



# INVOLUNTARY RESETTLEMENT

*Dealing with Influx of People  
and Speculative Activities -  
Challenges and Key Steps*



Presenter: **Jan Grobler**

Organisation: **Principle Technical Expert for Royal Dutch Shell**

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# OUTLINE

- Definitions
- Useful practical guidance
- Factors determining significance
- Common challenges
- Population Influx
- Speculative Activities
- Q&A

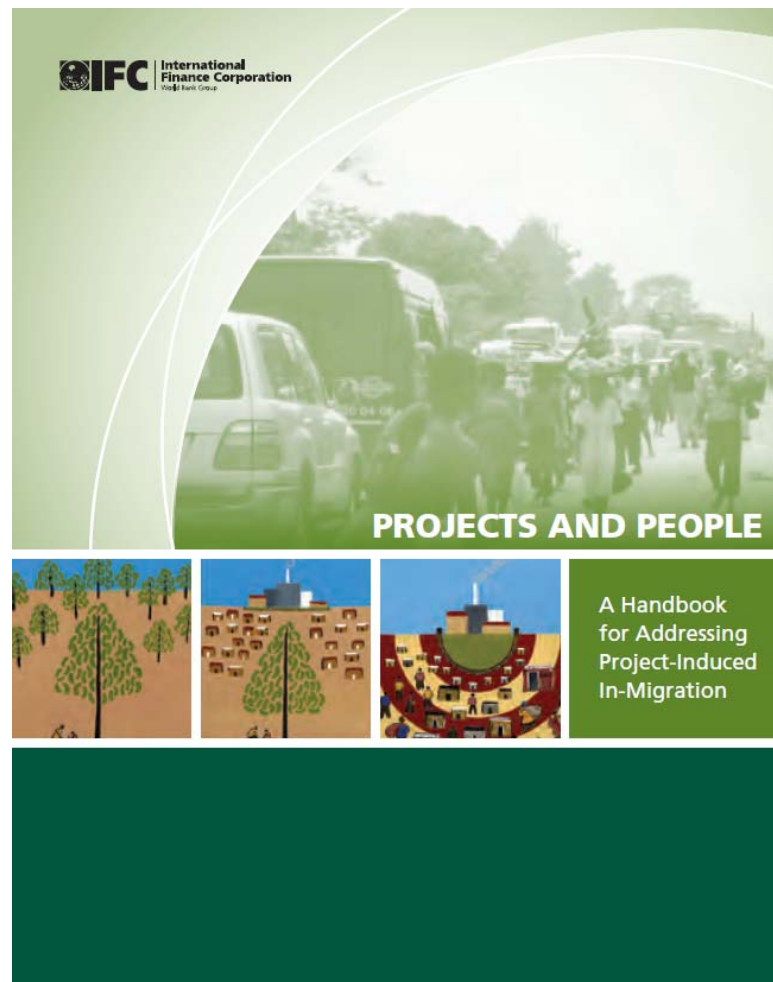
# DEFINITIONS

1. Population influx (wider social impact context)
  - In-migration due to project employment or real/perceived benefits
2. Speculative activities (resettlement specific context)
  - Buying (or constructing) buildings and properties or land within project footprint / exclusion zones, hoping to sell at a higher price
  - Opportunists seeking (additional) compensation

***Two related issues, first issue is presented as part of wider social impact management; second issue presented from a resettlement planning context***

