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Can planning safeguard against mining and resettlement risks?

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ABSTRACT

This article explores whether a more responsible form of planning can be applied to resettlement in mining. The authors focus initially on existing international safeguard policies and performance standards. Embedded in these institutional mechanisms is an assumption that when key elements of a displacement are known, the timing, nature and intensity of the resettlement event can be forecast and planned for. The assumption that mining companies can and will effect a planned resettlement has carried over into the corporate policy statements of many mining companies and peak industry bodies. A key issue that is often overlooked is the difficulty that mining companies face in determining their land requirements for life-of-mine. The authors conclude that planning mechanisms for mining resettlements hold potential for safeguarding against major displacement risks. They also argue that this potential is challenged by an industrial context that is inherently volatile, where future land acquisition is difficult to predict, and where the degree to which planning is able to serve as a protective mechanism for project-affected people is a critical outstanding question.

1. Introduction

Mining is often undertaken in parts of the world where the development and expansion of mining projects can only proceed if people are moved out of the way. Numerous studies have demonstrated that mining-caused displacement and resettlement, especially when it is involuntary, can be overwhelmingly detrimental to host communities (Bennett and McDowell, 2012; Mathur, 2008). Displacement and resettlement of human populations is steadily emerging as one of the global mining industry's most complex challenges. Research indicates that major performance and knowledge gaps exist around the most basic dimensions of resettlement planning (Downing, 2002; Owen and Kemp, 2016). The global mining industry's peak international body cites international safeguard policies and performance standards in guidance to its member companies for managing resettlement risks (ICMM, 2015). However, questions must be asked about the application of institutional mechanisms in safeguarding against the more egregious harms created by large-scale development.

Outside of mining, the relationship between displacement-related risk and harm to affected persons is well documented (Oliver-Smith, 2005; Scudder, 2005; McDonald-Wilmsen and Webber, 2010; Bennett and McDowell, 2012; De Wet, 2009; Price, 2015). Where displaced people have minimal control over the circumstances that result in their displacement, the potential for negative impacts, including trauma, is high. Where displacement is caused by conflict or natural disaster, opportunities for resettled people to re-gain some control over their lives are strongest in the post-displacement phase of the disaster event. Traditionally, the post-displacement phase has been the focal point for planned interventions. When displacement occurs through planned development projects, a question exists about whether interventions can be devised in the pre-displacement phase (and implemented throughout the project lifecycle) to off-set the traumatic effects of displacement. Proponents of the planning approach argue that harms to displaced persons can be significantly reduced through early risk analysis, resourcing and timely intervention (Cernea, 2000).

The expectation that planned resettlement interventions outside of disaster-type circumstances can make a meaningful difference to the experience and impact of displacement forms the basis of contemporary international safeguard policies (e.g. The World Bank Operational Policy 4.12 on Involuntary Resettlement) and performance standards (e.g. the International Finance

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Corporation's Environmental and Social Performance Standard 5 on Involuntary Land Acquisition and Resettlement) for displacement caused by development. The basic premise of these institutional mechanisms is that when key elements of a displacement are known in advance, the timing, nature and intensity of the displacement event can be forecasted. It follows that with this knowledge, developers will consult with affected people, analyse the context, identify relocation sites and negotiate replacement land, prepare housing and other infrastructure ahead of relocation taking place, and make allowances for food and water security and other livelihood essentials.

As we highlight below, like other forms of large-scale development, there is an embedded assumption that large-scale mining offers an ability to plan for resettlement. This assumption has carried over into the corporate policy statements of many large, and an increasing number of mid-tier, mining companies. The effectiveness of planning for the purposes of managing displacement risks is not universally agreed. On one hand, mainstream development projects are considered to be a "given" and displacement an "unfortunate" consequence to be managed. This perspective is described by Dwivedi (2002, p.712) as "reformist-managerial". According to Dwivedi, reformist-managerialists factor displacement into the development process. Having accepted displacement as an unavoidable consequence of development, the focus for manageralists then shifts to the devising of effective plans and strategies to control resettlement risk and reduce negative harms and impacts. On the other hand, is what Dwivedi calls the "radical-movementist" perspective. This perspective depicts displacement as a "crisis of development", where the moral legitimacy of the mainstream development agenda is called into question. From the radical perspective, planning has no legitimate role because, in essence, a planned injustice is still an injustice. What these divergent perspectives represent is by no means trivial.

