

Conflicts in the framing of conflicts: The case of community investment in a mining company in the Democratic Republic of the Congo

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Abstract

Conflict in firm–community relations is widespread and persistent. Diverse cultures and mindsets, particularly among extractives companies and local communities, pose a particularly challenging environment. Previous research offers insights into how to categorise and resolve conflicts. However, this paper addresses conflicts where the actors involved disagree on the frame of the conflict, thereby rendering the associated solutions inappropriate for one or both of the parties involved. We use examples from the Social Community Fund of a mining firm in the DRC to nuance previous work on conflict frames and develop a revised model that has implications for theory and practice.

KEYWORDS

community investment, conflict, firm–community relations, mining

1 | INTRODUCTION

Local communities are important firm stakeholders in developing countries. If these communities do not provide legitimacy to a firm, the costs incurred by the firm may be high: Delayed production, stoppages, blockages and additional staff time are needed to manage firm–community relationships (Banerjee, 2001; Dashwood, 2012; Eweje, 2006; Franks et al., 2014; Frynas, 2005; Kostova & Zaheer, 1999).

One of the main activities that a firm can develop with the community to obtain its legitimacy is Community Investment (CI). CI consists of a firm's discretionary investment in communities where the objectives of this

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investment 'tend not to be directly related to a firm's day-to-day operations' (Harrison & Coombs, 2012, p. 410). CI's main intended outcomes are investments in community well-being and increased legitimacy for the firm (Bowen et al., 2010; Frynas, 2005).

However, in order for the firm and the community to obtain these positive outcomes, both actors need to manage their differences constructively (Gray, 1989) or resolve their disputes (Ury et al., 1993). In the field of management, the differences and disputes between firms and the community have been considered from two main perspectives: The first focuses on collaboration (Austin, 2000; Banerjee, 2001; Dunham et al., 2006; Gray, 1989; Rajak, 2011); the second focuses on conflict or dispute resolution (Covey & Brown, 2001; Lytle et al., 1999; Ury et al., 1993). Models based on these perspectives normally define an ideal to reach, be it the highest level of collaboration (Austin, 2000) or the lowest costs of disputing (Ury et al., 1993); they also describe and prescribe actors' behaviours in progress towards this ideal.

But what if some actors do not share the ideal or conform to the behaviours identified as necessary to progress towards this ideal? These situations are increasingly relevant, particularly where multinational companies meet local communities with highly diverse cultures (Banerjee, 2001). Conflict is widespread and persistent: Some settlements or solutions may themselves create conflict (Perera, 2017), or ongoing conflict could be welcomed as an opportunity for continuous improvement (Arenas et al., 2020; Bell & Pospisil, 2017). Effectively, in today's world '*... the emergence of heterogeneous values and lifestyles has undermined the taken-for-granted socially acceptable rules and norms that were once the guiding principles of legitimate corporate conduct*' (Ehrnström-Fuentes, 2016, p. 434). Given its persistent nature, more research is needed to better understand the types of conflicts between firms and community.

A particular kind of conflict emerges between firms and stakeholders precisely when the differences affect, not the specific application of a set of 'rules and norms' (Ehrnström-Fuentes, 2016: 434) but the set of norms itself that each side adopts in order to solve a conflict. For instance, a firm may want to negotiate a solution based on interests, while the community refuses to sit at the negotiating table and trusts rather in a legal resolution by the court based on rights (Ehrnström-Fuentes, 2016). In such situations, the conflicts are framed differently by the actors involved, which complicates the resolution of the dispute (Ury et al., 1993).

This paper addresses differences, or conflicts, in the framing of conflicts based on Ury et al.'s (1993) model of dispute resolution. This model frames stakeholders' conflicts within three sets of norms: power struggles, rights claims and interest negotiations. In terms of costs of disputing, these authors estimate that power struggles cost the most to reconcile, followed by rights claims and then interest negotiations; the latter are also claimed to offer the highest levels of satisfaction. Thus, resolving conflicts through interest negotiations becomes the desired approach. However, Ury et al. (1993) also note that interest negotiations take place within the context of rights, which itself is contained within the context of power and that disputes may move back and forth between these different frames. This model has been adopted by Lytle et al. (1999) in the context of strategic negotiation and by Covey and Brown (2001) to explore firm–community collaboration in the development literature, while the relationships between the three sets of norms have been discussed by different authors (Banerjee, 2001; Dunham et al., 2006; Ehrnström-Fuentes, 2016; Hardy & Phillips, 1998). Nevertheless, in practice, there are situations where firm and community do not agree about the framing and implied set of norms to be applied in order to resolve a dispute. While a business firm may take an interest negotiation approach, a local community may take a rights position through a court therefore provoking a conflict in the framing of the conflict. Ury et al.'s (1993) model is therefore limited in its ability to explain these simultaneously different framings. How then to proceed?

This paper attempts to shed light on conflicts in the framing of conflicts, based on firm–community relationships in the context of CI. More precisely, the research question is as follows: How can the framing of conflicts influence conflict resolution in firm–community relations?

We answer this question by analysing the Social Community Fund (SCF) of a multinational mining company that extracts and processes copper and cobalt in the Katanga Province (Democratic Republic of the Congo). Our empirical data allow us to analyse different conflicts within the SCF related to its governance system, community representation and the provision of community services.

This paper contributes to the discussion around the framing of conflicts as power struggles, rights claims and interest negotiations in the context of firm–community relations. Effectively, the existing model favours a shift towards interest negotiation which, while embedded in the contexts of rights and power, does not question them. This can lead to the exacerbation of conflicts. By identifying and exploring conflicts in the framing of conflicts, we aim to expose how conflicting frames may affect the persistence or resolution mechanisms of firm–community conflicts. We explore the potential for a ‘richer, more comprehensive’ (Gray, 1989, p. 5) appreciation of firm–community conflicts to open up a wider set of possible solutions. Our case also provides practical implications for CI including a recognition of firm imposition on local communities, the importance of respect for the delicate balance between community participation and local elite’s capture of funds and the crucial role of mediators needed to ‘navigate situations arising from different worlds’ (Boltanski & Thévenot, 2006, p. 216). The rest of the paper is structured as follows. First, the theoretical framework is introduced. Second, the method is explained along with the case presentation and data. Next the analysis and findings are reported. Finally, a discussion and conclusion close the paper.