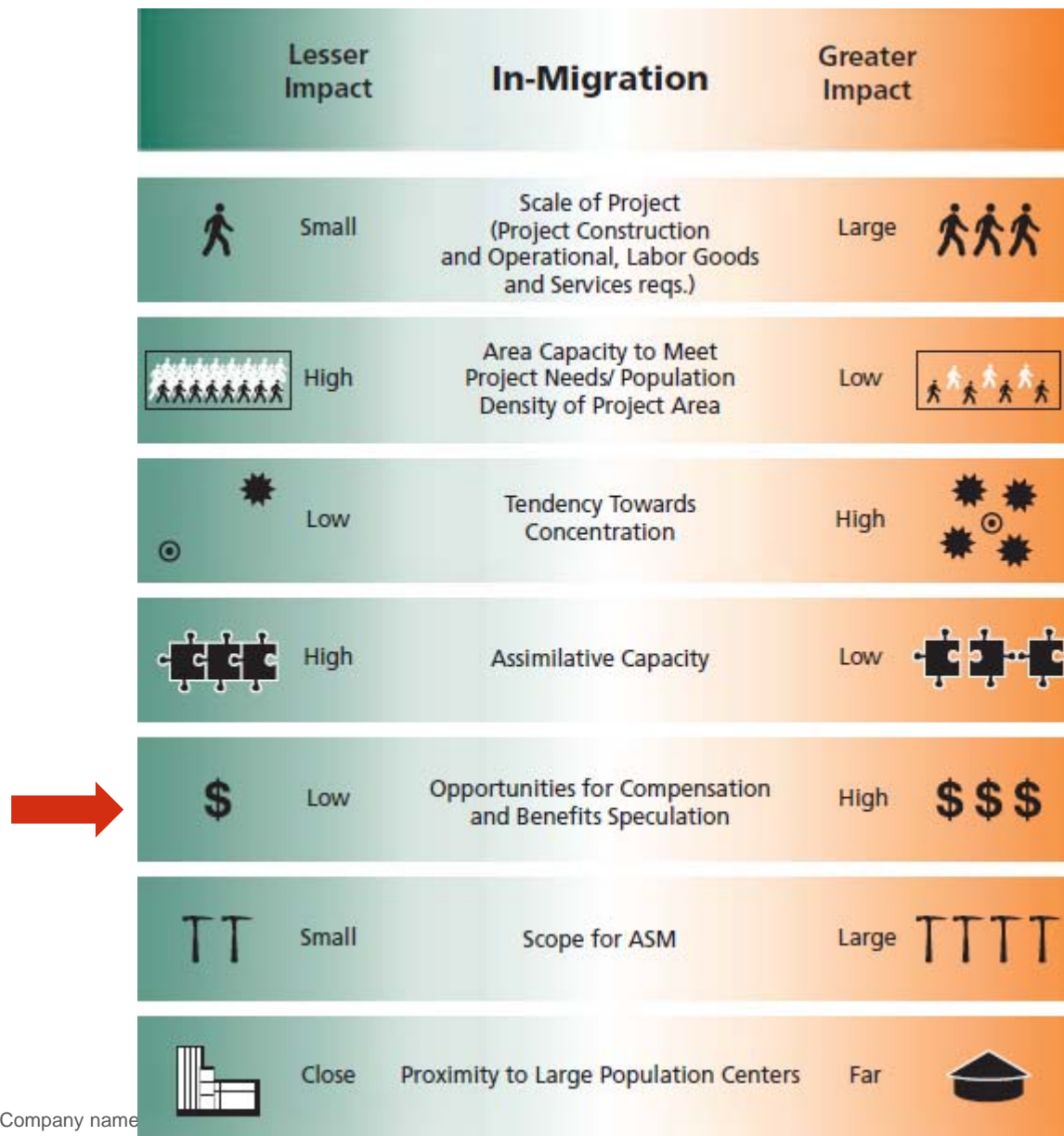
# USEFUL PRACTICAL GUIDANCE

- “*Projects and People: A Handbook for Addressing Project-Induced In-Migration*”, International Finance Corporation, 2009



Company name appears here

# FACTORS DETERMINING IMPACT SIGNIFICANCE



Source: IFC, 2009

# COMMON CHALLENGES

- Difficult to control free movement of people
- Difficult to control human behaviour
- Increasingly more competition for land and resources
- 'Free Prior Informed Consent' vs disclosure of project information in a manner that does not increase speculative activities
- Government capacity or willingness to participate
- Common Oil and Gas challenges
  - Managing encroachment in remote locations e.g. pipelines
  - Managing encroachment off-shore
  - Uncertainties during exploration
  - Non Operated Ventures

# 1. POPULATION INFLUX



# TYPES OF POPULATION INFLUX



Managed influx



Uncontrolled influx

- Controlled influx – e.g. employees/contractors
- Uncontrolled influx – e.g. job seekers / entrepreneurs

# TYPICAL IMPACTS ASSOCIATED WITH POPULATION INFLUX



Informal settlements inside flood lines



Informal settlements near oil pipeline

- Informal settlements with health, safety, law and order, land use conflict and environmental risks
- Cost of living increases
- Competition for natural resources
- Pressure on local governance and local infrastructure / services
- Social disarticulation