Ours is not the first effort at trying to engage the problem of divergent perspectives in development-caused displacement. In their research, Penz et al. (2011) introduced what they call the "responsibility approach" to managing the dilemmas of resettlement. This approach combines human rights-based concepts and structures with the methods of development ethics. Penz et al. constructed a philosophical space that allows the reader to temporarily transcend the trade-off between human rights at the local level and economic development at the country level. This space provides an opportunity to ask questions about the ethics of assigning rights and responsibilities to a range of different actors. For our purposes, a key question is the extent to which the practical elements of the current institutional mechanisms – in this case planning – are effective in safeguarding against the impacts and risks of displacement caused by large-scale mining development.

This article develops in six sections. In the following second section we describe and contrast institutional mechanisms in place at the global level for the protection of displaced persons. In this second section we examine the relationship between the present day institutional mechanisms and displacement risks. The third section of the article provides an analysis of issues associated with the application of resettlement planning norms in the context of mining. Section four explores the implications of engaging with the radical critique of development caused displacement and resettlement and in section five we offer some preliminary thoughts on what might constitute 'responsible planning' in mining and resettlement. In section six we conclude that safeguarding against resettlement risks is challenged by an industrial context that is inherently volatile, where future land acquisition is difficult to predict and therefore plan for.

2. Institutional mechanisms for safeguarding against risk and trauma

Displacement, whether caused by conflict, disaster or development, results in crisis-like conditions for the people who experience it (Oliver-Smith, 2009). In this section we provide a brief overview of different categories of displaced persons and compare the institutional mechanisms in place to protect them from crisis conditions.

Scholars have typically categorised displaced persons based on the primary cause of the displacement. Four primary categories include 'conflict', 'natural disaster', 'environmental conservation' and 'development'. These categories are then grouped according the whether the cause of the displacement was 'planned' or 'unplanned' (Chimhowu and Hulme, 2006; Cernea, 1990; Cernea and McDowell, 2000). Research and policy surrounding unplanned forms of displacement is the most developed and most extensively canvassed in the current literature base. Notwithstanding the recent interest in climate-induced displacement (Bronen, 2011; Biermann and Boas, 2010; Reuveny, 2007), the focus on unplanned displacement has centred primarily on displacement caused by armed conflict (Mowafi, 2011; Kondylis, 2010; Mels et al., 2010; Ibáñez and Vélez, 2008; Nafziger et al., 2002). Arguably this category of displaced persons has received the greatest attention owing to both to the scale of displacement and the traumatic and violent conditions under which the displacement occurs.

Forced migrants, according to Schmeidl and Jenkins (2003, p71), are composed of two groups: "refugees who have left their country of nationality, typically because of a well-founded fear of persecution or threats to public order, and the internally displaced who have been similarly uprooted but remain within their own country". Schmeidl and Jenkins are cautious in their estimates of global trends, but note a "significant growth of forced migrants since the late 1970s, peaking at over 40 million in the early 1990s, declining to around 27 million in 1998, and then increasing again to around 33 million in 1999". These figures map directly to the "rise and decline of internal armed conflicts and 'state failures'", reinforcing the conclusion that "internal armed conflict and violence are the major immediate sources of forced migration" (2003, p78).

The presence of trauma among refugees and internally displaced persons is firmly established. The need for an international systems of protection for persons fleeing conflict or disaster is reflected in the United Nations Convention Relating to the Status of Refugees (1951), the Protocol Relating to the Status of Refugees (1967) and through the operationalisation of protection and resettlement processes developed under the aegis of the United Nations High Commissioner for Refugees (UNHCR). While institutional mechanisms exist at the global level to protect against development caused displacement (including mining), they do not have the anywhere near level of recognition or legal status as those established under the United Nations Convention for Refugees.

