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**Mining Minerals Sustainable Development  
Southern Africa**

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Research Topic 3: Mining and Society

**INVOLUNTARY RESETTLEMENT**

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Input to:

MMSDSA Regional Research

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For:

African Institute of Corporate Citizenship

August 2001

## **EXECUTIVE SUMMARY**

One of the major impacts of the mining and minerals industry is on the settlement patterns of people. Job seekers are drawn from far. Dust from unrehabilitated mine dumps, for example, forces people to relocate. Mine closure removes the lifeline for many communities, causing people to move, and the development, or expansion, of mining facilities displaces people from their land.

Involuntary resettlement refers to two distinct but related processes. The first, displacement, is a process by which development projects cause people to lose land or other assets, or access to resources. This can result in physical dislocation, loss of income or other adverse impacts. The second process, resettlement, or rehabilitation, is a process whereby those adversely affected are assisted in their efforts to improve, or at least restore, their incomes and standards of living.

This report focuses on the involuntary resettlement of people as a direct result of mining activities. It includes those cases where development activities proceed initially without communities relocating, but where the subsequent increase in health and safety risks and deterioration in living standards leaves the community no option but to move. It does not consider mine closure, migrant labour or the impacts of pollution. The report aims to provide an overview of current involuntary resettlement practice in Southern Africa, to identify key areas of concern that require attention and to suggest how involuntary resettlement can be improved upon.

Involuntary resettlement encompasses and reflects many of the challenges facing the mining and minerals sector. For example, where do government's responsibilities end and civil society's and company's begin? What are the appropriate relationships and balance of responsibilities between local and central government, international financial institutions and companies? How are revenues distributed and how do these revenues promote development at each level and what processes are available to ensure that all key

stakeholders, including communities, are involved in the decisions on the distribution of benefits? How and when does one decide when local communities have been adequately compensated and that additional revenues should be shared more broadly by society?

The report does not answer these questions explicitly, but provides the basis for understanding the issues involved in involuntary resettlement, which may aid discussion around these challenges.

There is no historical record regarding mining and resettlement in southern Africa and it therefore difficult to estimate the number of people displaced over the last one hundred years. When compared to other major developments, mining does not feature in terms of the absolute number of people it displaces. Dam projects, like Kariba, have caused significantly more people to uproot than any mining project. This does not diminish the impacts that mining-induced displacement has. The number of people displaced as a result of the mining projects covered in this report alone totals about 37 000.

One of the most obvious features of involuntary resettlement is that displacees are often those who have the least access to resources and are most likely to become impoverished. These people shoulder a disproportionate share of the costs of a development, but usually gain the least. Impoverishment can result from the following eight risks (Cernea, 2000):

- Landlessness.
- Joblessness.
- Homelessness.
- Marginalisation.
- Food insecurity.
- Increased morbidity and mortality.
- Loss of access to common property resources.
- Social disarticulation.

In order to prevent impoverishment, the resettlement programme must therefore focus on preventing any of the above risks from manifesting. The key to this is in affording the resettlers the opportunity to reconstruct their livelihoods. This requires careful consideration of the social and economic structures of the affected communities. Cernea has developed the *Impoverishment Risks and Reconstruction* (IRR) model for resettling displaced populations. The model focuses on the forced displacement of people and their reestablishment, including the reconstruction of their livelihoods. The IRR model provides an explicit framework for socio-economic reconstruction. The model conveys two basic messages: a policy message and a strategy message. The former implies that the risk pattern can be controlled via a policy response that mandates and finances integrated problem solving. The strategy message requires that specific plans – Resettlement Action Plans – are necessary in order to join the model with the resettlement programme at hand.

Poor records on past implementation of these plans can be explained by:

- Ineffective mechanisms to ensure that resettlement plans are complied with.
- The absence of clear regional and national policies and legislation that guide involuntary resettlement.
- The lack of institutional capacity at the local level to implement policy and plans.
- The lack of political and corporate will to ensure resettlement is carried out thoroughly.

Southern African countries have no explicit guidelines as to how an involuntary resettlement process should be executed. Where resettlement has taken place, mining companies have lately adopted the World Bank's Operational Directive 4.30 as the guiding tool. This directive is comprehensive and has been modified several times over the last 11 years but falls short on implementation and enabling mechanisms. It calls for proper

planning and consultation with affected communities prior to and during the course of the resettlement. Although it remains a guideline and does not guarantee the effective implementation of resettlement plans, *it should be used as a minimum basis for guiding involuntary resettlement programmes irrespective of whether the World Bank and its sister organisations are involved in or not.*

National policies or legislation in southern Africa do not explicitly address involuntary resettlement. This policy vacuum is inadequately filled by complicated land tenure, environmental and planning legislation which is still in a state of flux, lacks enabling mechanisms and in some cases is contradictory to Operational Directive 4.30. Consequently the existing legal frameworks for addressing involuntary resettlement are inadequate and do not aid communities, implementing agents or mining companies. Instead they often obscure rights and responsibilities, cause unnecessary delays to resettlement projects and increase the total costs involved.

There has been a definite shift to mitigating the social and environmental impacts of mining. This has been codified in several pieces of environmental legislation, and in the mining law of southern African countries. However, no direct reference to involuntary resettlement is contained in any of this legislation. Entrenching the rights – land, access to education, access to health care – of resettlers will go far in affording them a sustainable future.

Modern mining projects are improving in their attitude towards resettlement with most adopting the World Bank's directive either because of World Bank involvement or voluntarily in the absence of any other guideline. This practice is commended. However, there are several areas that require attention.

**Firstly**, there is the belief that modern settlement sites are themselves an indication of an improvement in the lives of the resettlers. This is partly false because the level of infrastructure must match the requirements of the resettlers, and not necessarily their own, their government's or a benevolent

mining company's perception of modernisation. Smart settlements may afford an illusion of success and notch up some PR points, but their sustainability is questionable. This point does definitely not imply that the displaced should not receive better housing, but that the overall sustainability of the site is of paramount importance. The use of local, appropriate technologies rather than expensive foreign ones should be investigated. **Secondly**, and related to the first point, is the idea that resettlement is only about housing. Political interference, competition for scarce resources, conflict over access to land and control over the process often turn resettlement programmes into housing projects. Yes, involuntary resettlement is about housing but more than that it is about the development of the displaced. In any resettlement, as much, if not more, attention must be given to the reconstruction of people's lives. This can be formulated in a *Social Development Plan* that demands adequate resources – time, money and expertise to compile and implement. **Thirdly**, although there are numerous other points, the participation of the affected communities and their governments is vital. A resettlement project will never succeed without the full participation of the affected community and other stakeholders. This implies that decisions need to be taken with, and not for, the community. **Finally**, a commitment to more open decision-making may influence whether the project proceeds or not and requires more attention to the conflict between national and local good. Mining companies who operate in southern Africa, and in other developing nations, are welcomed and their presence facilitated by advantageous legislation. In this race to attract foreign investment, via economic liberalisation, national governments may not adequately consider the negative socio-economic and environmental impacts of mining projects at the local level, choosing to promote these activities as being for the "greater common good." Under these circumstances the no-go option is seldom seriously considered. Consultation with all stakeholders should aim to strike a balance between national and local priorities. It should certainly influence the manner in which weighing up the costs and benefits of a project are assessed. This implies that improved analyses should be employed to evaluate a proposed project. Traditional analyses have omitted the broader economic, social and environmental costs and benefits of

development projects, focussing on the generation of short-term profits rather than on long-term sustainability.

If mining companies wish to ensure that they play a role in the transition toward a sustainable future in the countries in which they operate, then it is time to embrace responsibilities and apply the principles that they advocate. Arguments put forward by mining companies about meddling in national sovereignty as a means of shirking responsibility do not hold water. If governments are serious in their commitment to sustainable development then their responsibility is to consult with all stakeholders and develop enabling policies and plans that support their intentions on the ground.

In sum, we recommend the following:

- That resettlement programmes are viewed as development programmes and not as glorified housing projects;
- That affected communities are consulted with, and participate in, the process of resettlement. Lack of consultation means failure for the process.
- That a comprehensive Social Development Plan be drawn up in consultation with the affected communities and that this plan receives the necessary resources to reconstruct the lives of the affected communities.
- That the entire resettlement process is supported by relevant institutional frameworks, policies and legislation. Where these do not exist, governments and mining companies are urged to either develop their own or adopt as a minimum basis the World Bank's Operational Directive 4.30. This may not fit perfectly and hence has to be tailored to suit the case at hand.

## **AUTHORS**

This report was planned, researched and written by Dan Sonnenberg of **lims** and Frauke Münster on behalf of the African Institute of Corporate Citizenship for the *Mining Minerals & Sustainable Development Southern Africa* initiative.

## **ACKNOWLEDGEMENTS**

We thank all those who participated in the compilation of this report especially those who met with us personally, spent many minutes talking on the telephone or writing lengthy e-mail responses – sometimes all three. We thank Julie Courtnage of the Anglo American plc Safety Health & Environment Policy Unit for facilitating access to their Group Information Centre and for footing part of the photocopying bill. We also thank the staff of the GIC for patiently helping with literature searches. Thanks to Marie Hoadley and Daniel Limpitlaw of the University of the Witwatersrand Department of Mining Engineering for allowing us access to their photocopier and telephone. To all, we very much appreciate your time and effort.

**GLOSSARY**

CBO	Community Based Organisation
BP	Bank Procedure (World Bank)
DBSA	Development Bank of South Africa
DFID	Department for International Development (UK)
DRC	Democratic Republic of the Congo
EA	Environmental Assessment
EIA	Environmental Impact Assessment
IEM	Integrated Environmental Management
IFD	Industrial Development Corporation
IFC	International Finance Corporation
IRR	Impoverishment Risks & Reconstruction Model
IUCN	World Conservation Union
MRDAP	Mitigation Resettlement Development Action Plan
MMSD	Mining Minerals & Sustainable Development
NGO	Non-governmental organisation
OD	Operational Directive (World Bank)
OECD	Organisation for Economic Co-operation and Development
OP	Operational Policy (World Bank)
RAP	Resettlement Action Plan
SADC	Southern African Development Community
SDP	Social Development Plan
SIA	Social Impact Assessment
WCD	World Commission on Dams

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## 1 INTRODUCTION

*Development programmes are increasingly being seen as inimical to people's interests and responsible for their worsening, not improving, situation<sup>1</sup>*

Involuntary settlement refers to two distinct but related processes. The first, displacement, is a process by which development projects cause people to lose land or other assets, or access to resources. This can result in physical dislocation, loss of income or other adverse impacts. The second process, resettlement, or rehabilitation, is a process whereby those adversely affected<sup>2</sup> are assisted in their efforts to improve, or at least restore, their incomes and standards of living (World Bank, 2001a). It includes those cases where development activities proceed without communities<sup>3</sup> relocating but where the subsequent increase in health and safety risks and deterioration in living standards leaves the community no option but to move.

This report discusses the involuntary resettlement of people, be they individuals, households or entire settlements, as a result of the activities of mining and minerals companies. Involuntary resettlement is not the provision of low-cost housing, or is it merely cash compensation. Involuntary resettlement is a process of social and economic development that requires considerable input to ensure that those affected are given the opportunity to re-establish themselves in their new place of abode. Furthermore, involuntary resettlement is not only about the replacement of physical infrastructure, but more importantly, the development of human capital for a sustainable future.

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<sup>1</sup> Mathur, 1999

<sup>2</sup> Also referred to as oustees or displacees in resettlement literature.

<sup>3</sup> A community is defined in this document as the heterogeneous group of project affected persons who are closely or remotely connected by a set of social, economic and other networks that facilitate their existence.

Southern Africa refers to the sub-regional group of states that extends from South Africa northwards to the Democratic Republic of the Congo (DRC). In addition to the countries mentioned previously, SADC comprises Angola, Botswana, Malawi, Zimbabwe, Zambia, Lesotho, Swaziland, Namibia, Mozambique and Tanzania. It is one of the most mineral rich regions on the planet, and also one of the poorest. All of the southern African states have experienced turmoil in the last one hundred and fifty years. Conflict has been rife with wars currently being fought in Angola and the DRC and the apartheid legacy is not a thing of the past. Much of this conflict has to do with the rich mineral resources that southern African states are blessed with.

The majority of southern Africa countries have economies that are underpinned by the mining and minerals sector. At least 10% of their Gross Domestic Product is generated from mining, and 40% of their foreign exchange earnings are derived from mineral exports (Mining Minerals & Sustainable Development, 2001). It could be argued that progress in their development might be stymied by an almost complete dependence on the natural resources sector – the *resource trap*. On the other hand, mining could be seen as the kick-start to further economic diversification and possible poverty alleviation. Either way it is clear that the mining sector is faced with some particularly sensitive decisions when it comes to mineral development.

Mineral deposits are immobile making their place of extraction slightly less negotiable. In so doing the issue of occupation of land and possible resettlement of affected communities comes to the fore. However, often the institutional structures to facilitate and guide resettlement are weak or absent and the resulting displacement can be traumatic and destructive. Even where policies do exist, the ensuing upheaval can be disastrous, often because the emphasis is on the replacement of physical infrastructure, which is tangible, and neglects the development of the affected communities. Resettlement is also confounded by a general lack of communication between all stakeholders.

