

Human Right-based Understanding of Mining-Induced Displacement and Resettlement: A Review of the Literature and Synthesis

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ABSTRACT: Due to the current economic development, there has been a greater number of resettlement when compared with that in the preceding two decades. Many people are forced to move away from their place of residence and communities due to development projects. In mining-induced displacement and resettlement (MIDR), although this occurs globally, the problems faced by the affected communities in several regions largely vary. In this article, we highlight the varying impacts of MIDR, especially on human rights, through the review of recent literature. Findings from this review demonstrate that MIDR results in numerous human rights violations such as inadequate information for community members and insufficient compensation for lost property and lack of involvement of local communities in the division of profits generated from the exploitation of resources, among others. This essay makes several contributions to the literature by looking at the recent MIDR-oriented literature from the social and human rights theory and social perspectives and providing multiple case studies across the globe. In doing so, this essay demonstrated that MIDR violates numerous human rights.

KEYWORDS: mining, displacement, communities, human rights violations

Introduction

The current economic development has given rise to a substantially greater magnitude of resettlement in comparison to that 10 years ago. In the past six decades, the worldwide magnitude of development-induced displacement and resettlement has fully-fledged to approximately 250 million to over 400 million people (Terminski 2012). Across the globe, development projects have resulted in approximately 15 million people facing displacement on an annual basis (Van der Ploeg and Vanclay 2017). Even though mining is not deemed to be a statistically significant classification of development-induced displacement, the social costs of mining exploitation are substantial.

The concept of mining-induced displacement and resettlement (MIDR) is essentially complex, encompassing several social, spatial, and political changes, with long-term effects on people and communities. Whereas there is no intrinsic reason to make the supposition that resettlement ought to be a harmful process, the nature, subtleties, and coping strategies of communities impacted by MIDR are not well-understood. There is a lack of information to scrutinize the impacted communities in order to identify the challenges of a setting defined by MIDR.

The issue of MIDR is an international predicament, taking place in most of the continents around the world on a different scale. Nations that have especially massive-

scale MIDR comprise of China, Indonesia, India, and several nations in the African continent such as Botswana and Ghana (Terminski 2012). Mining-induced displacement can be regarded as an international phenomenon, and it severely affects especially those facing this issue internally, posing such difficulties and risks.

As Terminski (2013) indicated the difficulties can be based on conflicts, access to land, and the self-identification of local communities. And these difficulties faced by those displaced in numerous expanses of the world vary greatly. The social and human rights issues impacting displaced families are different, depending on where the people reside. Resettlement instigated by mining is part of the wide-ranging context of development-induced displacement and resettlement.

According to Owen and Kemp (2015), physical displacement, repositioning, and resettlement are extensively recognized as factors that pose a significant social risk. Mining-induced displacement and resettlement are significantly signified by factors that take place in 'brownfield' project situations, even when the preliminary displacement originates in otherwise 'new' mining developments. Forced displacement and resettlement give rise to the affected people and communities having to embrace significant risks in the re-establishment of their homes, social relations, employment and professions, and subsistence practices, all of which generate manifold levels of stress (Van der Ploeg and Vanclay 2017).

Social Dimensions of MIDR

The social dimensions of MIDR can be reviewed under the loss of land, insufficient compensation, and improper resettlement, leading to unfair situations among people and in communities. The mining industry has become exceedingly embedded in various intricate and belligerent social policy deliberations, including business and human rights, conflict minerals such as blood diamonds, and negotiated agreements. Disruption, displacement, and resettlement of the affected communities seem to be an emanating subject matter and policy deliberation that has gained the attention of the mining industry, leading to significant social repercussions that impact a large number of people's lives.

Large-scale developmental and infrastructure projects usually require land and common property resources whether instigated by governments or private establishments. This requirement, for the most part, gives rise to the displacement of indigenous people and the residing communities. Moreover, even in circumstances where people or communities are not required to shift, the long-term project developments may still affect their everyday livelihoods and sources of income, either provisionally or permanently (Vanclay 2017). On the one hand, in their endeavor to attain growth and development of the economy, host governments are usually influenced by the opportunities of mining-linked revenues and infrastructure schemes.