2 | THEORETICAL FRAMEWORK

2.1 | Collaboration and conflict

As stated above, the differences between firm and community have been considered from two main perspectives: *collaboration* and *conflict*.

The perspectives on collaboration present processes of collaboration modelled in a ‘collaboration continuum’ (Austin, 2000, p. 71) that spans from temporary and restricted acts of collaboration to permanent and broader forms called ‘partnerships’ or ‘alliances’.¹ They tend to advise avoiding conflict or omitting it entirely (Austin, 2000; Bowen et al., 2010; Dunham et al., 2006; Wicks & Berman, 2004).

In contrast, the perspectives based on conflict/confrontation² interpret it as a sign of power imbalances between actors and contend that under the appearance of collaboration there are power dynamics that need to be acknowledged and rebalanced in order to reach fair results or to reap the potential fruits of collaboration (Banerjee, 2001; Covey & Brown, 2001; Hardy & Phillips, 1998; Kramer, 1990; Rajak, 2006).

A third group of authors contend that collaboration and conflict respond to two fundamentally different approaches to reality, referred to as ‘sociologies of consensus’ or ‘sociologies of conflict’ (Boltanski & Thévenot, 2006, p. 25). Despite their differences, in reality, both behaviours should be embedded in ‘... the study of the agreement-reaching process’, where ‘... instances of agreement reaching and critique [are considered] as intimately linked occurrences within a single continuum of action’ (Boltanski & Thévenot, 2006, p. 25). Along this third line, Barbara Gray³ defines collaboration as ‘the constructive management of differences’ (Gray, 1989, p. 1) between stakeholders, with the objective of developing a full appreciation of a particular problem from different perspectives:

‘Collaboration is a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible ... The objective of collaboration is to create a richer, more comprehensive appreciation of the problem among the stakeholders than any one of them could construct alone.’ (Gray, 1989, p. 5)

Thus, collaboration (including differences or conflicts) is a process that departs from different stakeholders’ appreciations and can lead to solutions beyond the limits of what each individual stakeholder’s appreciation considers possible. Gray defines ‘appreciation’ in the following way:

'Appreciation involves assessing a current course of activity in light of current norms and beliefs about what is possible and desirable for the future (Vickers 1965). Building a joint appreciation, then means sharing these appraisals of the domain and trading individual and collective perceptions of what is and what is not possible.' (Gray, 1989, p. 229)

2.2 | Interests, rights and power

An interesting approach to collaboration and conflict is presented by Ury et al. (1993) who identify three main ways to resolve disputes (Ury et al., 1993, p. 4): interests, rights and power. They can be interpreted as three forms of appreciation or sets of rules that enable actors to resolve disputes, according to the particular framing of the conflict.

Interests are defined as '*needs, desires, concerns, fears—the things one cares about or wants*' which form the basis of more tangible demands. Ury and colleagues acknowledge that different interests cannot easily be reconciled. Finding a solution '*involves probing for deep-seated concerns, devising creative solutions and making trade-offs and concessions where interests are opposed.*' The procedure, or interaction, needed to reach a resolution is most commonly negotiation, described as '*the act of back-and-forth communication intended to reach agreement. Another interest-based procedure is mediation, in which a third party assists the disputants in reaching agreement.*' (Ury et al., 1993, pp. 5–6).

Rights are a second way to frame disputes. Rights constitute legitimate independent standards which are perceived as fair and may be '*formalised in law or contract*' or '*socially accepted standards of behaviour, such as reciprocity, precedent, equality, and seniority (...).*' When resolving a rights conflict, the aim is to determine who is right, and who gets what, in a given dispute. However, '*rights are rarely clear. There are often different - and sometimes contradictory—standards that apply.*' The result is that '*Reaching agreement on rights ... can often be exceedingly difficult, frequently leading the parties to turn to a third party to determine who is right.*' (Ury et al., 1993, p. 7). In contrast to conflicts in interests, the outcome of a rights contest is not subject to negotiation: One party in the conflict will win, the other will lose.

The third way of framing a dispute is power struggles. In this third procedure, similar to rights claims, one party tends to win while the other loses. However, the determination of who wins is not based on norms or 'standards' but rather on the coercion of one party by the other(s). Power can be defined as '*the ability to coerce someone to do something he would not otherwise do.*' (Ury et al., 1993, pp. 7–8) and is typically used to threaten or impose costs on the other actor or party. It is not always clear from the outset which party is the more powerful as this is '*ultimately a matter of perceptions*' and may involve '*a decisive and potentially destructive power contest*'. '*Despite objective indicators of power, such as financial resources, parties' perceptions of their own and each other's power often do not coincide.*' (Ury et al., 1993, pp. 7–8).

The relationship between these three framings is represented by Ury et al. (1993) as a set of three concentric circles with interests based at the centre encircled by rights and then power (see Figure 1). This representation signifies that rights claims are only possible within the boundaries established by power struggles, while interest negotiations are set within both rights and power contexts (Covey & Brown, 2001; Lytle et al., 1999; Ury et al., 1993).

However, this model of concentric circles is limited in its ability to address what we refer to as conflicts in the framing of conflicts. In this kind of conflict, differences in appreciation do not refer to the different solutions possible in a specific frame (Gray, 1989, p. 229; Boltanski & Thévenot, 2006, p. 217) but rather to the sets of rules which define the frames and potential solutions to conflict. This conflict in the framing of conflict occurs, for example, when one actor frames a conflict in terms of rights while another actor frames the same conflict in terms of power or interests.

A disagreement in the framing of conflicts then has important implications for how to resolve such conflicts. According to Ury et al. (1993), the different dispute framings are associated with different resolution methods which may shift over time. For example,

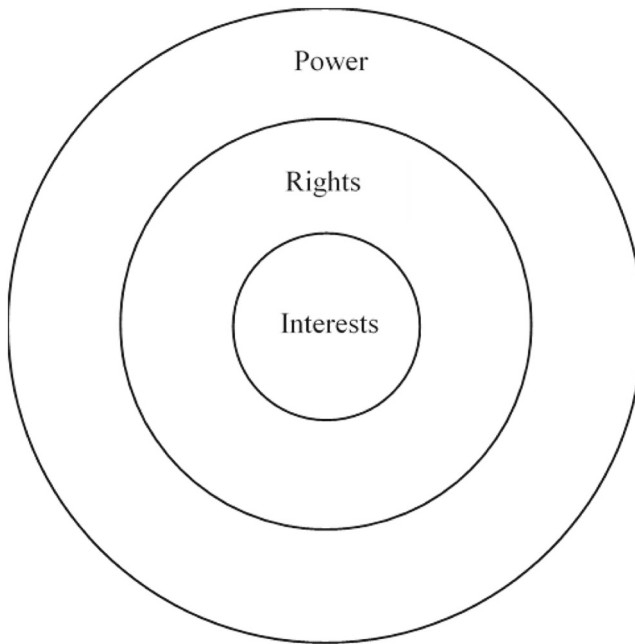


FIGURE 1 Power, rights and interests. Source: Ury et al. (1993: p. 9)

