



# Land Acquisition and Involuntary Resettlement:

Protecting human rights  
when displacement occurs

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# Outline

1. Disclaimer/Limitations
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6. Recommendations

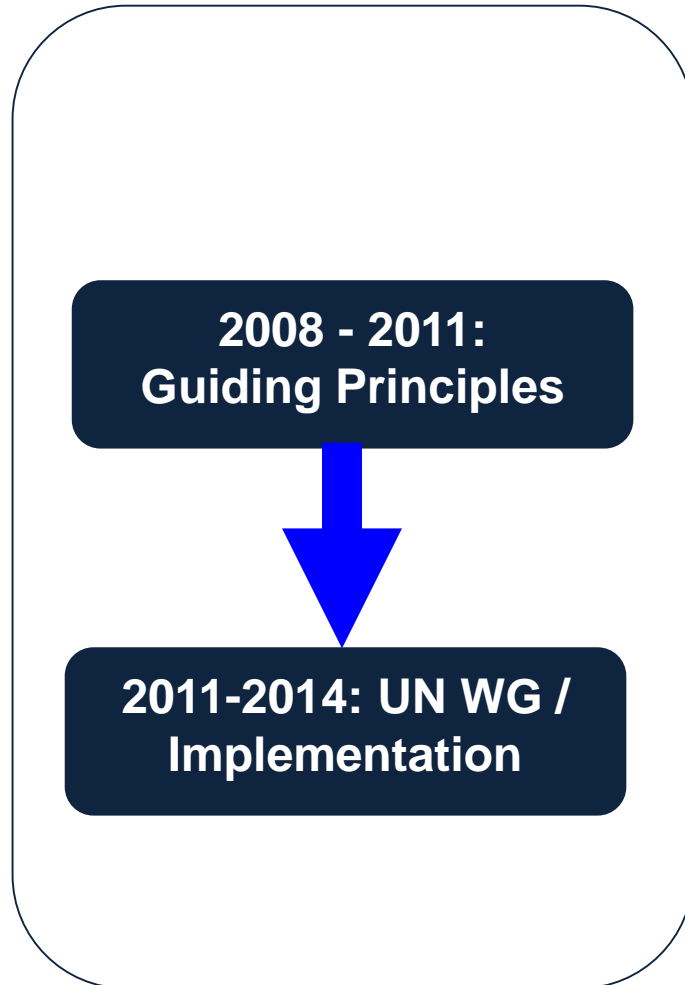
# 1. Disclaimer/Limitations

- Experience in projects involving resettlement (Mozambique, China, Myanmar)
- Not a resettlement expert
- Contractual client/advisor confidentiality
- Presentation based on most recent information in public domain

## 2. Disclaimer/Limitations

- ‘Land acquisition and involuntary resettlement’ means government and proponent-led
- ‘Resettlement’ includes planning, implementation, monitoring and completion audit
- ‘Displacement’ includes physical relocation, economic disruption, or both

### 3. Human Rights & Business Framework: UNGPs



1. **State duty to protect** against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication
2. **Corporate responsibility to respect** human rights, which requires companies to act with due diligence to avoid infringing on the rights of others, and to remedy any adverse impacts
3. **Access to effective remedies** for victims of human rights abuses

### 3. Human Rights & Business Framework: **Human rights due diligence**

*“Human rights due diligence is the steps a company takes to identify, prevent, mitigate and address the adverse human rights impacts of its activities and relationships.” (UNGPs)*

- Three main human rights due diligence steps are:
  - Identify and assess human rights risks and remedy impacts
  - Integrate corrective actions to address findings into risk management systems
  - Track effectiveness of enhanced managements systems and make necessary adjustments

# 4. Human Rights in Resettlement Context



HRW Report “[What is a House Without Food?](#)”

# 4. Human Rights in Resettlement Context



*“Since I was born, I have taken baths here in the river. I have washed my clothes here.... Even my children have grown up here in this river. They know how to swim. Where we are going we will be given water in small containers. I’m not used to that kind of thing.”  
(Mwaladzi resident - HRW Report)*

# 4. Human Rights in Resettlement Context



This is the bridge over the Zambezi that connects the 2 main urban areas in the heart of the coal mining zone— Moatize Town and Tete City. Many of the communities in the coal mining zone are peri-urban. They depend on these urban centers for services, employment and markets for their products

# 4. Human Rights in Resettlement Context



The resettlement village of Mualadzi. During government consultations, the affected communities had 3 key criteria: land with fertile soil to support agriculture activities; year-round watersources for domestic, livelihood and other cultural uses; and proximity to existing markets. Mualadzi has none of these, and all suitable locations were already occupied by other communities or mining concessions.

