale Human Rights and Development Law Journal 2008, webpage) argue that there are three main reasons why the international community and the extractives industries have not formally adopted the principle of consent. Firstly, some argue that FPIC violates national sovereignty. The argument says that local people should not be given what is essentially a veto right over projects that could be beneficial to national development. Laplante and Spears (ibid.) note that there are few cases even in the developed world where local government wouldn’t have the final say. Secondly, some companies say that they cannot adopt FPIC while there is still wide international disagreement as to its definition and application. Thirdly, this failure to formalise or define FPIC also has certain practical implications and there is continuing debate as to what constitutes consent and community, and whether historically marginalised communities can actually ever engage ‘meaningfully’ with companies.

As ‘consent’ gains increasing international recognition, there is a growing body of research about how this could practically be achieved. Research for the World Commission on Dams (University of Sussex cited Laplante and Spears in Yale Human Rights and Development Law Journal, webpage) demonstrated that formalised consent could take various forms, for example, a community task force report or a community referendum or meeting. There may even already be an existing traditional structure for decision-making. Laplante and Spears further argue that complete consensus probably isn’t necessary for conflict management purposes, meaning that a majority vote may be sufficient. All that is required is that

…a community has discussed important issues together with their leaders and with their project sponsor until they have determined that, on balance, they will benefit from the project and are satisfied that mechanisms are in place to address any problems that arise. (ibid.)
While this existing research could support the development of a mechanism for consent, the lack of formalised and internationally recognised criteria does still pose some important challenges. It should also be acknowledged that few, if any, communities are homogeneous and that different groups might stand to be affected by mining operations in different ways. By delimiting a set number of people as ‘the community,’ a company would thereby be excluding those deemed not to be in this category, which risks creating resentment and further tensions. To define community in terms of ethnicity is also likely to be contentious, as is the length of time a group of people have inhabited the area. Geographic delimitations could risk excluding people in neighbouring areas or in the wider region who will undoubtedly also be affected in at least some way by the presence of the mine.

However, it may be the case that there is a very clear community boundary between one group and the next. Similarly, if a mine site is in a particularly remote area, it may be that the community is actually very easy to define. The point here is that the difficulty of defining ‘community’ may vary from one place to another. To have a rigid and inflexible definition of who has a say and who does not may actually pose more difficulties than the undefined international understanding of community (Herbertson et al 2009, p.20). Laplante and Spears (Yale Human Rights and Development Law Journal 2008: webpage) agree that if the objective is to prevent future conflict, the consent process must be considered inclusive by all parties. While this is admittedly a challenging goal, it is not necessarily impossible.

The question of the community’s capacity to participate effectively in a consent process should also be considered. Communities may need support, education and training about their own rights as well as about the mining project in order to be able to effectively give or withhold their consent. Laplante and Spears (ibid.) add that this may be particularly difficult if there is a “legacy of mistrust” between parties or “if resentment against the state is displaced onto extractive industry companies, as is often the case in developing countries where the state is effectively absent from the regions in
which extraction occurs”. Provision of training of this kind is likely to be unpopular with companies who do not genuinely appreciate the importance of FPIC as it can be an expensive and time consuming process. Herbertson et al (2009, p.15) explain that this hesitancy to relinquish control over aspects of project design for reasons of cost is “short sighted” because obtaining consent is a way of increasing community buy-in which will ultimately reduce the company’s financial costs and reputational damage in the longer-term.

Although there are clearly challenges with institutionalising the concept of consent, FPIC would still seem the preferable option from a conflict management point of view because the conflicts that could arise as a result of not having FPIC outweigh the risks of attempting to operationalise it. The research explored in this chapter has shown that, if people are not given a forum in which to express grievances and raise concerns, they may resort to more destructive forms of protest.

2.8 Conclusion

Based on a review of existing literature and research, it has been demonstrated that company-community participation can be an important way to manage conflict. However, it has also been shown that there are some important variables which effect how successful dialogue would be as a conflict management strategy. How the forum is initiated, the reasons for which it is developed and the level of power each party retains can have a significant impact on conflict dynamics.

It is also clear that conflict is a dynamic and contextual phenomenon and that a static model for participation cannot be universally applied. The socio-economic status of each party and past experience all affect power relationships within spaces for participation.

There is no perfect form and no simple formula for community participation” and it should be adapted to suit each individual context. (Plummer 2000, p.57)

This chapter has gone some way to responding to the sub-focus question outlined in the opening chapter of the treatise, asking which alternative
models for participation are available. The two main models for company-community participation which exist within the literature have been explored, together with an overview of the benefits and challenges of each.

The following chapter will build on this understanding of conflict dynamics within company-community relations and apply them to the specific case study context. In response to the sub-foci of this treatise, the relevant stakeholders will be identified and the two current models of company-community participation in the Mongbwalu case study will be outlined.
Chapter 3: Detailed case study

3.1 Introduction
In Mongbwalu, there are currently two primary means through which AngloGold Ashanti (AGA) and local stakeholders have a formalised dialogue about the implications of the proposed mining project. While there has been no manifest conflict between AGA and the Mongbwalu community, there is a great deal of uncertainty and mistrust between parties. Therefore, employing the current models of company-community participation has either resulted in or failed to prevent tensions between the company and the local community.

This chapter will explore the context and history of mining in the DRC and Mongbwalu. It will also provide a more detailed overview of the stakeholders relevant to this study and the two current models of participation which exist. This will begin to answer the two sub-foci outlined in the first chapter of this treatise.

3.2 Mining in the DRC
The DRC is a mineral-rich country but remains one of the poorest countries in the world. More than 80 per cent of the population live on less than US$1 per day. It has rich resources of coltan, cobalt, copper, gold, diamonds and tin. However, corruption and the illegal exploitation of minerals have actually served to fund rebel groups and perpetuate the conflict in the country, driving its people further into poverty (UN Group of Experts 2002). Any profit from the DRC’s mineral wealth rarely finds its way back to local communities.

To tackle some of these problems which have continued to plague the mining sector, the DRC government, with support from the World Bank, developed a mining code, which was launched in 2002. While it was generally considered to be a step in the right direction for the country, it has been poorly implemented on a national scale, particularly in the more remote areas of the country (Bank Information Centre, webpage). It was also significant that the code prohibits small-scale mining on concessions which have been licensed
to larger mining companies. Although there are still thousands of people working as small-scale miners in the DRC, they now do so largely illegally and without rights or representation.

Following a report from the DRC National Assembly in 2006, which highlighted the disproportionate division of profit between mining companies and the DRC government for contracts signed during the war (1997-2003), the Ministry of Mines government launched a review of over 60 national mining contracts in 2007. This was generally welcomed as an important way to direct the benefits of the country’s wealth back to its people. However, in reality, the review was not handled transparently and civil society was largely excluded from the process. The slow progress of the review has led to significant delays in the progress of mine development in Mongbwalu and reduced access to information for local communities.

The mining sector in DRC was also badly hit by the financial crisis because of falling metal prices (Culevier 2009, p.1). Many companies suspended their operations, resulting in thousands of redundancies. As the metals market begins to recover, companies are beginning to reinvest in the country but the industry remains fragile.

3.3 Mining in Mongbwalu

Local estimates place the rate of unemployment in Mongbwalu at around 80 per cent, with the vast majority of young men working as either artisanal miners or agriculturalists. However, this has not always been the case. When the former KIMIN mine was in operation, a large number of local people were employed at the mine.

(Map: AngloGoldAshanti 2008b, webpage)
Mongbwalu and its residents have a long history of gold mining. Gold was first discovered in the region in 1903, with exploration of the gold beginning only two years later (Human Rights Watch 2005, p.13). Given the unmanageably large size of the goldfield in Ituri district, in the 1980s, state mining company OKIMO (l’Office des mines d’or de Kilo-Moto) divided the concession into smaller parts: concessions 38, 39 and 40. The concession currently being explored by the joint venture between OKIMO and AGA, known as Ashanti Goldfields Kilo (AGK), is concession 40. (AGA 2005, webpage). However, AGA also has half of a 90% stake in the gold mine on Concession 38, in partnership with RandGold resources.

In previous years, during the 1990s, OKIMO was mining gold on Concession 40 with a Luxembourg-based mining company called MINDEV (Mining Development International). The joint venture company was at that time known as Kilo-Moto International Mining (KIMIN). The company was licensed to exploit an area of 2,000 km² (AGA 2005, webpage). By 1998, MINDEV had sold its shares in KIMIN to Ghanaian company Ashanti Goldfields. In a further merger, companies AngloGold and Ashanti Goldfields joined together to become AngloGold Ashanti which became the new owner of the 86.2% stake in the joint venture in Mongbwalu. The joint venture was renamed Ashanti Goldfields Kilo (AGK). Although the KIMIN concession had been only 2000km², the DRC government approved an amendment to the contract in 2001 permitting AGK to explore all of Concession 40, about 8000km².

During this time of mergers, the DRC was at war; a war so large and bloody it is often referred to as ‘Africa’s World War.’ Many consider the origin of the conflict to lie with the genocide in Rwanda in 1994 and at the height of the war nine African states were engaged in the fighting. The gold reserves and rich natural resources in DRC were plundered by rebel groups and militias to continue to finance the war and it is widely believed this is why the war was able to rage on for so long (UN Group of Experts 2002). During the conflict, mining operations in Mongbwalu were suspended. After various changes in the contract and ownership and following negotiations with the government,
AGK was finally permitted to begin exploration in Mongbwalu in January 2005 (AGA 2005, webpage).

Another result of the new ownership of the mining contract was that the majority of the workers who had been employed by KIMIN lost their jobs when AGA took over the contract. While KIMIN had been mining for gold, AGA decided to re-explore the concession. This requires fewer employees than an operational mine. Following conciliation meetings with the former workers, AGA made a series of ex-gratia payments to many of those who had been made redundant but, despite signing an agreement that the dispute was settled, many of the former-KIMIN workers remain unsatisfied.

### 3.4 AGA and community engagement

AGA’s corporate policy on ‘stakeholder engagement’ is still under development but the company is clear about the general business principles which underlie its approach to community dialogue. AGA recognises that dialogue is a crucial element of building good relationships with local people (formally or informally) and that failure to do so can have an impact on conflict dynamics and therefore also business and profitability.

[AGA] is aware that failure to communicate well can result in misunderstandings and tensions between the operation and the community, which can have a material impact on the functioning and viability of the operation. (AGA 2008, webpage)

AGA divides ‘stakeholders’ into three main groups: affected parties, interested parties and authorities and acknowledges that the company should engage with all three. In this vein, AGA requires all operations to produce a Stakeholder Engagement Plan which should be “appropriate to the local culture, representative and inclusive.” These plans should be shared with the local community at least two years in advance in local languages and in an understandable and culturally appropriate format. This would be particularly important in contexts like the DRC where the literacy rate is likely to be low. A community style ‘barza’ or workshop might be a more appropriate means of sharing information than, for example, posting a heavily detailed document outside the mayor’s front door (AGA 2008, webpage).
The two primary ways in which AGA seeks to engage with local communities is through consultation and information sharing; and investment in social development. To use AGA’s mine in Mali as a case study example, local mine management meets with community representatives (about 150 in all) on an annual basis, as well as media, civil society and local government. It also meets on a monthly basis with “local community structures” and the company says that it consults regularly with local people about its social investment plans (AGA 2006b, p.24). The motivation that AGA provides for social investment in Mali is the corporate philosophy that “its operations and activities should contribute to the long-term sustainable development of its host communities” (ibid.).

AGA’s approach to social investment and consultation varies from mine to mine, with Mali being a particularly positive example. However, the impacts of AGA’s operations on local communities in other parts of the world have received significant criticism from international civil society. An Action Aid 2006 report on AGA’s operations in Ghana described some of the conflicts that the company has experienced with both artisanal miners in the area as well as the broader community. Action Aid claimed that the company heavily polluted local water bodies and failed to provide adequate compensation to displaced people. In general, the report explains that people living near to the AGA mine feel that the company has not brought sufficient benefits to the community to outweigh the social and environmental costs that they have suffered.

The company destroys your livelihood and then offers something like a scholarship scheme. (Quote from a villager cited Action Aid 2006, p.23)

A War on Want report (2007, p.2) similarly claimed that the AGA operations in Ghana, Mali and Colombia have done little to improve the lives of local communities living on or near to the mining concession. The report also offered evidence that AGA was intimidating and forcing local people from their land in Colombia in order to make way for the development of the mine (ibid., p.4).
3.5 Mining and conflict in DRC

AGA’s proposed operations in Mongbwalu have also been the subject of a great deal of international attention. In particular, questions have been raised about whether the security situation in Mongbwalu was sufficiently stable to justify AGA recommencing its exploration in 2005.

