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
Community voice is largely absent in resettlement decisions
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
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 and 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

- Exploration drilling in project area starts
- 13 May 2009 Mining Contract Riversdale/Gov. approved by decree
- 13 April 2010 Benga Coal Project officially opened by the President
- 8 August 2012 Adoption of Resettlement decree
- 3rd Quarter 2012 Commercial production reached
- 8 October 2014 Sale of mine from Rio Tinto to ICVL completed
- 28 July 2014 Rio Tinto & ICVL sign sales agreement in New Delhi

- January-July 2009 Preparation of RAP, entitlement framework and site selection
- RAP
- Resettlement to Mwaladzi
- Mwaladzi admin. handed over to Government

- 2006 2007 2008 2009 2010 2011 2012 2013 2014 Future years
- RIVERSDALE
- RIO TINTO
- ICVL
Participatory decision making has not happened and is unlikely to in this context.
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.