'The likely outcome of a dispute if taken to court or to a strike ... helps define the bargaining range within which a resolution can be found. Similarly, the determination of rights takes place within the context of power. One party, for instance, may win a judgement in court, but unless the judgement can be enforced the dispute will continue. Thus, in the process of resolving a dispute, the focus may shift from interests to rights to power and back again.' (Ury et al., 1993, p. 9)

The three frames are compared in terms of 'costs of disputing' (Ury et al., 1993, pp. 11–13) which includes transaction costs, satisfaction with outcomes, effect on the relationship and recurrence of disputes. Interest negotiation has the lowest costs, followed by rights claims, while the costliest are power struggles. This implies a preference for framing conflicts in terms of interests in order to minimise these costs of disputing. Lytle et al. (1999), who refer explicitly to this model, recommend businesses attempt to '... deflect other negotiators' intent on using contentious rights and power strategies' (p. 32). Similarly, Covey and Brown (2001), also based on this model, contend that all actors should be trained to 'build[ing] the capacities of both parties to carry out interest-based negotiations' (p. 14).

Given that the original model does not provide a space to represent conflicts of framing, and the implications this has on how to resolve such conflicts, we formulate an alternative model (Figure 2) which separates the different framings in order to account for conflict between them. This model allows for the identification of the actors' conflicting frames in the intersection areas 4-5-6-7. For instance, an issue that is perceived by one stakeholder as a power struggle but by another as a rights claim can be located in area 4 at the intersection of the circles of power and rights.

3 | METHOD

In light of the limitations to the previous literature, we employ a case study approach to explore how the framing of conflicts can influence conflict resolution in firm–community relations.

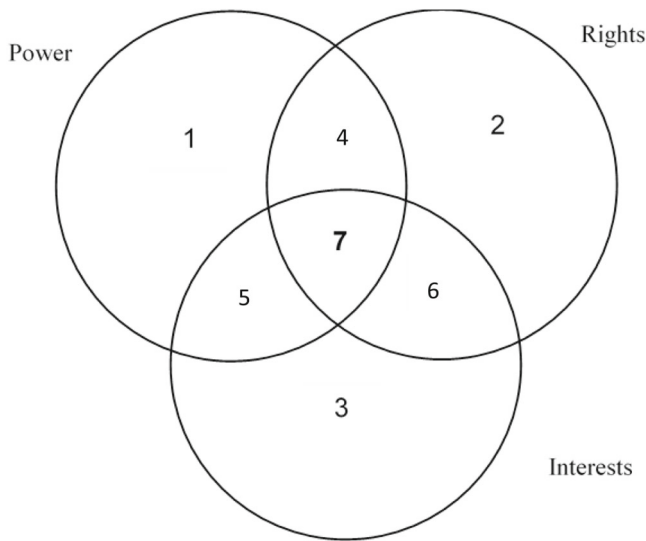


FIGURE 2 Power, rights and interests for conflicts in framing conflicts. *Source:* Authors' own elaboration

Case study is 'a research strategy that examines, through the use of a variety of data sources, a phenomenon in its naturalistic context, with the purpose of 'confronting' theory with the empirical world' (Piekkari et al., 2009 p. 569) particularly appropriate when the boundaries between phenomena and their contexts are not clear (Yin, 1981). In this sense, relationships between mining companies and local communities where they are operating have proven to be particularly complex and unclear (Banerjee, 2001; Dashwood, 2012; Eweje, 2006; Frynas, 2005; Rajak, 2011).

3.1 | Case selection

The challenges which mining multinationals face in gaining legitimacy and achieving positive impacts on local communities in often unstable regional or national contexts are well documented (Banerjee, 2001; Eweje, 2006; Frynas, 2005; Hamann et al., 2005). The selected firm (anonymised as MIN) was a mining company operating in the Democratic Republic of the Congo (DRC), one of the poorest and most corrupt countries in the world (UNDP, 2013). Since 2005, MIN owned a concession of 1500 km² in the province of Katanga which included 43 villages and two large towns, with a total population of 150 000 inhabitants (Bwenda, 2014). The firm's activity was to extract, process and export copper and cobalt (Mària & Devuyt, 2011). Its production in 2014 was 425 million pounds of copper and 30 million pounds of cobalt (MIN, 2014). In 2012, it represented one of the biggest mining investments in the DRC and was labelled a 'mining giant in Katanga' (Bwenda, 2012, p. 4).

It is worth noting that the region of Katanga has been historically shaped by a culture of dependency by its population on mining companies. In particular, the state-owned mining company Gecamines which previously exploited the concession provided a wide range of welfare services to the local population for decades until its bankruptcy and privatisation at the end of the Second Congo War 1998–2003 (Michel et al., 2009). This dependency is epitomised in the popular local expression 'Gecamines is my mother, Gecamines is my father' (Mària & Devuyt, 2011, p. 957). The new foreign mining companies which arrived after 2001 had to gain their social licence to operate in different ways—one of them was through CI. In this context, the companies faced a dilemma: either perpetuating the 'Gecamines mindset' that the community was used to or promoting citizenship and participation of the local community at the risk of losing community support.

MIN was chosen because the SCF it sets up as part of its CI scheme was designed to gain its social licence to operate while promoting citizenship and participation. It was both original and successful (Bwenda, 2012; MIN, 2012) and defined as an 'almost unique model in the DRC' (Umpula Nkumba et al., 2014, p. 14). The governance structure for the SCF put in place by MIN was recognised and advocated by the Platform of NGOs for the Mining Sector in Katanga which proposed the model as a legal requirement for *all* the mining firms in the DRC (Umpula Nkumba et al., 2014). Nevertheless, the difference between the local Gecamines mindset and MIN's culture of citizenship and participation gave rise to many types of conflict including examples of conflicting frames of conflicts providing an ideal case for responding to the research question of this paper: How can the framing of conflicts influence conflict resolution in firm–community relations?

