

MANAGING THE RISK OF VIOLATING HUMAN RIGHTS UNDER INDUSTRIAL RESETTLEMENT PROGRAMS

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The purpose of this reflection is understanding what approaches towards human rights are applied in the case of industrial resettlement programs, and, to investigate what policy could be employed to better protect rights of people who experienced un-voluntary relocation event caused by industrial pressure in the context of Sub-Saharan Africa.

From the 1980s, international organizations as the World Bank and almost all the continental development banks (as the Asian, the Inter-American and African ones) have formally established and implemented guidelines to effectively and efficiently manage resettlements. Nevertheless, resettlement practices “have only been concerned with providing cash compensation or addressing the need for replacement housing, without giving adequate attention to all the other dimensions of life that are affected by being resettled” (Vanclay, 2017: 3). For instance, in a case of a successful resettlement in Mozambique (the case of a new water supply network in Matola, Province of Maputo, carried out by the public FIPAG), the market value of each tree was assessed only according to its age. This procedure formally respected human rights, however it still ignored in great part, the cultural and subjective values that people could attach to their trees. For example, it neglected that under a given tree, a family could have been celebrating religious ceremonials, put his relatives to rest, drank traditional alcoholic drinks during social gatherings, etc. (Taibo, 2017). In addition, even according to the best practices standards, resettlement is still rarely considered as a complex and multi-factorial phenomenon. This in turn, creates suffering for the locals who experienced, upon relocation, material and moral impoverishment.

Worldwide, the number of projects that caused mass resettlements of local populations is very high. According to the World Bank, from January 1, 1990 to June 30, 2012, 21% (i.e., 1423 projects) of all its investments had to involve relocations of some sort and this trend has been increasing. In fact, from 2010 to 2012 projects to build new pipelines had, as their consequence, the resettlement of local populations in 41% of the cases (World Bank, 2012). In the previous period (1986-1993) a total of 2.5 million people was relocated due to project of public interests funded by the World Bank: 80% of these populations were living in Sub-Saharan Africa or in East Asia Pacific Region (World Bank, 1996). At the regional level, the countries with the most number of resettlement projects are China (70), India (35), Vietnam (34) and Brazil (32). In the African region: Tanzania, Ethiopia, Mozambique and Ghana are the countries with the most number of resettlement projects (World Bank, 2012).

Projects involving resettlements or forced evictions of local communities for industrial reasons can be of two types: a) the ones in which the state is directly involved and promotes the intervention, as in the cases of the building of dams, power lines, energy or incinerator plants, and b) the ones in which the Government endorses a multinational company to investment in some economic sectors such as commercial agriculture & biofuels, oil & gas, mining, or to build a new industrial plant. As a concrete example, one might think about the building

of new dams in countries that have substantially different legal systems, such as China (Three Georges Dam) and Canada (James Bay Hydroelectric). They both created similar situations in relationship to the affected population, namely peasants in China and Aborigines in Canada. Ethnic groups were affected heavily and negatively both in economic and emotional terms by the relocation process (Liao, 2012). One might think also about the resettlement that occurred in coal projects in Tete Region, Mozambique. The relocation was the result of a project carried out by the Brazilian multinational Vale do Rio Doce, with the endorsement of the Mozambican Government. This process was defined by the Human Rights Watch as unequal and not respectful of basic human rights, such as the ability to access food and water supplies, and the lack of job opportunities. The majority of the relocated population was forced to move and live 25-40 km away from their original sites, the district capital (Moatize), in very dry lands (HRW, 2013). Also in Mozambique, in the case of a former BHP aluminium smelter (Mozaal), the same pattern of relevant violation of the right of being correctly informed, and compensated was found (Bussotti, 2014). These violations happened because in developing countries as Mozambique civil society and public opinion are yet weak, and “there is very little in the national legislation concerning resettlements” (World Bank, 2012: 57). The lack of legislation makes violations of human rights both possible and frequent.

In general, countries involved in projects that caused resettlements belong to the “Global South” (Hollington et al., 2015). In these countries, governments generally ignore or do not value as important, mechanisms of involvement and compensation for the locals affected by the relocation process. The World Bank identified a series of platforms in order to minimize the risk of violation of human rights. The most important ones are the RPF (Resettlement Policy Framework), the RAP (Resettlement Action Plans) and, from the point of view of the management of environment, the ESIA (Environmental and Social Impact Assessment), with its operative plans, known as EMP (Environmental Management Plan). According to the World Bank, only 29% of the 747 projects active in 2012 had prepared a RAP, and only 5% had prepared both RPF and PF by appraisal, meanwhile 7% of the projects did not make any plan ahead of the resettlement of locals. In Africa, only 21% of the project prepared a RAP (World Bank, 2012).

A model of resettlement based on a human-rights approach (HRBA) has been codified in the Stamford Agreement (2003), and various documents elaborated by the United Nations are helpful in promoting human rights in all the phases of the relocation. Among them, the United Nations Guiding Principles on Internal Displacement (1998) and the United Nations Basic Principles and Guidelines on Development-Based Evictions and Displacement (2007) (Van der Ploeg & Vanclay, 2017). The HRBA is applied especially in developing countries and needs to be applied at all stages of a project of resettlement. In short, this approach privileges the need to involve the communities affected by resettlement at every stage, informing them and respecting their basic human rights. The main principles of this approach are: equality, inclusion and non-discrimination (Idem), transparency and accountability. These principles need to be applied especially to categories that are considered “weak”: such as the children, youngsters, women, etc.

Nevertheless, especially if applied to Africa, HRBA has some limitations. The limitations do not regard the principles, but their practical implementation. Principles as equality, inclusion, transparency and accountability are completely unknown to rural populations generally affected by the resettlement. Therefore, they cannot be involved and consciously accept any of the solutions proposed for their relocation. The case we mentioned above in regards to the successful completion of a new water supply network in Matola, Province of Maputo, by FIPAG, is a crystalline example of this situation. In fact, formally a local NGO, Kulima, was “hired” to function as a mediator between FIPAG and the local communities that had to be relocated. The whole process was implemented according to the international standards recommended by the World Bank and the United Nations, and no conflict arose between stakeholders. Nevertheless, the final result was that the locals were relocated far away from their original residence,

so that they found and find difficult after relocating, to reach their workplaces. Furthermore, it was very difficult and it is still nowadays for their children to attend school. Finally, a very close-knit community has been destroyed, and it will be difficult, if not impossible, given the relocation, to recompose the links of solidarity and safety nets which characterized the relationships in their former neighbourhood. Mozambique had previously adopted new legislation to increase humanization of industrial resettlement projects (Decree 31/2012 and Ministerial Diploma 156/2014). Nevertheless, in sub-Saharan Africa, very few people understand about management of resettlement projects as management of continuous processes. More effort is needed to train local human resources and investments are needed to improve livelihoods of the affected communities to allow sub-Saharan countries under industrial pressures to reduce risks of human rights abuse and enable countries to carry out these projects in a professional manner. This approach should be able to decline Human Rights doctrine with cultural local features, coming to terms with the actual situation of local people affected to programs of relocation.

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