While there were political reasons behind the 1997-2003 war, it is generally believed that the conflict was at least partly fuelled by competition for DRC’s mineral wealth. The plundering of natural resources further served to drive the war financially and so many rebel groups and militias fought for control of DRC’s mines. Ituri was no exception and experienced a particular concentration of conflict during the war, perhaps due to its proximity to the Ugandan, Rwandan and Sudanese borders. Many thousands of people died there and local people continued to suffer rebel attacks long after the Sun City peace agreement in 2003. This was partly to do with the inter-ethnic tensions that existed in the area alongside the broader civil conflict, but is also related to continuing power struggles for Mongbwalu’s extensive gold reserves.

Given that the conflict was still ongoing in Ituri at the time when AGA was given government permission to recommence its exploration programme, Human Rights Watch published a damning 2005 report claiming that AGA was irresponsible to be operating in the area. It is becoming increasingly recognised that large-scale mining operations in zones of ongoing conflict do not have a neutral presence and can actually serve to drive conflict. Human Rights Watch claimed that local AGA staff had been providing financial and logistical support to a rebel group, the National and Integrationist Front (FNI), in order to continue its operations in Mongbwalu. The FNI was a rebel group responsible for grave human rights abuses and Human Rights Watch argued that, by supporting them, AGA shared in that culpability (2005, p.1).

Aside from the AGA case, there are a sobering number of examples in DRC to demonstrate the link between mining and conflict. In one recent case, British mining company Afrimex was found to be in breach of the OECD (Organisation for Economic Co-operation and Development) guidelines by the
The security situation in Mongbwalu is much more stable in 2009 than it was several years ago but the UN Peacekeeping force MONUC is still heavily present in Bunia, having recently received even more troops following the resurgence of violence in the Kivu provinces further south. Rebel groups also maintain a presence, however small, in the area and the Ugandan rebel group the Lord’s Resistance Army (LRA) continues to plague the north eastern areas of the country. However, at the same time, a democratically elected government is now in place and any continuing conflict is largely localised in the eastern areas of the country. It is difficult to assess at what point Mongbwalu can be considered ‘post-conflict’ and at what point it can be said with any certainty that the presence of a mining company will not risk a return to conflict.

3.6 AGA in Mongbwalu

It is not only Human Rights Watch that has been publicly critical of AGA’s proposed operations in Mongbwalu. An article by NGO Corpwatch (2008, webpage) said that the company’s operations in the area “exemplif[y] the tensions between moneyed foreign mining firms and local residents.” UK-based Catholic NGO CAFOD has also questioned the benefit that AGA’s proposed operations in Mongbwalu would have for local people living near to...
the mine. In particular, CAFOD draws attention to the high expectations of the local population, particularly given that the area is in desperate poverty and unemployment, recently emerging from civil war.

The local population has high expectations of what the company will deliver. It is essential that the company has a coherent strategy for working with the community and taking its views on board if it wants to support stable economic development and avoid further conflict” (CAFOD 2006, p.50).

Corpwatch (2008, webpage) observed that these expectations are particularly heightened because of local people’s experience of the previous mining company KIMIN which was fairly paternalistic in its social development programming, almost like a “public welfare office.”

Expectations are that [AGA] will fulfil the same obligations as KIMIN since it has taken over KIMIN’s contract. This has led to dissatisfaction with what the company is doing, while company representatives reported an endless stream of requests. (CAFOD 2005, p.57)

CAFOD also emphasises the impact that the company’s presence and conduct in the area could have on local conflict dynamics. In particular, CAFOD recommends that AGA should manage the community’s high expectations (ibid., p.56) and ensure effective consultation with all members of the local community. At the time, the company had established a social development committee, made up of the local parish priest, the town mayor and the school headmaster. However, CAFOD reports that some members of the community “questioned the usefulness of the current committee and the extent to which the company listens to its views.” In light of this, CAFOD recommended that the composition of the committee should be more representative and that the mandate of the committee should be “expanded beyond the choice of social development projects to address the company’s core operations.” (ibid., p.56)

Genuine consultation will give the local people the opportunity to influence the way in which the company operates, rather than just informing them of decisions which have already been reached. (ibid., p.57)
3.7 Two models of community participation in Mongbwalu

The aforementioned Social Development Committee no longer exists but there are two main ways through which AGA and the Mongbwalu community have a formalised dialogue. The first is through the Mongbwalu Forum of Stakeholders and the second is via the six-monthly Tripartite Meetings involving AGK, AGA, OKIMO, and the community network known as the Cadre de Concertation (hereafter CdC).

3.7.1 The Mongbwalu Forum of Stakeholders (the Forum)

The Forum is an initiative of AGK. It was created in its current form in 2006 as a result of pressure from local groups and international civil society. The predecessor of the Forum, the Social Development Committee was not very successful and actually served to drive local tensions because its membership was not seen to represent both Hema and Lendu ethnic groups. Tensions became serious enough that the Mayor of Mongbwalu suspended the committee’s activities (Kapelus 2006, p.9).

In its current form, the Forum has a much wider membership than the Social Development Committee and each Forum member is elected by his/her community. For example, a Forum member representing civil society has been elected by other members of civil society; and the schools representative has been elected by the school staff. AGA describes the role of the Forum in two ways, as both a means and an end. The Forum’s primary role has a practical output; to propose projects for AGA’s social development work in the local area, based on identified needs within the community. However, AGA is also clear that it sees the Forum as a source of regular dialogue as well.

[The Forum is] a platform...to engage with community representatives on a regular basis and to work together to create a common vision for the development of the area that is respectful of cultural diversity and responsive to community priorities. (AGA 2006, p.13)

There is an executive committee made up of a president, a vice president, a secretary, and a logistics manager. The membership is divided into different commissions- education and training; health; youth and sport; agriculture,
infrastructure; women and youth. Each commission representative is responsible for organising meetings with his/her constituents to feedback what has happened during the Forum discussions, and to gather any information/questions people would like to direct back to the Forum. The General Assembly of the Forum meets once a month and each of the commissions feeds back what it has to share. They agree on a solution to a given problem by way of a project proposal and then present the idea to AGK.

The Forum members are not employed by AGK and receive no money or benefits for their role as representatives. They participate in a purely voluntary capacity. AGA does, however, provide them with office space, internet access and a vehicle with which to carry out their work. Most of the Forum members are formally employed elsewhere but work in a position relating to their role within the Forum e.g. school teacher, nurse or NGO worker.

3.7.2 Tripartite meetings

Tripartite meetings provide AGA, AGK, and OKIMO with the opportunity to meet with members of a local civil society network known as the Cadre de Concertation (CdC) to share information and raise questions or concerns. These meetings were established following pressure from international NGOs, CAFOD and Human Rights Watch,

Following interest by CAFOD in AngloGold Ashanti’s activities in the Democratic Republic of the Congo…a process has been put in place whereby AngloGold Ashanti now meets regularly with CAFOD and its partners via the elected Cadre de Concertation…It is hoped that this multi-stakeholder dialogue will work towards finding ways forward on the range of issues raised by CAFOD, and indeed other stakeholders-including AngloGold Ashanti. (AGA 2007, p.1)

The CdC is a community network made up of local NGOs, community organisations and religious representatives, as well as members of the Forum. The CdC was formed following a conference in the provincial capital, Bunia, in 2006 to address issues relating to natural resource management. The conclusion of the conference was to create an independent community network to facilitate the flow of information between the AGA, AGK, OKIMO and the local community.
The CdC is formed of two joint coordinators, an executive committee and a body of members. In the same way as the Forum, most members of the CdC have another source of employment and volunteer their time to the CdC. It is funded entirely by international NGOs; CAFOD and Netherlands-based IKV Pax Christi. The CdC is currently going through a process of restructuring, after which it is expected they will recruit a permanent member of staff, formalise themselves legally as an NGO and set up an office.

3.8 Conclusion
In response to two of the sub-foci questions outlined in the first chapter of this treatise, this chapter has outlined the two models of company-community participation in the Mongbwalu case-study and provided an introduction to the stakeholders involved. It has also provided an insight into the history and relevance of mining in DRC and Mongbwalu.

In order to answer the remaining sub-foci questions about the conflicts which exist between parties, the researcher proposes to conduct a series of in-depth semi-structured interviews with representatives of each party. Before moving on to look at the specific findings of the research, the following chapter of the treatise will outline the research methodology that will be employed.
Chapter 4: Research methodology and design

4.1 Introduction
There has been a great deal of research into the different forms and root causes of conflict between mining companies and host communities. It was demonstrated that there are various different models and means through which those conflicts can be managed and it was shown that company-community participation and dialogue can be an effective conflict management strategy. However, following a detailed exploration of the case study example in Mongbwalu, it is clear that the two models for participation which exist have not been sufficient to manage company-community conflict.

This chapter will propose that a qualitative research approach and the exploration of a case-study example is the most appropriate way to address the central research problem. It will employ a combination of in-depth semi-structured interviews, participant observation, document analysis and a review of existing literature. It will outline a series of ethical considerations for the research methodology and describe the measures which will be taken to ensure the trustworthiness of the data. It will also be shown how the data will be analysed and interpreted through the use of coding and categorisation.

4.1.1 Aims and objectives of the study
This treatise will offer an exploration and discussion of the existing models of company-community participation as a conflict management strategy. With reference to relevant research and literature, as well as other available models for company-community participation, a series of recommendations will be provided as to how the existing models could be made more effective in managing conflict.

4.1.2 Central research question
It is important to ask what sort of approach will best provide the researcher with the information she needs to answer the central research question. This chapter will outline and justify the proposed research methods and techniques
needed to provide a response to the following question: *How can the current models of company-community participation be enhanced in terms of conflict management?*

### 4.1.3 Sub-foci

In order to answer this central research question, the following sub-questions must be asked:

- **Who** are the stakeholders?
- **What** are the two current models?
- **What** conflicts (if any) exist between company and community?
  - *Which of those conflicts (if any) are directly or indirectly caused by the current model(s) of participation?*
  - *How can these conflicts be understood in terms of conflict theory?*
- **What** alternative models for company-community participation exist?
  - *Which of those models (if any) would be effective in managing the case study conflict and why?*

### 4.2 Qualitative research

Conflict is often perceived differently by different parties. Therefore, as much as a quantitative analysis of facts and figures can contribute to an understanding of a conflict, it is impossible to understand it completely without a qualitative interpretation of individuals’ direct experience and perceptions. For example, it may be that quantitative research can demonstrate that a company met with the community on x number of occasions but it will not be able to examine the *quality* of those meetings, *how* people felt, *what* conflicts were not made manifest etc. Therefore, given that this treatise seeks to understand a particular conflict context, a qualitative approach will be adopted.

The researcher will need to employ inductive reasoning because qualitative research begins from the basis of lived experience rather than existing theory. An interpretive approach will be adopted in seeking to understand a phenomenon within its natural setting. The qualitative researcher attempts to
understand human behaviour from the perspective of the social actors themselves, which involves describing and understanding rather than explaining (Babbie and Mouton 2001, p.270). This sort of research will usually take place in the natural setting of the participants, and requires the researcher to observe both verbal and non-verbal responses (Leedy and Ormrod 2001, p.147).

A qualitative approach to the research will allow the researcher to describe and explain the relative perceptions of parties involved in the particular conflict context. Perception can often have the same significance in driving a conflict as objective fact so it will be important to look how parties perceive each other and each other’s actions, as well as their internal reflections on their own motivations and feelings about company-community participation.

There is some disagreement as to whether qualitative data can ever be validated or be used to draw meaningful conclusions because it is based on opinion and experience rather than hard facts and figures (Burke Johnson 1997, p.1). With this in mind, however, it is clear that the information required can only be accessed through qualitative interpretation of individual experience, hence its selection as an appropriate research methodology for this project. The research will take the form of in-depth semi-structured interviews with a purposive sample of relevant stakeholders.

4.2.1 Case study
While there are many similarities in terms of the potential for conflict between mining companies and communities in any given context, it would be unfeasible to attempt an all-encompassing study within the limits of this treatise. It is also unfeasible to undertake a generic study without reference to and an exploration of real-life experience of the phenomenon (Denscombe, 1998, p.38). This is particularly true for conflict research where the conflict cannot be separated from its context or the parties involved. For this reason, the treatise will focus on a particular case study which allows the researcher to focus on one instance of a phenomenon occurring within a single context.
The limitation of this methodology is necessarily that the resulting recommendations will be directly applicable only to the case study context. Generalisations cannot be justified on the basis of this methodology (Burke Johnson 1997, p.6). However, this study may contribute a wider body of research of similar cases which could justify such generalisations in the longer-term.

4.2.2 Purposive Sampling
The conflict situation in the given case study involves a number of parties who are directly involved in company-community dialogue. These parties are: company staff and members of both community networks, as well as various international non-governmental organisations.

Wellington and Szczerbinski (2007, p.67) observe that sampling always involves a compromise between the desire to make the sample representative and the practical constraints of time and access opportunities. It will not be feasible for the researcher to interview all persons involved in the company-community meetings because the number is unmanageably large for the scope of this study. For this reason, the researcher will employ purposive sampling, which implies that the researcher will use her judgement to select persons whom she believes to be representative of a given group (Neuman 2006, p.219). The researcher will select three representatives from the company, and three people from each of the two community networks.

