AFRICA CENTRE FOR DISPUTE SETTLEMENT

At the University of Stellenbosch Business School

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Author(s)	Surname(s)	First name(s)
	Ganson	Brian
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MIND THE GAP
An Interview with Brian Ganson

Linda Botha with Pablo Lumerman

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Brian Ganson heads the Africa Centre for Dispute Settlement at the University of Stellenbosch Business School. He engages with multinational companies, governments, community advocates and other international actors as a consultant, researcher, educator, and mediator. His work focuses on the nexus of business, conflict and development, addressing multi-stakeholder approaches to risk mitigation and conflict prevention, organizational management and leadership, and the role of neutrals in post-conflict and other complex environments.

Question: ***What is an important and recurring theme or issue you experience in your work?***

Answer: The challenge of implementing a systemic approach to conflict prevention and resolution.

As someone who's studied company-community conflict and its resolution for some time, it's gratifying to see the growing breadth and depth of good practice out there. Some wonderful examples have been part of this Reflections from Practice series: Mia Corpus recounting how company and community leaders can work together so that everyone feels well represented; Kate Kopischke relating how even a company and community in conflict can form an alliance to demand greater accountability from the government; and Alex Muhweezi illustrating how lessons learned from one conflict can be used to develop policies that prevent them in the future, to highlight just three.

The frustrations and failures come when companies implement their approach to conflict prevention and resolution with communities in a piecemeal manner. They may be good at assessing potential negative impacts of their work before starting operations, but not so good at monitoring the actual

extent of those impacts once they are up and running. Companies may develop elaborate processes and procedures for managing conflict related to one part of their business – such as resettlement of communities around a new mining operation – but have none at all for other kinds of conflicts – such

as grumblings that mine workers from distant places are disrespectful to local women and community elders.

These are often large, sophisticated companies run by talented engineers. They would never imagine, for example, that a pipeline could operate safely and effectively with even one substandard component. They know in their hearts that every part affects the whole. Yet prevention and resolution of conflict with communities is still often dealt with on an *ad hoc* basis. There remain important gaps in analysis, planning, or implementation. This often enough leads to systems failures and nasty surprises.

Question: *What is a practical example of this?*

Answer: A gold mining company in West Africa misjudged an important source of conflict.

A few years ago, I was helping a gold mining company in West Africa assess its approach to managing conflict and security risks at one of its sites.

The assessment found that the company was in fact reasonably sophisticated in its approach to many company-community issues. It adhered to the Voluntary Principles on Security and Human Rights, and consulted regularly with local communities about its security arrangements. The company appeared to have implemented good employee and industrial relations policies and practices. And they had an open door when community members had complaints about company operations or employee behaviour.

The company, however, appeared to have a blind spot around artisanal miners working on its concession. The company has been operating for a very long time, and under its agreement with the national government, the company had exclusive mining rights. So the company treated the issue largely as a criminal problem: these were "illegal" miners that the government should deal with. But for centuries, local people had engaged in mining. From the community perspective, this was their land, their gold, and an important source of income. Even the characterization of their activity as illegal they found troublesome.

The problem only became worse as the company downscaled operations. On the one hand, the company was providing less benefit to the community. On the other, they were laying off people who knew how to mine and knew their way around the company's abandoned mineshafts. The artisanal miners became increasingly organized, brazen and confrontational with authorities.

Answer: The situation is increasingly conflict-prone, and has even resulted in fatalities.

Unfortunately, conflict with artisanal miners continues to escalate. A recent violent confrontation between police officers and local miners resulted in a company employee's death. This company as well as other mining companies in the area have reportedly suffered lost production as well as damages to property counted in the millions of dollars.

When I reflect on how a company can be good at managing certain kinds of conflict and bad at managing others, I conclude that it's about the breadth of the lens the company applies to conflict risks. At the narrowest, companies may focus only on issues they believe directly impact the physical security of their people and assets – things they perceive as threats to them. A growing number of companies have widened their perspective. They want to avoid company-community conflict through professional, responsible operations and good company-community relations. I'd put the gold mining company described above in this category.

Some very few companies broaden the lens even further, from "company-community conflict" to "conflict in the community." These companies realise that, whether or not a conflict is a result of their own actions, and even if they're not a direct party to it, it affects them as part of that community. I can't help but think that, had the gold company adopted this perspective, it would have dedicated more time and resources to helping de-escalate what was, even years ago, an obviously festering conflict between artisanal miners and their government.

Chevron in the Niger Delta is one company that takes this broader perspective. Through its Niger Delta Partnership Initiative, it supports the Partners for Peace network. The network provides conflict analysis and early warning of conflict from any and all causes. Along with the company's structured approach to community relations, the network has helped Chevron reduce conflict and violence not only against the company, but in communities around the company. Chevron's broad goal of peaceful communities – going well beyond good company-community relations – helps ensure there are fewer gaps in its conflict management systems, and thus fewer crises.