By contrast, displacement caused by development is regarded as 'planned' because the cause of the displacement is a predictable, intentional, scheduled and largely regulated event. Global figures on the scale of displacement caused by development have been estimated to be approximately 15 million people annually (Cernea and Mathur, 2008). It is generally assumed that these figures include people displaced by mining projects. However, global estimates for mining caused displacement and resettlement are unknown owing to a lack of sector-wide research (Owen and Kemp, 2015). The remoteness of many mining projects and reluctance by mining companies to make details of their resettlement activities available to the public adds to the difficulty of arriving at a plausible global estimate. Based on an evolving database of mining and resettlement cases developed by Owen and Kemp (2015),

approximately 125,000–150,000 persons were displaced by 58 projects between 1990 and 2014.[1]

At the international level, the most directly comparable institutional mechanisms to the UNHCR convention for displacement caused by development are the World Bank Operational Policy (OP) 4.12 on Involuntary Resettlement (2001) and the International Finance Corporation's Environmental and Social Performance Standard (PS) 5 on Involuntary Land Acquisition and Resettlement (2012).[2] The initial function of the OP 4.12 and PS5 was to identify pre-determined categories of displacement risk to ensure that lenders were aware of the potential social risks associated with their investment. The World Bank's policy was originally developed as instructions for World Bank Group staff. It was not until the IFC extended its performance standards to project proponents that they became relevant to private sector investors such as global mining companies.

While the World Bank and IFC have faced criticism over controversial development projects and their handling of human displacement caused by large-scale development, numerous global mining companies have endorsed the principles, even where they do not have an institutional relationship with the IFC as a lender or equity partner. The IFC PS5 on Involuntary Land Acquisition and Resettlement, for example, is referenced in the corporate policy statements of Anglo American, Rio Tinto, Glencore, BHP Billiton, AngloGold Ashanti, Newmont and Barrick Gold. Civil society organisations indicate that the IFC PS standards reflect a "minimum floor that any environmentally and socially sensitive project should meet" (Friends of the Earth, 2002; cited in Sarfaty 2005). Corporate alignment with the requirements of these institutional mechanisms gives the impression of a strong industry commitment to human displacement and resettlement. However, institutional accountability and enforcement measures are weak, particularly when there is no client-lender relationship and commitments are entirely voluntary.

3. Application of planning safeguards to mining and resettlement

We have established that the opportunity to plan prior to the displacement event distinguishes development caused displacement from disaster types of displacement. It is also clear that efforts by the global mining industry to align with contemporary institutional mechanisms imply that there is a strong institutional response to mining caused displacement and resettlement. Given the opportunity to plan, the mining industry's commitments to global benchmarks, and the evidence of harm, the degree to which planning is able to serve as a protective mechanism for project-affected people becomes a critical question. In this light, the application of existing institutional mechanisms to mining is a primary concern.

We have argued that mining resettlements have unique features that distinguish them from other forms of development caused displacement and resettlement (Owen and Kemp, 2015). These features include the nature of incremental land access, cohabitation between mines and communities, patterns of leveraging for compensation and associated socio-economic inter-dependencies, and the complexities of governance arrangements that congeal around mining operations. The pace and scale at which mining activities expand or contract, and the distribution and impact of its 'footprint' influence the industry's ability to adapt to changing and uncertain circumstances. The variability of dynamic and interactive factors in any given operating context raise questions about the degree to which mining and resettlement can be considered a 'planned' activity.

It is well established that the global mining industry exists in the context of high stakes uncertainty where total land use requirements for life-of-mine cannot always be known in advance. Volatility in commodity markets routinely results in projects being suspended, deferred or significantly altered when prices or conditions are seen as unfavourable. At the other extreme, projects can be ramped up or fast-tracked when the market turns. Other dynamics such as social conflict over resource extraction and the insecurities associated with 'resource nationalism' and the role of the state further increase the difficulty in predicting when, where and under what conditions a mining development will proceed.