The motivation for using this type of sampling is based on recognition that it is not feasible to interview every member of the community, as well as a desire to source data from a variety of different angles. This will provide the researcher with a more accurate and representative view of the situation. These ‘thick’ descriptions will be further enhanced and supported through method triangulation, meaning that the researcher will gather supplementary information using other techniques e.g. meeting minutes.

In addition to those community representatives directly involved in the company-community meetings, there is what might be considered the ‘wider-
community’. It is possible to anticipate a great deal of disagreement over what constitutes ‘community’ in this particular case study. While ‘company’ and ‘community networks’ are perhaps easier to define (employment contract or membership), the ‘community’ could include hundreds of thousands of local people who consider themselves stakeholders or affected parties in this particular context. Purposive sampling will be employed to select three persons from the local community who are not formally engaged in either of the two participation structures. This will include an artisanal miner chief, a representative from the local authority, and a local civil society representative.

In the treatise proposal, the researcher planned to interview the local Catholic Parishioner. The researcher met and interviewed the Parishioner but he was very new to his role and was not able to answer many of the questions posed to him. For this reason, the researcher instead chose to speak with an experienced member of civil society who was better able to reflect the current context to the researcher. This is what Barbour would consider a “key informant” (2008, p.53).

These three persons were selected because they can be seen as representative of non-participating members of the community. The local authority representative for example is involved in regular meetings with his constituents and so will be able to provide an alternative view to the context as a well informed but non-participatory member of the community. Similarly, the civil society representative will be well informed about the history of the context and the relationships between different stakeholders. The artisanal miner chief has been chosen because he will be able to provide some perspective on how well information is transmitted from these meetings to those who stand to be most affected by the new mine, given that thousands of artisanal miners could be forcibly removed from the site once the mine begins operations.

Admittedly, this sampling cannot and should not be seen to be fully representative of the views of all those who might consider themselves or be considered by others as members of the community, but will still provide a valuable insight into the views and opinions of those who are not directly
involved in any formal company-community dialogue, but who nonetheless stand to be affected by the process. Purposive sampling of non-participating members of the community will mean that no participant should be totally uninformed about the mine as they have been chosen based on the likelihood of their being at least somewhat familiar with the subject matter. Although the limitation is that this excludes the perspective of those who may be completely uninformed, the benefit is that it will allow the researcher to identify how well represented those persons feel by the two community networks, how well information is transferred through to the rest of the community through those mechanisms and the extent to which they feel this is an important process at all.

Upon reflection, the purposive sampling of stakeholders was not without its challenges. Many of those interviewed were in some way connected to one of the other groups. Some of those interviewed as members of one community network were also members of the other group, and some had been members in the past but had decided not to continue their participation. This meant that some of the answers given by interviewees should be taken in light of this reality and their likely bias. To improve the results of this study, the researcher has minimised these overlaps as much as possible, although it should be acknowledged that being a member of multiple groups is a common characteristic of Congolese civil society.

4.2.3 Review of existing literature and research

In order to analyse the conflict situation in terms of conflict management, the researcher will make reference to existing literature and research to support her theory. However, as well as providing an analysis of the current context, the researcher will also make recommendations for how to enhance the current systems of participation. The researcher will draw on other existing and theoretical models for conflict-sensitive company-community participation, insofar as they are applicable to the DRC context.

Flick (2009, p.48) discusses whether research should ever begin with a review of existing literature if qualitative study is about discovery and the
exploration of new ideas. However, she concludes that it is rather “naïve to think that there are still new fields to explore where nothing has been published before.” In fact she argues,

…the existing literature becomes relevant for grounding your argumentation, for showing that your findings are in concordance with the existing research, that your findings go beyond or contradict existing research. (ibid., p.53)

Qualitative research aims to be inductive rather than trying to fit individual experience to pre-prescribed theories or ideas. It will not be the intention of the researcher to do this but she does not intend to develop a new grounded-theory from her findings. Pre-existing literature and research will rather be taken to support the recommendations and ideas resulting naturally from her research findings.

4.3 Data collection
As Creswell (1998, p.63) agrees, triangulation of methodology is an important way to enhance the credibility of the qualitative data collected. To this end, the researcher will employ a variety of different means to collect her data; interviews, participant observation, and document analysis. These data collection tools are outlined in more detail below.

4.3.1. Semi-structured, face-to-face interviews
Phenomenological study and Action Research among other methodologies often employ in-depth unstructured interviews in order to gain a fuller idea of a phenomenon as seen through the eyes of individuals. For the reasons outlined in the preceding sections, the researcher will be seeking to access this sort of qualitative data and will therefore require direct contact with relevant parties. As it is not possible to ‘climb into the heads’ of the persons concerned, one of the most effective ways to access this information is through in-depth interviews (Thomas 2003, p.63).

Given the time and resource limitations of this study, lengthy and unstructured interviews will not be feasible. As such, shorter structured interviews will be developed by the researcher to capture the necessary information, although a
The choice of questions and their wording is of central importance to the research. Babbie and Mouton (2001, p.233) explain that there are two main types of questions- open-ended and closed-ended. An open-ended question allows the interviewee to give a free and unconstrained answer e.g. what do you think is the most important quality in a friend? A closed-ended question on the other hand offers limited scope in terms of the response e.g. Do you think generosity or loyalty is the more important quality in a friend? The latter style of questioning provides more consistency in response, making coding much easier, but also has the effect of artificially shaping the responses offered. In a context such as Mongbwalu, where limited research has been carried out on the conflict dynamics between stakeholders, the researcher cannot presume to be able to offer subjects an exhaustive list of possible responses. For this reason, open-ended questions would be more effective in gathering accurate information from interviewees.

One of the presuppositions behind any question-based interview is that all interviewees will understand the question wording to mean the same thing and that the same response from more than one interviewee can be taken to mean the same thing. While this is unavoidable, it would be wise to prepare in advance as much as possible the wording of each question and to replicate that with each participant. This provides a level of consistency to the questioning. When preparing the questions, it is important that they are not ‘leading’ or ‘biased’ in their format i.e. intended to encourage a certain kind of response e.g. “Isn’t x awful?” Insofar as it is possible, questions should be
neutral but can be accompanied by ‘probing’- a non-directive neutral question intended to encourage further elaboration on a certain point e.g. ‘Why do you say that?’ or ‘In what way?‘

Babbie and Mouton (2001, p.218) also observe the importance of asking questions in the language in which the interviewee feels most comfortable. In this research project, interviews will be conducted in either French or English. Translation of questions can mean that the wording of questions is not exactly the same from one participant to the next and that certain words may not carry the same meaning in different cultures or languages. For example, the word ‘family’ can have a much broader meaning in certain contexts than in others. Given the ontological differences between researcher and her study subjects, it is important that care is taken to ensure that the challenges of language are acknowledged and taken into account when analysing and interpreting the results.

The ontological differences between researcher and subjects may also have the effect that participants do not feel comfortable or able to freely express themselves during interviews. This may be because interviewees are not accustomed to interviews, to sharing personal information with strangers, younger people, or women. Babbie and Mouton (2001, p.266) explain that “the essential characteristic of interviewers is that they are neutral; their presence in the data collection process must not have any effect on the responses given...” Given the importance of this neutrality, the researcher should seek advice on the challenges of undertaking interview-based research in the Mongbwalu context before she begins her data collection. Given her existing relationships on the ground with members of the local community, the researcher is able to access this advice and is unlikely to be perceived as a ‘stranger’ in the locality. Indeed, as Babbie and Mouton (ibid., p.271) observe, objectivity in the context of qualitative research can mean more than just controlling extraneous variables. It may require a degree of generating rapport and building trust between interviewer and interviewee before interviews can actually take place.
Given this discussion, the researcher prepared the following questions to the two categories of interviewee: those involved in company-community participation structures, and those who aren’t.

Participants

1. Is it important that these meetings take place? (Why?)
2. What has been achieved by participating? (Please give some examples).
3. What obstacles/difficulties have you experienced in participating? (Please give some examples).
4. Do you feel that you are able to freely to express yourself and that you are ‘listened to’ in these meetings?
5. How would you describe your relationship with the other party?
6. How would you describe the atmosphere during meetings?
7. Have there been any challenges/benefits to having two parallel community networks?
8. Have there been any conflicts between parties? (explain that conflict can mean anything from disagreement to violence)
9. Do you think there were any circumstances in which a potential conflict was prevented because of the structures and spaces the meetings provide?
10. In an ideal world, how would you like your relationship with the other party to be? Do you think that is achievable?

Non-participants

1. What do you know about the proposed mine?
2. How/from whom do you receive information about the mine?
3. Are you content with the quantity and quality of information you receive?
4. What benefits or challenges do you expect the mine to bring?
5. What do you know about how the company interacts with the community?
6. Do you think it is important that the company does this? Why?
7. Do you feel that either/both of the two community networks adequately represent your position/views/values?
8. Is there anything you would like them to do differently?
9. How would you describe the current company-community relationship?
10. What would you ideal company-community relationship look like? Can you ever see it being like that?

Ideally, the researcher proposed to carry out all the interviews in advance of the next company-community meeting so that the findings will not be flavoured by how the tone of the next meeting. If the meeting were to heighten tensions and tempers, this might influence how interviewees reflect on previous meetings. Unfortunately, given logistic and time constraints, this was not possible for five of the fifteen interviews carried out. This limitation should be taken into account when analysing and interpreting the responses of those five persons.

4.3.2 Participant observation

The researcher had the opportunity to observe and participate in the tripartite model of company-community participation. This allowed her to observe the process itself, as well as the behaviour of participants.

The limitation of this approach then is that participants’ awareness of the researcher’s presence may artificially affect how participants behave and speak during the meeting, in order to make themselves appear more ‘reasonable’ to the researcher. As Babbie and Mouton (2001, p.296) explain

"Ultimately, anything the participant-observer does or does not do will have some effect on what is being observed; it is simply inevitable."

Of course, there is truth to this statement but in this particular context, the effect may not be so significant because third party observers are consistently present at these meetings through the invitation of representatives from NGOs. In fact, the researcher’s primary participation in the meeting was through her employment at CAFOD, an invited NGO. She was most likely to be seen in this capacity rather than as an independent researcher. This is not
to say that participants were not aware of her dual-role in the meeting. All participants were made aware in advance of her research so they were in no way deceived as to the reasons for her participation.

However, while this dual role may lessen the sense of intrusion and observation of a third-party researcher, it throws up certain challenges for the researcher herself. It is important to recognise that the researcher must be able to suspend her subjective involvement in the process as an interested party in order to provide objective reflection and analysis, in so far as this is humanly possible. To help mitigate this effect, the researcher kept a journal of observations and reflections throughout the meeting process.

4.3.3 Document analysis
Official and non-official documentation and correspondence is another useful way of triangulating data collected during observation and interview. Wellington and Szczerbinski (2007, p.110) argue that they should be “the subject of systematic research in their own right”. Official documentation can support and verify, or contradict and challenge testimony from participants. It may also help to provide documented information which participants are unable or unwilling to disclose. The information gathered will provide the researcher with a more detailed idea of the history, structure, frequency and content of company-community meetings to date (May 1993, p.133).

The following documentation is available publicly and will be relevant to the researcher:

- Company-community meeting minutes
- Company policies and annual reports
- NGO reports
- Correspondence between company and community and civil society
- National mining codes and other relevant legislation
- Company contract where available
4.3.4 Trustworthiness

As was previously mentioned, there is some disagreement as to whether qualitative data can ever be validated as knowledge because it is not concerned with objective reality so much as the subjective experience and world-view of individuals. The findings of qualitative research can be strengthened by ensuring the ‘trustworthiness’ of the study i.e. whether the findings are “worth paying attention to” (Lincoln and Guba cited Ullin et al, 2005, p.25). Ullin et al explain that this can be broken down into four main concepts: credibility, transferability, dependability and confirmability (ibid.). With reference to these four categories, the researcher believes that the trustworthiness of the study can be assured.

Credibility, also known as ‘truth value’ refers to how well the research findings reflect the narrative data (Ullin et al 2005, p.25). To ensure credibility in the study and interpretation of data, the researcher should undertake member-checking. This technique requires the researcher to submit her findings to the subject for confirmation that the researcher has understood and fairly represented their views and opinions. This may be confirmed by way of a signature.

A second way for the researcher to increase credibility of the qualitative data is to assure the anonymity of participants. If participants are not fully confident that they can speak anonymously, they may withhold or distort the information they provide. The researcher will assure all participants that their names and clues to their identity will not be used in the report, and that the information collected during the project will be destroyed upon final acceptance of the treatise by the university. Until that time, the information will be stored in a secure location.

Transferability addresses the question of whether the research findings can be generalised. Ullin et al (ibid.) explain that ensuring transferability in qualitative research can be difficult because it is interpretive and contextual. This will be particularly true for this treatise which is using a case study as the basis of research. By its nature, the findings of a case study cannot be
generalised. However, there are two ways in which the transferability of the research could still be increased. The first is to ensure that the participant sample is conceptually (if not statistically) representative of a particular group of people. The researcher has used purposive sampling to increase transferability in this way and so all participants are formal representatives of each given party. Secondly, the research findings can still contribute to wider research and become part of a body of case study research. Therefore, to increase the transferability of the study, the research will be made available publicly through NMMU archives so that other researchers will have access to the findings.