Involuntary resettlement will always be accompanied by trauma. This trauma can manifest in many ways, for example, social disintegration, economic decline, depression, illness, violence, and environmental degradation. It is the degree to which the above manifest that often characterises the success or failure of a resettlement. It is essential to examine the shortcomings of mining induced resettlement, where the faults lie, what has succeeded and why, and what steps can be taken to reduce the trauma so closely associated with relocation. The tackling of these issues marks the transition to sustainable resettlement.

Note that the terms involuntary resettlement, involuntary relocation, involuntary displacement, resettlement, relocation and displacement are used interchangeably throughout this document. Their use in this report is intended to refer to displacement of people and their rehabilitation.

## **2 TERMS OF REFERENCE**

The aim of the mining and involuntary resettlement research topic is to determine how resettlement issues within the mining and minerals sector can be resolved in line with sustainable development. In order to achieve this the following terms of reference were compiled:

- Assess and describe the status quo with respect to mining-induced involuntary resettlement in southern Africa.
- Identify approaches and strategies used by various stakeholders in managing and maximising the social benefits of the mining and minerals sector, including: lessons learnt, best practice, stakeholder engagement, governance principles and effective participation.
- Outline the key success factors, driving principles and guidelines that should be used to guide the transition to sustainable involuntary resettlement.

### 3 OBJECTIVES

The objective of this document is to provide recommendations to align mining-induced involuntary resettlement with the principles of sustainable development.

To achieve these objectives the document provides the following:

- Current thinking on involuntary resettlement (Section 5).
- An understanding of the global, regional and national frameworks in place that govern and facilitate resettlement (Section 6).
- A review of mining and involuntary resettlement in southern Africa including major issues and lessons learnt (Section 7).
- A case study analysis which looks at all aspects of the resettlement process from the institutional support available, to the method of implementation, extending through to post-resettlement monitoring. The case study itself is not based on one example in history, rather it is an amalgam of a handful of involuntary resettlement programmes supplemented with the results of interviews conducted during the course of compiling this report (Section 7).
- A set of recommendations to guide the transition towards more sustainable involuntary resettlement (Section 8).

It is not the aim of this document to provide a historically accurate account of mining and involuntary resettlement. Using the available literature and the experience of people involved in involuntary resettlement, this report sets out the patterns exhibited during involuntary resettlement programmes and comes out with a basic set of recommendations that facilitates the transition towards sustainable resettlement and how mining companies can work toward achieving this.

Finally, the primary objective of mitigating the adverse impacts of involuntary resettlement is to prevent impoverishment and to reconstruct and improve the livelihoods of resettlers. This is ultimately the goal of this report.

## **4 METHODOLOGY**

The time and budgetary constraints of the project precluded the collection of primary data from involuntary resettlement projects. The report was therefore based on, and informed by, the following:

- A review of literature: In the absence of mining-induced involuntary resettlement literature, a review of the theory, experiences and lessons stemming largely from large dam resettlements was conducted. This included a review of World Bank guidelines on involuntary resettlement, the World Commission on Dams report and various other literature sources.
- A review of project specific Resettlement Action Plans (RAPs) and Social Development Plans (SDPs).
- Interviews were conducted with, and questionnaires sent to, a range of stakeholders involved in some way in involuntary resettlement.

Based on the research conducted for this report, mining-induced involuntary resettlement has not previously been reviewed in southern Africa. This necessitated that a consideration of *lessons learnt* be drawn from a variety of sources. RAPs and SDPs used to inform the report did contribute to identification of these lessons, but the lack of monitoring and implementation reports, and the lack of resources to visit resettlement sites, has meant that lessons specific to southern African mining-induced resettlement are based largely on the responses received from individuals involved in these resettlements.

## 5 INVOLUNTARY RESETTLEMENT

### 5.1 Background

In **Section 1** the broad impacts of resettlement were touched on. This section focuses on the specifics of involuntary resettlement: what it means, what it does and how it is done. The section covers current thinking behind involuntary resettlement and draws on ground covered by the World Bank and a range of other sources including *Dams and Development*, the report produced by the World Commission on Dams (2000)<sup>4</sup>. Much of the literature is based on resettlement experience gained in dam projects, irrigation schemes, forestry, urban housing and road building, but not much, unfortunately, on mining other than the southern African case studies discussed later in the document (**Section 7**). However, the same principles presented in the following sections can and should be applied to mining resettlement as the same two processes of displacement and resettlement occur.

One of the most obvious features of involuntary resettlement is that those having to move are often that group in society who has the least access to resources. In addition they do not benefit from, or as much, from the mining project at hand. Cernea (2000) goes further and states that “[C]ompulsory displacements that occur for development reasons embody a perverse and intrinsic contradiction in the context of development. They [developments] raise major ethical questions because they reflect an inequitable distribution of development’s benefits and losses”. People’s land is expropriated, their sources of income removed or substantially altered and their social fabric unravelled. They may be relocated to land that is less productive, or land that requires significant input in order to produce. The financial proceeds that accrue to the host country are channelled into central state coffers and the

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<sup>4</sup> The World Commission on Dams was established in 1997 as a joint initiative between the World Bank and the IUCN to embark on a multistakeholder process to resolve the conflicts around dams (WCD, 2001).

ensuing benefits do not reach the host communities. The affected thus bear a disproportionate share of the social and environmental costs of a development project without gaining a commensurate share of the benefits (WCD, 2000). This begs the question: what is the *common good* and how are decisions made that may override the local good in the interests of national prosperity (see Roy, 1999). Typically, development projects such as mining are assessed according to inadequate economic analyses where the hidden costs borne by the affected are externalised and remain unknown until too late in the process, when allotments for livelihood restitution have been made. The emphasis during unsuccessful resettlement programmes has been on the physical relocation rather than on the development of the affected people (WCD, 2000).

The discussion that follows deals with the major impacts of involuntary resettlement, and how these impacts can be mitigated or avoided.

## **5.2 Impoverishment & Reconstruction**

Cernea's (1997, 2000) *impoverishment risks and reconstruction model for resettling displaced populations* (IRR model) identifies impoverishment as the central risk incurred by resettlers in involuntary resettlement. The model focuses on the forced displacement of people and their reestablishment. It captures the broad range of hazards and reveals the causal mechanisms of impoverishment, its main processes and dimensions. This model is discussed here in some detail because it provides a comprehensive framework with which to approach resettlement projects, is current and relatively widely accepted as an improvement on previous models. Because it is generic, it can be tailored to the specific needs of individual programmes and should be supplemented where necessary. It also forms the basis for the World Bank's involuntary resettlement policies which cover most aspects of an involuntary resettlement programme.

At the model's core are three fundamental concepts: risk, impoverishment and reconstruction. The model aims to reverse the risks associated with

displacement. The model has four distinct but interlinking functions: firstly, it is predictive, thus facilitating early warnings and planning; secondly, it is diagnostic; thirdly, it solves problems and finally, it allows for further research into involuntary resettlement<sup>5</sup>.

Many of the people subjected to resettlement are poor and marginalised. The IRR model highlights the main processes through which impoverishment can occur. These processes are connected, can occur simultaneously and compound one another. The processes are briefly described below:

- *Landlessness*: People's production systems – their land – have to be reconstructed or replaced with income-generating employment. If not, landlessness can result, followed by impoverishment. This is the main route to poverty and loss of capital.
- *Joblessness*: The risk of losing employment is very high. Creating new jobs is difficult and requires investment. Unemployment or under-employment results and is not immediately relieved after relocation. Those involved with the actual relocation may experience short-term employment, but this is short-term and unsustainable.
- *Homelessness*: Loss of shelter is not permanent, but for some resettlers a worsening in housing standards or loss thereof is a reality. A decline in housing conditions increases if the compensation for demolished houses is paid at assessed market value rather than replacement value.
- *Marginalisation*: This occurs when displaced persons lose economic power and thus begin a downward spiral. Skills useful previously become redundant, previous markets become closed and a social and psychological depression results. This is expressed in a drop in social status, lack of confidence, feelings of injustice and heightened vulnerability. At the new settlement sites, resettlers are denied opportunities and are viewed as strangers by host communities.

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<sup>5</sup> The following paragraphs are based almost exclusively on Cernea (2000).

- *Food insecurity:* Forced relocation increases the risk that resettlers will fall below the required calorie-protein levels necessary for normal human functioning. Malnourishment and food insecurity are symptoms of resettlement gone wrong. Problems with nutrition reinforce morbidity and mortality and depend on whether landlessness and joblessness are effectively dealt with.
- *Increased morbidity and mortality:* Displacement can cause declines in health levels. Stress and anxiety are sometimes compounded by the outbreak of illness, especially parasitic and vector-borne diseases such as malaria, bilharzia and diseases associated with unsanitary conditions. The young, old and frail are particularly susceptible.
- *Loss of access to common property resources:* Grazing lands, forests and woodlands, water and burial grounds are common property assets that resettlers often lose access to once they relocate. This results in income loss and drop in living standards. Loss of access to schools, health care facilities and other public services is also a feature of this process. Where access to common resources is decreased, resettlers tend to encroach on protected areas and on the host community's resources.
- *Social disarticulation:* Displacement disperses and fragments communities and thus breaks patterns of social organisation and interpersonal ties. Informal networks are disrupted and the net loss of social capital and information compounds the loss of natural, human and physical capital. The social capital is usually unperceived and uncompensated by the responsible development projects.

The above risks do not necessarily all occur in every project, or affect every individual simultaneously. The intensity of these risks varies depending on time and place, and also the group exposed to the risks. Women, children and the elderly are typically more vulnerable to risks. Host populations who also have a stake in the resettlement programme may experience different risks such as increased pressure on resources and services and environmental impacts. Therefore, it is important to provide opportunities and compensation to the host communities as well.

An awareness of the processes through which impoverishment can occur is the first step towards preventing the failure of a resettlement programme. The second part of Cernea's model, that of reconstruction, provides guidance on how to reverse the risks associated with involuntary resettlement. In resettlement, all forms of capital are lost, therefore reconstruction must be multi-dimensional.

The IRR model provides an explicit framework for socio-economic reconstruction. The internal logic of the model suggests that to overcome the patterns of impoverishment it is necessary to prevent the risks from manifesting in reality. The model conveys two basic messages: a policy message and a strategy message. The former implies that the risk pattern can be controlled via a policy response that mandates and finances integrated problem solving. The strategy message requires that specific plans – Resettlement Action Plans – are necessary in order to join the model with the resettlement programme at hand.

What are the components of reconstruction? For displacement in rural areas in particular, land based reestablishment and reemployment are the basic economic variables that should be dealt with first. Access to arable or grazing land or income-generating employment is the basis for reconstructing livelihoods. Success here is correlated with identifying suitable land, bringing the land into production, diversification of agricultural and non-agricultural activities and utilising available resources optimally. Where resources are lacking, innovation is essential. Technical assistance with land production is also vital; without suitable reskilling, attempts at reconstructing livelihoods can fail. However, the training of resettlers will only be successful if there is an actual demand for employment, which in turn is a response to market conditions. Affected persons should at least be given preferential employment opportunities by the developer.

Finally, a comment about the application of the principle of eminent domain. Instead of outright expropriation of land, it would be better to explore avenues whereby the potentially dispossessed are involved in the new development

either through joint ownership or by leasing their land to the new development. In this way, landlessness is circumvented, but the option needs to be examined carefully.

An improvement in housing conditions bolsters resettlers' lives and is not that difficult, relatively speaking, to achieve. Homelessness is not an unavoidable risk of impoverishment and house reconstruction allows room for improving standards of living.

The reconstruction of communities, their networks and social cohesion is a vital yet often overlooked aspect in many resettlement programmes. Planners tend to be less concerned with facilitating reintegration of the communities or in compensating community-owned assets. The rebirth of community institutions must be facilitated in the resettlement programme since community articulation is essential for the healthy recovery of the community's functions, and its individual members.

The nutrition levels of the affected people also require reconstruction. Nutrition will depend on the productivity of the land and on access to economic opportunities. Before lands become productive and economic activity picks up, there is the risk of malnutrition that may require immediate intervention.

Despite the existence of the IRR model, national resettlement programmes generally tend to be of very low standard whereas those that involve international organisations tend to be of a higher standard, though by no means perfect. In both instances, the intervention of the state tends to restrict people's rights based on the principle of the greater good for the greater numbers. This principle becomes corrupted and used as a justification for tolerating avoidable ills. In fact these ills are contrary to the principles of development. The instances of resettlement failure point to defects in the domestic policies of many countries. This must be changed in order to bring about progress in involuntary resettlement. Where policies are adopted these are often not the country's own, and adherence to the policy is not strict

because implementation depends primarily on political will and the institutional capacity of governments and their agencies. Because of absent national standards, government implementation agencies do not feel a strong ownership of the policy, despite any existing legal agreements.