Aboji et al. (2019) indicate that insufficient compensation of the displaced people results in landlessness and homelessness. Also, the financial need of the displaced population may become severe, owing to the need for additional funds for renting. Research has established that over 80% of the affected people live in shelters that are not only transitory but also structurally unsafe. Moreover, even though the advent of development projects implies prospective employment chances, the local inhabitants are rarely hired in the job areas (Madebwe et al. 2011).

Furthermore, according to Scudder (2005), individuals and families end up being reliant on the company or government in providing their basic needs during this process of resettlement. Also, the social unity and quality of the associations between and within households are interrupted and deteriorated. Ultimately, this generates a heightened sense of inequality, discrimination, and unfairness. Chakroborty and Narayan (2014)

indicate that MIDR can give rise to the loss of assets that are both physical and non-physical for local communities comprising home environment, productive land, access to traditional properties, resources, cultural locations, social constructions, and income-generating assets. Owing to MIDR, there is the risk that local communities end up being unemployed, impoverished, marginalized, and devoid of access to traditional sources of food while experiencing a loss in social cohesiveness and being forced to deal with the interference of educational and social activities.

Terminski (2013) indicates that MIDR is a wide-ranging global issue and is not only a diverse socio-economic problem but also a human rights problem under developmental dilemmas. The MIDR violates numerous human rights, particularly those of an economic and social nature. Mining-induced displacement and resettlement is not just a problem of individual human rights defilements but also relates to shared rights, community-corporation clashes, the fight for resources, access to traditional and arable land, indigenous rights, the problem of sovereignty of tribal persons and local societies, and sustainable development (Aboagye 2014). One of the adverse impacts of mining in the present day encompasses coercing and pushing masses of people to relinquish their current homes and places of residence. In the contemporary setting, MIDR leads to significant socio-political issues that include posing a threat to local inhabitants and sustainable communities and, importantly, a challenge for individual and collective human rights (Terminski 2012).

International and Human Rights Legal and Policy Framework on MIDR

Human Rights Theory

The concept of human rights is viewed as the measurement of the State's treatment toward its citizens (Lorenzo 2015) and involves the dignity of human beings and majoritarian morality everywhere and at all times (Conte and Burchill 2009). Human rights pertain to the fundamental rights to which an individual is innately entitled basically because he/she is a human being, and these rights should not only be acknowledged but also respected (Sepuldeva et al. 2004). As agreed, human rights are universal, that is, all individuals are entitled to them, and these rights are interdependent. Moreover, when it comes to human rights, everyone is viewed equally and cannot be ordered (Van der Ploeg and Vanclay 2017). For MIDR, the essentials of human rights protected by several treaties and agreements are as follows:

Right to private and family life

The International Covenant on Civil and Political Rights (ICCPR) facilitates people to revel in a variety of human rights. According to Article 17, no individual shall be exposed to discrimination or illegal intrusion of his/her privacy, family, home, or correspondence, nor illegitimate assaults on his/her integrity and standing. Article 23 clarifies that being the natural and core unit of society, the family has the right to obtain safeguards from the society and the State, with no interference.

Rights of the child

The United Nations Convention on the Rights of the Child (CRC) sets out the right of every child, irrespective of their disabilities and racial and religious background. As outlined in Article 24 of the CRC, a child is entitled to enjoy the utmost possible standard of health, and no child should be dispossessed of his or her right to gain accessibility to health care services such as treatment and rehabilitation. Article 28 further indicates that every child should have the right and equal opportunity to obtain an education.

Right to information and right to participation

The United Nations Declaration on the Rights of Indigenous Peoples comprises the principle of free, prior, and informed consent (FPIC), which is intended to enable indigenous populations to have the right to participation and consultation before development starts on their ancestral land or the resources in their territory are used. Also, the indigenous populations have the right to gain information in suitable languages and different formats. This encompasses adherence to the principles of inclusion and equality.

Right to education

According to Article 26 of the United Nations Educational, Scientific and Cultural Organization (UNESCO), education (especially primary education) is indispensably a fundamental human right for everyone, and it should be provided with equal opportunities, non-discriminatory approaches, universally accessible, and quality standards. This focuses on the full development of the human personality.

Right to work

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) guarantees the right to education and also fair and just work conditions. Article 6 of the ICESCR indicates that every individual should have the right of access to work that one selects and accepts at liberty, in addition to the right to food, water, and housing.

