Chapter 6

Conclusion and recommendations

Photo 6. A woman explains to company staff members how she felt that passing trucks had impacted her *machamba*, Nacala, Mozambique, 2015
Conclusion and recommendations

Introduction

The aim of this thesis was to strengthen the understanding of how companies respect, protect and fulfill human rights in practice, with a specific focus on project-induced displacement and resettlement (PIDR). I was established as a research intern in the community relations team of two multinational mining companies in Mozambique, where I undertook an analytical ethnography. I observed corporate practice as it actually happened, and I identified the challenges experienced by company staff in trying to respect the human rights of project affected peoples. In the course of my PhD, I developed two frameworks, the Human Rights Sphere (HRS) and the Human Rights Based Approach to Resettlement (HRBAR). These frameworks are intended to inform company staff, practitioners and applied academics in a wide range of fields – including community relations, impact assessment, resettlement, human rights and project management – about the implications of the corporate responsibility to respect human rights in the construction and management of large-scale projects. The application of these frameworks will enhance awareness of human rights within corporations, and subsequently enhance the implementation of the corporate responsibility to respect human rights.

The main research question addressed in the thesis was: How can the implementation of the corporate responsibility to respect human rights be improved at project sites, in order to enhance the social sustainability of local communities?

The chapters that presented the HRS and HRBAR, also described existing human rights principles and standards in the context of project sites. The HRS and HRBAR frameworks presented an ideal although potentially realistic picture for how respect for human rights could be implemented by staff members in real world projects. In this concluding section, I will critically reflect on the implementation by companies of corporate human rights responsibilities by suggesting that there may be limitations to respecing all human rights standards. The various human rights can potentially be conflicting, especially given the complexity experienced by most large projects that are engaged in project-induced
displacement and resettlement. Furthermore, existing human rights standards, especially in relation to PIDR, do not adequately instruct companies how they should actually implement respect for human rights. It may well be (or perhaps very likely is the case) that other international standards have greater potential to effectively protect project-affected peoples from social and environmental harm. In the following section, I provide insights into how and why human rights impacts occurred in the two projects I studied.

Challenges to respect human rights in the two project sites

Despite their differences, in both projects there were similar explanations for why and how impacts on communities occurred, how these impacts were subsequently attempted to be addressed, and why these attempts did not necessarily result in effectively mitigating and remedying the human rights impacts. One of the recurring justifications given by company staff was that the Mozambican context was a difficult environment to work in. A second issue related to the internal dynamics within the companies. Therefore, in Figure 1, I differentiate between the precipitating factors to human rights impacts as being the internal company factors, and the contextual challenges. Figure 1 outlines how human rights impacts occurred through poor process, poor outcomes, and as a consequence of the cumulative effects of these initial impacts.

I would like to stress that the underlying cause for the occurrence of human rights impacts is inadequate processes, e.g. a lack of information, a lack of meaningful participation, tremendous delays, and a lack of effective grievance mechanisms. Human rights were impacted by the poor outcomes of resettlement. For example, there was reduced food security, inadequate housing, and lost access to markets and job opportunities. Also, the plans and procedures that attempted to restore access to land, food, and water were not adequate in practice, and there was also marginal attention given to vulnerable households. Altogether, these human rights issues in both processes and outcomes of compensation and resettlement resulted in the manifestation of community protests. Ultimately, because these impacts and unsecureies were on-going, with no timely information and effective remedy being provided by the two projects, additional human rights impacts were created.
Many of the human rights impacts that occurred can be traced back to the initial organisation of the two projects. First, the human rights issue of displacement and resettlement was not adequately planned prior to commencement of construction. Furthermore, various aspects of company internal management at the start of the project, together with major contextual challenges, resulted in the weak implementation of appropriate processes and procedures. In each project, at commencement, there was a lack of social leadership on site, which resulted in a lack of planning and ad hoc community engagement activities. Also, at commencement of the projects, many of the staff members were not adequately experienced or trained for managing the very conflict sensitive and emotional issues that were encountered. A further issue was that there were inadequate financial and other resources to enable the extensive contact with the communities that was needed. Due to the considerable time pressure to get the project up and running, there was inadequate time to enable the genuine involvement of local community members, or to provide them with sufficient information and have participation sessions at all phases of decision-making. Instead, the process of compensation and resettlement was rushed and characterized by many mistakes, incidents of corruption, and delays in the provision of compensation and replacement housing.

Given the absence of a well-prepared team on site at commencement of project development, the contextual aspects further exacerbated the difficulties in managing displacement and resettlement. The poor quality of the local roads and the long distances made it difficult to
access all the communities on a timely and ongoing basis. Furthermore, the remoteness of some of the communities (especially in the linear project), as well as high levels of illiteracy made it time-consuming for local people to comprehend the project, and especially to consider what the project’s technical requirements would mean in reality for their families and livelihood security. Most of the staff members emphasized the lack of government experience and capacity in managing some fundamental aspects of the resettlement process, including managing land ownership records, maintaining a database of citizens, and organizing and coordinating community meetings.

After some years of operation, the companies did undertake various actions to reduce the impacts and improve the delays in compensation and resettlement. Each project site appointed a General Manager (for social) at a similar organisational level to the general managers of the other major departments. The reporting lines were adjusted so that the manager for social had more influence at the local site level and was able to access greater financial resources. In addition, a capacity building program was established to improve the skills and the practice of the community relations teams in the main company and from the contractors. A grievance management system was also established and improved.