Socially responsible resettlement should be guided by a partnership approach that can reduce the risks of impoverishment and generate benefits in the spirit of development. The IRR model calls for the correction of three entrenched flaws that account for the recurrent neglect of the risks of impoverishment. These flaws are:

- Flaws in conventional risk methodology,
- Flaws in cost-benefit analysis, and,
- Lack of genuine community participation and consultation.

Conventional risk assessment methodology does not factor in the risks that are incurred by displaced people. The emphasis has been on minimising financial risk and maximising return on investment. The risks to stakeholders are not subjected to the same rigorous analysis that the project financial risks are assessed by. This practice conflicts with the goal of safeguarding the interests of stakeholders and is contrary to the policy of poverty reduction. The approach to risk analysis needs to be reformulated to cover the risks to affected stakeholders. The analysis must explicitly include the impoverishment risks discussed and design insurance measures, safeguards and social safety measures. Where involuntary resettlement is unavoidable, special measures commensurate with risk intensity need to be provided.

Cost-benefit analysis is a macroeconomic tool that does not explore the distribution of costs and benefits among project stakeholders. It often justifies a project merely by determining whether the aggregate of a project's benefits outweighs the costs by an acceptable margin. This is not sufficient because the deleterious effects the project has on people are not considered and compensated by the benefits. The benefits are therefore not distributed equitably. To overcome these deficiencies, explicit distributional analysis

should be mandatory in all project assessments. The costs and benefits must be calculated for each affected population category and the differential impacts recognised. The most damaging aspect of the analysis is that it results in the under-financing of resettlement programmes. The response to the risks of impoverishment must be predicated not solely on compensation, but on recovery and development. This requires the full internalisation of resettlement costs and the allocation of growth-supporting investments, in addition to compensation.

Inadequate consultation with affected communities during project development and before decision-making compounds the fallacies caused by deficient economic analyses. Consultation is imperative and because of weak state institutions it is even more vital for companies to conduct thorough consultation and disclosure programmes. Dysfunctional communication is one of the main causes of resettlement failure. Communication must be done in a timely manner and transparently. Withholding information is as good as deceit; lack of information is disempowering. Without adequate information, the affected communities cannot mobilise themselves and begin the process of reconstructing their own lives.

**Section 5** of this report has outlined current thinking behind resettlement. It almost entirely based on the writing of Michael Cernea and has covered the necessary ground to provide the reader with some idea of what resettlement does, why it has failed, and what are some of the changes that should be implemented to improve its practice. In **Section 7**, which defines the way ahead, some of the issues covered here will be revisited. The following section examines the institutional frameworks in place that guide involuntary resettlement.

## **6 INSTITUTIONAL FRAMEWORKS GOVERNING RESETTLEMENT**

How involuntary resettlement is carried out, and whether impoverishment risks are successfully avoided or their impacts reduced, depends largely on

the type of institutions and frameworks in place to guide and govern planning and implementation.

Deteriorating living conditions of resettled communities, households or individuals are not an inevitable consequence of mining-induced resettlement. Rather, they are partly the consequence of the failure of institutions at the global, regional and local level to intervene in a manner that pre-empts the risks of impoverishment from unfolding (Kibreab, 2000).

Based on extensive experience with resettlement failures, a number of factors have been identified as transforming these risks into reality (Cernea, 1996, 1997; WCD, 2000). These are outlined below:

*Inappropriate Policy:*

- Inadequate policies and laws to guide resettlement.
- Focus on expropriation and physical relocation rather than income re-establishment and socio-economic development.
- Most governments forcibly displace people but do little to use institutional instruments to facilitate “land for land” alternatives.
- Contradictions between World Bank resettlement guidelines and national legislation.

*Weak Institutions:*

- Institutions in charge generally operate in a policy and guideline vacuum and lack organisational capacity and appropriate social skills.
- Lack of accountability for promised entitlements.
- Lack of political and corporate will to ensure resettlement is effectively and sensitively carried out.
- No mechanisms exist to enforce compliance with resettlement plan (where one exists).

*Inappropriate Methodology:*

- Undercounting of actual number of people affected through loss of land and houses.
- Pre-move income levels are unknown to planners so full re-establishment costs are underestimated.
- Resettlement costs are borne externally rather than internalised by the mining company in project budgets.
- Resettlement is executed as a last-minute salvage operation and not used as an opportunity for socio-economic development.
- Projects causing resettlement are strongly promoted as being for the *national good* with too little consideration given to the *local good* where the impacts and hardships are most keenly felt.
- Mechanisms to ensure that project benefits accrue to the local community are weak or non-existent.

*Authoritarianism:*

- Displaced and host populations are not empowered to participate adequately in the planning and execution of the relocation, especially in negotiating viable solutions.
- Resettlers and hosts not consulted in time.
- Incorrect assumptions made about resettlers' needs and preferences.
- Effective legal mechanisms for negotiating and resolving grievances are often absent or subverted.
- Communities are viewed as homogenous and consultation limited to discussion with so-called leaders.
- Communities or individuals are coerced and intimidated into accepting resettlement.

*Inadequate and Inappropriate Compensation:*

- Property acquisition provides insufficient resources for oustees to purchase replacement land and other assets.
- Significant numbers of affected people are excluded from compensation or are underpaid, often due to the lack of recognition given to informal or customary land rights.
- Resettlement sites selected without reference to availability of livelihood opportunities or preferences of resettlers. Resettlement sites are frequently resource depleted and environmentally degraded.
- Replacement of agricultural land, basic services and infrastructure often fails to materialise, is inadequate or delayed for years.
- Neighbouring villages or communities that lose access to shared resources are often overlooked when assessing who requires compensation.
- Cash compensation is paid where individuals have no access to banks or ways of managing large sums of money.

*Poor Financial Planning:*

- Resources allocated to compensate and assist displaced people are generally insufficient to fully cover resettlement and reestablishment.
- Host populations are often forced to bear the cost of the influx of displacees.
- Excessive money is spent on inappropriate assistance or compensation in a public relations exercise.

*Unskilled Implementing Agents:*

- Lack of skills, staff and organisational capacity to properly implement resettlement plan.
- Generally there is no inclination to bring on board specialist social scientists and implementation is often left up to the construction manager.
- Where social scientists are included they are seen as controversial and are subsequently restricted in their work.

*Extended Resettlement Period:*

- Productive capacities and incomes are not restored within a reasonable time period leading to impoverishment.

*Short-sighted Planning:*

- Secondary environmental and social problems resulting from resettlement are not identified or catered for.

*Lack of Monitoring and Evaluation:*

- Absence of mechanisms to identify and rectify problems at an early stage.

With these potential pitfalls in mind, it is necessary to consider what institutional frameworks exist to govern, direct or influence involuntary resettlement. The following sections provide an overview of existing frameworks within which involuntary resettlement is executed. The objective is to identify possible weaknesses, which, if not addressed, will undermine the capacity to mitigate the risks involved and may lead to further impoverishment.

## 4.1 Global Frameworks

Africa's development, as well as the recent move towards greater privatisation, has largely been driven by global financial institutions such as the World Bank. Anxious to attract overseas development assistance and foreign investment, African governments have agreed to large infrastructure, industrial and mining projects in the name of the common good. The disproportionate influence of global institutions in Africa's development has therefore necessitated the consideration of what global frameworks exist for managing the negative impacts of development.

### 6.1.1 The World Bank Policy on Involuntary Resettlement

The World Bank's involvement in involuntary resettlement stems largely from their involvement in large dam projects. These projects have become synonymous with the displacement of millions of people without adequate compensation or resettlement assistance. It was largely the resultant negative publicity, and criticism of the Bank's failure to intervene on behalf of the displaced peoples, that led to the World Bank initiating the process to develop its own policy and procedures for involuntary resettlement. The current version, Operational Directive (OD) 4.30, remains the most widely used guideline for any project involving involuntary resettlement.

#### Box 1 – World Bank Involuntary Resettlement Policy

- Involuntary resettlement should be avoided or minimised where feasible by exploring all viable alternative project designs.
- Resettlement plans should be developed for cases where displacement is unavoidable.
- Involuntary resettlement should be integrated into project design and dealt with from the start of project preparations.
- Displaced populations should receive benefits from the project.
- Resettlement should be conceived and executed as a development programme.
- Affected persons should be:
  - Compensated for their losses at full replacement cost prior to the actual move.
  - Assisted with the move and supported during the transition period in the new resettlement site.
  - Assisted in their efforts to improve their living standards, income earning capacity and production levels, or at least to restore them.
- Community participation in planning and implementing resettlement should be encouraged.
- Resettlers should be integrated socially and economically into host communities through planning resettlement in areas benefiting from the project and through consultation with the future host communities.
- Compensation and resettlement assistance should not only be limited to affected persons that hold legal title to the land. The Bank recognises the existence of usufruct or customary rights to the land or use of resources.

OD 4.30 describes the Bank's policy (See Box 1) and the procedures to be followed by borrowers for projects involving possible involuntary resettlement (World Bank, 1990).

Any bank-financed project that involves land acquisition, or is screened as Category A or B in terms of the Environmental Assessment (EA) required<sup>6</sup>, should be reviewed for potential resettlement requirements early in the project cycle (World Bank, 1990, para 1). Recent investments by the International Finance Corporation (IFC) in the mining sector in Zambia and Mozambique have used OD 4.30 to guide the resettlement component of these projects.

In terms of resettlement planning, OD 4.30 outlines what should be covered by the resettlement plan (Box 2), although it provides flexibility by acknowledging that the level of detail will vary according to the circumstances of the project. According to OD 4.30, resettlement involving only "a few people" (less than 100-200) does not require a resettlement plan as a prerequisite for project appraisal although the principles of compensation remain the same as for larger resettlements. In determining appropriate compensation for rural dwellers, the directive states that preference should be given to land-based resettlement as cash compensation is usually inadequate to restore previous livelihoods.

**Box 2 – Contents of a Resettlement Action Plan**

- Organisational responsibilities
- Community participation and integration with host communities
- Socio-economic survey
- Legal framework
- Alternative sites and their selection
- Valuation of, and compensation for, lost assets
- Land tenure, acquisition and transfer
- Access to training, employment and credit
- Shelter, infrastructure and social services
- Environmental protection and management
- Implementation schedule, monitoring and evaluation

<sup>6</sup> The Bank undertakes environmental screening of each proposed project to determine the appropriate extent and type of EA. The Bank classifies the proposed project into one of four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts (World Bank, 1999).

Theoretically, the development of a resettlement plan is a pre-requisite for project appraisal prior to project approval and allocation of funding to the borrower. However, this stipulation is not always adhered to in practice.

OD 4.30 is currently being revised to distinguish more clearly between the Bank's Operational Policy (OP 4.12) and Bank Procedures (BP 4.12) (World Bank, 2001b & 2001c). The mandate, however, is to fully maintain current standards and retain the objectives and principles of OD 4.30. The revised version is now closed to further public comment and has been forwarded to the Bank's Executive Directors for approval. Draft OP 4.12 covers: policy objectives; the type of impacts covered; required assistance or compensation measures; eligibility for benefits; resettlement planning, implementation and monitoring; and resettlement instruments. Requirements for the resettlement instruments (resettlement plans, policy and process frameworks) are detailed in the Annex to OP 4.12.

World Bank procedures are detailed separately in BP 4.12 covering: assessment of the need for resettlement; criteria for eligibility; feasibility of proposed resettlement measures; appraisal of the plans or framework documents; procedures for supervision and a country assistance strategy.

The draft guidelines implicitly reflect many of the lessons learnt through recent resettlements. They have been enhanced through the specification that the resettlement strategy may include resettlement on land purchased in the open market in addition to resettlement on public lands (World Bank, 2001b, para 10). This increases the likelihood of finding and obtaining suitable resettlement lands. The draft guidelines also provide greater flexibility in the range of measures available to help restore standards of living, including the provision of short-term jobs, subsistence support, salary maintenance, land preparation, training and credit facilities (World Bank, 2001b, Section III).

To overcome the conflict between the World Bank's OD 4.30 – which states that the absence of legal title to land should not be a bar to compensation – and some national laws – which state that compensation will only be paid to

those with legal title – draft OP 4.12 provides for resettlement assistance (instead of compensation) to those who have no recognisable legal right or claim to the land they are occupying (World Bank, 2001b, para. 14 - 15). This is of particular relevance to southern African countries where land tenure insecurity is common. For example, in Mozambique and Tanzania land is State-owned and occupiers have no legal claim to compensation for land lost (Government of Mozambique Maputo Province, 1998; Institute of Natural Resources, 1999). In Zambia no law protects squatters from eviction without compensation for improvements made to the land (Hansungule *et al.*, 1998). Under OP 4.12 compensation is provided for those who have formal legal rights to land (including customary and traditional rights recognised under the laws of the country), as well as those who have informal rights to land, but who have a claim to such land or assets (provided that such claims are recognised under the laws of the country or become recognised through a process identified in the resettlement plan). These criteria for compensation eligibility are therefore still constrained by the dependence on the country's recognition of informal rights and claims.