Right to culture and religion

Based on Article 15 of the ICESCR, every individual has the right to partake in cultural life, in addition to enjoying the benefits of scientific advancement and its applications and also safeguarding the interests resulting from any scientific, literary, or creative production. Furthermore, Article 27 of the ICCPR indicates that people from minority groups should have the right to enjoy their own culture, in addition to acknowledging and practicing their religion and using their language.

Right to remedy

The ICCPR outlines that every state is mandated to guarantee that any individual whose rights have been infringed is entitled to an applicable remedy and that such remedy shall be ascertained by proficient jurisdictional, governmental, or legislative authorities to develop the prospects of judicial remedy and that the relevant authorities implement the remedies when granted. Such an individual is entitled to full and fair compensation (OCHA 2004; Habitat International Coalition 2010; United Nations 2018).

MIDR and the Violation of Human Rights

The MIDR is associated with the violation of numerous human rights, particularly from a social and economic perspective. As briefly mentioned above, some of these human rights violations include, but are not limited to, insufficient compensation for lost property, lack of involvement of local communities in the division of profits generated from the exploitation of resources, violation of social, economic, and cultural rights, particularly of indigenous people, violation of housing rights, marginalization and subjugation of the most susceptible groups, and cultural devastation instigated by resettlement (Terminski 2012).

Human rights violations related to the exploitation of resources have direct and indirect consequences in several cases such as in the case of Congo. Those consequences are sexual violence around the mining sites, unregulated working conditions, and forced labor against artisanal miners, among others (Mapping report n.d.).

Several case studies below demonstrate the violation of human rights due to MIDR across the world:

Loss of Social Ties and Social Capital: Case studies from Afghanistan and Lao

Social ties and social capital (Coleman 1988; Putnam 1993), based on trust-based networks, are important in communities to provide a sense of belonging and collective identity. Over time, community members establish a network based on shared values and norms. Conflicts, violence-oriented actions, and harmful projects can have unwanted impacts on the maintenance of those community values and shared networks in the long term, leading to severe social issues.

Dastgir, Kawata, and Yoshida (2017) explain this violation of human rights in the case study of the Aynak copper mine project situated in Afghanistan. The study established that one in seven villages affected by the project faced 'involuntary relocation'. Also, the families affected by the project indicated that mine-associated earnings insufficiently supplanted their traditional sources of income. Also, being geographically divided resulted in the challenges of sustaining social networks that are essential for their survival. Once social networks are lost and misplaced in war-torn Afghanistan, rebuilding them is very challenging, and it requires a lot of time. This case study demonstrates that forced relocation due to MIDR resulted in a significant reduction in the everyday labor earnings and was solely somewhat supplanted by income from activities that are mine-related amongst the individuals and families that were relocated. Moreover, such relocation substantially dissuaded the involvement in community life, mirroring the losses of social capital as a result of this separation (Dastgir, Kawata, and Yoshida 2017). Social capital is socially accepted resource in a particular community (Edwards 2013).

Keovilignavong (2019) examined the case of gold mining in the region of Phu-Hae in Lao. The study ascertained that both illegitimate activities related to small-scale artisanal mining and large-scale mining significantly tarnished the natural resources in the area. Although the endeavors by the local government alleviated the environmental effects of large-scale mining, the problems of lack of social capital and poverty still prevail in the region.

Conflicts and Violation of Social, Economic, and Cultural Rights: Case studies from Africa and India

The African continent, where mineral extraction is a fundamental economic driver, can be an interesting case for mining-induced displacement and resettlement. This issue is one of the most overlooked causes of displacement in Africa, and this has heightened over the decades. When mining agreements are approved, the instantaneous threat to the local community encompasses displacement and loss of property rights. For the most part, development projects result in the loss of land and, even worse, inflict limitations on the usage of land and accessibility to forests, protected regions, and demarcated grounds (Perera 2014). A fitting example is a displacement of the San community from the Central Kalahari Game Reserve to pave the way for large-scale diamond mining.

In the African continent, large mining operations and activities and MIDR have resulted in severe social and environmental costs. Ideal examples include the mining of gold in Ghana as well as diamond and coltan exploitation in the Democratic Republic of Congo (Van Crieking 2008).