Confirmability refers to whether the research process is consistent and carried out with careful attention to the rules and conventions of qualitative research (ibid.). The variety of techniques and methods used to collect the data as outlined in this fourth chapter will also serve to increase the confirmability of the data. Method triangulation is a key way to ensure that the information received is consistent, irrespective of the methodology employed to collect that data. Great care has also been taken to ensure that the interview questions are posed in a clear and logical format.

Dependability examines the way in which the researcher can know, even as a co-participant in the study, that she has maintained the distinction between her personal values and those of study participants. Controlling researcher bias can be a difficult challenge so during the research process, the researcher will ensure reflexivity. One way to do this is for the researcher to keep a journal throughout the data collection period. This will allow the researcher to reflect on the information gathered and to note any further observations. A second way is to acknowledge to the reader that, as a young middle-class English female, educated to degree level and raised within a Christian value system, this has affected her ontological and epistemological outlook. Rolfe (2004, p.305) agrees that the trustworthiness of a study can only be determined by the reader and requires them to be able to track and verify the research process. In this way, the reader will be able to assess
whether they judge the researcher to have been sufficiently objective in her interpretation of the data.

4.4 Data analysis
As the majority of the collected data in this study will come from semi-structured interviews, this will make the coding and classification of the data simpler. Following ordering of the data, the researcher will need to justify the data as evidence through interpretation and analysis. While there is a risk of subjectivity and bias at this particular stage of processing the data, the researcher should strive to be as objective as possible by acknowledging her own ontological and cosmological influences.

4.4.1 Categorisation and coding
Throughout the data collection, the researcher should be thinking about organising and categorising data (Neuman 2006, p.460). Those commonalities can then be transferred into inter-dependent thematic categories which can be described by way of a theoretical statement.

Babbie and Mouton (2001, p.414) explain that coding is “the conversion of data items into numerical codes.” Coding is essentially the quantification of qualitative data so the researcher will analyse the data for similarities in response. For example, if asked what qualities the interviewee looks for in a friend, it may be that certain qualities are commonly cited. The variable of ‘friendship quality’ would be assigned a code and each of the interviewee responses would also be numerated. The result of coding is that a great deal of qualitative narrative data is refined into a series of codes for further processing.

The researcher will use an open coding technique to identify thematic categories as described above. Bloomberg and Wolpe (2008, p.103) recommend an ‘in vivo’ approach to open coding whereby the descriptors emerge from the data rather than being predetermined according to what the researcher ‘expects to find.’ Axial and selective coding will then be employed
to organise and analyse those categorised codes in order to discover their contribution to answering the central research question.

4.5 Ethical considerations

The researcher understands the term ‘ethical’ to mean ‘do no harm,’ It should be noted, however, that ‘harm’ is very broad and can include anything from physical harm to social embarrassment or breaches of privacy. Given this, the researcher will carefully explain the nature of her research to each participant, making clear that her findings will form part of a printed treatise which will be shared with all parties and made available in the university archives. It is important that this explanation is carried out in French or English as is appropriate before asking the participant to sign the NMMU Research Ethics Consent Form to indicate that they partake in the research voluntarily, anonymously and with a solid comprehension of that in which they are partaking.

Informed consent by the interviewees can be withdrawn at any stage of the research should they request to do so. No interviewees will be named in the research and no personal details will be revealed, although it will be necessary to give a general outline of their social position and role in order to justify the authority and context of their responses. Following acceptance of the treatise by NMMU all information relating to participants and the information they provided will be destroyed. Prior to that time, information will be stored in a secure environment. In addition the researcher will not seek to cause physical or psychological harm to any of the participants in the study or compromise their safety in any way. Although some participants may be unaware or unconcerned with the ethical obligations of the researcher, this should not be used to exploit or take advantage of the subjects in any way.

In this particular case, the sensitivities of researcher bias and observer effect may be heightened because the researcher is an employee of an international NGO and has a prior relationship in this capacity with the majority of interviewees in the study. It has been made clear to her employer and all participants involved that the researcher pursues this study in an independent
capacity and will take all necessary steps to minimise researcher bias. All participants gave their consent for the study to go ahead. However, despite these efforts to mitigate the effect of the researcher’s prior relationships with the other parties, it should be noted that her questions are unlikely to have been received entirely neutrally. If additional time and resources were available, a neutral interviewer should have been employed for the purposes of data-collection.

4.6 Conclusion
This chapter has outlined in detail the methodology employed in the research design, and data collection and analysis. The selection of a qualitative, inductive and interpretive approach to the research has been justified, and the measures taken to strengthen the trustworthiness of that data have been outlined. Some reflection on the limitations of the methodology and the ethical considerations of the work has also been offered.

The following chapter will outline the findings of the research. The findings will be presented in categories which demonstrate the different sources and types of conflict which exist between parties. This will be used as a basis to respond to the sub-questions about which conflicts (if any) exist between company and community; which of those (if any) are directly or indirectly caused by the current model(s) of participation; and how these conflicts can be understood in terms of conflict theory. Based on the findings outlined in the following chapter, a detailed response to these sub-questions will be presented in the final chapter of the treatise.
Chapter 5: Findings

5.1 Introduction

This chapter will outline the findings of the research based on a range of data collected between May and December 2009. It is broken down into themes and sub-themes according to coding. Coding is essentially the quantification of qualitative data and the researcher has analysed the data for similarities in response.

Where possible the researcher has included interview quotes verbatim, which accounts for colloquial and uncorrected grammar. It should also be recognised that interviewees often use the terms AGA and AGK interchangeably, as well as KIMIN, OKIMO and Kilo-Moto. This should account for some inconsistency in the use of terminology.

The research findings are divided into three sections according to the interview group from which the data was collected i.e. tripartite meeting participants; Forum participants; and those members of the community who participate in neither meeting structure. As outlined in the preceding chapter, these interviewee groups were selected so as to give a variety of perspectives on the company-community participation models under investigation. The data is presented in this way so as to clearly identify where there are overlaps and commonalities in response between groups but also where there are distinctions.

Within each interviewee group, the data is divided into three main themes which emerged from the data, through open coding. However, it must be acknowledged that interviewee responses are likely to have been at least partially shaped by the semi-structured format of the interview. Through axial and selective coding, the data is then further sub-divided to organise and analyse the data in terms of its relevance to answering the central research question. For clarity, these divisions are outlined in the table below.
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5.2 Tripartite meeting interviewees

5.2.1 Company-community conflict

5.2.1.1 Inter-party challenges

Five people across all three interviewee groups agreed that a major challenge to the tripartite meetings is a difference in agendas and interests. One representative from the mining company said that the interests of each party were different but also poorly defined.

Half of CdC and CAFOD interviewees said they think AGA’s primary motive is commercial, over and above any genuine concern they might have for social development.

A multinational company has its own interests. Even if it says 'We have to respect the rights of the community and invest in social projects', it is calculating its own interest. It does nothing which is against its own interest and does everything to protect its interest. (Interviewee 4)

However, two mining company interviewees said that this confusion over interests is due at least in part to further confusion over how parties relate to one another, specifically how the CdC relates to its northern partners.

Another challenge commonly cited was the inconsistency of representatives at tripartite meetings. Three interviewees highlighted the poor attendance of OKIMO at meetings and one person said that delays were sometimes also caused by inconsistency in the AGA representative chosen to attend the meetings.

At certain meetings [the same AGA representative] doesn't come and then you have to repeat everything that happened at the last meeting.”(Interviewee 5)

One CAFOD interviewee said that OKIMO used to send a low-ranking representative who was not authorised to answer any of the questions put to him at the meeting. One CdC interviewee felt that this was a strategy employed by both AGA and OKIMO in the early meetings to avoid taking responsibility for the community concerns being raised.

On the days when AGK came, OKIMO didn't come. In that way, AGK would just blame OKIMO and the next time when OKIMO came, AGK didn't come and OKIMO would just do the same thing [blame AGK].
And on the days when both of them came, AGK talked and talked but OKIMO would keep completely silent. They didn't say a word. (Interviewee 4)

CdC and CAFOD interviewees also highlighted the power disparity between the company and the community as a constant challenge to dialogue, both in terms of knowledge and status. Two interviewees said that there is an element of fear and intimidation on the part of the community when engaging with a multinational company like AGA. One CdC member said that they found the technical and legal aspects of discussions sometimes too complicated to fully participate in the meetings.

Personally, I don't understand very much about technical problems and mining law, so there are some really confusing things and it's the same thing for the majority of the population. Just imagine. It's a really serious problem. (Interviewee 4)

Interviewees also spoke of the importance of having strong and capable AGK staff on the ground which are able to communicate well with the community. One interviewee said that a lack of experienced AGK staff in development issues had proved challenging in the past and two further interviewees said that individual personalities can have a real impact on company-community engagement.

5.2.1.2 Meeting atmosphere

Universally, all interviewees agreed that at the outset the meetings had been very highly charged and adversarial but that the meeting atmosphere had improved significantly over time.

Right at the start, the meetings were really heated. There was a lot of mistrust and suspicion...But when I look at the last meeting we had, I see that there's been an impact...which has been the building of mutual confidence [and] the availability of each person to sit down and talk about these [challenging] questions. (Interviewee 8)

However, despite these improvements, interviewees still said they either felt attacked themselves or perceived that others felt attacked. The mining company representatives in particular said that they feel as though other parties are quite adversarial in their approach which can be challenging but doesn't pose an insurmountable obstacle. One interviewee said that it seems
as though the CdC and CAFOD expect AGK to simply report to them rather than to engage in any kind of sharing.

No CdC or CAFOD interviewees said they felt attacked themselves and all agreed they thought the atmosphere was largely positive, even if there were differences of opinion.

5.2.1.3 Conflicts
The three most commonly cited conflicts between company and community related to the management of artisanal miners, community expectations about the mine and the dispute between AGA, OKIMO and former-KIMIN workers.

Four people gave the example of the closure of a former mine near Mongbwalu (the Adidi mine) as a cause of tension between company and community. When the mine was closed, the artisanal miners that were working there (illegally) had to leave the area. One mining company representative said that the tensions were probably due to the perception that AGA was taking away the livelihoods of artisanal miners.

There were tensions on the part of the community because we were taking bread out of their mouths so to speak because regardless of whatever else the dangers they were facing they were still getting something out of it. (Interviewee 3)

Three people said that they thought tensions with artisanal miners could continue to be a problem in the future if miners are displaced to make way for mine construction. One interviewee said,

With so many thousands, tens of thousands [of artisanal miners] on that concession, how they interact and exist alongside a large scale mine is gonna be the big question in the future. And with the company wanting to close down some of the mines because of wanting access to the concession…there’s gonna be huge tensions. (Interviewee 7)

A second conflict between company and community relates to an ongoing dispute between former KIMIN workers and AGA and OKIMO. Many of the former workers continue to demand compensation and back-pay for having been made redundant when AGA took over the MINDEV joint venture

The ex-KIMIN workers—about 1,500 people, 10,000 with their families—if these people suffer, it’s the whole community that suffers...When AGK pays them, everything will automatically change, the population will be for Ashanti and Kilo-Moto. But for the moment, tensions are very, very high. (Interviewee 5)

Five interviewees also said that the high community expectations about the mine have led to a number of tensions. Three people said that a high precedent had been set by the previous mining company OKIMO/KIMIN which has meant that, in comparison, people have been unsatisfied with the social contributions that AGA has made in the area.

OKIMO gave everything to the community but AGK gives practically nothing. (Interviewee 4)

Two people said that this contrast was particularly stark because people are frustrated by the length of time that AGA has been in exploration phase and the delays this has meant for AGA’s social development activities.

Community expectations are high around what the mine’s gonna bring and every day that there’s not some benefit being shown then I think there is more frustration and that relates to both community development projects, to employment opportunities…across the board really. (Interviewee 7)

5.2.1.4 Conflicts managed in tripartite meetings

Apart from one AGA representative who said an example didn’t come to mind, all interviewees were able to give an example of a conflict which was better managed than it would have been if the spaces and relationships which have been opened up by tripartite meetings did not exist.

Five interviewees said that tensions between the company and the community around the closure of the Adidi mine had been eased because the reasons and plans for the closure had been discussed with the CdC in advance. The CdC was then able to share this information with local people and artisanal miners to explain why the closure was necessary.

The CdC...played a preventative role by demonstrating first of all to [the artisanal miners] that it wasn’t their [legal] right to have access to that mine...And another aspect of the explanation was about the danger of
the mine. These people wanted to mine the quartz but they didn't realise the dangers of the mine. And with all of these elements, it calmed tensions. (Interviewee 9)

One interviewee said that the CdC also helped calm tensions among ex-KIMIN workers by reassuring them that the CdC represents their concerns to AGA and OKIMO during tripartite meetings. Another interviewee explained that there had been an incident where some community members perceived they were being discriminated against when seeking employment with AGA and the CdC mediated their concerns to the company’s personnel officer on their behalf and those people are apparently now employed with the company.