Mining companies buffer their business against these uncertainties by growing and expanding on an incremental basis. This enables companies to avoid the risk of sinking too much capital in the early stages of mine life, and leave their options open to take advantage of opportunities if they emerge later in the development lifecycle. The 'brownfield' effect, whereby land is secured on an 'as needed' basis, rather than as a 'front end' activity (Owen and Kemp, 2015) is of particular interest to resettlement planning. Banks (2013) highlights the impacts of this approach using the Porgera mine in the Enga Province of Papua New Guinea (PNG). At permitting in the 1980s, the size and nature of Porgera's original resource was not known. A rising gold price and progressive improvements in technology prompted a pattern of 'stop-start' land acquisition, which has continued for more than 25 years. In mining, the operating context can restrict the ability to forecast land use requirements with precision, which in turn limits the ability to plan for resettlement.

Even in circumstances where planning may be limited, there is nonetheless greater opportunity to plan for mining resettlements than in disaster-type scenarios.[3] Timeframes may be tight, and the exact timing and scope of resettlement unclear, but there is always a 'notice period' where a project applies for permits, negotiates land access or otherwise notifies land owners of an intent to acquire land.[4] There is more often than not a window of opportunity, however limited, to prepare for displacement and plan for resettlement. In the following paragraphs, we explore three key elements of mining and resettlement planning as reflected in the requirements of contemporary institutional mechanisms, primarily the IFC PS5. These elements are (i) control over the planning

[1] We offer this figure tentatively noting that the database does not contain a complete record of mining and resettlement events. This sample includes only those cases where reliable data exists. Within the 58 projects identified, 25,129 households were displaced. The range 125,000–150,000 is the result of an assumed 5–6 persons per household. We note here that this represents a small fraction of the likely overall picture of displaced persons given the large number of global mining projects. According to a recent report by the ICMM (2012), there were approximately 50 global companies with assets exceeding US$10 billion; 100 senior companies, with assets in the range of US$3 billion–10 billion; 350 intermediate companies with assets in the range of US$1 billion–US$3 Billion; and 1500 junior producers with assets in the range of US$500 million to US$1 billion. Companies identified as junior producers are considered often to have only one mine. The exact global number of formal mining operations is difficult to determine. Suffice to say that the member companies of the ICMM alone represent approximately 800 operations globally.

[2] The World Bank Operational Policy (OP) 4.12 on Involuntary Resettlement (2001) is currently under review. Concerns have been expressed about the dilution of the policy and the implications for project-affected people.

[3] Unless there is a mining disaster, such as the collapse of the tailings dam at the Samarco mine in the Minas Gerias state of Brazil in November 2015. This catastrophic event resulted in the loss of lives and hundreds of homes as mine waste spread into the Doce River, affecting numerous communities and the natural systems on which they depend. These circumstances mirror displacement by natural disaster.

[4] Unless residents are summarily evicted without notice. These circumstances equate more closely to displacement by disaster.

process, (ii) approach to remediation, and (iii) accountability and enforcement.

(i) Control over the planning process

Present day international safeguards and performance standards for planned resettlement position developers as the central actor. Resettlement is considered to be 'planned' when developers act with foresight and intent in resettlement processes. These safeguards and standards require foresight on social risk and a demonstration of intent to avoid or minimise harm to project-affected people.[5] There is also a set of expectations relating to large scale development and the engagement of local communities in terms of disclosure of information, consultation, meaningful participation and benefit sharing.[6] When the developer is a private sector actor, the state will typically delegate these responsibilities through the regulatory process; but in essence, resettlement planning remains a developer-centric process.

This planning model effectively establishes where control over the resettlement process will be located. Here we distinguish between control over discrete elements of the resettlement and control of an entire resettlement process, the latter reflecting an ability to control or engineer the final outcome. The incapacity of developers to cope with the sheer complexities of mining resettlements has been flagged by Gilberthorpe and Banks (2012). Given the high level of complexity, one could argue that the number of variables associated with 'known' or seemingly 'stable' resettlement contexts negates the prospect of ultimate or total control for any one actor. Control over discrete elements of the process, on the other hand, allows developers to control some aspects of what is done, with who, and how (rather than what is achieved). In this sense, international safeguard policies and performance standards encourage companies to self-direct baselines studies, impact assessments and resettlement plans, including risk mitigation, livelihood restoration, and remedy processes. Where companies are prepared to expand the scope of local participation, the decision to do so, and indeed the level of control offered, stems from the developer.