The Republic of Ghana, a nation rich in comprehensive gold mines, experienced significant MIDR and violations of human rights. For more than a decade, over 30,000 people from the Tarkwa district faced displacement as a result of gold mining (Akabzaa

and Darimani 2001). Aboagye (2014) reported that mining activities across Ghana have devastated populations. Furthermore, the people from this community experienced severe human rights violations in the forms of beating, imprisonment, and even killing because of advocating for their community rights (Van Criekinge 2008; Ayee et al. 2011).

Not only in Ghana, but also in The Democratic Republic of the Congo, the exploitation of coltan and diamonds resulted in severe conflict and plenty of bloodshed due to the illicit trading of these resources. This prompted a major deliberation on blood diamonds. Until today, rebel groups control several regions where these minerals are extracted. As a result, coltan and diamonds have become key players in the mining trade, extracting the minerals and selling them illegitimately to finance the insurgency (Van Criekinge 2008).

Furthermore, the violation of socio-economic and cultural rights does not take place solely in Africa but expands to other places, such as Asia. Manjula et al. (2013) examined the impact of MIDR, with a respective emphasis on Kerala, in the southern part of India. The author ascertained that the development project gave rise to displacement and a diminished employment rate. Specifically, before displacement, the population in Kerala had an employment rate of 47%, which deteriorated to 35% after the acquisition of land.

The Effects of Mining Operations in Groups and Communities: Case Studies from Guatemala, Mozambique, and Sierra Leone

Mining operations can facilitate the empowerment of indigenous people. However, based on encounters of the past, these operations have ultimately stripped them of their independence, wealth, and customs (Downing et al. 2002). Rich in natural resources, Guatemala has experienced the challenges of investment in mega projects for development in the past decade, with indigenous communities as the major victims of these development projects. A case study on Goldcorp's Marlin mine in the region of San Marcos in Guatemala indicated that MIDR fails to take into consideration the protection of the rights of indigenous people and the significance of inclusion because of the development projects (Willems 2010).

Bennet and MacDowell (2012) verbalized testaments and evidence regarding amassed physical and economic displacement from coal mines that are situated in India were reported. In the research study, it was established that there were severe impacts on the culture of the community as well as on the lands and sources of income for the affected communities. Wiegink (2020) demonstrated the impact of MIDR in displacing and depleting already vulnerable communities in the Tete province in central Mozambique. The projects implemented by multinational companies in the open-pit coal mines resulted in the resettlement of thousands of people, in addition to repressing the opposition made by the local communities.

Wilson (2019) examined the case of rutile mining communities in Sierra Leone and the significant impacts of MIDR. The study ascertained that the Sierra Leone government and the mining corporations exerted substantial power in implementing the involuntary displacement and ensuring the resettlement of the displaced communities. People in those communities were forced to endure homelessness, joblessness, and food shortage, in addition to marginalization both politically and socially. Ultimately, their livelihoods were worse compared to that before the resettlement.

MIDR and Protection of Community Human Rights

Mining delivers inputs for other manufacturing sectors that play a pivotal role in sustaining population welfare and in operating the global economies. Similarly, mining can produce social and environmental effects, which could result in the public resisting the sector (Mancini and Sala 2018). Moreover, emphasis should be placed on augmenting transparency and public involvement to improve legality and good governance (Wang et al., 2013; Mishra and Mishra 2017).

As a principle, companies involved in the development projects are accountable for respecting human rights, values, and their community identity, irrespective of the human rights obligations of the State. Also, companies should completely evade causing any sort of detriment in any locality. The accountability to respect and live up to human rights in resettlement necessitates private sectors to embark on pro-active measures to contribute to the gratification of the human rights of all affected individuals, groups, and communities (Van der Ploeg and Vanclay 2017).

Van der Ploeg and Vanclay (2018) illustrate that corporations ought to prudently consider the standing of the community affairs function within the project, in addition to having greater dedication, to guarantee that international standards for both social and environmental performances are met. Companies ought to incorporate human rights specialists and outline the plans and processes for guaranteeing resettlement and compensation. Moreover, projects should efficaciously manage human rights issues, regardless of the actualities of intricate operating environments.

Discussions and Recommendations

Human rights are fundamental liberties that are accorded to every human being, which should be acknowledged, respected, and upheld at all times. This essay tries to understand and assess human rights issues in the context of MIDR to ascertain the positive and negative impacts of MIDR and the measures that can be undertaken to ensure that such rights of the communities are respected and empowered in the long run.