OP 4.12 extends the resettlement instruments beyond the previous resettlement plan to include resettlement policy frameworks – for Bank financed sector investment and financial intermediary subprojects – and process frameworks, for projects involving restriction of access to legally designated national parks and protected areas. Where previously no resettlement plan was required for projects involving less than 100-200 people, an abbreviated resettlement plan may be agreed with the borrower for resettlements where impacts are considered minor or fewer than 200 people are displaced.

### 6.1.2 Critique of the World Bank guidelines

It could be argued that the biggest short-coming of both the old and new World Bank safeguard policies is that they are guidelines and not a prescriptive tool with enforcement mechanisms in place to ensure that plans are implemented. There is therefore a large gap between policy and

performance, as recognised by the Morse Commission in their independent report on the Narmada Sardar Sarovar Dam involuntary resettlement (Morse *et al.*, 1992, cited in Cernea, 1997).

The Bank's guidelines only suggest that the borrower's obligation to carry out the resettlement plan should be reflected in the legal agreements between the bank and the borrower (World Bank, 1990, para 30; World Bank, 2001b, para 22). The level of responsibility and commitment of both the Bank and the borrower is therefore open to [mis]interpretation through the absence of mandatory and minimum requirements. The World Commission on Dam's (WCD) report (2000, p189) criticises the World Bank's discretionary adaptation of policies to developing country realities and its ignorance of non-compliance, stating that this only breeds cynicism about the willingness to comply (WCD, 2000, p189). Although the World Bank has in the past suspended financial assistance to an urban sector project in Cameroon, where implementation of resettlement "gets seriously out of compliance with World Bank resettlement policy and practice" (Cernea, 1997, p32), this type of disciplining is of no help to the resettlers. More creative enforcement mechanisms should be developed which ensure compliance with resettlement plans.

The report from the World Commission on Dams further criticises the Bank guidelines on the basis that they focus on project planning and design and not on options assessment or implementation (WCD, 2000, p188). As monitoring is generally discontinued after 5 years the assumption is that the planning phase has anticipated and covered all future eventualities. However, the inflexibility of implementation and monitoring doesn't allow for constant adaptive management.

The policy of "improving, or at least restoring" former living standards, income earning capacity and production levels has been criticised for not making the minimum requirement "improvement" (IFC, 2001). If restoration is an accepted goal then resettlement will merely serve to replicate the poverty that most people who are displaced began with. This contradicts the initial policy

goal of ensuring that affected people receive benefits from the project. However, the World Bank argues that restoration at least provides a measurable benchmark by which to ensure that resettlers are not worse off than prior to the project.

A further criticism of the Bank's guidelines is that there is no clear procedure for determining when independent monitors will be called in to monitor implementation and impacts. The role of the Bank as both project shareholder and supervisor of the resettlement plan creates conflicts of interest that favour cost minimisation at the expense of livelihood and income reestablishment.

### 6.1.3 The World Commission on Dam's Guidelines for Good Practice

The World Commission on Dams four-year study culminated in November 2000 in a report titled *Dams and Development*. As well as covering issues related to the economic and biophysical impact of dams, the report covers the experience of displaced people and their resettlement and compensation (WCD, 2000). The report recommends a set of guidelines for good practice which encompass how to plan and implement an involuntary resettlement (Box 3).

Although dam related resettlement is generally of a larger magnitude than that of mining, the findings, lessons and guidelines are of relevance to involuntary resettlement in general and a number of the guidelines have been adopted as recommendations for this report.

In addition to those principles already identified in the World Bank's policy on involuntary resettlement, the WCD recognises that successful resettlement relies upon supporting national

#### Box 3 – WCD's Guidelines Relevant to Involuntary Resettlement

- Negotiated decision-making processes: agreements to be reached by consensus amongst stakeholders.
- Free, prior and informed consent: agreement by affected people on option assessment and preparation as well as implementation and operation of selected option.
- Recognition of entitlements and sharing of benefits.
- Impoverishment risk analyses to identify risks and devise suitable mitigatory measures.
- Negotiation of a mitigation, resettlement and development action plan (MRDAP).

legislation and development policies, as well as accountability and commitment from governments and project developers.

Differences between the World Bank and WCD guidelines are summarised in **Table 1**.

**Table 1 – Guidelines: World Bank vs. World Commission on Dams**

<b>World Bank OD 4.30 &amp; OP/BP 4.12</b>	<b>World Commission on Dams Guidelines</b>
No involvement of affected people in project selection.	Assessment of project options guided by the agreement of affected people.
Meaningful consultation with, and participation by, displaced people in planning and implementing resettlement.	Negotiated decision-making process with consensus required in resettlement planning.
RAP covers planning, implementation and monitoring.	MRDAP includes project benefit-sharing mechanisms and compliance plan outlining obligations and responsibilities of government and developer.
No guidelines for compliance and division of responsibilities. At discretion of legal agreement between Bank and borrower.	Formalised in legally binding master and performance contracts.
RAP required for project appraisal and approval of funding	MRDAP contracts agreed at project feasibility stage.
Independent monitoring conducted at Bank's discretion – reports to Bank and borrower.	Independent monitors selected with consent of affected persons and report to multi-stakeholder committee
Generally ignores non-compliance. In extreme cases has suspended project financing.	Performance bonds, trust funds or integrity pacts suggested as measures to guarantee compliance.

#### 6.1.4 Critique of the WCD Guidelines

The proposed guidelines have been rejected by, amongst others, the World Bank on behalf of their borrowing governments, who fear that the guidelines will lead to “more conditionality” by international financing organisations (WCD, 2001). Criticism of the guidelines stem mainly from the call for prior informed consent from the affected parties (Le Page, 2001). As argued by the

Industry Group<sup>7</sup>, competing interests make consensus elusive, if not impossible, and that public acceptance does not mean attaining absolute consensus (WCD, 2001).

The Industry Group argue that the guidelines do not constitute a set of operational tools on the grounds that the need to reach a full consensus is likely to hinder any project. Key decisions should remain in the hands of informed, elected representatives and financial and institutional consequences of the recommendations were not properly taken into account during the development of these guidelines.

Despite these criticisms, the World Bank has agreed to review how the principles may be put into use in the context of specific projects.

#### 6.1.5 Other International Guidelines

The following comment from the WCD report (2000, p189-190) summarises the state of international resettlement guidelines:

“The multilateral banks – and in particular the World Bank – have the most sophisticated set of policies, operational procedures and guidelines amongst the international donor community and are under regular scrutiny by civil society. Given that the banks have often fallen short of realising such high standards for planning and decision-making, it is legitimate to expect that the other donors and in-country agencies will have encountered similar difficulties and also fallen short of the outcomes implied by the standards set by the banks.”

Web-searches have revealed that organisations such as United Kingdom’s Department of Foreign and International Development (DFID), Amnesty International, the Organisation for Economic Co-operation and Development (OECD) and Oxfam do not have their own resettlement guidelines.

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<sup>7</sup> Harza Engineering, Hydro Quebec, Siemens & Eletricité de France

### 6.1.6 Resettlement Legislation

Countries such as Japan, China and Brazil have enacted legislation which specifically deals with resettlement, compensation and benefit sharing (WCD, 2000). Although these laws deal specifically with reservoir and hydropower projects, they go some way in filling the legislative vacuum evident in most other countries when it comes to resettlement laws, compensation for project affected people and the definition of rights and responsibilities.

Japan's Special Measures for Reservoir Area Development Act provides for compensation for property and other losses, as well as for an improvement in the living conditions and industrial base of affected areas. It establishes a fund for reservoir area development which is financed by beneficiary municipalities, affected municipalities and central government.

In a similar vein, Brazil's Law No 7990 provides for the distribution of the royalties from using water for hydropower. These royalties can be used to fund development projects in the affected communities and municipalities.

The Chinese Reservoir Resettlement Act specifies the rights of affected people, defines the state's obligations and procedures for settling conflict and the redress of complaints.

## 6.2 Regional Frameworks

There is a strong drive within the southern African region to facilitate greater economic integration and develop joint solutions to common problems. Despite this there is as yet little indication that involuntary resettlement will be addressed by regional institutions such as the SADC.

The African Development Bank started work on the formulation of its own policy guidelines in 1995 (Cernea, 1997) however it is unclear to what extent this has progressed. No policy or guidelines on involuntary resettlement were found for other regional organisations or banks.

The five-year strategy of SADC's Mining Sector Co-ordinating Unit (1997-2001), as well as its *Protocol on Mining*, contain no reference to the management of involuntary resettlement although environmental protection is addressed (SADC, 2001).

Principle 10 of the SADC Protocol on Mining states that "Member States undertake to jointly develop and observe internationally accepted standards of health, mining safety and environmental protection". Under Article 8 of the protocol "Member States shall promote sustainable development by ensuring that a balance between mineral development and environmental protection is attained." Environmental objectives for 1997 – 2001 were to promote environmentally sustainable mining by recommending appropriate legislative measures to protect the environment (SADC, 2001).

From the above points it is unclear whether or not involuntary resettlement is covered under environmental protection.

The Industrial Development Corporation (IDC), a South African investment parastatal, which has been involved in financing mining projects in South Africa and Mozambique, does not have its own resettlement guidelines. The IDC makes use of national legislation, where it exists, and the World Bank's OD 4.30 for projects involving resettlement. Similarly, the Development Bank of Southern Africa (DBSA), although not a financier of mining projects, makes use of World Bank guidelines where projects involve resettlement.

### **6.3 National Frameworks**

Despite the criticism and weaknesses of the World Bank guidelines they are progressive in relation to the national laws and policies of many Southern African countries.

Security of tenure is central to the discussion on involuntary resettlement in southern Africa. Without it displacees may be at risk of losing land and livelihoods without receiving any compensation for these losses. However,

insecure land and tenure rights are issues that remain common to most southern African countries despite recent efforts at land tenure reform in countries such as South Africa, Namibia, Botswana, Mozambique, Zambia and Tanzania (Adams *et al.*, 1999; Arnet Reports, 1998; Hansungule *et al.*, 1998; Institute of Natural Resources, 1999; LandWeb, 2000). How involuntary resettlement is carried out depends largely upon the type of tenure system involved: open access, common property, state property or private property. Property rights and eviction processes generally differ according to the type of tenure being held. Disputes about the type of tenure system applying to the land in question are not uncommon. This may delay mining projects as local communities demand recognition of rights (including the ability to sell or transfer property, access to services and assurance that they will not be evicted without compensation), while potential investors need assurance that their investments will be secure. In many cases it remains undecided who can authorise developments and who should receive benefits, such as lease fees or royalties, from the development.

The institutional frameworks behind tenure reform are complicated by the many different spheres of authority - government vs. traditional leaders; national, provincial and local governance; and common vs. customary law. It is therefore not surprising that frameworks guiding involuntary resettlement are similarly weak or non-existent.

In the recent past some mining projects have been agreed on the basis that the government carry out involuntary resettlement according to World Bank OD 4.30 guidelines. Subsequently Social Impact Assessments (SIAs), Resettlement Action Plans (RAPs) and monitoring of plan implementation have been carried out for resettlements such as those connected to the MOZAL aluminium smelter and the Corridor Sands project in Mozambique, Konkola Copper Mines in Zambia and Bulyanhulu in Tanzania. These have been carried out with the aim of mitigating the impacts of involuntary resettlement associated with the particular project and have served to highlight the potentially adverse impacts of mining projects on the affected populations. However, validating Cernea's general observation (1993), these

studies seldom formulate broader, forward-looking policies or provide recommendations which extend beyond the case at hand. In this “policy vacuum” resettlement is guided (if at all) by the piecemeal application of land reform, environmental and planning legislation which has not been specifically designed to cover mining-related involuntary resettlement. The South African example, described in **Section 6.3.1**, clearly illustrates this point<sup>8</sup>.

Implementation and compliance with agreed upon resettlement plans may be compromised where national laws contradict and conflict with World Bank guidelines. For example, in Mozambique neither financial compensation for the loss of assets or re-establishment of present livelihoods is provided for in the legislation (MOZAL RAP, 1998). However, the World Bank stipulates that compensation must be made prior to resettlement at full replacement cost. The lack of mechanisms that ensure compliance with the resettlement plan means that often World Bank standards are compromised at the point of implementation.

### 6.3.1 Frameworks for Addressing Involuntary Resettlement in South Africa

In the absence of a clear policy and a single comprehensive law, involuntary resettlement in South Africa is dealt with through a range of laws and initiatives dealing with some of the components of resettlement: impact assessment; public participation; expropriation of land and assets; land and tenure rights; sustainable development; and the provision of basic services. **Table 2** provides a summary of relevant laws, government departments involved and other organisations that are drawn into the process.

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<sup>8</sup> Time constraints and the geographic location of the researcher, has meant that there is a stronger focus on South African legislation. While equivalent legislation may not always be found in other southern African countries, the South African examples serve to illustrate the wide range of legislation which applies to resettlement in the absence of a single comprehensive law.