5.2.1.5 Company-community relationship

Seven interviewees said there is little trust between the company and the CdC, together with its northern partners. Research evidence suggests that this lack of trust is mutual.

Both mining company representatives expressed concern about the intentions and the role of CAFOD in tripartite meetings. One interviewee said that when thinking about the tripartite meetings, the “northern partners” i.e. the CdC’s international NGO partners like CAFOD, come to mind before the CdC does.

If I'm invited here, more than anything else I think about the northern partners wanting to know what’s happening with regard to their southern partners. (Interviewee 3)

Four interviewees said this lack of trust is due mainly to the company being afraid of the northern partners. One person added that the company might also be afraid of losing their “social license” to operate i.e. community support for the project.

The presence [of the northern partners] gives [the CdC] weight because the mining company is scared of the northern partners...and the company is scared because if the community stands up against them, who will they live with, how will they continue [their operations]? (Interviewee 4)
One interviewee also said that, because the Mongbwalu community doesn’t completely trust the company, this can have serious implications for how the participation of the CdC in the tripartite meetings is viewed by local people.

People in the community are expecting [the CdC] to go in and bat for them in this whole process. So, if there’s no progress, [the CdC] might come under pressure… ‘What have you got to show for this?’ ‘Why are you going to have these meetings with the company…How come you’re such mates with them?…nothing has changed.’ So, I think that that is potentially quite damaging. (Interviewee 7)

5.2.2 Challenges to effective conflict management
5.2.2.1 Achievements of participation in the meetings
The most commonly cited achievement of participating in the tripartite meetings is that a formal means of dialogue now exists between the company and the community which did not exist before. Seven interviewees said that this was the most significant achievement but gave different reasons as to what benefits this dialogue had provided. Three interviewees focused on the information that community members are now able to access about the mining project, and two said that it enabled the community to raise concerns with the company. Two AGA representatives added that the tripartite meetings encourage the company to reflect on its own ways of working and address community concerns.

If [AGA have] been asked to do something that’s completely out of our policy then it may actually make us think about whether our policy is responsive enough, let’s say. (Interviewee 3)

Only one person mentioned the implementation of the recommendations made during the meetings as an achievement. This interviewee gave the example of AGA having provided the community with an ambulance in response to concerns raised by the CdC.

One CAFOD representative also highlighted the “intangible output” of improved relationships between company and the CdC as an achievement of the tripartite meetings. Although no other interviewees cited this in response to the researcher’s question about achievements, all of those interviewed
mentioned the improvement of relationships between company and CdC as a positive achievement in response to other questions.

5.2.2.2 Challenges of participation

There were a variety of responses about the challenges of participation but answers fell broadly into two main categories: practical challenges and inter-party challenges.

- Practical challenges

The practical challenge cited by most participants (five) was the lack of follow up on recommendations made at meetings. One mining company representative said that this causes a degree of “inertia” and said that it is up to all parties to make more of an effort in this regard. Two out of three CAFOD interviewees recognised that this is due partly to a “capacity” issue within the CdC but four CAFOD and CdC interviewees also provided examples where they felt AGA in particular has not acted on recommendations agreed at previous meetings.

There is such a frank dialogue- we believe that [AGA] is speaking the truth- but the realisation of what has been discussed never materialises. (Interviewee 5)

Uncertainty around the terms of the AGA-OKIMO-DRC government contract was cited by four interviewees as a constant challenge for company-community dialogue and two interviewees said this was due mainly to delays with the contract review.

“The political environment that the company’s operating under, you know licence negotiations...would prevent me from presuming a lot of things...Everything you say, the caveat is always that we don’t know if we [AGA] have got this place or not...we are operating under a cloud therefore I really don’t know how much I can say and promise.” (Interviewee 3)

- Inter-party challenges

Four interviewees said that the delay was also at least partly due to a lack of will on the part of AGA.

The fact that [AGA is] involved in a contract renegotiation...has provided a cover I think, initially, for prevention of information being disclosed but now does seem to be one of the reasons. ...I think...the
company has also been very nervous about this project and so I think...[it has been] a deliberate [strategy] by the company not to release everything now...and I think that’s been an obstacle. (Interviewee 7)

One CdC interviewee also mentioned that the selection of moderator for the meetings is also very important. The interviewee gave an example from the first ever tripartite meeting where there had been two moderators, one member of the CdC and one CdC partner. This set up led to considerable tensions and since that time independent moderators, allied to neither party, have been selected.

A further practical challenge, identified by three interviewees, was the limited role of the DRC government. One interviewee said that the rights of communities are not well defined or protected by national mining legislation and two other interviewees agreed that the weakness of the DRC state means that a mining company is expected to play the role that the government is unable to.

5.2.2.3 Ability to express oneself freely

All CdC and CAFOD interviewees said they always felt able to express themselves freely during meetings, apart from the occasions when conversation becomes too technical for their understanding. However, both company interviewees said they feel less free to speak during meetings. One mining company interviewee said that uncertainty around the company contract with government has meant that AGA is unable to share certain information with the community. However, another AGA interviewee said that they fear that their words might be misquoted, taken out of context or even deliberately manipulated by the other parties to make it appear as though the company is against community participation.

5.2.2.4 Ability to be heard

There were mixed responses with regard to how accurately interviewees said they believe they are heard by others. Mining company representatives in particular expressed concern about this. One representative said they fear
their words will be misinterpreted and another said they don’t think that the community believes a lot of what AGA says.

I don’t think [the community always believes AGA] and I’ll tell you why. I think that if you keep saying the same thing over and over again...after a while people are probably like ‘you’re hiding behind this.’ There’s also the fact that we’re exploring and we’ve been doing this exploration for a very long time. And there’s many reasons to that but if you keep saying you’re in exploration, at some point people will think you’re dragging your feet...So, I don’t think 100% people buy it. (Interviewee 3)

Four interviewees from CdC and CAFOD said they feel they are listened to for the most part but that it depends largely on what is being said. Three interviewees said that both AGA and OKIMO are less likely to listen if they feel they or their interests are being challenged.

[AGA and OKIMO] listen, yes, but everyone is defending their own interests and when you defend your interests you pull the covers over yourself. That’s the problem. (Interviewee 5).

5.2.2.5 Co-existence of tripartite meetings and the Forum

All interviewees agreed that any challenges associated with the presence of the Forum and the tripartite meetings alongside each other are limited in two main ways: through the integration and collaboration of the two community platforms, and through their divergence of roles.

One interviewee pointed out that, although there had been some challenges when the tripartite meetings were initially set up as it was perceived as direct competition to the Forum, those challenges have now been resolved. Six out of seven interviewees said that the fact that the Forum is part of the membership of the CdC and that they participate in common activities means that they have a collaborative partnership. Three people added that the two platforms have sufficiently different roles to avoid any cross-over.

The CdC is there to oversee and the Forum is there to discuss the needs of the community. So they are two different institutions. (Interviewee 8)

However, two CdC members joked that sometimes they perceive the Forum members who are also members of the CdC as spies.
Among the members of the Forum there are people who are like police because everything we have said here, the same day, AGK finds out about it! (Interviewee 9)

5.2.3 The ideal company-community relationship

5.2.3.1 Importance of the meetings
Of the eight people interviewed, all but one interviewee indicated that they consider the tripartite meetings to be very important. However, CdC and CAFOD representatives were generally more enthusiastic about the importance of the meetings than mining company representatives. One mining company interviewee indicated they would lean more towards saying that meetings are less useful than they are useful.

There were a range of reasons given for why meetings are important which can broadly be divided into two categories: the perceived function of meetings and the underlying basis for which company-community dialogue is a positive thing.

- **Primary function**
All parties agreed that the primary function of the tripartite meetings is to exchange information. However, how the direction of the information transfer was described varied between different interviewee groups.

For the mining company representatives, the primary function cited was to provide the other party with information i.e. information transfer in one direction. One interviewee indicated the need to correct misinformation.

There’s a lot of misinformation that’s out there- [attending the tripartite meetings] probably gives the company the opportunity to address those if they are surfaced or if the company itself then decides ‘look, we know people are thinking this, let’s just tell you. (Interviewee 3)

In contrast, for six interviewees from the CdC and CAFOD said the tripartite meetings provide the opportunity both to give the company information about community concerns and to receive information about the mining project i.e. information transfer in both directions.
- **Basis of importance**

All but one interviewee chose to mention that people who stand to be affected by the mining project should be provided with information about the project. Three people said that the meetings formalise or provide a sense of legitimacy to company-community dialogue and four interviewees added that the meetings help address the power differential between parties. Three interviewees said community advocacy was strengthened by the presence of northern partners, one mentioned the security that comes with being part of a larger group, and another said they felt supported in understanding highly technical and legal issues.

There is such a huge gap in terms of access to resources, to knowledge... skills and this forum at least puts the discussions on more of an even footing, although there are still massive, massive disparities. (Interviewee 7)

Half of CdC and CAFOD interviewees also said that they thought that the company-community dialogue is an important part of achieving a social license to operate but none of the company interviewees cited this as a basis for the meetings.

### 5.2.3.2 Ideal company-community relationship

Five interviewees said that their ideal relationship would be for the company and community to have better communication, both so that the company can understand the concerns of the community and that the community can be fully informed about the mining project. One interviewee said that if local people do not have access to information about decisions which will affect them, there will be conflict. The interviewee mentioned there is a local saying that goes: *tout ce que vous faites pour moi, sans moi, c'est contre moi* i.e. anything that you do for me, without me, is against me (Interviewee 4).

Two interviewees said that the power imbalance between company and community needs to be addressed so that local people can play more of a role in determining their own development path. One interviewee said that the company should ideally seek the consent of communities before mining begins.
Two interviewees highlighted that the outputs of the company-community relationship are also important. In an ideal world, they said, the community should benefit from the mineral wealth in the local area. However, two other interviewees said that the community should also be made more aware of its own responsibilities for development rather than expecting to receive everything from investment in the region.

One mining company interviewee said that in an ideal world the company and the CdC would be able to work together on social development projects rather than simply being a “watchdog.”

### 5.3 Forum meeting interviewees

#### 5.3.1 Company-community conflicts

##### 5.3.1.1 Meeting atmosphere

All interviewees agreed that the atmosphere during Forum meetings is largely positive, even if there are differences of opinion from time to time.

##### 5.3.1.2 Conflicts

Two interviewees mentioned the conflict with ex-KIMIN workers as the primary source of tension between company and community.

Two other interviewees said tensions have also been caused by a lack of information sharing. One interviewee said there are rumours and false information in the community which causes problems and another person said that the community is simply unhappy about the lack of information it receives about the mining project.

> There are a lot of tensions, particularly in the community, because a population without information is an unhappy population. (Interviewee 14)

One interviewee added that there had been conflicts in the past over how ethnically representative the Forum is of the Mongbwalu community and
another person said that there is a potential for conflicts in the future if AGA does not meet community expectations

I don’t see a conflict but I see disappointment...if AGK makes mistakes in the future, it could cause an escalation of sentiment in the negative way. (Interviewee 2)

5.3.1.3 Conflicts managed in tripartite meetings

All interviewees apart from one were able to give an example of a company-community conflict which the Forum has helped to manage. One mining company representative said that the Forum has not yet reached the level where it is able to perform a conflict management role.

Two Forum members gave the example of managing tensions among ex-KIMIN workers. One person said this was achieved through representing workers’ concerns to the company and another said that the Forum directly mediated with the workers to calm tensions during a protest march.

Two other interviewees said the Forum has helped calm tensions by being a vehicle through which information is shared with the community misinformation is corrected.

5.3.1.4 Company-community relationship

Three interviewees said that the Forum and AGA have a collaborative relationship where both company and community work together to ensure that local people benefit from the mining project.

Two interviewees said that the company, via Pact Congo, still has a “guiding” influence over the Forum. However, one Forum member said they consider this to be a temporary measure.

[The Forum has] an indirect contact with AGK. We were given Pact-Congo as the director of the Forum so AGK left us to Pact Congo...At the moment Pact is our intermediary but in the future we will be able to have a direct relationship with AGK ourselves and to do activities ourselves. That’s what we are expecting. (Interviewee 15)
5.3.2 Challenges to effective conflict management

5.3.2.1 Achievements of participation in the meetings

One interviewee highlighted the importance of establishing a dialogue between company and community and all interviewees cited the output of social projects, well suited to the needs of the community, as the primary achievement of the Forum meetings.

“The benefits are the community projects which are carried out. If we discuss a water point and it gets rehabilitated then there you go, that’s a benefit! The road as well- it’s the Forum that did that. The school too- that’s something we discussed in the Forum.” (Interviewee 14)

5.3.2.2 Challenges of participation

All three Forum interviewees said that a challenge of participating effectively in the Forum is that members are not fully independent and autonomous from PACT and AGA. In particular, they said they do not have any funding for the day-to-day running of the Forum and do not have any information about the company’s social budget.

