

Resettlement Participatory Decision Making

Industry, Government and Community Engagement

Serena Lillywhite

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Oxfam's extractives program

- 15 years experience
- Oxfam works to improve the practices of Australian mining companies working overseas.
- Focus is on the social / community /livelihood aspects of mining
- Human rights, the gender impact of mining, doing business in conflict zones, corporate accountability and grievance mechanisms, Free, Prior and Informed Consent, revenue-transparency and resettlement / livelihoods
- We are committed to making sure the rights of Indigenous Peoples and women, in particular, are respected.
- We work with: mining companies, investors, national governments, international institutions and affected communities and civil society
- We have an emerging extractives program in Southern Africa. Long history in Africa



Resettlement Participatory decision making: reality or myth?

What we know:

- Land acquisition and mining induced displacement has a variety of impacts
- Knowledge and guidance on participation and resettlement does exist, and we know why it is important

Participatory approaches assist to:

- Identify mutually beneficial resettlement options
- Identify those most affected and what the impacts will be on them
- Help ensure delivery of entitlements and services are more transparent
- Help reach consensus, build trust, give the project legitimacy, reduce dependency
- Help in securing shared ownership and sustainable outcomes
- Reduce the risk of project delays, shutdowns and conflict
- **BUT Participatory decision making rarely happens.** At best consultation and engagement



A woman in traditional African attire, including a yellow and black top and a patterned skirt, is using a long wooden pestle to pound contents in a mortar. She is standing in a rural setting with a thatched hut in the background. The text "Community voice is largely absent in resettlement decisions" is overlaid on the image.

**Community voice is
largely absent in
resettlement decisions**



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Why isn't it happening?

- Involuntary resettlement is arguably the greatest risk for any company
- Participatory processes are time intensive
- Participatory processes are fluid, organic and not a 'neat fit' with a systems approach
- Ensuring 'legitimate representation' is challenging
- There is a 'lack of will' by companies and governments to recognise participation involves decision-making and responsibility for decisions
- It is more than sharing information, consultation, and engagement



Resettlement, participation and Free Prior and Informed Consent (FPIC)

- **FPIC is a collective right of Indigenous Peoples**
- **The have the right ‘to give or withhold their free, prior and informed consent to actions that affect their lands, territories and natural resources’**
- **Enshrined in the UNDRIP & ILO 169**
- **For non-indigenous project –affected communities, their full and effective participation in project negotiation, planning and decision making must be supported**
- **Without support for FPIC, participatory decision making is unlikely to succeed and is artificial**





Participatory decision making must recognise FPIC



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Getting women a seat at the decision making table

- **The extractives sector is not gender neutral**
- **Women and girls often face the greatest adverse impacts**
- **When mining induced resettlement challenges food security, and land is lost, women's place in society is altered and poverty can increase**
- **Consultation, sharing of information and negotiation often excludes women**