# 4. Human Rights in Resettlement Context:

## **Resettlement and balance of power**

- Involuntary resettlement, by definition, involves a power imbalance
  - Government & companies (powerful) vs. affected communities (powerless)
  - Benefits vs. burdens (benefits go mainly to project proponent while burdens borne mainly by affected communities)
  - Jobs, revenues, profits (outsiders) vs. social disruption, loss of resources, inaccessibility of jobs (locals)
- Human rights can help address power imbalances

# 4. Human Rights in Resettlement Context:

## Human rights risks

- The most salient human rights issues for resettlement are:
  - Right to information and participation in decision-making (ICP)
  - Right to water (for drinking and sanitation)
  - Right to an adequate standard of living (food, housing, livelihood)
  - Right to property
  - Access to remedy (i.e. grievance mechanism)
  - Right to participate in cultural life
  - Rights to education and health (directly or indirectly)

# 4. Human Rights in Resettlement Context

## Company connection to impacts

- Companies can be connected to adverse impacts in three ways:
  - **Causation:** changes to relocation timelines without community consultation, preventing the harvesting of crops and impacting the right to food
  - **Contribution:** company failure to monitor quality of resettlement housing construction by contractors, impacting the right to adequate housing
  - **Direct Linkage:** governments encourage/demand companies to develop their projects in a way that requires resettlement

## 4. Human Rights in Resettlement Context: **Avoiding/minimizing resettlement**

*“The client will consider feasible alternative project designs to avoid or minimize physical and/or economic displacement...”*  
(IFC PS 5)

Challenges of avoiding/minimizing resettlement:

- Subsistence-based livelihoods require extensive land use
- Fossil fuel deposits are located near riverine environments occupied by communities (Tete, Cabo Delgado)
- Land-based infrastructure, which may require resettlement, is encouraged as a way to stimulate regional economic development (Cabo Delgado)

## 4. Human Rights in Resettlement Context

# **Assessment of risks and impacts**

*“Because human rights situations are dynamic, assessments of human rights impacts should be undertaken at regular intervals: [e.g.] prior to a new activity...”. (UNGPs)*

- Resettlement is a significant “new activity” and a major change in the human rights context of a project
- Therefore, resettlement requires an assessment of human rights risks before resettlement commences

# 5. Defining Human Rights Content:

## **Quality and quantity**

- Challenge of respecting human rights is understanding their content
  - Human rights treaties establish qualitative principles, not quantitative standards
  - Some generic international standards exist
  - Others depend on local context

# 5. Defining Human Rights Content: **The AAAQ tool**

- AAAQ Tool is an analytical framework being developed by DIHR:
  - To define the content of the rights to water, food, housing, education and health
  - Based on qualitative and quantitative indicators
- AAAQ means:
  - **A**vailability (i.e. quantity)
  - **A**ccessibility
  - **A**cceptability
  - **Q**uality

## 6. Recommendations for Making Resettlement Human Rights-Compliant

- Conduct a Human Rights Impact Assessment of RAP, using AAAQ framework to determine pre-resettlement baseline and establish post-resettlement benchmark of adequacy
- Investigate and monitor government-led components of the resettlement process
- Promote and participate in all government-led community consultation (i.e. resist government gate-keeping)
- Ensure inclusion of all rights-holders in compensation/benefits framework (including those indirectly impacted by resettlement)
- Ensure meaningful community consultation regarding RAP planning, implementation, monitoring and completion

## 6. Recommendations for Making Resettlement Human Rights-Compliant

- Ensure resettlement commitments/compensation agreements are in writing, and understood and ratified by communities
- Involve affected communities in RAP preparation, implementation monitoring/completion audit
- Improve benefits/burdens balance – IBAs, local content, revenue-sharing, company/community partnership
- Continuously communicate with affected communities regarding resettlement implementation timelines
- Establish an accessible and effective grievance mechanism

A photograph of two young children in a rural, agricultural setting. In the foreground, a young girl with short hair, wearing a blue dress with large, colorful floral patterns, is captured mid-swing, using a wooden-handled hoe to dig in the soil. She is looking down at her work. In the background, another child is bent over, also working with a hoe. The ground is dark and appears to be rich soil, with some dry grass and small plants. The background shows a line of green trees under a clear, bright sky. The entire image has a dark blue overlay, and the text 'Thank You' is centered in white.

# Thank You

# AAAQ in the Context of the Right to Water: **Availability**

- **Criteria:** quantity
- **Minimum requirement:**
  - Prevention of disease, available on a regular basis
  - 5 liters/person/day
- **Adequate level:**
  - Satisfies basic personal and domestic needs (drinking and sanitation)
  - 20 liters/person/day

# AAAQ in the Context of the Right to Water:

## Accessibility

- **Criteria:** physical, economic, equal, and consultative/informed
- **Minimum requirement:**
  - Reasonable number of outlets/waiting time
  - Within reasonable distance
  - No threat to personal security
  - With equitable distribution of water facilities
  - Financial assistance for vulnerable groups
  - No discrimination against vulnerable groups
  - Informed participation in water strategy development

# AAAQ in the Context of the Right to Water:

## **Accessibility**

- **Adequate level:**
  - Within/close vicinity of residences, schools, workplaces
  - Maximum 30 minutes collection time (incl. waiting time)
  - Recommended maximum 5 minutes
  - Affordable for all - direct and indirect costs do not threaten realisation of other human rights
  - Household water costs  $\leq$  5 % of total household income
  - Opportunity to seek, receive and impart information concerning water issues

# AAAQ in the Context of the Right to Water:

## Acceptability

- **Criteria:** culturally appropriate; gender, life stage and privacy-sensitive; and acceptable characteristics
- **Minimum requirement:**
  - No generic benchmark
- **Adequate level:**
  - Facilities and services that are culturally appropriate and gender, life-cycle and privacy-sensitive
  - Acceptable colour, odour and taste

# AAAQ in the Context of the Right to Water: Quality

- **Criteria:** safe, disease-free, with disease-management delivery system
- **Minimum requirement:**
  - Safe; disease-free; facilities/services ensure management of waterborne diseases
- **Adequate level:**
  - Compliance with WHO guidelines/standards