Retaining control over discrete aspects of the resettlement process offers options for managing business risk. Companies are able to adjust resources, timing and effort on an 'as needed' basis. If an otherwise profitable mining operation becomes marginal due to a decline in commodity prices for example, resourcing for livelihood restoration programs can be put at risk. Likewise, plans for land acquisition to enable further development of the project may be suspended until market conditions are more favourable, often keeping families in limbo for years (Flynn and Vergara, 2015; Hemer, 2015). If the market turns, companies can elect to pay a premium for rapid access to strategic land holdings. The ability to monitor performance as mining companies adjust resettlement processes to suit market conditions rests with governments, communities and, in some cases, lenders. Experience shows, however, that the ability of any of these actors to identify and address shortfalls that the planning window can accommodate can often be highly problematic.

(ii) Approach to remediation

Integral to a planned approach to resettlement are the related notions of 'remediation' and 'remedy'. International safeguards and standards for planned resettlement require remediation for loss or harm resulting from displacement through compensation and livelihood restoration initiatives.[7] The safeguard policies and performance standards also recommend a formal remedy process to address grievances raised by project-affected people.[8] The presence of remedy is an explicit acknowledgement that not all social risks can be predicted and that there must be legitimate and accessible pathways to respond to issues that emerge in the course of the resettlement. Where there are gaps in the remedy landscape, the safeguards and standards encourage developers to establish grievance mechanisms at the project level.

In many contexts, access to remedy can constrained by external factors. Single party states for example, may not offer trusted pathways for resettled people to lodge complaints or to pursue grievances (Kemp and Owen, 2014; Vo, 2014). Neither do these jurisdictions necessarily enable resettled people to express discontent. Public opposition and civil protest about resettlement can in some instances trigger violence through state repression. In democratic societies, resettled people can more readily reach out to non-state actors to profile their grievances. In lieu of a trusted grievance mechanism at the local or national level, herders resettled by the Oyu Tolgoi mine in Mongolia brought their concerns to the IFC's Compliance Adviser Ombudsman for a full investigation. Likewise, herders displaced by national mining company Ukhaa Khadag (UHG), lodged a formal complaint with the European Bank for Reconstruction and Development for failure to identify displaced households and provide adequate compensation (EBRD, 2013).

Underpinning the requirements for remediation and remedy is an assumption that developers are able to diagnose loss, harm and grievance brought about by resettlement. Neither mining companies nor the enabling institutions (e.g. governments and financial institutions) upon which the industry relies demonstrate consistent levels effectiveness in this area.[9] An internal World Bank Group (2014) review of involuntary resettlement projects between 1990 and 2010, for example, highlights a lack of specificity in the diagnostic processes needed to predict social risk and understand emerging issues. In response to the review, in 2015, The Bank's President, Jim Yong Kim, himself admitted that oversight of those projects often had "poor or no documentation, lacked follow through to ensure that protection measures were implemented" and that some projects were "not sufficiently identified as high-risk for populations living in the vicinity" (The World Bank, 2015).

[5] The IFC's PS5 (2012, p.1) states that "where involuntary resettlement is unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities should be carefully planned and implemented".

[6] The IFC's Guidance note for PS5 (2012, p.11) states that "informed participation involves organized and iterative consultation, leading to the client's incorporating into its decision-making process the views of the affected households and communities on matters that affect them directly, such as the identification or project alternatives to minimize the need for resettlement, proposed resettlement planning milestones and mitigation measures (e.g., alternative resettlement site selection, eligibility criteria, design and layout of replacement housing and social amenities, timing of relocation and identification of vulnerable persons with the Affected Community), the sharing of development benefits and opportunities, livelihood restoration plans and resettlement implementation issues."

[7] For example, IFC PS5 (2012, p.3) states that "when resettlement cannot be avoided, the client will offer displaced communities and persons compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods."

[8] For example, IFC PS5 (2012, p.4) requires the client to "establish a grievance mechanism consistent with Performance Standard 1 as early as possible in the project development phase".

[9] Developers also employ 'corrective action plans' or 'remedial action plans' in instances where resettlement projects have resulted in poor outcomes. Given the private nature of resettlement planning, monitoring and evaluation, it is not possible to determine the prevalence of this particular practice. Moreover, little is known about what triggers a corrective plan, the steps taken in developing the plan, or its alignment with global resettlement planning norms.