Three interviewees across two groups also said that there had been difficulties in establishing the Forum initially because of confusion about its role as a community representative. There had been a widespread misconception that Forum members were employed by the company.

Two interviewees said there have also been challenges around how effective the Forum is as a means of information sharing both to the community and to the company. One interviewee said that there is room for improvement in how well information is relayed by Forum members back to their constituencies and another interviewee said that the Forum is not able to provide all the information the company requires.

“The Forum will never be representative because it is only a structure of I think of fifteen or twenty people... and...the gold industry itself is very complex, you know? So that’s why the Forum cannot just sit here and expect to be giving [AGA] full information.” (Interviewee 2)

One interviewee also added that delays with the contract review and the context of poverty in which AGA is operating have posed certain challenges.
5.3.2.3 Ability to express oneself freely

All interviewees said they felt able to express themselves freely during meetings. One mining company representative said this is in contrast with company-community communication with non-Forum members.

“[With other members of the community] I [can] only be evasive...from a legal perspective I [am] not even...supposed to engage, unless I do it on a personal level...But with the Forum, I’m free to express myself.” (Interviewee 2)

5.3.2.4 Ability to be heard

All interviewees said they feel as though they are listened to in meetings, with one interviewee saying that the proof of this is that there is a tangible output to the problems raised during the meetings i.e. the development of social projects.

5.3.2.5 Co-existence of tripartite meetings and the Forum

All interviewees agreed that any challenges associated with the presence of the Forum and the tripartite meetings alongside each other are limited in two main ways: through the integration and collaboration of the two community platforms, and through their divergence of roles.

Three of four interviewees said that the fact that the Forum is now part of the membership of the CdC and that they participate in common activities means that they have a collaborative partnership. One person said that the two platforms have sufficiently different roles to avoid any cross-over.

5.3.3 The ideal company-community relationship

5.3.3.1 Importance of the meetings

All interviewees agreed that the Forum meetings are very important. One mining company representative described it as the basis of the company’s entire community programme.

All interviewees said that the primary function of the Forum is to provide a “bridge” between AGA and the community. All interviewees agreed that the
primary way in which the Forum is able to perform this function is through the identification of social projects, based on an analysis of community needs.

One mining company interviewee said this is important because

When you come here in such communities you want to have an interlocutor that can help you be understood and play the role of [mediating between] you and the community...The company is still a foreigner, I would say, and will always be a foreigner for people. It’s a structure that has invited itself into the community with the help of the national government and probably the national government never really went into consultations with the local people so for that reason I would always see the company as a foreigner. So we need some go-betweens, some people that are local to help us [continue] the dialogue with the community so that’s why I see the necessity of the Forum. (Interviewee 2)

Four interviewees also highlighted the importance of formalising dialogue in a way where different community representatives can “raise a united voice” about community concerns.

You can’t just talk pell-mell with the community like that. You have to have a structure. (Interviewee 14)

5.3.3.2 Ideal company-community relationship

Three interviewees said that there needs to be better dialogue and increased information sharing between company and community. One mining company representative said that the company needs much “closer physical contact” with the community and one Forum member said that local people need more information about the mining project.

We don’t know if they will begin exploitation, if they will employ more personnel. That’s what they discuss in Kinshasa...[but] we don’t know what happens there. (Interviewee 15)

Three interviewees said that it is important to support the capacity of the Forum to perform its role. One person said this would mean that the Forum can take more direct responsibility for managing social development projects. Two other people said that the Forum’s capacity needs to be strengthened and that it needs to become more representative.
5.4 Non-meeting interviewees

5.4.1 Company-community conflicts

5.4.1.1 Level of knowledge about the mining project

All interviewees said they had limited knowledge about the mine, with one saying that no information is available at all.

I’m completely uninformed, completely uninformed. (Interviewee 11)

5.4.1.2 Satisfaction with level of knowledge

No interviewees were satisfied with their current level of knowledge about the mining project.

You have to say that people are really unhappy. They are unsatisfied and ask a lot of questions. (Interviewee 13)

5.4.1.3 Source of information about the mining project

All interviewees cited different sources for the information they receive about the mining project. One said that there was no direct source of information at all. However, the other two interviewees were in some way linked to either the Forum or the CdC and so said they access information through those channels. One person also added that it is possible to ask local people who work for the mine.

5.4.1.4 Expected benefits

One person said that information about the mine is too unclear to say for sure what benefits the community can expect but the other two interviewees agreed that social development is the primary expectation. Within this category, both interviewees mentioned jobs and one mentioned better working conditions for artisanal miners.

5.4.1.5 Company-community conflicts

All three interviewees highlighted a lack of information about the mining project as one of the root causes and sources of conflict between company and community.
When there is no information, the community often gets hold of the false information which is circulating and this causes problems."(Interviewee 11)

Two interviewees highlighted that, particularly in comparison with OKIMO/KIMIN, the community is unsatisfied with AGK’s social development work to date. As one interviewee said,

Everything that AGK is doing the community finds insignificant and unsustainable...What AGK is doing for the hospital at the moment, for example, is really insufficient. (Interviewee 13)

Two interviewees said that the tensions with former KIMIN workers continues to be a major problem and one person mentioned the potential for future conflict with artisanal miners if they are displaced when construction of the mine begins.

One interviewee said there is a community perception that AGA discriminates against local people in its recruitment of workers. They compared this to the discrimination that people perceived under the previous company KIMIN.

There are too few locals who have signed a permanent contract [with AGK]. It’s foreigners who are signing permanent contracts, locals are only *journaliers*- who are paid by day but only work for up to 30 days. And this creates social tension and it’s an injustice. (Interviewee 13)

5.4.1.6 Company-community relationship

Two interviewees said that AGA buildings are closed-off and that this is indicative of the company’s attitude towards the community.

People have the impression that AGK has no need of the population at all. And the enclosure that they have developed shows well that they have no need to meet with the population to set up [their mining operations] here. (Interviewee 13)

Two interviewees said there is a degree of mutual suspicion between company and community. One interviewee said that any person seen to be supporting the community with issues about the mining project is initially viewed as an “enemy” by the company out of fear that they are out to stir up anti-company resentment in the community. Another person said that the community is simply confused as to what to expect from the company.
We don't know what kind of politics [AGK is playing]. We don't know if they are our fellow Congolese brothers here to help us or what. (Interviewee 12)

5.4.2 Challenges to effective conflict management

5.4.2.1 Company-community engagement

All participants said that dialogue between company and community is absolutely essential. However, overall, none of the interviewees were entirely satisfied with the current extent of company-community engagement.

When asked whether they felt their views and values are adequately represented by the Forum, all interviewees questioned the independence of the Forum from its creator.

First and foremost, the Forum is an initiative of AGK. Whatever AGK says, that's what the Forum says. (Interviewee 12)

In contrast, although all interviewees agreed that the CdC is independent in its representation of the community, they said it is not physically representative of the community in Mongbwalu or very present on the ground. (Its offices are in the provincial capital Bunia). However, one interviewee argued that this is not actually a problem because, unlike the Forum, the CdC does not need to be physically representative to perform its role,

The CdC has a different vision. The CdC places emphasis on its actions as a structure, an NGO...The Forum is representative but not effective but the CdC just has to be effective. (Interviewee 13)

Two interviewees said that the reason the CdC is effective in stimulating company action is because the company is afraid of the support of their international partners.

5.4.3 Ideal company-community relationship

Two interviewees said that better communication and increased information sharing with the community is the key to a better company-community relationship.

It would take more than a miracle to satisfy a population you don't communicate with. (Interviewee 13)
The other interviewee focussed on the outputs of company-community dialogue in terms of benefits to the community. In particular well-paid jobs for local people and not importing labour in from outside the local area were mentioned.

5.5 Conclusion

This chapter has outlined the findings of the research in detail and presented them according to relevant conflict themes and sub-themes as identified within the data. Based on these findings, the following chapter will draw together the findings of the three interview groups and draw a series of conclusions relevant to the main research question and sub-foci.

5.5.1 Reliability, credibility and validity of data

There were various challenges experienced during data collection which should be acknowledged. Although the researcher planned to conduct member checking with all participants, this was not possible, particularly for interviewees based in the DRC, without regular access to email. The researcher was only able to verify that six participants were content with the accuracy of the researcher’s understanding of their interview data. The possibility of some inaccuracy in the researcher’s understanding should therefore be allowed for.

A second challenge was that the researcher is an employee of CAFOD and has an existing relationship with most of the interviewees. The researcher acknowledged this risk at the outset of the research and explained to interviewees that she would conduct this research as an independent student. However, the researcher observed that some parties still associated the researcher with her role at CAFOD and is concerned that some interviewees may not have felt as able to share information as freely as they might have done with a researcher they considered not to be affiliated with any of the interviewee groups. The researcher should also acknowledge that it was at times challenging to suspend her prior experience of inter-party dynamics and maintain objectivity. However, with the support of peer review, the researcher
is confident that the data presented within this treatise is as objective as possible.
Chapter 6: Discussion and recommendations

6.1 Introduction

The preceding chapters have provided evidence in response to the sub-foci questions, which are of relevance to the key research question. There are:
- Who are the stakeholders?
- What are the two current models?
- What conflicts (if any) exist between company and community?
  - Which of those conflicts (if any) are directly or indirectly caused by the current model(s) of participation?
  - How can these conflicts be understood in terms of conflict theory?
- What alternative models for company-community participation exist?
  - Which of those models (if any) would be effective in managing the case study conflict and why?

The literature review and detailed case study have provided the key background information about the stakeholders involved and the context and history of the two participation meeting structures. It also provided some perspective on the alternative models for company-community participation discussed within existing literature. The research findings presented in the preceding chapter outlined the perspectives of different interviewee groups about their direct and indirect experience of company-community participation and the challenges and conflicts that exist between parties.

This chapter will offer a discussion of this information in terms of its contribution to understanding the key research question: how can the current models of company-community participation be enhanced in terms of conflict management? A series of recommendations will then be made as to how this could be achieved.

The chapter will outline the most commonly cited conflicts between company and community and the ways in which the current models of community participation have sought to manage those conflicts. It will also demonstrate
whether the Forum or tripartite meeting structures have been the direct or indirect cause of company-community conflict.

The first section of the chapter will describe the root causes of conflict between company and community with reference to conflict theory. The contribution of the Forum and tripartite meeting structures to managing those conflicts will be assessed. The second section will outline the conflicts specific to each meeting structure, as well as some of the practical challenges which have limited their effectiveness in managing conflict. The third section of the chapter will look at interviewees’ reflections on the ideal relationship between company and community.

6.2 Company-community conflict
Based on data collected during interviews and the detailed case research, this section of the chapter will explore the root causes of conflict between AGA and the local community in Mongbwalu. Following on from the detailed literature review, the researcher will provide a theoretical basis for the conflicts and explore the ways in which the Forum and the tripartite meeting structures are engaged in the management of those conflicts.

6.2.1 High expectations
Interview data shows that high community expectations about the mine are a cause of company-community conflict. The primary benefit that most interviewees said they and the community expect from AGA are jobs and investment in social development. However, there has been frustration when these expectations have not been met. People are unsatisfied with the small number of jobs created and the limited social development work they have seen.

Local people have expectations of this kind based on the belief that, as locals, they are entitled to benefit from the gold in the area and they see jobs and social development as the two main ways this can be achieved. It might be considered theft, as well as an affront to local people’s sense of identity and ownership, if a company were to begin mining without acknowledging local
people as key stakeholders. However valid the basis of these expectations might be, if they are too high, the likelihood of them being met is reduced, thereby increasing the likelihood of a frustrated population. There are three main trends in the data which could explain why expectations are so high.

The first is the socio-economic context of Mongbwalu. Approximately 80% of people in Mongbwalu are unemployed and live in severe poverty. The people of Mongbwalu are also only recently emerging from a decade of deadly conflict in the country and local inter-ethnic fighting, during which it is estimated that over ten thousand people in Ituri were killed. What little infrastructure there was in the area was destroyed during the war, leaving it in desperate need of investment. It is because of this desperation and a recognition that the DRC government is not in a position to address their needs that the people of Mongbwalu are looking to a rich transnational mining company like AGA to help them. This treatise will not try to assess the validity of this expectation but it is important to note that a history of poverty and war has likely served to increase community expectations of the company.

The second factor to consider is the legacy of the previous mining company in the area, KIMIN. Local people have recent experience of the sort of investment that a mining company is capable of providing and they are frustrated that AGA has not acted in the same way. This contrast has been particularly stark because of the long exploration phase of the project, during which Congolese law does not require mining companies to engage in social investment. The exploration phase has been particularly long due to the slow progress of the national contract review.

Thirdly, in the absence of detailed information about the project, people have filled the void with speculation, and rumours. These rumours have served to raise community expectations about the mine e.g. AGA will create jobs for everyone, and increase tensions e.g. AGA will only employ foreigners.