3.2 | Data collection

The sources of data for the case include both desk research and field research. Desk research, included MIN's documents, which offer data about the firm (values, CSR policies, SCF structure), reports that highlight the singularity of MIN's case and an external assessment of its operations (Bwenda, 2014; Mària & Devuyt, 2011; Umpula Nkumba et al., 2014) and literature which provides information on the economy, society and politics of Katanga (De Failly, 2005; Michel et al., 2009) as well as critical analysis of other mining companies operating in Sub-Saharan Africa (Mària, 2016; Rajak, 2011).

Field research included several visits to Katanga and to MIN between 2010 and 2014. In 2010 and 2011, one author visited the MIN concession in Katanga and conducted interviews with MIN directors and with diverse local actors in order to understand the industrial activity and general CSR approach of MIN. These visits contributed to assessing the relevance of the SCF as a specific object of research and to set criteria to select interviewees from as broad a variety of different mindsets and perspectives as possible. Primary data on the SCF were collected between June 2013 and May 2014 through semistructured interviews based on an interview protocol developed by the authors. The objective was to ask broad questions regarding the relationships between firm and community and to elicit examples of interest negotiation, rights claims and power struggles related to the SCF. The interview protocol was redacted to avoid any 'leading-the-witness questions' (Gioia et al., 2013, p. 19). The interviews were not recorded due to concerns by the interviewees that they would not be anonymous and a desire to put the interviewees at ease (Leech, 2002). In order to ensure that interviewees would not be limited in responding to the questions posed, the interviewers took notes throughout each interview and at the end of the interview. In 2018, a new series of interviews with members of the local community were conducted, in order to verify and update the previous rounds of data collection.

3.3 | Case setting

In this section, we first provide a brief description of the complex community on and around the MIN concession. Secondly, we present the SCF's institutional frame, its governance structure and the norms of operation of the Fund.

3.4 | The local community

In 2014, the population in the mining concession area was 150 000 inhabitants (Bwenda, 2014), but an important part of this population had migrated to the area since the arrival of MIN in 2005. Only a low proportion of such migrants found work as qualified MIN employees: first to build the mine's facilities, later on (in smaller numbers) to

run the mine. But the vast majority arrived with the hope of reaping different kinds of benefits from MIN: public services such as health care, education and infrastructure or (a minority) to take advantage of illegal or informal extraction of ores belonging to MIN. In this migration process, the original 'indigenous population' (low-skilled nonmigrants) living in the concession area became marginalised. Their claims were voiced by NGOs and especially by the traditional authorities ('pouvoir coutumier'), who constituted an authority in parallel to the provincial and local government authorities. Public officials received low and irregular wages from their employers, creating a context conducive to corruption and bribery of companies to supplement their income (Mària & Devuyt, 2011).

3.5 | SCF structure

The SCF structure (publicly recognised and nationally diffused by the Platform of NGOs for the mining sector in Katanga) includes three bodies that are linked by a procedure referred to as the funding cycle (MIN, 2011; Umpula Nkumba et al., 2014); its full structure is presented in Figure 3. The Board of Trustees (BoT) has the last word in approving or rejecting the projects submitted by community members to the SCF. The voices of the community and of the provincial government are represented in this BoT by three seats, and veto power is held by the two representatives elected by the Stakeholder Forum (hereafter 'Forum') (Umpula Nkumba et al., 2014). However, MIN holds the majority of seats (four seats out of seven) on this BoT. The Secretariat, a technical body, mediates between the BoT and the Forum. Finally, in the Forum, community groups are represented by the leaders of the different zones established by local health committees. This Forum is only advisory, and its composition is determined by MIN. The interaction between these three bodies is regulated by the Funding Cycle. This cycle comprises a complex process of deliberation, with the intervention of the three bodies and also of external actors like democratic and traditional local authorities (Figure 4).

1. *Board of Directors* – Governing body. It makes the final decision to select or reject projects. It consists of:
 - 4 representatives of MIN;
 - 2 members elected by the SF (right to veto decisions);
 - 1 representative of the Provincial Government of Katanga.
2. *Secretariat* – Technical body. It ensures compliance with all SCF policies and procedures. The majority of its members are MIN employees.
3. *Stakeholder Forum* (Forum) - Advisory body for community consultation. It consists of 40 members, representing:
 - Committees of Health Development (24 members);
 - Members of religious groups (7);
 - Local chambers of commerce (4);
 - Local civil society groups (5).

FIGURE 3 Structure of the social community fund (SCF). Source: MIN (2011)

1. *Consultation.* The Secretariat consults with traditional authorities and the Forum on funding priorities and identification of needs.
2. *Submission.* Communities prepare their grant applications and submit them to the Secretariat for review.
3. *Revision.* The Secretariat reviews all submissions and opens an evaluation file for each application received.
4. *Presentation.* Proposals are first presented to local and traditional authorities; then to the Forum. The Forum ensures that these proposals are aligned with the community priorities and the needs identified during initial consultations.
5. *Final decision.* The Secretariat finalizes grant application evaluation files with recommendations to the Board. The Board makes the final funding decisions for each file.
6. *Implementation.* Projects are implemented by local contractors and staffed by local labor wherever feasible. The firm is committed to engaging with traditional local authorities to keep them updated on the SCF's progress.

FIGURE 4 The social community fund (SCF) funding cycle. Source: MIN (2011)

TABLE 1 SCF aspects and Venn diagram positioning

Venn diagram area	SCF issue	Conflict
4 - Power versus rights	Governance structure	Majority of seats for MIN versus democracy
5 - Power versus interests	Community representation	Fair mediators versus co-opted mediators
6 - Rights versus interests	Provision of community services	'With the support of MIN' versus continuation of gecamines' patronage

Abbreviation: SCF, Social Community Fund.

Source: Own elaboration.

4 | ANALYSIS AND FINDINGS

Our empirical data reveal a number of incidences of conflict between different actors of the SCF. We draw on three specific examples (summarised in Table 1) which represent conflicts in the framing of conflicts (areas 4, 5 and 6 in Figure 2). Each conflict is classified by identifying how the different actors involved framed the conflict according to interests, power and rights.