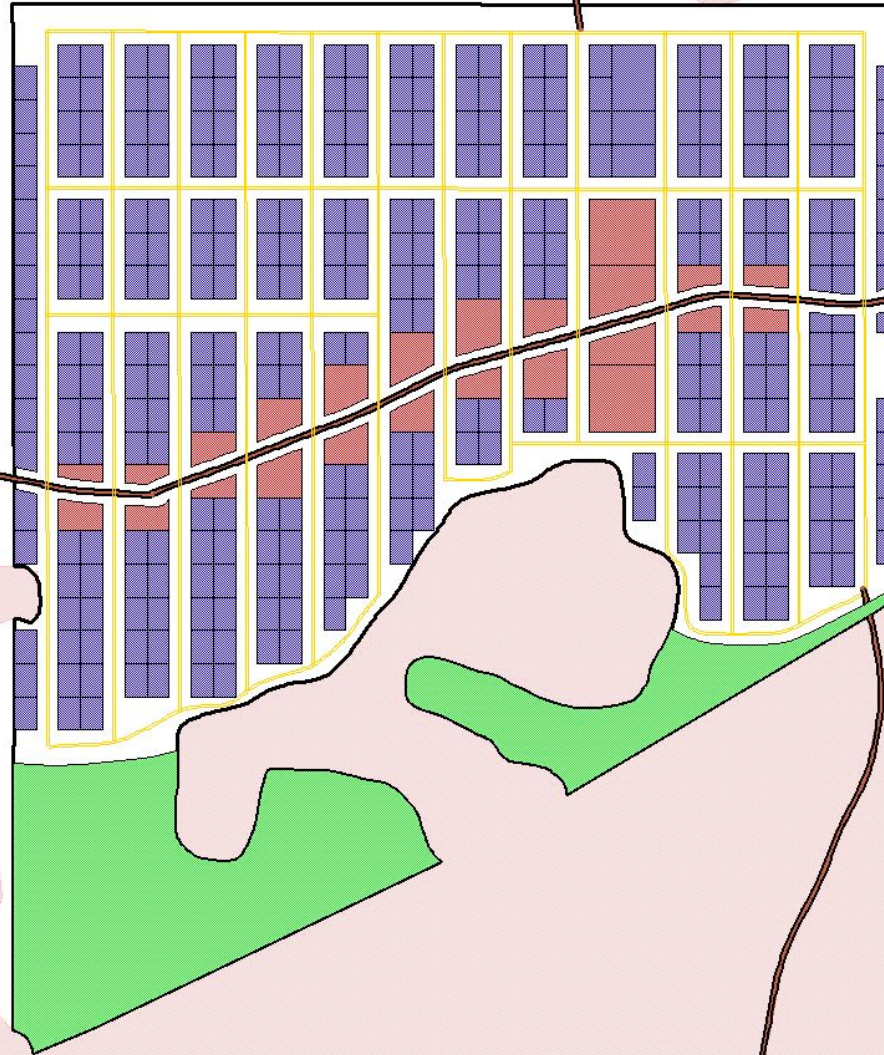
# SHELL CASE STUDY - NIGERIA

- Export gas plant in Bayelsa State (Niger Delta)
- Emergence of informal market ('Mammy Market') outside permit area
- Health and safety risks – in particular road safety
- Lessons learnt
  - Plan inside and outside your concession area
  - Use natural barriers to prevent traders settling close to the facility fence
  - Use land acquisition strategically as a mitigation measure in the absence of rigorous town planning controls by government
  - Need for intensive involvement during design, gradual hand-over of responsibility to government