In order to promote and protect human rights in post-conflict situations, The Human Rights Council Advisory Committee (2014) designed best practices for the improvement and betterment of the situation. These are mainly based on providing physical security and integrity (e.g. protection of the right to life, etc.); basic necessities of life (e.g. the rights to food, drinking water, shelter, clothing, adequate health services, sanitation, etc.); economic, social, and cultural protection needs (e.g. the rights to access to education, to have a compensation for lost property, and to work); and civil and political protection needs (e.g. the rights to religious freedom and freedom of speech, political participation, and freedom from discrimination).

Forced displacements and resettlements should not pose harm to the human rights of the individuals and communities affected mainly by the development project. Similarly, as it was mentioned by Wang et al. (2013), it should not generate obstacles to the enhancement of standards of living. Advancing and expanding interdependencies amongst players in public, private, and civil societies guarantee fairer and equal treatment of displaced people and increase the capacity of the local community to repel displacement. As mentioned earlier, this is protected by human rights.

Above all, our extensive review helped us to see two important dimensions of MIDR that affects communities due to large-scale development projects. These are a) providing inclusive and transparent information that is understandable for all members, and b) facilitating a fair compensation for those who are rendered disadvantageous during the mining activities.

Providing adequate information through pluralistic approaches and deliberative participation is important. It is worth mentioning that affected individuals, groups, and communities that are affected by mining activities in their locality should be accorded with the right to information, deliberative consultation, and inclusive engagement during the whole process. All pertinent information should be provided to the affected communities before carrying out any decisions to give these communities ample time to process such information. Moreover, such information should be inclusive and comprehensible by all groups, including the susceptible groups (Scudder 2011). The information rendered should be conveyed in facilitated language and different formats that are contingent on the local setting. It requires the inclusion of multi-stakeholders in the process. By respecting the right to information, companies involved in MIDR should ensure that communities can gain access to all understandable documentation and also receive independent consultation. It is also essential to ensure an incessant dialogue and that the information is up to date at any time (Van der Ploeg and Vanclay 2017). It is fundamental that the process should be monitored transparently and accountably.

Mining development is a socio-environmentally unsettling and damaging process. Facilitating compensation for such detriment is crucial if long-standing development plans are to be not only advantageous but also sustainable to all stakeholders (McLeod 2000). Therefore, companies need to ensure that the local communities receive full and fair compensation (Cao et al. 2018; Tagliarino et al. 2018). Part of allocated packages should be facilitating the transformation from land-based livelihoods to wage-based livelihoods. As indicated by Adoteng-Kissi (2017), the mining companies are obliged to facilitate the compensation and alleviation of poverty for the local farmers for the impact that their operations have on their farmlands. Adoteng-Kissi (2017) reported that it is pivotal to establish and execute a compensation package that would function at sustainable magnitudes and seek out coverage against the fluctuating operational effects that disrupt the prospective advantages of farming, unlike the ineffective poverty compensation packages given to farmers in the Prestea mining community in Western Ghana.

Conclusions

The current economic development has resulted in a greater number of resettlement when compared with that in the preceding two decades. Research shows that many people are forced to move away from their place of residence and communities due to development projects taking place in the neighborhood. As much as MIDR is a worldwide aspect, the problems faced by the affected communities in several regions across the globe largely vary. These problems are mostly socio-economic, leading to several detrimental consequences.

By looking at the recent literature through multiple case studies, this essay demonstrated that MIDR violates numerous human rights. As agreed, human rights are universal, and they are protected by several international legal instruments in the form of treaties and agreements. These instruments value fundamental human rights and consider that these rights are interdependent. Moreover, all have equal and legal status and cannot be ordered. Some of the aforementioned human rights violations include insufficient compensation for lost property and lack of involvement of local communities in the division of profits generated from the exploitation of resources, among others.

However, the effects of such violations are largely overlooked and undervalued. Bearing in mind that the development of regions is not bound to cease anytime soon, it

is pivotal for companies accountable for such developments to consider the rights of the communities. Respecting, guarding, and accomplishing human rights must be more conspicuous in both the procedures and results of resettlement. The different entities involved in development projects should better comprehend with responsibility for respecting human rights unconditionally.

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