The National Environmental Management Act (No. 107 of 1998) requires all activities requiring authorisation or permission by law to be assessed prior to their implementation for their potential impact on the environment, socio-economic conditions and the cultural heritage. In other words, social impact assessments are thereby required for new mining developments.

One of the most critical social impacts of mining activities is that of involuntary resettlement. In South Africa, many instances of involuntary resettlement result when a mining company, for example, purchases a farm or portion thereof, with the intention to mine the mineral deposit beneath. The ownership of mineral rights allows the owner of these rights to mine<sup>9</sup>.

Mining in South Africa is regarded as an optimal land use activity and takes precedence over other equally viable land uses. The mining company will negotiate a price for the surface rights and purchase the land thus owning both surface and mineral rights, which allows them greater freedom of activity. Due to the fact that historically most South Africans were denied the right to own land they became long-term residents of land owned by others but without security of tenure. The sale of land for mining purposes causes large-scale insecurity and places the tenants (whether lawful or unlawful occupiers of land) at great risk. To some extent this favoured mining companies in the past in that they could relatively easily gain access to land for mining purposes without following the correct procedures with regard to resettlement and compensation<sup>10</sup>. Fortunately this approach is changing in general.

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<sup>9</sup> The draft Mineral Development Bill (2000) proposes that ownership of all mineral rights be transferred to the State. If passed this would mean that mining companies would have to lease these rights from the State for a fixed time period.

<sup>10</sup> Compensation for involuntary resettlement is therefore not limited to considerations of compensation for current resettlement projects. Loss of surface and/or mineral rights through forced relocation during apartheid should also be compensated for.

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In many cases families were simply evicted from the land either before the surface rights were purchased, or once the deal had gone through. The fact that many of those affected had been, and are, long-term residents of the land and derived their income, or food, from the owner, meant that involuntary resettlement resulted in loss of land, income and livelihoods but without adequate compensation.

Table 2 – South African framework for addressing involuntary resettlement

Resettlement Component	National Law or Bill Governing Action	Responsible Government Departments	Additional Government Departments and Organisations	Responsible Court
Impact Assessment	Minerals Act, 50 of 1991 National Environmental Management Act, 107 of 1998, Sect. 2, 23 & 24 Mineral Development Draft Bill, 2000, Sect. 66	Minerals and Energy Environmental Affairs and Tourism	Departments of: Land Affairs, Agriculture, Water Affairs and Forestry Provincial and Local Environmental Authorities National Environmental Advisory Forum Committee on Environmental Co-ordination	High Court
Public Participation & Access to Information	Constitution of the Republic of South Africa, Act 108 of 1996, Sect. 32 (1) Interim Protection of Informal Rights to Land Act, 31 of 1996, Sect. 2(4) National Environmental Management Act, 107 of 1998, Sect. 24 (7) Local Government: Municipal Systems Act, 32 of 2000, Sect. 16-22	Justice and Constitutional Development Land Affairs Environmental Affairs and Tourism Provincial and Local Government	Departments of: Land Affairs, Agriculture, Water Affairs and Forestry Provincial and Local Environmental Authorities National Environmental Advisory Forum Committee on Environmental Co-ordination Local Municipalities	Constitutional Court High Court
Expropriation of	Constitution of the Republic of South	Justice and Constitutional	Commission on Restitution of	Constitutional Court

<b>Resettlement Component</b>	<b>National Law or Bill Governing Action</b>	<b>Responsible Government Departments</b>	<b>Additional Government Departments and Organisations</b>	<b>Responsible Court</b>
Property and Eviction	<p>Africa, Act 108 of 1996, Sect. 25 (2) &amp; 26 (3)</p> <p>Expropriation Act, 73 of 1975</p> <p>Land Reform (Labour Tenants) Act, 3 of 1996, Sect. 3 &amp; 5-15</p> <p>Interim Protection of Informal Land Rights Act, 31 of 1996, Sect. 2</p> <p>Extension of Security of Tenure Act, 62 of 1997, Sect. 6 &amp; 8-15</p> <p>Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998, Sect. 4 – 6</p> <p>Land Rights Bill, 1998</p> <p>Mineral Development Draft Bill, 2000, Sect. 15</p>	<p>Development</p> <p>Public Works</p> <p>Land Affairs</p> <p>Minerals and Energy</p>	Land Rights	<p>High Court</p> <p>Land Claims Court</p> <p>Magistrates Court</p>
Ensuring Security of Tenure Post-	Constitution of the Republic of South Africa, Act 108 of 1996, Sect. 25(6) & (9)	Justice and Constitutional Development	Commission on Restitution of Land Rights	Constitutional Court

<b>Resettlement Component</b>	<b>National Law or Bill Governing Action</b>	<b>Responsible Government Departments</b>	<b>Additional Government Departments and Organisations</b>	<b>Responsible Court</b>
Resettlement	<p>Africa, Act 108 of 1996, Sect. 25(6) &amp;(9)</p> <p>Development Facilitation Act, 67 of 1995, Sect. 3 &amp; 63</p> <p>Labour Tenants (Land Reform) Act, 3 of 1996, Sect. 16 &amp; 26</p> <p>Extension of Security of Tenure Act, 62 of 1997, Sect. 6</p>	<p>Development</p> <p>Land Affairs</p>	<p>Land Rights</p> <p>Development and Planning Commission</p>	<p>Land Claims Court</p> <p>High Court</p>
Compensation	<p>Constitution of the Republic of South Africa, Act 108 of 1996, Sect. 25 (3), (5) &amp; (7)</p> <p>Land Reform (Labour Tenants) Act, 3 of 1996, Sect. 2(2) &amp; 8(3-4)</p> <p>Extension of Security of Tenure Act, 62 of 1997, Sect. 13 &amp; 14</p> <p>Mineral Development Draft Bill, 2000, Sect. 17</p>	<p>Justice and Constitutional Development</p> <p>Land Affairs</p> <p>Minerals and Energy</p>	<p>Commission on Restitution of Land Rights</p>	<p>Constitutional Court</p> <p>High Court</p> <p>Land Claims Court</p>

<b>Resettlement Component</b>	<b>National Law or Bill Governing Action</b>	<b>Responsible Government Departments</b>	<b>Additional Government Departments and Organisations</b>	<b>Responsible Court</b>
Sustainable Development and the Provision of Basic Services	<p>Constitution of the Republic of South Africa, Act 108 of 1996, Sect. 26(1 &amp; 2), Sect. 27 (1 &amp; 2)</p> <p>Development Facilitation Act, 67 of 1995, Sect. 3</p> <p>Extension of Security of Tenure Act, 62 of 1997, Sect. 4</p> <p>Housing Act, 107 of 1997</p> <p>Water Services Act, 108 of 1997</p> <p>National Environmental Management Act, 107 of 1998, Sect. 2</p> <p>Rental Housing Act, 50 of 1999</p> <p>Local Government: Municipal Systems Act, 32 of 2000, Sect. 23 –25 &amp; 73</p>	<p>Justice and Constitutional Development</p> <p>Land Affairs</p> <p>Housing</p> <p>Water Affairs and Forestry</p> <p>Environmental Affairs and Tourism</p> <p>Local and Provincial Government</p>	<p>Local Authorities</p> <p>Development &amp; Planning Commission</p> <p>Local Municipalities</p> <p>Provincial and Local Environmental Authorities</p> <p>Department of Agriculture</p> <p>National Environmental Advisory Forum</p> <p>Committee on Environmental Co-ordination</p>	<p>Constitutional Court</p> <p>High Court</p> <p>Land Claims Court</p>
Monitoring	<p>National Environmental Management Act, 107 of 1998, Sect. 24</p> <p>Mineral Development Draft Bill, 2000, Sect. 69</p>	<p>Environmental Affairs and Tourism</p> <p>Minerals and Energy</p>	<p>Provincial and Local Environmental Authorities</p>	<p>High Court</p>

To address issues of tenure and restitution of land rights the South African government has undertaken a process of land reform which has included passing several laws designed to provide greater security of tenure (South Africa Government Online, 2001).

Legislation such as the Extension of Security of Tenure Act (No. 62 of 1997), Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (No. 19 of 1998), the Land Reform (Labour Tenants) Act (No. 3 of 1996) and the Interim Protection of Informal Land Rights Act (No. 31 of 1996) protect lawful and unlawful occupiers of land, labour tenants and holders of “informal” land rights from unlawful eviction. They stipulate the procedures to be followed and the compensation to be given in cases of eviction and expropriation of land and assets.

Acquisition of land for resettlement and resettlement assistance are not specifically addressed as issues in their own rights and rather rely on provisions made in other Acts. The critical issue of providing assistance and compensation for the re-establishment of the livelihoods of those displaced involuntarily is not adequately addressed. While certain laws make provision for compensation, this involves a narrow definition of compensation which doesn't include an obligation to restore people's well being and ability to sustain themselves. Although the Development Facilitation Act (No. 67 of 1995) in its general principles for land development calls for policies, administrative practices and laws which promote the establishment of viable communities, in reality there is little administrative capacity in rural areas to translate this into practice. The Local Government: Municipal Systems Act (No. 32 of 2000) makes municipalities responsible for the provision of basic services to the local community. However, experience with recent resettlement schemes has shown that municipalities are often unwilling or lack the capacity to provide these services. Differences in responsibility associated with the various types of land ownership (State, municipal, private) confuse the issue.

A further stumbling block arising from the plethora of legislation is the large number of different actors involved. The result is that responsibilities for the various components of resettlement – vital to the avoidance of (further) impoverishment – are not clearly defined and are subsequently neglected to the detriment of the displaced and host communities and, in some cases, the mining company responsible for financing resettlement.

The above describes some of the shortcomings of existing legislation. The fact that legislation in post-apartheid South Africa is still in a state of flux, combined with a lack of enabling legislation, does not aid resettlement programs. Instead it currently serves to delay implementation, causing frustration for all parties involved and increasing resettlement costs.

This situation of inadequate national legislation to effectively and efficiently guide “sustainable” involuntary resettlement is not specific to South Africa and is mirrored in other African countries, as suggested by Okidi (1993, as cited in Cernea, 1997). This is reflected in the RAPs compiled for resettlement programmes throughout the continent.

#### **6.4 Conclusions**

Efforts to research resettlement in southern Africa have revealed the absence of a clearly defined, co-ordinated and consistent approach to involuntary resettlement. The value of international guidelines on involuntary resettlement is compromised where these are not supported by the necessary national frameworks and legislation enabling these guidelines to be followed and implemented.

### **7 INVOLUNTARY RESETTLEMENT IN SOUTHERN AFRICA**

A consequence of the social and political environment of southern Africa has been the large-scale displacement of people. Some of this displacement has been the result of immigration and territorial wars. The arrival of the colonial powers was another factor that changed the demography. Within recent

history – the last 100 years – politics and economics have governed resettlement. The former was responsible for the displacement of millions of people in South Africa because of apartheid, whilst the latter forced millions of people to seek employment far from their homes, often on the mines. South Africa, for example, is the magnet to which thousand of men are drawn from all over southern Africa. Other significant causes of resettlement in the subregion have been the construction of large dams on the Zambezi River, the largest river in the subregion. Kariba in Zambia and Zimbabwe was built in the fifties to generate electricity. About 57 000 people were displaced as a result of its flooding. The Gwembe-Tonga people who occupied the valley existed as subsistence farmers prior to the construction of the dam. Most of these people were resettled in marginal areas and lost their floodplain livelihoods (World Commission on Dams [WCD], 2000). Two other large dam projects are earmarked for the subregion: Epupa Falls along the Kunene River in Angola / Namibia and the Batoka Gorge below Victoria Falls in Zambia / Zimbabwe. The involvement of politics – social and environmental – in both cases is a characteristic feature of the debate around these two dams.

Involuntary resettlement will always be accompanied by trauma. This trauma can manifest in many ways, for example, social disintegration, economic decline, depression, illness, violence, and environmental degradation. It is the degree to which the above manifest that often characterises the success or failure of a resettlement. It is essential to examine the shortcomings of mining induced resettlement, where the faults lie, what has succeeded and why, and what steps can be taken to reduce the trauma so closely associated with relocation. The tackling of these issues marks the transition to sustainable resettlement.

There are several causes of mining related resettlement in southern Africa. The migrant labour system resulted in hundreds of thousands of men from many southern African states making their way to the mines of South Africa or to the Zambian Copperbelt. The influx of people attracted to mining activities has lead to the transformation of society. War is a further cause of resettlement, and although not directly related to mining, it is often fought over

the control of natural resources. Many African states are embroiled in violence often, though not only, as a result of the struggle to control the country's natural resources. These wars have led to massive displacement with refugees seeking asylum in other parts of their country or in other countries. The impacts that mine closure has on settlement cannot also be underestimated as illustrated by instances in Welkom, South Africa and in Kabwe, Zambia, have wide-ranging impacts on local populations who depended on the mines for their livelihoods. Here issues of long-term sustainability and regional planning and economic diversification emerge. Many do not realise that mining operations are temporary, although they can span many generations.