Not to be overlooked is the internal audit and compliance processes attached to the international safeguard policy and performance standards themselves. Audits of client performance are intended to provide a 'check point' for assessing whether loss or harm is being remediated and legitimate community grievances resolved to close-out. For more than a decade, the Ahafo gold mine in the Brong Ahafo region of Ghana adhered to the IFC's audit regime as part of its loan conditions for the Ahafo South Project Phase One resettlement, and continued this process after the institutional relationship with the IFC had ceased. After years of voluntarily audits an independent completion report was undertaken (Barclay and Salam, 2015) showing that by international standards, the project had met significant targets in most of the key areas relating to livelihood restoration. Ahafo is a special case internationally, having successfully progressed a resettlement project to final completion based on the criteria contained in the IFC Performance Standards. The authors note that between 70 and 75 per cent of displaced farmers have been provided opportunities for livelihood restoration. This, by international comparison is in fact a good result. However, it does raise an important question about success measures for resettlement in mining, when in an otherwise exemplary case, the livelihoods of one quarter of the resettled population have not been restored.

(iii) Accountability and enforcement

Given the industry context that we have outlined above, the consequences of poor resettlement planning and implementation can often be difficult to determine. The radical view is that the dynamics of displacement cannot be mediated so as to control for the material harm experienced by displaced persons. The risk discourse advanced by Dwivedi's 'managerialists' suggests that development projects can in fact employ planning instruments to moderate and perhaps even control for untoward outcomes in the process.

Private developers are typically reluctant to document failures associated with their projects. In some spheres these consequences are treated as 'externalities' or an accepted result of large-scale development. Whether or not the international safeguards and standards for planned resettlement are considered to be effective, both the World Bank policies and IFC standards explicit reject the 'externality' view. Private sector responsibility for planning, implementation and remediation of development caused displacement is clearly laid out. Where we take issue is with accountability and enforcement of these norms.

Presently, the formal implications for non-compliance, even where there is a client-lender relationship are minimal. The resettlement at the Goldridge Mine in the Solomon Islands was consistently found to be in non-compliance. Despite having the IFC as the lender, few observable improvements were made to bring conditions for affected people into closer alignment with the performance standards (Owen and Weldegiorgis, 2011a, 2011b).[10] When companies fail to comply with the performance standards or fail to mitigate resettlement risks, the burden of risk and impact will most often transfer directly to the affected population. Recent research examining the effects of social risk in mining indicate that the transfer of burden is not a one-off event (Gilberthorpe and Banks, 2012). Communities that experience material harms from mining projects are themselves reluctant to shoulder the burden of project-caused risk and will seek to push the responsibility back to the developer or the government. The cost of social conflict, sustained leveraging, or high-profile court cases can be substantial for the developer, both in the short and long term (Franks et al., 2014).

While the costs of managing a failed displacement and resettlement process can be high for private sector developers, few developers consider this at the onset of project planning. Currently there are several high-profile and high-cost cases of poor resettlement planning and implementation. In the minerals sector, companies do not appear to make use of international case studies either for 'studying up' on workable approaches or for comprehensively understanding the consequences of resettlement for their business. For displaced persons, relying on the cost of conflict as a 'driver' for better planning outcomes must seem perverse. However, without the potential for high cost remediation, present day institutional mechanisms and related corporate policy frameworks essentially enable an unplanned, limited liability, forced displacement, with few real consequences.

4. Mining, resettlement planning and the crisis of development

The crisis of development that Dwevidi has described is of immediate relevance to resettlement policy and practice in mining. While the broader development caused displacement debate has not focused a great deal of attention on the particular dynamics of the mining sector, the fundamental questions about the primacy of human rights, the responsibilities of state actors in formulating nationally beneficial development policies, the balances and controls placed on private sector activity, and the reach of extra-national agents are all directly applicable.