# TOWN PLANNING EXAMPLE

**Land use type,  
residential (blue),  
commercial (red)  
and recreational  
(green)**



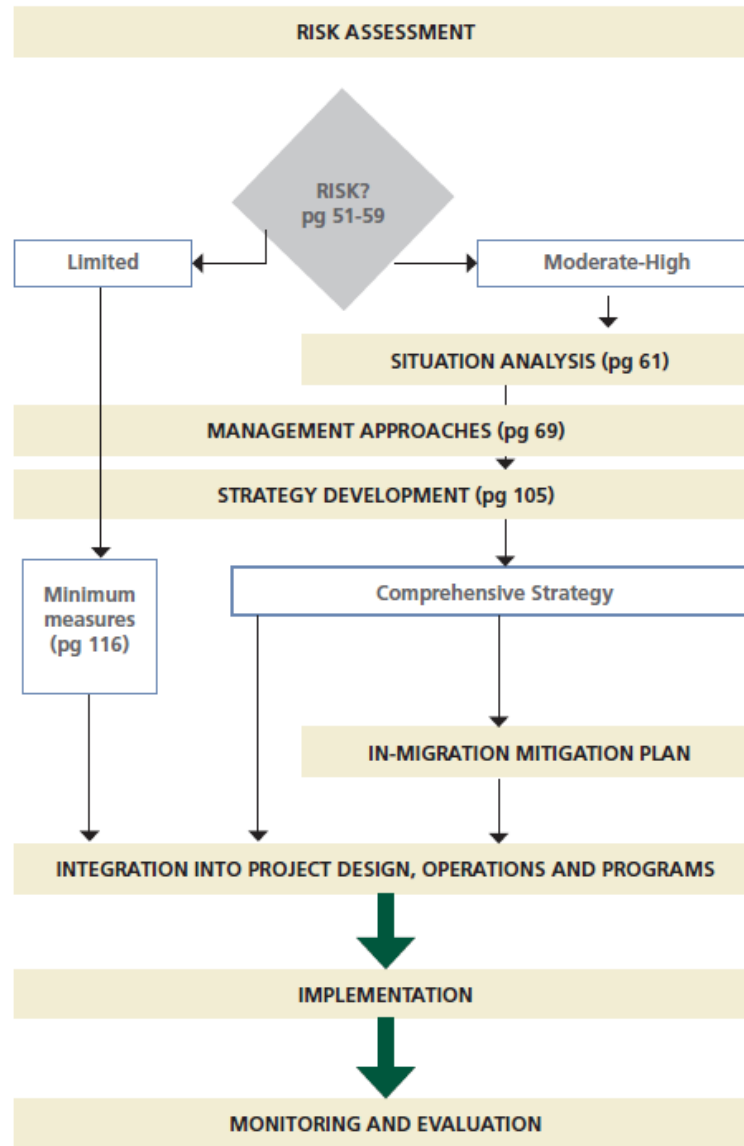
- Consider legal requirements
- Identify environmental sensitive areas
- Cultural practices
- Existing spatial development plans
- Presence of communal facilities
- Same principles apply to resettlement sites

# IMPACT MITIGATION

- Development of Influx Management Plan
- Incorporate measures into various plans:
  - Social impact management plan
  - Human resource management plan
  - Stakeholder engagement plan
  - Resettlement action plans
  - Security plans
  - Etc.

***“Every project needs a strategy, but not every project needs a stand-alone plan.” (IFC, 2009)***

# STAND ALONE VS. INTEGRATED PLAN



*Consider the factors determining significance – presented earlier*

Source: IFC, 2009

## EXAMPLES OF INFLUX MANAGEMENT ACTIVITIES

- Local recruitment and workforce management *e.g. Shell Accommodation and Welfare Strategy*
- Implement and disclose local hiring policy
- Position recruitment offices strategically
- Capacity building of government to manage land use, provide services and facilities, protect sensitive areas
- Capacity building of communities
- Strategic infrastructure development (town planning) to steer urban/rural settlement growth away from project activity

## **2. MANAGING SPECULATIVE ACTIVITIES AS PART OF RESETTLEMENT PLANNING**



# KEY STEPS TO MANAGE SPECULATIVE ACTIVITIES

- Up to date population census and asset inventory
  - Record ALL people and assets in footprint areas
  - GPS coordinates and photos
  - Owners/users present
  - Timing essential
    - Consider seasonal fluctuations
  - Use of satellite imagery



## CUT-OFF DATE

- Upon completion of population and asset surveys, announce **cut-off date**
  - *Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.*
  - Assess need for verification surveys

# MORATORIUM CONDITIONS

- Usually implemented by government
- Understand legal requirements
- Governor / mayor to issue a decree

## *Le Gouverneur de la Province Orientale,*

Vu la Constitution de la République Démocratique du Congo, spécialement en son article 198 alinéa 2 ;

Vu la Loi n°08/012 du 31 juillet 2008 portant Principes Fondamentaux Relatifs à la Libre Administration des Provinces, spécialement en son article 28 ;

Vu la Loi N°007/2002 du 11 juillet 2002 portant Code Minier, spécialement en ses articles 280, 281 et 283 ;

Vu l'Ordonnance Présidentielle n°07/004/2007 du 24 février 2007 portant investiture des Gouverneur et Vice-Gouverneur de la Province Orientale ;

Vu l'Ordonnance-Loi n°66/419 du 15 juillet 1966 portant création de l'OFFICE DES MINES D'OR DE KILO-MOTO ;

Vu l'Arrêté Provincial n°01/MAA/053/CAB/PROGOU/PO/2008 portant fonctionnement du Gouvernement Provincial et fixant les modalités pratiques de collaboration entre le Gouverneur de Province, le Vice-Gouverneur de Province et les Ministres Provinciaux ;

Vu l'Arrêté Provincial n°01/MAA/053/CAB/PROGOU/PO/2008 du 18 juillet 2003 portant fixation des attributions des Ministères Provinciaux ;

Revu l'Arrêté Provincial n°01/JYS/052/CAB/PROGOU/P.O./98 portant évacuation de la concession OKIMO par les maisons de commerce, les négociants et les orpailleurs ;

Considérant l'approbation par le Gouvernement de la République, au cours de la réunion hebdomadaire du 19 décembre 2008, du partenariat minier entre OKIMO et BORGAKIM/MOTO GOLDMINES pour l'exploitation industrielle des gisements aurifères situés dans la localité de DOKO, Territoire de WATSA, District de Haut-Uélé, dans la Province Orientale.