While the above examples of mine-related resettlement are not the focus of this report, cognisance should be taken of the influence that mining has had on settlement patterns in the region in general. This section focuses specifically on southern African cases of mining-induced involuntary resettlement.

## **7.1 Extent**

The data presented below in **Table 3** illustrates some of the displacement that has resulted because of recent mining activities in southern Africa. Data from three resettlements in West Africa are also included as these involved southern African mining companies. Information has been obtained largely from RAPs. Effort was made to verify the data with the mining companies themselves, though making contact was not always successful.

It is fair to expect that many unrecorded cases of resettlement have taken place which have not followed best practice guidelines. Therefore it is impossible to estimate the actual number of people resettled as a result of mining.

Table 3 – Mining-induced resettlement in Africa

Facility	Company	Where	No. People (approx)	No. Households (approx)	RAP	Compensation	Status	Implementation Responsibility	Cost (millions US\$)	Finance Organisations Involved
Konkola <sup>11</sup>	KCM plc	Zambia	750	143	Y	Land, houses, cash for crops & disturbance allowance, transport provision	In progress	Mine, Steering Committee	2.5	WB, IFC
Bulyanhulu <sup>12</sup>	Kahama Mining Co	Tanz	511 <sup>13</sup>	56	Y <sup>14</sup>	Compensation included: compensation for assets lost (not land itself, but improvements to land compensated for), temporary housing until resettlers had re-established themselves on new land; disturbance allowance and physical resettlement	?	Responsibility for resettlement originally rested with Sutton Resources Ltd and KMCL, prior to Barrick's acquisition of the mine. Uncertain with whom responsibility now rests.	?	IFC?

<sup>11</sup> Institute of Natural Resources (2000a) Resettlement Action Plan – Ming'omba Village and Affected portions of Kawama Township and Momba Farms.

<sup>12</sup> Institute of Natural Resources (1999) Draft Resettlement Action Plan and Social Development Plan for Bulyanhulu Gold Mine.

<sup>13</sup> 30 000 – 400 000 artisanal miners were forced to leave the concession area but fell outside of the company's responsibility.

<sup>14</sup> The RAP was completed after most of the affected people had already been resettled.

Facility	Company	Where	No. People (approx)	No. Households (approx)	RAP	Compensation	Status	Implementation Responsibility	Cost (millions US\$)	Finance Organisations Involved
						assistance <sup>15</sup> .		rests.		
Kwale <sup>16</sup>	Tiomin Resources	Kenya	3300 – 10 000	450	Y	Payment for use of land, relocation benefit paid; assets compensated; resettlement assistance; infrastructure improvements; employment & skills training	Pending	Operating committee – residents, government, mine	7	-
MOZAL <sup>17</sup>	Billiton, Mitsubishi. IDC	Moz	-	8 homesteads, 1280 households,	Y Phase 1 <sup>18</sup>	Unit cost for house; cash per hectare; graves compensated; assistance & after care	Phase 1 complete	Mozambique Govt	0.83	IDC

<sup>15</sup> Temporary housing settlement rejected by community as houses built too close together; insufficient land was available in the proximity for cropping and grazing livestock, and the unofficial landowner refused to host resettlers even temporarily.

<sup>16</sup> Stop Irresponsible Mining in Kenya [www.mwambao.com/dongo.htm](http://www.mwambao.com/dongo.htm); M Edler pers. comm.

<sup>17</sup> Government of Mozambique Maputo Province (1998) Resettlement Action Plan Beluluane Industrial Park Phase 1 MOZAL Land Requirements.

<sup>18</sup> RAP compiled after resettlement began.

Facility	Company	Where	No. People (approx)	No. Households (approx)	RAP	Compensation	Status	Implementation Responsibility	Cost (millions US\$)	Finance Organisations Involved
				24 graves		assistance & after care				
Corridor Sands <sup>19</sup>	Southern Mining	Moz	4200	840	Y	Cash for homes, crops, graves; access to new land; reestablishment assistance.	Complete	Mozambique Govt plus mining co.	?	?
Ga-Pila <sup>20</sup>	Anglo Platinum	S Afr	4500	770	Y	Village reconstruction	In progress	Steering Committee, Ga-Pila Association	19	-
Sadiola Hill <sup>21</sup>	AngloGold	Mali	2135	85	Y	Replacement village, associated infrastructure incl.	Complete	Mine, government	5.5	IFC

<sup>19</sup> Coastal & Environmental Services (2000) Environmental Impact Assessment Corridor Sands Project, Chibuto, Gaza Province, Mozambique

<sup>20</sup> Resource Development Consultants (1997) Ga-Pila Resettlement Project Social and Institutional Audit and Impact Assessment; Daniels (2001); Kelly (2001); R Baxter, pers. comm.; S Choshi pers. comm.; P Kapelus pers. comm.

Resettlement was requested by the community but fully financed by Anglo Platinum. Despite volunteering to resettle, the community was no doubt compromised by the proximity of the existing village to the mine, its activities and its impacts. The community was responsible for implementing the plans to construct the new village, and for this purpose established a Section 21 company. The intention was to build capacity in the community and ensure a transfer of skills.

Facility	Company	Where	No. People (approx)	No. Households (approx)	RAP	Compensation	Status	Implementation Responsibility	Cost (millions US\$)	Finance Organisations Involved
						mosque & clinic				
Yatela <sup>22</sup>	AngloGold	Mali	162	6	Y	Houses, cash for crops & smaller structures, provision of transport	Complete	Mine, Executive Committee, Working Group, local agency, SEMOS Development Foundation	0.75	IFC
Tarkwa <sup>23</sup>	Goldfields	Ghana	20 000	-	Y	Either cash or resettled tenure. Assistance through employment, loans or skills training.	Complete	Goldfields Ghana	25	-

<sup>21</sup> Institute of Natural Resources (1997) Socio-economic and Participatory Land-use Planning Study for the Possible Relocation of Sadiola and Farabakouta Villages; C. Kennedy pers. comm.; A MacKenzie pers. comm.;

<sup>22</sup> Institute of Natural Resources (2000b) Yatela Gold Project Resettlement Action Plan; C. Kennedy pers. comm.; A MacKenzie pers. comm.

<sup>23</sup> Steyn and Kahle, 1998; Kelly (1997); W Jacobz pers. comm.

## 7.2 Studies Review

The purpose of this section is to draw on the experience gained during mining-induced involuntary resettlement programmes which have been guided by RAPs and SDPs, to assess the implementation practices, outcomes, and identify issues of concern and examples of best practice.

### 7.2.1 Context

All of the involuntary resettlement examples used to generate this section have been executed as a result of the construction of a facility directly associated with a mining operation, be it an entire mine plus processing facilities, a smelter, or the expansion of a single facility. In some cases these have been *brownfields*<sup>24</sup> expansions, for example at Konkola Mine on the Zambian Copperbelt, or *greenfields*<sup>25</sup> projects such as Bulyanhulu in Tanzania. In each case people have had to move sooner or later.

### 7.2.2 Approach

This section examines the methodology applied to involuntary resettlement programmes in the southern African case studies. The section deals with the experience of those planning or implementing the programmes and not, unfortunately, from the perspective of the affected communities. Only the most outstanding issues raised during the preparation of this report or those obtained from the analysis are discussed in the following section. The rest are summarised in **Section 7.2.4**.

#### 7.2.2.1 Resettlement Action Plan

A Resettlement Action Plan (RAP) guides the implementation of the resettlement programme and, in the cases examined, refers to the

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<sup>24</sup> Expansion of an existing facility.

<sup>25</sup> Development of a brand new facility, where no previous mine, smelter existed.

requirements of the World Bank's OD 4.30. The information contained in the RAPs includes baseline social and economic data of the affected people, compensation and provides an implementation schedule for the programme. Although RAPs should be compiled before resettlement begins, in some of the case studies this was only completed after resettlement had actually begun. This practice can lead to inconsistencies in compensation which may result in dissatisfaction on the part of the affected communities.

#### *7.2.2.2 Project Financing vs. Resettlement Scheduling*

Related factors emerging from the case studies are those of resettlement scheduling and the project financing. Some resettlement schedules were linked to the financing of mining activities. This is not realistic given that they are two entirely different processes. Financing hurdles often only consider the financial issues and not others such as resettlement. Inadequate financial provision and its associated time constraints serve to rush the implementation of a resettlement programme which is detrimental to its successful outcome. The corollary is true too; delaying resettlement causes anxiety and may lead to the affected communities putting their lives on hold. It can also lead to financial pressures.

#### *7.2.2.3 Implementation Agent*

Responsibility for implementing the RAP has not always been clearly defined. Resources for implementation have also been limited due to the inflexibility of time schedules and financing arrangements. Implementation agents have not always had the required skills, or have been limited in their ability to effectively implement the plan. Often, responsibility for the technical side of the resettlement has fallen in the hands of very skilled engineering personnel, but who have little understanding of the social dimension of the project. In some cases, those responsible for the development of the RAP and SDP did not have further input into the implementation itself. There is therefore no continuity in terms of knowledge gained and relationships forged.

#### *7.2.2.4 Social Development Plan*

Aside from the physical relocation of the affected people, possibly the most crucial aspect is the Social Development Plan (SDP). The SDP is a guide to reconstructing people's livelihoods. In some cases examined, the SDP was not accorded the importance it deserves. Often the construction of physical infrastructure such as housing and roads is taken to represent the success or failure of the resettlement programme. However, the construction programme is possibly the easiest to achieve, depending on the financial constraints of the resettlement programme. The development of the SDP requires substantial consultation with the affected communities such that the activities that comprise livelihood reconstruction are community volunteered and agreed, and not imposed by an external agency.

#### *7.2.2.5 Monitoring & Evaluation*

Monitoring & evaluation does not always form part of the involuntary resettlement programme although it is critical to ensuring that resettlement plans are implemented successfully. Often the easier part of resettlement is the construction of the physical infrastructure and the relocation of the affected community. However, the sustainability of the resettlement will only be evidenced months and years after relocation. The long-term success of recent resettlement programmes is therefore still uncertain.

#### *7.2.3 Outcomes*

Often, disputes arise after agreements have been made regarding the type of compensation, the timing of relocation and the type of infrastructure provided. This is due largely to different factions within the community not being party to the agreements, or hijacking the process to further their own agendas. Political interference is also a cause of disruption and may serve to raise expectations to unrealistic levels. The result may be that large sums of money are invested in resettlement projects that are rejected at the point of transfer.

#### 7.2.4 Lessons Learnt

Emerging from this document is a set of lessons or issues (**Table 4**) around involuntary resettlement. Many of the issues identified are the personal observations of resettlement practitioners and other stakeholders<sup>26</sup> who were contacted during the course of this project. The questionnaire sent to these various contacts was designed to elicit comment on the obvious and not-so-obvious issues surrounding involuntary resettlement.

Questions asked were:

- In your experience what are the most outstanding features of involuntary resettlement planning i.e. what gaps most commonly appear?
- Has the level of community participation been adequate? What could have been done better?
- Have resettlements been easily “absorbed” by the local authorities ultimately responsible for the affected people?
- Should the project proponent implement the resettlement action plan? Is it not better to have an independent party responsible for implementing resettlement?
- Have there ever been resettlements that have been successful i.e. that the communities who have been displaced are better off in their new settlements than prior to moving?
- What is your experience of the mining companies and their attitude towards resettlement? Have they, on the whole, demonstrated a genuine respect for the task at hand as well as for the upheaval they are causing? How could they improve?

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<sup>26</sup> The views of resettlers were limited to discussion with NGOs representing their interests.

- Do you have any direct experience of southern Africa in relation to mining and resettlement? If so, please can you expand. What salient features spring to mind? Does southern Africa stand out for any particular reason? Is southern Africa equipped – practically, institutionally etc. – to deal with social issues like resettlement?

Many of the answers received point towards problems with implementation and capacity and confirm the earlier discussion on the IRR model. There is some repetition in the table – this has been retained as many of the points apply to more than one category.

**Table 4 – Issues around involuntary resettlement**

Category	Issue
Institutional Frameworks & Capacity	The influx of people associated with development is not considered. Pressure on local resources not accounted for.
	Local development opportunities either non-existent or not factored into resettlement planning.
	Transfer of assets to authorities and communities not successful because of lack of capacity and involvement.
	Southern African states not equipped with the right legal/policy frameworks to guide involuntary resettlement.
	Civil society weak in rural areas.
	Legislation on resettlement usually present to protect the state, not the displaced.
	Civil servants implementing resettlement programmes ill equipped or disinterested.
	Authorities lack the resources to manage the settlements post-resettlement.
	Little support provided for the host communities.
	Operation of different systems of governance – an informal one, which supersedes the formal system.
	Poor decision-making frameworks.
	Lack of accountability and responsibility on all parts.
Attitude	Mining companies regard involuntary resettlement programmes as housing projects.
	Mining companies disregard the diversity within the community.
	Mining companies view participation and consultation as a “necessary evil”.
	Local customs and practices ignored by imposition of state law which often conflicts with local traditions.
	The resettlement process not given the priority it deserves.
	The dedication of the mine manager or responsible senior person often determines the success or failure of the involuntary resettlement programme.