If we accept the view that unplanned resettlement can put people at significant risk, and at the same time are realistic that mining resettlements will continue, searching conversations need to be had about how to confront risk and impact. We are interested in exploring whether there is scope for a more responsible form of planning to come to the fore; one that more readily accounts for the particularities of the mining industry and the challenges associated with planning in this context. From our perspective, the radical and managerialist positions are not entirely contradictory. One focuses on detailing risks and trauma, the other on instruments to control against those risks and impacts. Whatever type or category of managerial or advocacy response might emerge, the reality and enormity of resettlement risks and trauma must be acknowledged as its starting point. This is the territory that we believe holds promise if planning is able to provide a legitimate and effective safeguard in mining.

In one key sense, we are in agreement with the radicals. The impacts of mining caused displacement and resettlement can be devastating and unacceptable. Where we diverge is on the question of how to respond. We suggest that trauma can be the focus of planning processes, not only grounds from which to avoid development that displaces. From this perspective, current management practice, as it is applied to mining, is problematic for a number of practical reasons. To begin with, standard setting is based in a soft form of regulation that is not well enforced, and not immediately relevant to the mining industry. Moreover, there could be better institutional supports to ensure that project-affected people have access to 'front-end' resources to level the playing field during planning phase. Global mining companies do not have, and are not investing in (particularly in the current market downturn), building the requisite capability, knowledge and expertise to identify and mitigate resettlement risks, and governments tend to focus on the revenue that can be generated from development projects and not the local crisis created by physical and economic displacement.

[10] A desktop view of the IFC's project list for Mining, Minerals, Metals, Gems and Industrial Ore indicates a portfolio of 46 active projects in 31 countries worldwide. See IFC Projects Database: http://ifcextapps.ifc.org/ifcext/spiwebsite1.nsf/$$Search?openform (accessed: 17.07.2015).

We understand that these points can be used both as a justification to avoid resettlement, and as the grounds for local communities to oppose projects that will trigger displacement effects. We also understand that large mining projects will continue to receive lender finance, legal permits from host governments, and positive economic signals from consumers in the form of market demand – even in the face of an increasingly strong justification for not displacing people. If projects are going to be approved, stronger controls are needed; a point which even the radicals must concede. Radicals will continue to lobby and oppose large scale mining projects, but if those efforts are unsuccessful, and the project proceeds, the expectation must be that the project then becomes 'managed' in some form. Project proponents may prefer to disregard the radical view, but this advocacy work can provide deep and valuable insights for companies and regulators if their aim is responsible management of the project.

We are not pure managerialists. We seek to promote greater responsibility throughout the resettlement planning process with information and decision making available to all parties. The appeal of the current suite of international safeguards and performance standards is that they provide a common point of entry for interested and affected parties. Moreover, there is a clear connection between the approach represented in the standards and the business case logic of corporations. While we do not favour business case arguments in isolation, we do accept that this is a dominant mode for rationalising management action and can be helpful in beginning to push for better decisions and greater resourcing for resettlement planning efforts. We suggest that there is an unrealised utility in connecting the radical and managerial approaches that could be more fully developed to improve resettlement outcomes in mining.

5. From crisis of development to responsible planning

In this section of the article, we return to the 'responsibility' approach advanced by Penz et al. (2011). For 'responsible planning' to provide a workable pathway, we suggest that three developments are necessary. First, mining companies must better engage the radical critique in order to acknowledge and respond to the trauma that mining caused displacement can generate. Second, there needs to be a comprehensive commitment to maximising the voluntarism of displaced persons. This includes an acceptance that resettlement may not, or should not, proceed in situations where the risk to resettled people is too great, or that resettlement (and the mining project itself) may need to be delayed until the resettlement risks are better understood so that impacts are reduced to a level that is acceptable to affected persons. Thirdly, we suggest that greater participation and 'choice' in resettlement planning processes, risk identification, and overall decision making, is required. We engage these three developments in turn.