# MORATORIUM EXAMPLE

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**Article 2 :** Dans le cadre du processus de Délocalisation et Relocalisation des personnes affectées par le projet minier aurifère KIBALI GOLDMINING, l'occupation de la zone d'activités dudit projet par de nouvelles populations est formellement interdite.

A cet effet, il sera procédé au recensement et à l'identification de toutes les personnes installées dans ladite zone, ainsi qu'à l'inventaire et à l'évaluation de tous leurs biens et d'autres possessions.

**Article 3 :** Sont également interdites dans la zone susdécrite les activités ci-après :

- La construction de nouvelles infrastructures, notamment les habitations, les écoles, les centres de santé et autres immeubles ;
- L'extension et /ou la modification des infrastructures existantes ;
- L'enterrement des dépouilles mortelles dans les cimetières à désaffecter ;
- L'extension des activités champêtres et de nouvelles cultures pérennes, notamment les plantations, les arbres, les étangs piscicoles.

**Article 4 :** Les Ministres Provinciaux ayant dans leurs attributions l'Intérieur et la Sécurité, les Mines, les Travaux Publics et Infrastructures sont chargés, chacun en ce qui le concerne, de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Kisangani 21 MAY 2010



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Considérant les conclusions et recommandations de l'Atelier de KISANGANI du 10 au 11 octobre 2008 et des Ateliers locaux sur le processus de Délocalisation et Relocalisation des populations affectées par le projet minier aurifère MOTO GOLDMINES ;

Attendu qu'il y a nécessité de prendre des mesures de police qui s'imposent en vue de l'interdiction de nouvelles occupations des populations dans la zone d'activités dudit projet, ainsi que des mesures conservatoires relatives au recensement des populations installées dans ladite zone et à l'évaluation de leurs biens ;

Vu la nécessité et l'urgence ;

## ARRETE :

**Article 1<sup>er</sup> :** La Zone d'activités autorisées du Projet Minier Aurifère KIBALI GOLDMINING est définie par la zone géographique située à DOKO, dans le Territoire de WATSA, District du Haut-Uélé, telle que déterminée par les points ci-après :

Est	Nord
A 787369.115	347551.426
B 782638.22	350147.274
C 782254.219	351637.198
D 783329.422	352021.199
E 784204.945	350730.956
F 786800.793	349194.951
G 788336.798	349563.592
H 789657.761	348826.31
I 789365.921	347520.706
J 784681.106	343404.214
K 786585.752	346015.421
L 790333.604	344679.097
M 788259.997	341929.649
N 789365.921	347520.706 1&2
O 787369.115	347551.426 1&2

Une carte géographique de ladite zone est jointe au présent Arrêté.

## COMMUNICATIONS / ENFORCEMENT

- Continuous engagement re cut-off date **before, during and after** asset survey via Resettlement Working Group and directly to project affected population
- Do not show maps of potential footprint areas too early
- Explain moratorium conditions
- Clear demarcation and signage in local language

***If this is not done adequately , very hard to avoid compensating newcomers or to re-compensate!***

## IF UNABLE TO PREVENT ENCROACHMENT...

- Assess whether mitigation measures were successfully implemented
  - If yes, no obligation to compensate, however need to engage
  - If no, need to compensate – may also be a legal requirement e.g. ‘sleeping on your rights’ in Nigeria
- Be very cautious when involving government – often results in forceful evictions
- Generally, be cautious when stakeholders are referred to as ‘illegal’

***Fight encroachment, not encroachers...***

## OTHER ENCROACHMENT CONSIDERATIONS (CONT)

- Use of local communities vs use of security contractors or military to protect exclusion zones
  - Local content opportunity e.g. Corrib Gas (Ireland)
  - Familiar with conditions, effective in pointing away newcomers/opportunists
  - Reduce likelihood of conflict



## OTHER ENCROACHMENT CONSIDERATIONS (CONT)

- Off-shore specific
  - Baseline not static
  - Gathering accurate data requires time
  - Fishermen sometimes not recognized as eligible for compensation



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