4.1 | Governance structure: Power versus rights (area 4)

This first case highlights a conflict in the governance structure related to the distribution of seats on the BoT. Out of the seven seats on the BoT, which had the power to approve or reject projects proposed by community members, MIN controlled four of them and thus held a majority. This majority position led to conflict between different actors, but their understanding of the conflict was framed in different ways. The first forms an appreciation of power and the second as a claim based on rights, more specifically democratic rights.

4.1.1 | Power appreciation

The reason that MIN maintained a majority of seats was based on the company's previous experience at their Asian plant. In a similar SCF setup, local NGOs there held the majority on the BoT, but firm managers contended that this had led to a situation where 'corruption is rife' (Mària & Devuyst, 2011, p. 959). For the SCF in DRC, MIN decided to maintain the majority of seats to avoid such corruption 'The four representatives of MIN are there [in the BoT] to ensure that the money of the company is actually used for what the SCF was created' (Forum Member 2014). By maintaining the voting power, MIN aimed to reduce corruption between community groups and members and ensure that the funds were directed to projects which were deemed to benefit the common good.

4.1.2 | Rights appreciation

From an alternative appreciation, the conflict was seen as a conflict of rights, and particularly democratic rights, whereby the SCF should offer fully democratic rights in the decision-making process. One local commented: 'If the SCF refuses to go democratic, it will only be an illusion created to sell the image of [MIN] ... if the money really belongs to the population, it is to this population - through its representatives - that the spending decisions should befall' (Community Member 2014). Regardless of the potential risk of conflict between different groups in the community, this appreciation views the money in the SCF as belonging to the community, not the firm, and therefore should not be subject to decisions made by a BoT with a majority of firm representatives. From this perspective, the community should have been able to do what they wanted with the funds regardless of the outcomes.

4.1.3 | Analysis

The literature provides different governance models for CI: some leaning on the control by the firm, others providing more control to the community (Mària, 2016; Nwankwo et al., 2007). MIN's solution (inspired by its Asian subsidiary) aims to encourage community participation but also avoids corruption by local elites. Effectively, community is a 'particularly amorphous and centerless stakeholder group' (Dunham et al., 2006, p. 39), but it is penetrated by power relations exploited by elites:

'In a context where the ability to deal with external sources of funding is concentrated in a small elite group, the bargaining strength of common people is inevitably limited, hence their ready acceptance of highly asymmetric patterns of distribution of programme benefits. If the intervention of the elite results in an improvement in the predicament of the poor, however small that improvement, the latter tend to be thankful to their leader(s): the new outcome represents a Pareto improvement over the previous situation and this is what matters after all.' (Platteau, 2004, p. 227)⁴

This tension has been formulated by African CSR scholars as the need to 'reconcile ... economic empowerment and social investment' (Visser et al., 2006, p. 13). It is also clear from the composition and changes in the local community population that there is the potential for significantly different interests and demands leading to conflicts.

4.2 | Community representation: Power versus interests (area 5)

With the BoT (and therefore the funds) under the majority control of MIN, the SCF structure channelled community participation mainly through the Forum. The Forum's composition attempted to incorporate representatives from

the different geographic areas (established according to local health development committees) and social groups (religious groups, Chambers of Commerce and civil society/NGOs). However, although the Forum was only consultative, it was not elected by the population leading certain groups to claim that they were not represented in it (e.g., rural indigenous communities, who received more support and attention from the former Gecamines approach). Despite the external support by the Platform of NGOs, the way the Forum worked was a source of conflict between some of the actors. This conflict can be analysed through the conflicting appreciations that frame it in terms of interests or in terms of power.

4.2.1 | Interest appreciation

From the perspective of Forum members, the Forum's structure was effective in mediating between the firm and community. The members claimed that the Forum worked 'perfectly well' (Forum Member 2014) as they were available to discuss with different community members and stakeholders with diverse interests and to articulate project proposals to the BoT. The Forum officially met once a year; however, members reported that meetings were often held more frequently *'in reality, the meetings take place every time it is considered necessary, for instance, when someone raises a complaint regarding a project that's being implemented. These meetings are clearly sufficient, both for MIN and for the community'*. (Forum Member 2014).

4.2.2 | Power appreciation

From the perspective of a number of members of the community, the Forum was an instrument of imposition of MIN's decisions on the community. In contrast to the Forum members, these community actors considered that the meetings between MIN and the Forum members were sessions aimed at 'indoctrination' (Community Member 2014): *'You arrive to the Forum meeting with your ideas, you leave with MIN's ideas through the SCF'* (Community Member 2014). Subsequently, Forum members were seen as imposing their opinions on the community who they considered to have a limited understanding. The Forum members were described as people whose 'ascendancy is strong' (Congoese Economist 2018) suggesting that some notions of superiority were associated with their member status. Community actors saw them as MIN's 'puppets' (Community Member 2014).

Despite their overall support for the SCF, some NGOs also recognised that the Forum members were rarely critical of the firm. The Platform of NGOs organised fora to debate issues important to the local community and claimed *'there is no other frame where the Forum members can receive community members who are critical with the operations of the SCF.'* (NGO 2 Director 2018).(NGO 2 Director 2018)

'They [Forum Members] consider that the people accuse them of not knowing how to make a good job, they mishandle these things and want to suffocate the people who can make such criticisms.' (NGO 2 Director 2018)

4.2.3 | Analysis

Those who held the interest appreciation wanted to legitimise the roles of Forum members as mediators between the firm and the community and understood any conflict around this as being related to conflicting interests in terms of which projects and needs were addressed. This is in line with Ury et al.'s (1993) definition of 'interest negotiation' which frames mediation (in this case the Forum members) or *'the act of back-and-forth communication intended to reach agreement'* (Ury et al., 1993 p. 6) as an interest-based procedure. But members of the community contended

that the Forum was an instrument of imposition of power by MIN and therefore framed or appreciated the resulting conflicts in this way. Ury et al.'s (1993) definition of 'power' consists precisely of 'the ability to coerce someone to do something he would not otherwise do'.

The confrontation of these appreciations with the literature on CI results, first, in the consideration of the SCF as a scheme that, at least nominally, gives voice to the community. Effectively, other CI schemes do not give any voice to community members (Mària, 2016; Mària & Devuyst, 2011). In these cases, the firm is a donor and the community a recipient: 'at the center of the donor-recipient relationship is an exchange of deference and compliance by the client in return for the patron's provision' (Rajak, 2006, p. 191). The outcomes in terms of investments in the community may result in infrastructures/gifts that are not useful for the recipient community and are sometimes labelled as 'white elephants' (Frynas, 2005, p. 587).