Based on these three factors, the contribution of the Forum and the tripartite meetings to managing these conflicts will now be assessed. Admittedly, there
is little that can be done to change the harsh realities of the Mongbwalu context short of rewriting history and eradicating poverty. However, two interviewees agreed that a change in the community mindset will help manage their expectations. They said it is important to raise community awareness not only about what they are entitled to from the company but also about what they are not entitled to. While this seems a sensible approach, it is unclear how widespread or how successful this has been as a conflict management strategy. Despite AGA and Forum efforts to reframe community perceptions of the company as a ‘brother’ rather than a ‘father’, high expectations still clearly exist.

In terms of managing community frustrations about the limited social development in Mongbwalu to date, both the CdC and the Forum said they have explained to the community that AGA is subject to certain budget restrictions during exploration phase. They appear to have been successful in getting this message across because non-meeting members of the community who were interviewed all understood the reasons for the limited progress. The role of the Forum in targeting social development projects to community needs is also an important conflict management strategy because this maximises the community benefit that is possible from limited resources.

The Forum has also been trying to tackle the challenging legacy of KIMIN against which AGA’s activities are being compared. They have been trying to reframe local perceptions of the company, away from being a “father” figure to being a “brother” i.e. a more equal partnership rather than paternalistic giving. However, it does not seem as though these efforts have been successful because two out of three non-meeting participants highlighted the comparison with KIMIN as a continuing problem. It was also highlighted by CAFOD, Forum and CdC interviewees as well as AGA.

In terms of limited information sharing about the mining project, the Forum is wholly unable to address this challenge because their role is limited to social development and they do not have access to information about the project themselves. In contrast, the CdC should have access to this sort of
information via the tripartite meetings but because the information available is quite limited, its contribution to conflict management is also quite limited. If more information were made available, then it would seem logical to assume that the tripartite meeting structure would be more effective in conflict management.

Although the CdC and the Forum make a positive contribution to managing community expectations about the mine through awareness raising and information sharing, it must be concluded that they have not been able to manage them completely. Expectations continue to be very high and, if they remain unmanaged, a situation may be created where the community is unsatisfied with anything that falls short of those expectations. This risks creating an impossible working environment for the company.

6.2.2 Limited access to information
Research data shows that the community is not satisfied with the level of information that they have access to about the mining project. As well as its effect on expectations, this is significant for conflict dynamics for several reasons.

Firstly, it may give the impression that the company does not deem it necessary to engage with the community and this insults the community belief that they deserve to be considered. This is reinforced by the perception that AGA lives in gated communes and that the main decision-makers about the project are in South Africa or Kinshasa. Secondly, given the huge impact that the mine will have on their lives, people are afraid and may feel frustrated not to have access to information about something so significant. One community interviewee described a situation in which AGA had been drilling as part of its exploration work and was sending gold away to labs to be tested. The interviewee said that the community do not understand that this is part of exploration. For them, they only see the company mining for gold and sending it out of the country, which they see as exploitation. They were angry that they thought the company was lying to them.
It is important to consider the contextual factors which have influenced the level of information which the company is able and/or willing to share publicly. The multiple delays in the national contract review have meant that the terms of the contract are undecided and therefore there are likely to be questions that the company is unable to answer. Practically, the delays in the contract review have also meant that AGA is unable to progress from exploration phase to exploitation. Therefore final plans for the mine have probably not been agreed yet and it is understandable that the company would not want to release speculative information to a community whose expectations are already very high. While there may be genuine restrictions on what the company is able to reveal, there are also sensitivities to consider when sharing information which they are able to share. Releasing information about the mine, positive or negative, could risk increasing tensions if poorly handled. For example, telling the community that 10,000 people may have to be displaced will likely only increase tensions. Even if the information were positive, it could cause tensions if community expectations are raised and then not met e.g. if AGA says it will create 100 local jobs but then is only able to create 50.

In terms of the contribution of the different meeting structures to managing conflict arising from limited access to information, all three community members said that they receive at least some information from the CdC. However, although CdC interviewees said that they have access to more information now than they did prior to the establishment of tripartite meetings, research data shows that no members of the CdC and CAFOD were satisfied with the level of information that they receive. Therefore, while it is fair to assess that the tripartite meetings are not able to increase community access to information to a level with which they are satisfied, this is due to the limited information shared at meetings rather than how effectively information is shared by the CdC with the community. The Forum is not able to share information about the mine project with the community. Again, this is no reflection on the effectiveness with which the Forum shares information with the local community but more about the level of information to which they have access.
6.2.3 Competition for scarce resources

There is an inherent tension between AGA and the Mongbwalu community over access to resources. To build and operate the mine, the company will require land. This may be land that people are either living on, working on or dependant on in some other way. Few interviewees mentioned displacement as a current source of conflict but it was an issue that is raised repeatedly in the tripartite meetings, including the meeting which the researcher attended, and it is recognised as a common problem within the mining industry.

Almost all interviewees acknowledged that there is tension between AGA and artisanal miners operating on the concession. Although the company and the miners are not competing for the exactly the same sources of gold, they are often operating in the same geographical areas. Therefore, for health and safety reasons, as well as to preserve the investment AGA is legally entitled to, artisanal mining and industrial mining will not be able to coexist in exactly the same areas. Artisanal mining is a direct threat to AGA’s business and AGA’s business is in turn a direct threat to the livelihoods of artisanal miners. In all likelihood, at least some artisanal miners will be displaced from the areas where they are currently working and be forced to find an alternative site for mining. This could be a major source of conflict in future and community anticipation about displacement has already reinforced tensions.

Even though the company will be within their legal rights to displace the miners in this way, it will still cause tensions if the transition is not well managed. Many interviewees gave the example of the closure of Adidi mine as a company-community conflict. Regardless of the reasons for the closure, the perception among miners was that AGA was depriving people of their livelihoods. It was perceived as a conflict based on direct competition for resources with the local community.

However, the Adidi closure is an interesting example because artisanal miners were successfully displaced from the site without any open conflict. Tensions were still high but there was no manifest conflict. This was in part because goals which were originally perceived as incompatible were reframed
as compatible. Interviewees said that the miners were given an alternative site to mine and promised jobs with the company. As a result, AGA and the Provincial Governor achieved their goal because the miners left the area, and the miners succeeded in preserving their source of livelihood, albeit at a different location. The successful relocation was also partly due to the length of time over which the transition was made and the way in which the miners were approached about the issue. There was a process of dialogue with the miners and members of the community, including the CdC, the Forum and the Catholic Church, who were involved in negotiations and efforts to calm tensions.

It is not the primary function of the Forum or the CdC to manage tensions of this sort, but it is clear that they do play a role in conflict management. The CdC has been proactively involved in calming tensions by sharing the information they receive through tripartite meetings and representing the concerns of artisanal miners to the company. The Forum has also served as a bridge between company and community to mediate with the miners on certain issues and share specific information. Based on the Adidi case, this strategy seems to have been largely successful.

6.2.4 Perceived injustice

The conflict mentioned most often during interviews was the ongoing conflict between the workers of former mining company KIMIN and AGA and OKIMO. What is interesting about this conflict is that it is not clear who the former workers are in conflict with. They are motivated rather by their objective, which is to be paid the money they are claiming but it is not clear who was or is responsible for settling this dispute. Apart from OKIMO, who has always been the joint venture partner in Mongbwalu, none of the previous companies who were involved in the redundancy of the workers still exist. In the absence of those parties, the workers have turned to AngloGold Ashanti with their claim. However, as one interviewee said, it would not matter whether it was AGA or OKIMO or anybody else for that matter who paid the workers. They just want to be paid.
This is a conflict rooted in a perceived injustice. The former workers feel as though they have been mistreated and are seeking the money they are owed for the services they provided. These tensions have already been made manifest, as evidenced by the recent protest marches. Although the protests have been largely peaceful, some interviewees said that certain marchers had been threatening more destructive behaviour.

For AGA and OKIMO, the conflict may also be a matter of perceived injustice. In 2006, AGA took part in a series of conciliation meetings with the former workers and the work inspector. As a result of this meeting, an agreement was negotiated and all parties signed a document agreeing the matter to be closed. However, despite that agreement, the workers remain unsatisfied. Legally the dispute is settled so it is likely that AGA perceive an injustice in having made an agreement with the workers and having paid them certain sums of money, only for the conflict to continue.

It is not within the scope of this treatise to examine this conflict in detail but rather to look at the way in which the Forum and tripartite meetings contribute to the management of the conflict. From interview evidence both Forum and CdC members believe that they contribute to easing tensions between the company and the ex-KIMIN workers. In the same way as with artisanal miners, both the CdC and the Forum cite mediation and information sharing as the two main ways in which they achieve this.

However, several interviewees described how they ease tensions by explaining to workers that AGA is still in exploration phase. It is not clear if this is meant to imply that once AGA begins full-scale operations (and its social budget increases) that the company will pay the workers the money they are requesting. If so, this could be a potentially dangerous explanation because it raises expectations and will only serve to delay the inevitable and potentially exacerbate frustrations further.

It has been shown that in terms of perceived injustice, the contributions of the tripartite meetings and the Forum are not sufficient to manage this conflict and
could actually risk raising expectations further. Given that the number of people involved in this conflict and their dependents account for around 70% of the population of Mongbwalu, it could be a significant challenge for AGA’s operations if the dispute is not settled.

6.2.5 Summary
The three main sources of conflict between company and community which have been identified in the research data are perceived injustice, competition for resources and the various insecurities that arise as a result of poor access to information. Research data has demonstrated spaces for participation opened up by the Forum and tripartite meeting structures make a positive contribution to the management of those conflicts in two main ways: information sharing and mediation. However, research also shows that information about the mining project is only shared with the community through the tripartite structure, whereas the role of the Forum has a focus on social development work.

While mediation efforts and information sharing make a positive contribution to conflict management, the current system is not adequate to manage the conflicts completely, as evidenced by the fact that there are still tensions between company and community. In some cases it may be too soon to assess the impact of the conflict management approach. For example, the Forum is working to alter the paternalistic image of mining companies that community members have. This may take time to become effective. However, in other cases, the management approach fails to address the root causes of the conflict. For example, in the case of the former KIMIN workers, mediation efforts are focussed on trying to calm existing tensions but are not actively working towards a resolution of the conflict.

It could be argued that, to an extent, both meeting structures are indirectly responsible for increasing tensions between company and community. In the case of the tripartite structure, some interviewees raised concerns that dialogue without results can be more frustrating than no dialogue at all. One interviewee suggested that this might pose reputational risk to the CdC for
participating in a fruitless discussion. It was also suggested quite clearly in interviews that, if the Forum is not considered independent or representative of the community, not only is the value of its work negated but it can serve to increase tensions further.

**6.3 Challenges to effective conflict management**

**6.3.1 Perception of the other party**

Research data shows that there is a great deal of mistrust between the parties who attend tripartite meetings. It is common conflict behaviour to dehumanise other parties and make assumptions about their motivations and interests based on past experience or fear. This is clearly an obstacle for the effectiveness of the tripartite structure as a forum for information sharing, which is one of the main ways in which the CdC is able to contribute to conflict management.

AGA/K staff said they do not fully understand the intentions or even the make-up of each party. If they are concerned that their words will be used against them either publicly or at a later meeting, this is surely not conducive to information-sharing? However, no example was given during interviews of a situation in which either CAFOD or the CdC has behaved in this way so the root cause of this fear does not seem to be based on direct experience. It is more likely based on one of two things: a recognition of the power that the other parties possess to threaten its interests; or previous experience of other NGOs and other community networks which have behaved in that way (AGA has certainly been the subject of critical NGO reports in the past).

There is similar evidence of this behaviour among CdC members. Although the CdC does not have prior experience of dialogue with a mining company, it has had experience of a mining company which did not want to engage with local people at all and excluded them from decision-making. Even though AGA is already more engaging by comparison with its predecessor, it is significant that the CdC found AGA initially reluctant to engage with them. Given this past experience, it is possible that the CdC believes all mining
companies start from a position of non-engagement and that they are motivated only by profit. This is supported by research data.

The only reason that the CdC believes that AGA now engages with them is that AGA is afraid of CAFOD because, prior to CAFOD’s intervention, there was no engagement. They consider the tripartite meetings a claimed space and this has had a clear impact on the CdC-AGA relationship. It is significant for conflict dynamics if one party feels that the other is not there voluntarily but because they have been forced into it. The literature review showed that how and why participatory spaces are initiated affects how successful they are at managing conflict. The CdC does not seem to consider itself an equal partner in dialogue and so feels it requires partners like CAFOD to bridge the power gap.

In the same way as the CdC and AGA seem to be drawing conclusions about each other based on experience of other parties of the same generic type or grouping, there is evidence that CAFOD approaches dialogue with AGA based on its experience of other mining companies. Because CAFOD has seen both the positive and negative impacts of mining on other communities living near to mine sites in other parts of the world, they are motivated to ensure that the same thing does not happen in Mongbwalu. This information certainly and understandably colours the way they approach the situation with AGA in Mongbwalu.