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Category	Issue
	Internal company politics weaken efforts to conduct thorough resettlement planning and implementation.
	Mining companies regard involuntary resettlement as a nuisance or impediment to core business.
	Rigid approach towards the resettlement process.
	The enormity of the resettlement task is underestimated.
	The resettlement process is overly simplified and reduced to a finances and technicalities.
	Mining companies externalise the cost of resettlement and often it lands squarely on the shoulders of the affected communities.
	Use of technical persons without social skills viewed as acceptable.
	Mining companies view involuntary resettlement as a PR exercise.
	Host governments content to "sit and watch".
Planning	Inequitable distribution of the costs and benefits of the mining project due to incomprehensive economic analyses.
	Lack of skilled resettlement personnel.
	Infirm enumeration and inaccurate baseline data.
	Lack of flexibility in the planning approach which prevents changes to the process.
	Local government not involved in the planning stage.
	Lack of consensus on the requirements for the resettlement programme.
	Local power dynamics are not considered during planning.
	Communities are viewed as homogenous and assumptions made about their requirements.
	Financiers require resettlement plans long before implementation, which often result in the collection of meaningless data and the production of equally meaningless plans.
	Exclusion from resettlement planning of marginalised groups.
	Exclusion of the community from the actual planning of the mine.
	Planning disregards the scale of the resettlement and all its ramifications.
	Planning for involuntary resettlement takes place too late necessitating short cuts.
	Planning excludes the development / livelihood needs of the people and focuses on the physical infrastructure requirements, which are measurable and tangible.
Communication	Lack of transparent communication.
	Delay in communicating information.
	Mining companies deal only with the community leaders and ignore the rest of the community.
	Exclusion from planning of marginalised groups such as women, the frail and children.

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Category	Issue
	Exclusion from planning of land-users who may not live on the land e.g. people who use land to graze cattle.
	Affected communities do not have a say in the mine development process. They are expected to “take it, or leave it”.
	Implementation agent controls levels of participation.
	Lack of involvement of NGOs and CBOs because of perceived “troublemaker” status.
	Lack of information.
Financial Provision	Lack of flexibility in budgeting.
	Insufficient funds for the entire resettlement process including compensation, reconstruction and after-care.
	Lack of additional compensation to affected communities when resettlement programme is delayed.
	No financial support for host communities.
	Inequitable distribution of the benefits of the mining project.
	Poor accounting methods used to calculate resettlement cost, coupled with inflexible budgetary constraints.
Land	Colonial legacy has skewed land ownership.
	Land tenure highly sensitive and rights unknown.
	Unavailability of suitable land for resettlement.
	People on freehold land better equipped to deal with resettlement.
	Ignorance of communal land tenure customs.
	Resettlers often charged unofficial rents for occupancy and use of new land, the cost of which is not accounted for or compensated.
	Land available for resettlement marginal and unsuitable for agriculture.
Implementation	Cash compensation is insufficient unless agreed to by all concerned. Often minimal compensation agreements are sought.
	Emphasis on the physical infrastructure, not on human development.
	Involvement of technical personnel with no social background or initiation in the resettlement programme.
	There may be infrastructure “overkill” which is unsustainable.
	Delay in implementation.
	Haste in implementation.
	Lack of institutional support.
	Poor decision-making frameworks.
	Lack of accountability and acceptance of responsibility.
	Lack of capacity on the part of the host governments.
	Agree on decision-making frameworks early on to facilitate the process.
	Lack of post-resettlement monitoring.
Affected Communities	The rights of the displaced are ignored.

Category	Issue
	The displaced do not know their rights, and are told their rights, and are thus open to abuse.
	There are not enough economic opportunities for the displaced communities.
	The affected communities become dependent on the mining company after resettlement has been completed.
	The resettlement programme does not invest in the human capital contained within the affected communities.
	The resettled do not access the benefits of the mining project, but they bear the costs.
	Civil society is weak in rural areas.
	Transfer of assets to the community is unsuccessful because skills not transferred as well.
	Lack of involvement of the community in the physical implementation of the resettlement programme.
Host Communities	Little support for host communities.
	Pressure on, and for, resources and services.
	Host communities charge resettlers rent for use of land.
	Host communities do not cope with the resettlement.

These issues form the basis for providing recommendations that will lead to improved involuntary resettlement practices.

## 8 TOWARDS SUSTAINABLE RESETTLEMENT

The following section recommends measures that mining companies, and other stakeholders, can adopt or implement to make involuntary resettlement more sustainable. The models, institutional frameworks, attitudes and approaches towards involuntary resettlement discussed earlier in this document (**Sections 5, 6 & 7**) now combine to form the basis for the transition towards sustainable involuntary resettlement. This report has aimed to make the reader aware of those features of involuntary resettlement practice that have either been forgotten about or never considered in the first place. This is not to say that mining companies are absolute pariahs. Resettlement practice, never easy or simple, has gradually improved over the years. Reasons for this include the involvement of international financiers and their strict requirements, a more aware public, shareholder scrutiny of the activities of mining corporations, an awareness of global sustainability issues, an awareness on the part of the mining companies that being good corporate

citizens is ultimately in their interests, and that contributing to the development of a region is much more sustainable than not. The challenge lies in further transforming and improving involuntary resettlement practices.

## **8.1 Recommendations**

What is sustainable resettlement? How can those involved in involuntary resettlement ensure that the programme meets the requirements to be outlined in the following section? Implementing the recommendations that this report culminates in will require changes in attitude and may take time to root. Yet the nature of these recommendations is not going to require a radical change in mindset, nor necessarily eat into limited financial resources. The opposite may be true if the correct planning approaches are adopted and the risks associated with involuntary resettlement recognised early on, in so doing ensuring that they are avoided or mitigated. Viewing involuntary resettlement programmes as opportunities for growth and development and not as liabilities will go a long way into distributing the benefits of a mining project more equitably.

The recommendations are laid out simply and succinctly and grouped more or less in the sequence of the resettlement process in which they occur (**Table 5**). Some points are very general recommendations, others stage specific. They are not designed to confuse or bombard the reader with jargon. This approach is predicated on the notion that simple, constructive solutions to problems reduce the amount of confusion often associated with social issues and thus makes them more applicable and unambiguous. It is possible to write an infinitely long list of dos and don'ts; instead, the basics are provided in various categories, which, if applied, will facilitate the transition toward sustainable involuntary resettlement practices.

Table 5 – Recommendations

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Unsustainable social and environmental performance	The financing of projects should be more closely tied to responsible social & environmental performance.	Financing organisations	Immediate	-	-
	Junior mining companies need to improve their social and environmental performance in line with international best practice.	Junior mining companies	Immediate	-	-
Involuntary resettlement decided without in-depth consideration of alternatives.	Where possible, always look for an alternative to involuntary resettlement. If the cost to change plans is seemingly excessive, then remember the cost required both financially and otherwise to effect an involuntary resettlement programme.	Mining companies	Project planning	-	-
Inadequate cost-benefit analysis	Facilitation of the more equitable distribution of the costs and benefits of a mining project. This requires improved cost-benefit analysis, risk analysis and a change in the decision-making process as to whether a project proceeds or not.	Mining companies, governments	Project planning	Section 5.2	Most development projects
Inequitable distribution of costs and benefits	Involve local stakeholders in the project decision-making process such that they can benefit from the project and not only share the costs.	Mining companies, governments	Project planning	Section 5.2	Most development projects

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Lack of communication with, and participation by, affected communities	Begin consultations with the surrounding communities at the exploration stage of a mining project. Involve persons from the community at this stage and make use of experts in the social and development fields. Where possible, use local expertise. Remember to manage expectations, which may mean saying no.	Mining companies, implementation agent, government, communities	Exploration	Section 5.2; Section 7.2.2.4	-
	Maintain open, honest and transparent communication and participation with all stakeholders throughout the project.	Mining companies, implementation agent, government	Throughout	Section 5.2; Section 7	-
Lack of participation of authorities	Authorities must be brought on board from day one.	Mining companies, authorities	Project conception	-	-
Undemocratic consultation processes	All stakeholders need to participate e.g. women, the frail.	Mining companies, implementation agent, government	Project conception	Section 7	-
Communities are unaware of their rights.	The resettlement process must be an educational process which informs people of their rights in a clear and unambiguous manner.	Implementation agent, government, communities	Resettlement planning	Section 7	-

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Unsubstantiated prejudices towards affected communities	Attitudes towards social issues must change. Communities must be accorded the rights they deserve and their livelihood systems respected. Even if their systems do not enjoy legal status, merely explaining away their entitlement is totally inadequate.	Mining companies, Government	Immediate	Section 7	-
RAP & SDP are commissioned by mining company to satisfy finance requirements. Once financing is approved actual implementation not enforced.	Mechanisms to ensure implementation of RAP & SDP should be clearly defined in financing agreement and enforced.	Financing organisations	Resettlement planning	Section 7	-
Lack of commitment to the resettlement process.	The responsible senior mine official must fully support the resettlement process. The project team must demonstrate commitment, openness and flexibility. Sensitivity, not pity, toward the affected stakeholders is essential.	Mining companies, implementation agent, government	Resettlement planning	Section 5; Section 7	-
Complicated approaches yield few results.	Keep strategies simple – start small and grow. Avoid spending large sums on conspicuous infrastructure that yields few benefits.	All	Resettlement planning, implementation	Section 7	-

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Insufficient use of local expertise to guide and implement resettlement.	The use of local organisations familiar with the communities is essential. Denying their involvement could be harmful to the process.	Mining company, Implementation agent	Resettlement planning, implementation	-	-
No clear national policies, guidelines and legislation for involuntary resettlement	Governments should develop guidelines and legislation for involuntary resettlement.	Government	Immediate	Section 5.2; Section 6.2; Section 6.2	All southern African countries
Lack of adherence to existing involuntary resettlement guidelines	The recommendations contained in this report should be adopted, after discussion, by the mining industry and used as a basis for involuntary resettlement in conjunction with World Bank OD 4.30 and any relevant national legislation and policies. World Bank guidelines should be tailored to suit the case at hand.	Mining companies, Government	From now	Section 5.2; Section 8	-
Lack of clearly defined roles and responsibilities in the resettlement process	Clearly define the roles and responsibilities of all stakeholders in the resettlement process.	All	Resettlement planning	Section 7	-

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Implementation agent caught in conflict of interest.	Ensure that the person/s responsible for implementing the RAP do not have conflicting interests i.e. working for the mining company but looking after the affected community's interests. Implementation agent should report to a representative committee, not only the financing organisation / mining company, thus ensuring impartiality.	Mining company, financing organisations, implementation agent	Resettlement planning	Section 7.2.2.3	Konkola
Lack of coordination between resettlement programmes and local development plans.	Mining projects and resettlement programmes must dovetail with local / regional economic and social development objectives.	Mining companies, implementation agent, government	Project planning	-	-
Collection of useless data which is used as a basis for resettlement planning.	Although economic data is relevant to the resettlement planning process, it is more important to understand the local socio-economic circumstances and to use this as the basis for resettlement planning.	Financing organisation, mining companies, implementation agent	Resettlement planning	Section 5.2; Section 7.2.4	Most resettlement projects

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Conflicts arise if mining companies and implementing agents deal only with community leaders, without involving entire community.	Leaders should be approached to facilitate access to community but consultation and decision-making needs to involve the entire community.	Mining company, implementation agent	Resettlement planning	Section 7	Ga-Pila
Under-estimating the requirements of resettlement.	Ensure that compensation is provided to cover the lag time between resettlement and re-establishment e.g. crop establishment	Financing organisation, mining companies, implementation agent	Resettlement planning, implementation	Table 4	Konkola
	Remember that it is very difficult to produce final plans before the resettlement process begins. This can result in under-estimating the financial and timing requirements of the process.	Financing organisation, mining companies, implementation agent	Resettlement planning, implementation	Table 4	Many resettlement programmes
Lack of involvement of host communities in resettlement planning	Planning for resettlement must include the host communities. The availability of suitable resources needs to be determined to ensure that there are no shortages.	Implementation agent	Resettlement planning	Section 5.2; Table 4	Many resettlement programmes
Inflexible time and budgetary provisions to implement RAP	Flexibility with the RAP and its budget must be allowed for, within limits. Better attention to detail earlier on will obviate the need for large cash injections later.	Mining company, implementation agent	Project and resettlement planning	Table 4	Many mining companies

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Inadequate evaluation of assets lost	Resource economists should be part of the resettlement planning process such that the nature of resources to be lost can be quantified and replaced.	Implementation agent	Resettlement planning	Section 5.2	-
Loss of access to communal resources.	In cases of subsistence communities, ensure that compensation includes access to communal areas and common property resources. Evaluation must also take into account neighbouring communities who share these resources.	Mining companies, implementation agent, government	Resettlement planning	Section 5.2	-
Compensation and assistance based on formal tenure systems.	Recognition of informal rights is necessary and provision of alternative land should include security of tenure.	Mining companies, implementation agent, government	Immediate	Section 5.2	-
Disputes arise regarding unfair compensation for lost assets	The affected communities should sign off on the compensation they are to receive after a process that is transparent and agreed upon by all.	Mining companies, communities and implementation agent	After valuation presented	Table 4	Ga-Pila
	Differences in value and type of compensation between groups and individuals must be clearly explained and understood.	Implementation agent, mining company	During valuation	Table 4	Different sectors of communities at Bulyanhulu received different compensation without reason.