However, Rajak contends that certain CI schemes or policies that nominally give voice to the community are in fact instruments of the firm's power: '*Policy can thus be seen as part of the political technology used to remove the highly political issue of social responsibility from the realm of moral discourse, by translating it into a neutral language of science and pragmatism.*' (Rajak, 2006, p. 193).

Applying Rajak's ideas to our case, we can interpret the SCF as a set of norms and practices through which the firm wants to avoid the shift by community members to power struggles (or rights claims), where moral and political dimensions are more explicit.

4.3 | Provision of community services: Rights versus interests (area 6)

In the final example, the conflict in the framing of conflicts centred around the role of the firm in providing typically basic community services. These conflicts reflect the debate about the old and new roles of mining companies in Katanga. As explained earlier in the case presentation, there was a historical 'Gecamines mindset' or culture of dependency by the community on the mining operator for the provision of basic services. However, the failure of the local authorities and the state-owned companies to effectively provide such services (roads, hospitals, schools, water, electricity, etc.) led to mistrust of the public sector and influenced the community's view of MIN expecting it to fill the gap in the provision of such services.

4.3.1 | Rights appreciation

The Gecamines mindset which existed among the local community expected the firm operating on the concession to provide basic services: '*Another problem is the Gecamines mindset, which shapes the majority of our citizens. For them, MIN should provide them with all necessary goods for their welfare*' (Congolese Economist 2014).

This expectation was grounded in a rights appreciation where the former operator was government owned and was thus expected to provide private and public benefits. The community was previously promised improvements which were not delivered, and therefore, the local community felt it was their right to demand such services: '*The population's opinion is negative: the population wants water and electricity. Public companies [Water and Electricity] do not fulfill their engagements. The State deficit weighs on the company [MIN].*' (Community Member 2014).

4.3.2 | Interest appreciation

Coming from a different perspective is the view that the firm was not in a position to replace the State in protecting citizens' rights and providing basic services for the common good. Rather, they could play a role in providing funding for setting up some projects in which the community had an interest and which would then be either self-sufficient

or maintained by the local authorities: *'We don't want to replace the State, we want to support it. Our formulation when we sponsor a public service is 'With the support of MIN.'* (MIN Manager) (Mària & Devuyt, 2011, p. 961). The importance of the State in maintaining the ongoing projects was again emphasised: *'MIN is neither the Ministry of Education nor the Ministry of Health: at a certain point, the State will have to take in charge the continuity [of projects funded by the SCF]. This will be done easily if the local community is ready to guarantee the continuity.'* (Firm Representative 2, 2014).

Further evidence for this conflict being viewed with an interest, rather than a rights appreciation, is the way the local authorities and MIN disagreed with different aspects of the project which needed to be resolved, potentially through negotiations: *'One of the difficulties is that the State has said: 'You have built schools that were not in my plan, we cannot maintain them, you continue to do so'. At its turn, the SCF says: 'No, no, my obligation is to build schools, not to maintain them.'*' (Congolesse Economist 2018).

Additionally, MIN has an interest in securing local community support; providing basic services is an important way of doing so: *'In order not to lose its credibility in front of the population, the firm always accepts to pay the maintenance or the operation costs of schools, roads, etc.'* (Congolesse Economist 2018).

4.3.3 | Analysis

The 'Gecamines mindset' is typical of many African societies (Visser et al., 2006) but clashes openly with MIN's approach: aware of its role as different from the State's, with the latter being responsible for assuring the provision and maintenance of services (light, water, education, health care) and expecting the active involvement and financial responsibility of citizens in covering the costs of this provision (Mària & Devuyt, 2011; MIN, 2015).

The tension between rights and interests in this case is highlighted by the following questions:

'How far do companies' responsibilities extend in providing public services? When does involvement in local governance become an unhealthy intrusion into the political process? How can business avoid creating a culture of entitlement and dependency through its charitable activities?' (Visser et al., 2006, p. 12)

The conflict of framing identified in this case connects to a more fundamental discussion on the framing of firms' provision of public goods in communities as a question of rights or interests. We go on to discuss our findings and their implications for wider theoretical debates as well as in practice in the following section.

5 | DISCUSSION

Our empirical findings provide specific examples from the context of CI of how there may be disagreement between how conflicts are framed by the parties which are involved in them. The three cases described in the intersection areas of Figure 2 raise some fundamental issues linked to the original model of power, rights and interests (Figure 1): creating space to allow for conflicts in the framing of conflicts, how to resolve such conflicts and practical implications regarding conflict management in CI.

5.1 | Creating space for conflicts

First, regarding the visualisation of different types of conflicts in the original model, the MIN case has illustrated the existence of conflicts in the *framing* of conflicts. The reworked framework in Figure 2 allows for the identification

and location of conflicts in the framing of conflicts opening the possibility that different frames may be used simultaneously by the different actors.

The original model by Ury et al. (1993) shown in Figure 1 assumes a specific relationship between power, rights and interests. In this relationship, conflicts can shift between the different frames in an outward or inward direction. However, our reworked model (Figure 2) and the cases presented suggest that power, rights and interests are three distinct perspectives that need to be considered separately as actors may not frame the conflict in the same way. In this sense, power, rights and interests can be interpreted as three different appreciations of a conflict. This then opens a space for observing conflict in the framing of conflicts which Gray (1989) suggests can bring a much fuller understanding of the conflict and what is possible and desirable.

5.2 | Resolving conflicts

Second, recognising the coexistence of different frames of conflict raises questions about how to go about resolving such conflicts. For example, when conflicts are framed in different ways, how should the actors proceed? Should they try to align the frames or should they remain distinct? If the former, how should the final frame be decided? If the latter, how can such conflicts be resolved? These are fundamental questions both in theory and practice. Our findings contribute to ongoing discussions in political CSR as to whether firms will seek to influence and co-opt the communities on which they depend or whether they are able to recognise and respect diverging local viewpoints and adapt or transform corporate activities to local settings and specificities (Ehrnström-Fuentes, 2016).

The prioritisation of interest negotiation, which is argued by Ury et al. (1993) to be the least costly and result in the most satisfactory outcomes, less strain on relationships and lower recurrence of disputes, implies that when a group of actors frame a conflict in terms of a power struggle or rights claim, these actors may be consciously or otherwise directed towards interest negotiation. For example, Lytle et al. (1999), who refer explicitly to this model, recommend businesses attempt to ‘... deflect other negotiators’ intent on using contentious rights and power strategies’ (p. 32). Covey and Brown (2001), also based on this model, contend that all actors should be trained to ‘build[ing] the capacities of both parties to carry out interest-based negotiations’ (p. 14).