In contrast, in Forum meetings, there is much more trust between parties and this may also be partly due to the way in which the meetings originated. The Forum was established at the initiative of the company and the company proactively invited the community to elect representatives they could consult about social development issues. Having been invited to the space rather than having to claim it for themselves, the Forum members feel that they are in a fairly equal partnership with the company. Both parties feel as though they can express themselves freely and be heard accurately. No party expressed any concerns about how their words might be interpreted or used.
by the other party. This is in stark contrast with the research data collected about the tripartite meetings.

The tripartite meeting structure has had both positive and negative impacts on inter-party conflicts. Meeting face-to-face with individuals is a way of breaking the trend of dehumanising the other party and, over a period of time, interviewees universally agreed that the relationship between parties has improved, with a more collaborative atmosphere during meetings. However, both the physical lay out of the meeting and the process of information sharing risks strengthening the division between parties. The researcher observed that during meetings parties sit strictly according to their interest groups i.e. CAFOD and CdC on one side of the room and AGA and OKIMO on the other. The process of the meeting was also quite dominated by the CdC and CAFOD asking questions to OKIMO and AGA, whereas the number of questions asked of the CdC and CAFOD were fairly limited. To the objective observer and to the other parties, this may give the impression of an adversarial atmosphere to the meeting. One mining company representative said that it sometimes feels as though other parties expect AGA and OKIMO to report to them or to answer to a series of demands.

From the researcher data, it must be concluded that perceptions of the other party poses a greater challenge to the tripartite meeting structure than the Forum. It has been argued that this may be due largely to how and why the meetings were initiated, as well as the tendency of conflicting parties to dehumanise one another and make assumptions based on unjustified generalisations.

6.3.2 Perceived incompatibility of interests

Linked to the challenge of how parties perceive one another, is how parties perceive each other’s interests. A perceived incompatibility of interests was cited in interviews as one of the major challenges to participating in tripartite meetings.
Research data shows that members of the community, the CdC and CAFOD believe that AGA and OKIMO are motivated first and foremost by a desire for profit. Following this argument to its next logical stage, some interviewees said that they feared that the interests of the community would be secondary or even sacrificed. This poses a problem to the effectiveness of company-community dialogue if the participants do not believe they are working towards the same goals or even that all parties are genuinely committed to the process. The irregular attendance of OKIMO at meetings and the inconsistency of AGA representatives probably further compounds this belief.

Interestingly the same problem does not seem to apply to the Forum meetings. However, this is most likely because the objectives of the Forum meetings have a much narrower focus: to identify social development projects well-targeted to community needs. This is clearly in the interests of both the Forum and AGA so there is no perceived incompatibility.

In principle, there should be no incompatibility between the interests of tripartite meeting participants either. It is in the company’s best interests to be transparent and engage with local people as a means of ensuring a social license to operate. This would also achieve the community objective of accessing regular information about the mine and being considered as stakeholders. The conflict is caused rather by a perceived incompatibility of goals and a history of mistrust between parties. The perception of conflicting interests is lower between Forum parties who, as it has been argued, also have a greater level of mutual trust.

6.3.3 Power dynamics
AngloGold Ashanti is the third largest mining company in the world. It has access to money, expertise and resources in a way that CAFOD, the CdC, the Forum and the local community do not. Interview evidence shows that this power disparity can be intimidating and also limiting, in the sense that there comes a point at which parties feel unable to engage in discussions about more technical issues.
Research data shows that the community believes its relative power is increased by the presence of CAFOD in two ways. Firstly, CAFOD provides the community with support on the more technical and legal issues which the community feel less able to understand and engage on. This reduces but does not completely remove the power disparity of access to resources and knowledge between company and community. Secondly, CAFOD has what Mayer calls ‘nuisance power’ and ‘moral power.’ With access to international channels of advocacy CAFOD has a certain level of influence over the public image of the company. With corporate social responsibility being increasingly important to the business of a mining company, CAFOD can be highly effective in highlighting the company’s moral obligations to local communities.

The CdC, the community and the Forum also have nuisance power but of a different sort. Having influence over the company’s image at local level is also a powerful tool because, if the community at large is discontent, this can threaten the company’s social license to operate. An unsatisfied population can lead to work stoppages and protests which affect the company’s ability to operate efficiently in the area.

Of course, this raises an important question about the practicality of community members having an increased say in decision-making processes. It is clear from the research data that most local people do not have sufficient understanding to engage fully in discussions, particularly on some of the more complicated issues of mining. In terms of conflict management, addressing the power gap through training and resources to community members would certainly be beneficial. It is not the purpose of this treatise to suggest practical ways in which this challenge could be addressed but it is important to acknowledge that there are challenges

6.3.4 Community perception of the meeting structures
The effectiveness of the meeting structures in conflict management is also dependent on the credibility of those structures to both the community and AGA.
Research data shows that the Forum is not seen as entirely independent from AGA and this poses a challenge for its credibility in the eyes of the community. If the community does not believe that the Forum members are able to independently represent their interests and values then any positive achievements of the Forum will be undermined. This applies to mediation efforts as well as the development of social projects. Without a sense of community ownership, neither mediated agreements nor projects will be sustainable in the longer-term.

The independence of the Forum is also a cause of concern for the CdC. While it was almost universally agreed that the Forum and the CdC can coexist and support one another, two interviewees said they sometimes suspected that Forum members were secretly feeding information about the CdC back to AGA. However, it is not the content of the information that concerns the CdC so much as a question of loyalty. It may also be telling if AGA and the Forum feel that they need to share information about the CdC in this way. It is probably symptomatic of a lack of trust in the CdC that such information cannot be requested directly from the CdC during meetings. Of course, it is entirely possible that this information sharing between the Forum and AGA is not part of some grand espionage so much as a way of the Forum updating the company on its activities. However, it must be acknowledged that from the CdC’s perspective, this has raised some questions about the nature of its partnership with the Forum. This also opens up the transfer of information to the ‘Chinese whisper’ effect where information becomes distorted as it passes through multiple parties. An interesting example of this was revealed subsequent to the data collection process. One CAFOD interviewee shared a story where they met with a journalist who had met with AGA only a few weeks prior. The journalist described what AGA had told them about an inflammatory community workshop that CAFOD had organised during its last trip to the CdC. The information that AGA had received about the workshop through various different channels had been vastly distorted and no longer fairly reflected the content of the workshop.

In terms of the credibility of the tripartite meeting structures, research
evidence from members of the community suggests that it is seen as more independent than the Forum. One interviewee said that AGA is also increasingly recognising the credibility of the CdC and gave the example of the company seeking advice from the CdC about security issues.

However, there may be some limitations to the effectiveness of the CdC because, unlike the Forum, it is not made up exclusively of members of the Mongbwalu community. Research data suggests that this is more of a concern for the mining company rather than the community because they question the authority and motives of the CdC to represent the people of Mongbwalu. In contrast, community interviewees did not seem to agree that the make-up of the CdC compromises its role whereas for the Forum it deems its representativity to be highly important. The community evaluates the CdC and the Forum according to different criteria because, whereas the Forum is intended to be representative of a certain group of people, the CdC aims to represent the concerns of that group of people. It is a subtle but apparently significant distinction.

**6.3.5 Summary**

This section of the chapter has demonstrated that mistrust between parties based on perceptions of the other party and their interests is a major obstacle in the effectiveness of the CdC as a conflict management strategy. In contrast, the Forum is not plagued by the same internal problems but instead is challenged by the way it is perceived externally by the community. It also demonstrated that power inequalities between company and community have presented challenges for participation, which have been partially addressed by the support of international NGOs.

**6.4 Ideal company-community relationship**

Before formulating recommendations for the enhancement of the tripartite and Forum meetings as conflict management strategies, it will be useful to explore in more detail what each party perceives to be the ideal company-community relationship. This will provide an insight into what each party is ultimately hoping to achieve by company-community participation and whether there is
any cross-over in those visions between parties. Interestingly, almost all parties defined the ideal relationship according to which existing problems they would like to be addressed. Very few interviewees proposed systemic changes or suggested ways in which their proposals could be implemented. This is possibly symptomatic of the fact that local people know fairly little about alternative models for participation and that there are limited case studies of good practice to draw from.

The most commonly mentioned way in which interviewees said the company-community relationship could be improved is for there to be increased information sharing between parties. However, the reasons for why this is important varied between interviewees. Some highlighted dialogue as a means to ensure that the community benefits from the AGA mine i.e. the community can better understand and monitor the company’s social obligations and the company can better target its social programming. However, some interviewees highlighted the importance of dialogue as an end in itself because it acknowledges that the interests of the community are valuable and should be considered in the decision-making process.

### 6.5 Recommendations: how can the current models of company-community participation be enhanced in terms of conflict management?

While the Forum and tripartite meeting structures do clearly play a role in managing company-community conflict, research suggests that they are not able to do so successfully for a variety of reasons, which have been outlined in this chapter. It is beyond the scope of this study to propose an alternative conflict management model. Instead a series of recommendations will be suggested through which the current models could be enhanced. However, given the extent of the latent conflict discussed within this treatise and that conflict management is not an agreed objective of either model, it is recommended that AGA undertake further study into the conflict dynamics in Mongbwalu and design a comprehensive model for conflict management.
Although ‘the community’ has been used as a broad term to refer to those people living near to the mine site who stand to be affected by its operations, it is unfeasible to consider those people a monolithic entity to which recommendations for action can be made. Therefore, although they are actors relevant to this particular conflict dynamic, no recommendations to community members have been included.

6.5.1 Recommendations to AngloGold Ashanti

1. Manage community expectations through regular and transparent disclosure of information about the mining project

2. Publish the details of the lease contract as soon as possible and provide support to the local community in understanding the terms of the contract, with particular reference to the social obligations of each party.

3. Establish direct and regular dialogue with local and traditional leadership. Ensure that engagement with the community is as inclusive as possible.

4. Work towards addressing the power disparity between company and community by funding independent legal and technical advice for community members.

5. Begin formal mediated dialogue with artisanal miners and their representatives to explore the ways in which industrial and small-scale mining can co-exist

6. Re-establish a mediated dialogue with representatives of former KIMIN workers who are in dispute with AGA and OKIMO

7. Commission a detailed study of community expectations and concerns and seek the advice of an experienced conflict practitioner to agree an action plan to address the findings.

8. Ensure a transparent and fair recruitment process, employing as many workers as possible from Mongbwalu and the surrounding areas

9. Ensure that AGA/K staff and offices are easily accessible by members of the community
6.5.2 Recommendations to tripartite meeting participants

1. Sit in mixed-party groups during tripartite meetings to limit the adversarial impression of ‘us-them’
2. Agree an agenda for the meeting well in advance to ensure there is sufficient time for an equal exchange between parties i.e. the information flow multi-directional
3. Have an open discussion about objectives and motivations for the meeting and for participation.
4. Agree an overall mandate for the meetings which acknowledge its contribution to conflict management
5. Ensure better follow up on meeting recommendations by establishing inter-party working groups to monitor progress between meetings
6. Agree formal minutes within a month following each meeting
7. Commit to regular attendance and a consistent representative
8. AGA to work towards addressing the power disparity between parties by funding independent legal and technical advice for community members. In time, this should replace the need for support from CAFOD and other international partners.

6.5.3 Recommendations to Forum participants

1. Ensure transparency in the election of community representatives
2. Ensure that all community groups are equally represented within the membership of the Forum
3. Demonstrate the independence of the Forum from AGA
4. Clearly define the role and mandate of the Forum, acknowledging its contribution to conflict management
5. Agree formal minutes for Forum discussions and establish regular meetings for representatives to feedback to their constituencies

6.6 Conclusion

This treatise has explored the two company-community participation models in the case study context of Mongbwalu as conflict management strategies. It has been argued that the two models do play a conflict management role but
that they are unable to do so successfully for a variety of reasons. These
include inter-party dynamics as well as practical challenges.

To assess the contribution of each model to conflict management, the
company-community relationship has been discussed, together with a
detailed account of the conflicts that exist between parties. Research does not
suggest that any of these conflicts have been caused directly by either
participation model. However, it has been shown that inefficiencies in the
Forum model and the community perception that it is neither independent or
representative of local people has contributed to frustrations about the way in
which the company engages with the local community. In this way, it could be
seen to indirectly contribute to conflict between parties but this effect is
limited.

It has been shown that there is quite substantial latent conflict and tensions
between company and community in Mongbwalu and that the two current
models of participation are not sufficient to manage them. However, it must be
acknowledged that this is the mandate of neither model.

This treatise has proposed a series of recommendations as to how the two
existing models can be enhanced in terms of conflict management. However,
the overall recommendation of this study is that AGA should carry out
thorough analysis of conflict dynamics in Mongbwalu and design a
comprehensive model for conflict management.

It has been demonstrated that the two case-study models of participation
would fall into the consultation category, as explored in the literature review.
Neither model involves the company seeking to obtain community consent.
While it has been conceded that there are reasons why a company might be
hesitant to develop a model of consent, it has been demonstrated that it
carries clear benefits in terms of conflict management. It is the
recommendation of this treatise that, as part of its broader analysis of conflict
dynamics in Mongbwalu, AGA should consider the value of the community
consent model for conflict management.
7. Reference list


## 8. Appendix 1 List of interviewees

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