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Lack of banking skills	Make provision for people receiving cash compensation to be assisted with financial management.	Implementation agent	At compensation	Table 4	-
Lack of clearly defined grievance mechanisms	Dispute resolution procedures must be drawn up and adhered to.	Implementation agent	Planning	Table 4	Konkola
Excessive focus on physical infrastructure provision	Livelihood reconstruction should receive equal, if not more, attention than the physical relocation itself. A comprehensive SDP should be developed and used to guide the reconstruction process. It should allow for on-going monitoring of the resettlement and clearly define responsibilities.	Implementation agent	At start of planning	Table 3	Bulyanhulu resettlement
Unsustainable infrastructure.	Ensure that the physical infrastructure is sustainable. Building overly smart settlements may not serve the interests of sustainability or the community. This does not mean that standards have to drop, rather they should match the requirements of the resettlers and at the same time afford them an improvement.	Implementation agent, mining company	Planning	Table 4	Konkola
Unsustainable technologies used for resettlement process.	Investigate the use of local, appropriate and "green" technologies rather than expensive foreign ones.	Implementation agent	Planning	Table 4	Konkola
Resettlers not consulted on	Build "show houses" if possible before the resettlers choose their new homes.	Implementation agent	Implementation	Table 4	Ga-Pila

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
consulted on choice of settlement layout	Community must be involved in design and layout of village.	Implementation agent	Infrastructure planning	Table 4	Konkola
Lack of employment opportunities for affected communities.	Preferential employment policies must be adopted.	Implementation agent, mining company	Implementation and construction	Table 4	Konkola
Delays in implementation cause anxiety.	Where delays are expected, this should be communicated in good time.	Implementation agent	Throughout	Table 4	-
Lack of continuity in resettlement process	Consultants compiling RAP & SDP should be more closely involved in implementation and monitoring.	Mining company, financing organisations, consultants, implementation agent	Resettlement planning, implementation	Table 4	Konkola
Lack of capacity for post-implementation requirements.	Ensure that those responsible post-implementation e.g. government, communities are equipped to carry out that responsibility.	Mining company, implementation agent, financing organisations, government, communities	Resettlement planning, implementation, post-resettlement	Section 5.2, Table 4	-

Issue	Recommendation	Responsible Stakeholders	Time Scale	Origin	Example of Issue
Monitoring post-resettlement is neglected.	The group responsible for the resettlement must ensure that adequate resources are available to rectify any shortcomings.	Mining company, implementation agent, financing organisations	Resettlement planning, implementation, post-resettlement	Table 4	-

## 8.2 Conclusion

Visualising an involuntary resettlement programme as a simple line from A to B undermines the complexity of the process and ignores the social and economic configuration of the affected communities, ultimately denying them the sustainability they require. The message from this document has been to keep matters as simple as possible. Having clear-cut goals and establishing clear areas of responsibility between all stakeholders goes a long way to ensuring that the resettlement process is successful. These goals and responsibilities will aid in defining the path in what will always be a complicated process.

There are arguments for and against the role that the mining industry can play in the transition to sustainable development, given that the practice itself is not sustainable. Some would argue that mining and sustainable development are a contradiction in terms. Others would say that without economic development there could be no sustainability. The question to ask is how the mining and minerals sector can make the transition to more sustainable practices, culminating in a more sustained form of development. One aspect is certain: “sustainability requires consensual rather than imposed solutions” (Danielson and Lagos, 2001). They state that the “lack of clear systems of land titles, lack of accepted delimitation of indigenous land claims, lack of access to acceptable tribunals, and lack of personnel who understand these issues in exploration and mining companies, all contribute to the problem” of unsustainable development.

Governments must balance the activities of mining companies with the needs of the local population. Mining companies, though not responsible for the economic policies of any given country, must facilitate the distribution of benefits especially to those who shoulder the burden of project development, for example, the resettlers. Many mining companies enjoy the fruits of a liberalised economy, but sometimes fail to see that this requires them to remove their blinkers and contribute to sustainability in general. However, a sustainable mining industry can only really be sustainable if the full suite of the

country's laws within which they operate is geared towards the elusive goal of sustainability. This includes how the benefits of the minerals sector are distributed, the creation of environmental laws which ultimately protect the people, and the inclusion of all stakeholders in the decision-making process. Mining companies cannot merely capitalise on a liberalised economy; they have to operate within a sustainable economy and facilitate its development.

Resettlement is one of the most glaring impacts of mine development. It should be considered only as a last resort and then carried out according to the strictest criteria as highlighted in this report. The assumption that new houses or more cash equals a better and improved life is unsustainable; reconstructing livelihoods is the central aim, and this can only be achieved with meticulous attention to providing opportunities for the resettlers such that they can benefit from the mining operation.

Efforts to research resettlement in southern Africa have revealed the absence of a clearly defined, co-ordinated and consistent approach to involuntary resettlement. The value of international guidelines on involuntary resettlement is compromised where these are not supported by the necessary national frameworks and legislation to facilitate the implementation of these guidelines.

This effort at describing mining-induced involuntary resettlement, and recommending ways to improve its planning and implementation, is not the final say on the matter. There were two areas which were not explicitly covered by the research. Firstly, no information regarding what junior and middle-sized mining houses are doing in terms of socially responsible development is presented here. Secondly, the lack of direct consultation with affected communities means that not all perspectives are presented in this report. Consultation with this group would greatly enhance the relevance of the recommendations put forward in this report.

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## 10 APPENDICES

### 10.1 Contacts

The following is a list of persons contacted during the preparation of this report. Unfortunately, not all responded.

Name	Organisation	Location	Type of Contact
Dieter Heinsohn	Acer Africa	Kwazulu-Natal	Questionnaire
O Simukoya	Acer Africa	Mozambique	Questionnaire
Paul Kapelus	AICC	Johannesburg	Questionnaire
Julie Courtnage	Anglo American plc	Johannesburg	Telephone
Karen Ireton	Anglo American plc	Johannesburg	Interview
Michael Joseph	Anglo Platinum	Johannesburg	Telephone
Rod Baxter	Anglo Platinum	Johannesburg	Questionnaire
Andrew MacKenzie	AngloGold	Johannesburg	Questionnaire
Cathy Kennedy	AngloGold	Johannesburg	Interview
John Amis	AngloGold	Johannesburg	Telephone
Marcus Reichardt	AngloGold	Johannesburg	Interview
Deon Pieterse	Avmin	Johannesburg	Questionnaire
Neville Roberts	Avmin	Johannesburg	Telephone
Ed Clerk	Barrick	?	E-mail
Will Thompson	Barrick	?	E-mail
Michael Warner	BPD	UK	Questionnaire
Ted Scudder	Caltech	USA	Questionnaire
Dirk Brand	De Beers	Northern Cape	Questionnaire
Thandi Mvelase	DBSA	Johannesburg	Telephone
Kate Clement	DPR / Montedi	Johannesburg	Questionnaire
Phiwe Mankayi	DPR / Montedi	Johannesburg	Questionnaire
Simon Forster	DPR / Montedi	Johannesburg	Questionnaire
Victor Munnik	EDA Trust	Johannesburg	Questionnaire
Jessica Wilson	EMG	Cape Town	Telephone
Matthews Hlabane	EMG	Mpumulanga	Questionnaire
Steven Law	EMG	Cape Town	Telephone
Brian McCourt	Gauteng DACE	Johannesburg	Telephone
Mr Kalindekafe	Geological Survey Dept	Malawi	E-mail
John Munro	Goldfields	Johannesburg	E-mail

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Name	Organisation	Location	Type of Contact
Willie Jacobz	Goldfields	Johannesburg	E-mail
Doctor Mthetwa	GEM	Johannesburg	Telephone
Michelle Pressend	GEM	Johannesburg	Telephone
Greg Huggins	Independent	Kwazulu-Natal	Questionnaire
John Reynolds	Independent	Kwazulu-Natal	Questionnaire
Duncan McCloud	IDC	Johannesburg	Telephone
Etienne Roux	IDC	Johannesburg	Telephone
Mark Tyler	IDC	Johannesburg	Telephone
Justin Pooley	INR	Kwazulu-Natal	Questionnaire
John Middleton	IFC	USA	Questionnaire
Kerry Connor	IFC	USA	Questionnaire
Peter Neame	IFC	USA	Questionnaire
Ted Pollett	IFC	USA	Questionnaire
Andy Spitz	Left Eye Productions	Johannesburg	Interview
Durkje Gilfillan	Legal Resources Centre	Johannesburg	Interview
Grant Mitchell	MEPC	Johannesburg	Interview
Hudson Mthegu	MEPC	Johannesburg	Telephone
Kate Phillips	MDA	Johannesburg	Telephone
Dave Roche-Kelly	Mining Information International	Johannesburg	Telephone
Mr Tesha	Ministry of Energy & Minerals	Tanzania	E-mail
Dr Mankenda	Ministry of Geology and Mines	Angola	E-mail
Mr Nyatsanga	Ministry of Mines & Energy	Zimbabwe	E-mail
Dr Maphalala	Ministry of Natural Resources & Energy	Swaziland	E-mail
Mr Rafael	Ministry of Resources & Energy	Mozambique	E-mail
Linda Kissane	MOZAL	Mozambique	E-mail
Dr Gabi Schneider	Namibia Geological Survey Dept.	Namibia	E-mail
Chris Williams	National Land Committee	Mpumulanga	Questionnaire
Eva Pilane	NUM	Johannesburg	Telephone
Patricia Feeney	Oxfam	UK	Questionnaire
Chris de Wet	Rhodes University	Eastern Cape	Questionnaire
Mike King	Richards Bay Minerals	Kwazulu-Natal	Telephone
Ian Wylie	Rio Tinto Zimbabwe	Harare	E-mail
Andrew Parsons	SA Chamber of Mines	Johannesburg	Telephone
Frans Barker	SA Chamber of Mines	Johannesburg	Telephone
Siyabonga Mkhaya	SA Chamber of Mines	Johannesburg	Telephone

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<b>Name</b>	<b>Organisation</b>	<b>Location</b>	<b>Type of Contact</b>
Wouter Fourie	SA DEAT	Pretoria	Telephone
Teresa Yates	SA Dept Land Affairs	Pretoria	Questionnaire
Sam Choshi	SA Dept Local Government	Pretoria	Interview
Andre Cronje	SA Dept Minerals & Energy	Pretoria	Telephone
Sandy Clarke	SA Dept Minerals & Energy	Pretoria	Telephone
Ernie van der Vyfer	Sasol	Johannesburg	Telephone
John Chanda	SADC	Zambia	E-mail
Dunbar Dales	Southern Mining	Johannesburg	Questionnaire
Marcel Sciarone	Southern Mining	Johannesburg	E-mail
Mathew Edler	Tiomin Resources	Canada	E-mail
Bridget Dillon	UK DFID	Pretoria	Telephone
Zolile Mtshelwane	United Nations (ex)	Johannesburg	Telephone
Ben Cousins	UWC	Cape Town	Telephone
Graeme Rodgers	WITS University	Johannesburg	Questionnaire
Theunis Roux	WITS University	Johannesburg	Telephone
Maninder Gill	World Bank	USA	Questionnaire
Michael Cernea	World Bank	USA	Questionnaire

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## 10.2 Questionnaire

The following questions were sent to various contacts:

1. In your experience what are the most outstanding features of involuntary resettlement planning i.e. what gaps most commonly appear?
2. Could you briefly describe an ideal resettlement process?
3. Has the level of community participation been adequate? What could have been done better?
4. Have resettlements been easily “absorbed” by the local authorities ultimately responsible for the affected people?
5. What are the crucial factors for the successful implementation of a Resettlement Action Plan?
6. Should the project proponent implement the resettlement action plan? Is it not better to have an independent party responsible for implementing resettlement?
7. Have there ever been resettlements that have been successful i.e. that the communities who have been displaced are better off in their new settlements than prior to moving?
8. What is your experience of the mining companies and their attitude towards resettlement? Have they, on the whole, demonstrated a genuine respect for the task at hand as well as for the upheaval they are causing? How could they improve?
9. Do you have any direct experience of southern Africa in relation to mining and resettlement? If so, please can you expand. What salient features spring to mind? Does southern Africa stand out for any particular reason?

Is southern Africa equipped – practically, institutionally etc. – to deal with social issues like resettlement?

10. What steps do you think the mining industry could take towards making resettlement more sustainable?

11. What steps do you think other parties – government, NGOs, lending institutions etc. – could take towards making resettlement more sustainable?

12. Do you have any useful contacts that would serve this report, especially people with southern African experience?