However, behind this justification based on a cost–benefit analysis, the preference for interest negotiations may be a disguised attempt to coerce weak stakeholders. In fact, Hardy and Phillips (1998) invite scholars to ‘take care not to adopt the perspective of the most powerful stakeholders in judging the ‘success’ of collaboration’ (pp. 227–228). Gray (1989) also recognises that groups with less power may actually go along with decisions which are unfavourable to them simply because of the appearance of legitimacy that powerful groups give through controlling information and narratives. Further theoretical work is necessary to respond to the question of when conflict should not be moved towards interest negotiation such as for human rights issues. In this sense, Figure 2 constitutes a reference to identify better models.

We recall Gray’s (1989) view that collaboration allows stakeholders to develop a more comprehensive appreciation of a problem than if they did it alone. This vision suggests that there is a possibility beyond the imposition of one framing or appreciation on another. Rather, the common elaboration of ‘a richer, more comprehensive appreciation’ could open possibilities that were not conceived based on the individual separated appreciations of the different actors.

5.3 | Practical implications

As well as theoretical implications, our findings bring several practical implications in relation to conflict management in CI. First, it is important to analyse carefully and specifically the real impositions of firms upon communities in institutional frames like SCFs: both in their governance structures and in their practices. For instance, ‘training sessions’

for Forum members may become, in Gray's terms 'processes of socialisation' used by the powerful to 'maintain their domination by controlling the awareness of the less powerful ...'.

Second, an SCF that gives voice to the community needs to respect the complexities of local community relations, for example, between community participation and local elite's capture of funds, in both its governance structure and in its operations. The difficulty of this balance is acknowledged by assessments of so-called Community-Driven Development (CDD) projects, which stress the importance of attending to local communities rather than different forms of centralised decision-making by the State or by a firm (Platteau, 2004).

Finally, the actors involved in conflict need to acknowledge the crucial role of mediators to 'navigate situations arising from different worlds' (Boltanski & Thévenot, 2006 p. 216). Cooptation by either the firm or community members risks missing the opportunity for establishing the 'right to difference' (Ehrnström-Fuentes, 2016 p. 457) and for richer solutions addressing co-existing conflicting frames.

6 | CONCLUSION

Given the importance of conflict and ongoing challenges in firm–community relations, particularly in developing countries, we identified the relevance of conflicts which occur in the framing of conflicts. We presented an alternative, reworked framework of such conflicts (Figure 2). This alternative acknowledges the different 'worlds' (Boltanski & Thévenot, 2006) or sets of rules that actors use in their appreciations of a given situation. This difference translates into conflicts in the framing of conflicts as power struggles, rights claims or interest negotiations. A priori prescriptive shifts of actors towards resolutions using interest negotiation (Covey & Brown, 2001; Lytle et al., 1999) or impositions (more or less explicit) of one frame over another by certain actors may entrench conflicts and prevent the elaboration of a more comprehensive appreciation that opens new possibilities in dispute resolution or desired courses of common action (Gray, 1989).

We used the case of the SCF of a mining company in the DRC to illustrate our argument and to develop practical implications regarding governance, complex community relations and the role of mediators. Future research could explore the way different stakeholders are prepared and trained for participative governance and multistakeholder contexts to identify the extent of the emphasis on interest negotiation rather than using power or rights frames in a variety of developing or developed country contexts.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

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ENDNOTES

- ¹ "We use the term collaboration but do not distinguish its meaning from 'partnerships' or 'alliances'." (Murphy et al., 2015 p. 145, footnote 1). It is in this broader form of collaboration that distinctions can be made between levels of alignment: For instance, Dunham et al. (2006) consider 'cooperation' a lower level of working together and 'collaboration' a higher level.
- ² 'Confrontation' is used as a synonym of 'conflict' (Covey & Brown, 2001; Hardy & Phillips, 1998, p. 228), 'adversarial interaction' (Arenas et al., 2013, p. 724, footnote 2; Gray, 1989, p.7) or 'adversarial relations' (Hardy & Phillips, 1998, p. 224).
- ³ Gray is widely cited in this literature; see for instance Arenas et al. (2013), Austin (2000), Covey and Brown (2001), Hardy and Phillips (1998), Kramer (1990) and Murphy et al. (2015).

⁴ From a generic perspective, B. Gray defines elitism: 'One party or a selected group controls access to the decision-making forum. Control over access and agendas is restricted to a powerful elite. Depending on your point of view, these elite either legitimately represent the interests of non-decision makers, or they define social problems in a manner optimal to themselves'. (Gray, 1989, p. 116).