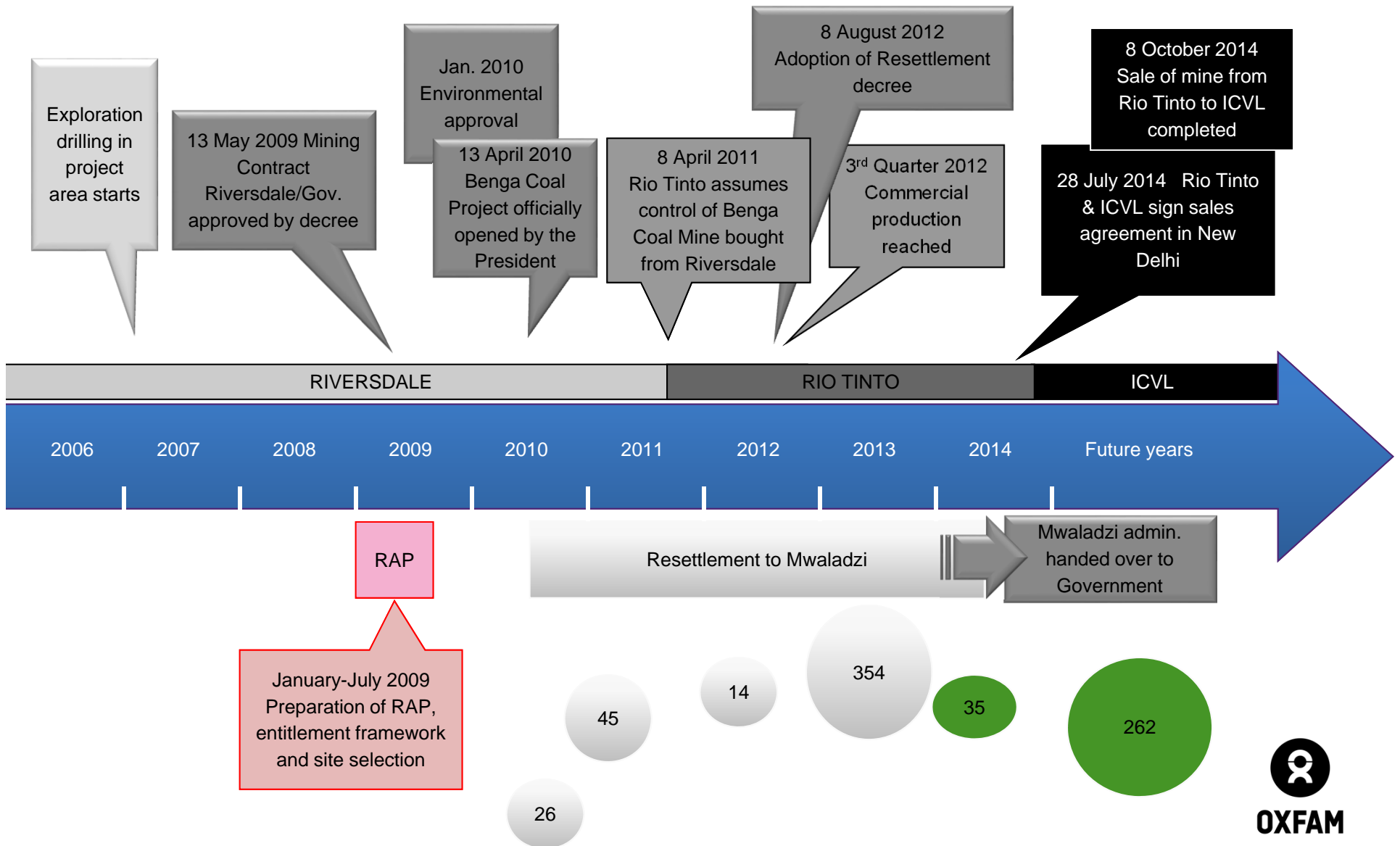
Women are often not consulted are rarely involved in decision making


Participatory decision making in a volatile sector?

- Oxfam is working in Mozambique and seen the impact of mining induced resettled on communities – ‘Listening to the Voices’ project
- Coal is a volatile commodity, prices are fluctuating
- Mergers and acquisitions are common
- Benga coal mine (Tete Province) has had 3 owners since 2009 – Riversdale, Rio Tinto, ICVL
- Almost 4000 people resettled
- Livelihoods have been lost, food security is an issue and communities face a precarious future
- The RAP has not been fully implemented or monitored
- Access to information is difficult. Lack of detail, particularly with regard to livelihood restoration



Benga Mine Mozambique - Timeline





**Participatory decision
making has not happened
and is unlikely to in this
context**



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Multistakeholder initiatives (MSI) – Industry, Government & civil society

- There are examples: EITI, Roundtable on Sustainable Palm Oil, Hydropower Sustainability Assessment Forum
- MSI's are not the same as a participatory decision making process in a resettlement context
- Participatory decision making can include systematic and structured responses to the project cycle, but must have open and flexible communication
- The RAP is being negotiated decisions agreed and transferred – if consent exists
- Significant challenge is the power imbalance





Participatory decision making includes the transfer of decision-making power to those affected



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