The first development requires a searching and constructive dialogue between mining industry policy makers, project proponents and their critics. Generating this dialogue would require a significant shift in the way in which debates about mining and development are currently generated and reflected in policy and practice settings. Presently, the industry's response to radicals manifests in two ways. The first is to discredit external critique. We have experienced this in the form of rebutting evidence as not credible enough to respond to, and discrediting the individuals or the institutions that represent community experiences and perspectives of trauma. The second response is to disengage from the material dimensions of the critique and engage with an 'improvement' discourse and to cast affected people as project beneficiaries instead of victims. This second type of response sees livelihood impacts nested within popularised management discourses, such as 'social licence to operate' (Thomson and Boutilier, 2011) or 'shared value' (Porter and Kramer, 2011), which then becomes the focal point for companies, rather than the mitigation of material harms.

Historically, the interface between the managerial and radical positions has been minimal, even in the face of mounting evidence. After decades of rebuttal and denial, it was only in 2015 that the President of The World Bank finally conceded that there were "serious shortcomings" in the implementation of its resettlement policies. Given these kinds of admissions, for the mining industry to claim that the radical critique is not based on sound evidence, or is purely ideological, cannot be sustained. There is little doubt, therefore, that radical perspectives deserve greater consideration in debates about resettlement practice in mining, and incorporation into policy and practice.

The second development involves mining companies making a commitment to maximising the voluntaristic elements of the resettlement planning and implementation process. The current policy framework emphasizes avoidance of involuntary resettlement at the outset of a project in order to prevent unnecessary harm to potentially affected communities. This would involve designing the project from the outset in order to negate the need for resettlement. To do this would require a more intensive level of coordination between exploration, mine planning and community affairs than is currently evident at project start up. Research highlights that social and community professionals are largely treated as peripheral to core business; that is, brought in when issues hit crisis point, rather than being involved in mine design and planning decisions as a standard matter of process (Kemp and Owen, 2013).

The avoidance approach can, however, have untoward consequences for local communities and host governments. Downing (2014) has recently noted in his study of the Kosovo Power Project that companies will often defer responsibility for operational impacts up until a point where displacement is the only viable option. At the same time, avoidance can result in projects with sustained encroachment patterns and cause grave risks for community health and safety (Owen and Kemp, 2015). Under these circumstances, avoidance reduces both the level of voluntarism available to impacted communities, while companies look to shift their obligations for planning and management on to the external environment.

Volition in involuntary resettlement is a difficult proposition (Schmidt-Soltau and Brockington, 2007). 'Force' is clearly a present factor when discussing front-end consent processes (Owen and Kemp, 2014). The strongest signal of volition is represented in the right to provide or deny consent at project start-up (Wilmsen and Wang, 2015). This is, however, not the only measure or opportunity for project affected people to exercise agency (Xue et al., 2013). If a project involving involuntary resettlement has been approved, there are range of decisions that can likewise be shared with or withheld from local stakeholders. In current practice, the assumption is made that if an involuntary resettlement proceeds, and people do not agree or consent to being resettled, then the developer is responsible for controlling risk through the planning process, and this has come to include decisions about all elements relating to the resettlement.

If we accept the premise that improved planning processes can reduce the likelihood of negative outcomes of mine displaced people, our argument is that current approaches to planning should be radically improved. The third development for creating a workable pathway is therefore to extend the voluntaristic principle to include how resettled people operationalise their own relocation and resettlement activities. Amongst other things, this would include people making decisions about where and when they move, how they are moved, and the resources needed to restore

livelihoods. Resettlement risks are often compounded by the imposition of subsequent decisions made on behalf of affected persons. Resettled people are often reported to have participated in resettlement planning, having been presented with bounded choices, limited information and compressed timeframes. The pathway to responsible planning must include a deeper commitment to participation of resettled people in the planning process; from permitting decisions and design through to implementation and monitoring.

6. Conclusion

In the early stages of our article we identified a point of fracture around the management of development caused displacement risks and impact. In response, we have introduced the proposition of 'responsible planning' as one way of engaging the material realities associated with displacement brought about by mining. The functionality of planning as a safeguard against resettlement risks in mining needs to be situated within the context described above. We argue that due to the uncertain nature of the mining industry, the distinction between 'planned' and 'unplanned' development activity that forms the basis of industry policy frameworks is hard to reconcile. We suggest that planning for mining caused displacement and resettlement must account for both the planned and unplanned elements of mining. Unless planning for resettlement better accounts for mining's unplanned elements, it may not be the safeguard that it is so readily assumed to be.

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