REFERENCES

- Arenas, D., Albareda, L., & Goodman, J. (2020). Contestation in multi stakeholder initiatives: Enhancing the democratic quality of transnational governance. *Business Ethics Quarterly*, 30(2), 169–199.
- Arenas, D., Sanchez, P., & Murphy, M. (2013). Different paths to collaboration between business and civil society and the role of third parties. *Journal of Business Ethics*, 115, 723–739.
- Austin, J. (2000). Strategic collaboration between nonprofit and business. *Nonprofit and Voluntary Sector Quarterly*, 29(1), 69–97.
- Banerjee, S. B. (2001). Corporate citizenship and indigenous stakeholders. Explaining a new dynamic of organisational stakeholder relationship. *Journal of Corporate Citizenship*, 1, 39–55.
- Bell, C., & Pospisil, J. (2017). Navigating inclusion in transitions from conflict: The formalised political unsettlement. *Journal of International Development*, 29(5), 576–593.
- Boltanski, L., & Thévenot, L. (2006). *On justification economies of worth*. Princeton University Press.
- Bowen, F., Newenham-Kahindi, A., & Herrman, I. (2010). When suits meet roots: The antecedents and consequences of community engagement strategy. *Journal of Business Ethics*, 95, 297–318.
- Bwenda, C. (2012). [MIN] et [CCK]: Deux approches du respect de la RSE par les sociétés minières du Katanga. *Document de Recherche, Centre d'Etudes pour l'Action Sociale (CEPAS), Kinshasa-Gombé*.
- Bwenda, C. (2014). Responsabilités sociétales des entreprises minières et développement des communautés locales. In *Communication to the seminar on corporate social responsibility in Africa* (pp. 1–8). Jesuit African Social Centers Network. October 15th–19th.
- Covey, J., & Brown, L. D. (2001). Critical cooperation. An alternative form of civil society business engagement. *Institute for Development Research Reports*, 17(1), 1–18.
- Dashwood, H. (2012). *The rise of global corporate responsibility mining and the spread of global norms*. Cambridge University Press.
- De Failly, D. (2005). L'économie de la RDC en phase de post conflit. In P. Mabila, T. Hanf, & B. Schlee (Eds.), *La République Démocratique du Congo une démocratisation au bout du fusil* (pp. 137–158). Konrad Adenauer.
- Dunham, L., Freeman, R., & Liedtka, J. (2006). Enhancing stakeholder practice: A particularized exploration of community. *Business Ethics Quarterly*, 16(1), 23–42.
- Ehrnström-Fuentes, M. (2016). Delinking legitimacies: A pluriversal perspective on political CSR. *Journal of Management Studies*, 53(3), 433–462.
- Eweje, G. (2006). The role of MNE in community development initiatives in developing countries. Corporate social responsibility at work in Nigeria and South Africa. *Business and Society*, 45(2), 93–129.
- Franks, D., Davis, R., Bebbington, A. J., Ali, S. H., Kemp, D., & Scurrah, M. (2014). Conflict translates environmental and social risk into business costs. *Proceedings of the National Academy of Sciences*, 111(21) May 27th, 7576–7581.
- Frynas, J. (2005). The false development promise of CSR: Evidence from multinational oil companies. *International Affairs*, 81(3), 581–598.
- Gioia, D., Corley, K., & Hamilton, A. (2013). Seeking qualitative rigor in inductive research: Notes on the gioia methodology. *Organizational Research Methods*, 16(1), 15–31.
- Gray, B. (1989). *Collaborating: Finding common ground for multiparty problems*. Jossey Bass.
- Hamann, R., Kapelus, P., Mackenzie, A., Hollesen, P., & Sonnenberg, D. (2005). Local governance as a complex system. Lessons from mining in South Africa Mali and Zambia. *Journal of Corporate Citizenship*, 18, 61–73.
- Hardy, C., & Phillips, N. (1998). Strategies of engagement: Lessons from a critical examination of collaboration and conflict in an interorganizational domain. *Organization Science*, 9(2), 217–230.
- Harrison, J. S., & Coombs, J. E. (2012). The moderating effects from corporate governance characteristics on the relationships between available slack and community based performance. *Journal of Business Ethics*, 107, 409–422.
- Kostova, T., & Zaheer, S. (1999). Organizational legitimacy under conditions of complexity: The case of the multinational enterprise. *Academy of Management Review*, 24(1), 64–81.
- Kramer, R. (1990). Collaborating. Finding common ground for multiparty problems. *Academy of Management Review*, 15(3), 545–547.
- Leech, B. L. (2002). Asking questions. Techniques for semistructured interviews. *Political Science & Politics*, 35(4), 665–668.
- Lytle, A., Brett, J., & Shapiro, D. (1999). The strategic use of interests, rights and power to resolve disputes. *Negotiation Journal*, 15(1), 31–51.

- Mària, J. F. (2016). Supporting development in Ghana: A mining company's community investment dilemmas. ESADe teaching case, pp. 1–18.
- Mària, J. F., & Devuyt, E. (2011). CSR and development: A mining company in Africa. *Journal of Management Development*, 30(10), 955–967.
- Michel, T., Braeckman, C., Ndaywel, I., Moreau, J. L., & Brion, R. (2009). *Katanga business*. Tournesol.
- MIN, (2011). *Press release on the launch of the social community fund in Katanga*.
- MIN, (2012). *Annual report*.
- MIN, (2014). *Annual report*.
- MIN, (2015). *Sustainability report*.
- Murphy, M., Arenas, D., & Batista, J. M. (2015). Value creation in cross-sector collaborations: The roles of experience and alignment. *Journal of Business Ethics*, 130(1), 145–162.
- Nwankwo, E., Phillips, N., & Tracey, P. (2007). Social investment through community enterprise: The case of multinational corporations involvement in the development of nigerian water resources. *Journal of Business Ethics*, 73, 91–101.
- Perera, S. (2017). Burning the tent down: Violent political settlements in the Democratic Republic of the Congo. *Journal of International Development*, 29(5), 628–644.
- Piekkari, R., Welch, C., & Paavilainen, E. (2009). The case study as disciplinary convention: Evidence from international business journals. *Organizational Research Methods*, 12(3), 567–589.
- Platteau, J. P. (2004). Monitoring elite capture in community driven development. *Development and Change*, 35(2), 223–246.
- Rajak, D. (2006). The gift of CSR. Power and the pursuit of responsibility in the mining industry. In W. Visser, M. McIntosh, & C. Middleton (Eds.), *Corporate citizenship in Africa. Lessons from the past; paths to the future* (pp. 190–200). Greenleaf.
- Rajak, D. (2011). *In good company. An anatomy of corporate social responsibility*. Stanford University Press.
- Umpula Nkumba, E., Okenda Lohese, J. P., & Ibond Rupas, A. (2014). *Suivi des obligations légales des industries extractives Cas du Fonds Social Communautaire de l'entreprise [MIN]*. ACIDH (Action contre l'impunité pour les droits de l'homme).
- UNDP. (2013). *Human development report 2013. The rise of the south human progress in a diverse world*. United Nations Development Program. <http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDR/English/HDR2013%20Report%20English.pdf>. Accessed June 21, 2013.
- Ury, W. L., Brett, J. M., & Goldberg, S. B. (1993). *Getting disputes resolved designing systems to cut the costs of conflict*. PON Books Program of Negotiation at Harvard Law School.
- Visser, W., McIntosh, M., & Middleton, C. (2006). Corporate citizenship in Africa Lessons from the past, paths to the future. In W. Visser, M. McIntosh, & C. Middleton (Eds.), *Corporate citizenship in Africa. Lessons from the past, paths to the future* (pp. 10–17). Greenleaf.
- Wicks, A., & Berman, S. (2004). The effects of context on trust in firm stakeholder relationships. *Business Ethics Quarterly*, 14(1), 141–160.
- Yin, R. K. (1981). The case study crisis: Some answers. *Administrative Science Quarterly*, 26(1), 58–65.

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