Nevertheless, the corrective actions undertaken by the social departments were still influenced by major time pressures from within the business (other departments) and continuously changing construction activities and plans. Also, the community relations staff were not really able to regain the trust from most community members because no effective (long-term) remedy for the most severe human rights issues could be provided. For example, distances to markets remained a problem in the mining project resettlement location, as well as the risk of reduced access to water and to arable land for agricultural purposes. For the railway project, the delays in housing construction of up to three years and inadequate temporary replacement housing as of form of mitigation resulted in one community thwarting the construction of a specific section of the railway line for almost two years. As a consequence of these issues, there were an increasing number of protests actions undertaken.

Both companies had human rights policies in place, as well as other social policies intended to protect communities from the adverse impacts of project activities. Both companies also had explicit commitments to contribute to local sustainable development. In addition, both companies had developed an impressive array of documentation, plans and databases containing detailed information about the local communities and the affected households,
stakeholder engagement plans, risk databases, grievances databases, management plans, and so on. To develop these studies and plans, the companies involved a range of expensive foreign consultants. But, why is there such a major gap between corporate policy commitments, the investment in obtaining information, and, on the other hand, the actual implementation of corporate human rights policies and management plans? This is discussed below.

A discussion on the ‘why’: insights from the field of Project Management

Explaining why human rights impacts occurred is important to know how they could have been avoided. In the field of human rights, however, there has been only a limited focus on identifying the root causes of adverse human rights impacts (see Klein, 2007; Wright, 2008; Marks, 2011). Ruggie (United Nations, 2008, 2011) established several of the root causes underlying why business and human rights problems have occurred. He emphasized the inability of governments to effectively address business-related human rights harm due to their lack of capacity or lack of political will. He utilized an institutional argument as the cause and the cure for addressing human rights abuses; if the current economic and political institutions provide the enabling conditions for human rights abuses, then the solution might lie in changing these conditions. In addition, Ruggie (United Nations, 2008) also stressed the problematic quality and implementation of impact assessment and management plans. He invented the concept of human rights due diligence, a process that companies should undertake to comply with their responsibility to respect human rights. However, Ruggie did not touch upon another fundamental issue, namely how to achieve the implementation of these human rights procedures so that they result in actual enhanced social sustainability. I observed that most well intended policies written by companies manifest the problem of implementation at the project site level.

Causes of human rights impacts can be created at an individual, organizational and contextual level. In the two projects studied, there were differences of opinion about what were the underlying causes of human rights impacts. A diversity of opinion makes it difficult to find effective and practical solutions. Some staff members stated that it was extremely difficult to work with the government and that the lack of capacity of government staff obstructed company staff in doing the right thing. Others emphasized aspects of the local context
including the challenges in working with local communities, for example the need to repeat information over and over. They also indicated that the relatively high levels of alcoholism and illiteracy made it difficult to communicate with them. Also, some staff expressed that a lack of leadership and organizational commitment from higher levels of the company hampered them in gaining adequate access to resources. Other staff members pointed at specific individuals in the company who exhibited certain positive or negative behaviours in relation to community interaction and/or the championing of social and human rights issues within the company.

Curiously, the Project Management literature does not consider the management of social and environmental impacts of projects, let alone human rights (Hanna et al., 2016). However, the discipline is grappling with an evident gap between their theoretical endeavours and the actual practice and performance of projects. Morris (2013, p. 270) concluded that “project management as a discipline is neither yet reliable enough nor engaged enough in improving its clients’ performance”. Furthermore, Project Management scholars have emphasized the need for more research on the actuality of projects by analyzing how project management theory relates to project management practice (Cicmil et al., 2006). The Project Management literature describes various explanatory factors for failures regarding technical aspects of projects, such as project delays (Baldwin and Bordoli, 2014), time pressure (Nordqvist et al., 2004), and continuous changes in project design (Yap et al., 2017). These issues have also been observed in the two projects studied for this PhD research. Morris (2013, preface) concluded that the main underlying cause for technical problems in many projects is the lack of competent people: “they didn’t have experience, missed things, or were overtly influenced by inappropriate drivers”. From my observations in the social departments of large-scale projects I come to a similar conclusion.

According to the Project Management literature, ‘soft skills’ are argued to be essential for the successful completion of projects. Thomas and Mengel (2008, p. 304) emphasized that, in the complex realities of projects, “the trend towards professionalism and the focus on standardization come into question as the behavioral and personal competencies of project managers outside of project management standards appear to be more relevant for their workplace performance than the tools and techniques emphasized in the standards”. Thus, in order to achieve improved project performance, besides training in technical skills, a stronger
focus should be placed on the training of ‘soft skills’ of individuals, such as personal competencies, ethical behaviour, effective communication, cooperation, and teambuilding (Pant and Baroudi, 2008). In my view, this also applies to community relations departments. ‘Soft skills’ are of particular importance here because staff have to manage extremely conflict-sensitive situations. However, there tends to be little attention given to these matters in the hiring of community relations staff or in providing extra training opportunities when needed. This can be explained from a project management perspective that considers social as a ‘non-technical’ risk, and therefore as external to the business (Hanna et al., 2016). My research findings showed that social and human rights risks were only taken seriously after adverse impacts had occurred and negatively affected the business (in terms of its reputation, delays in construction and financial losses). Only then were community relations teams better resourced to address these essential issues.

In the two project sites studied, most local staff members from the main companies were experienced in working with local communities, but primarily in the context of NGO projects. Most staff members did not have previous experience in corporate community relations practice, and thus were not prepared for the procedures of compensation, negotiation and resettlement, and handling conflict-sensitive situations. This meant that almost all staff members were learning on the job. In the railway line project, the outsourcing of community relations activities complicated the situation resulting in weak communication regarding problems that had occurred with certain communities. Also, in the railway line project the contractor had hired very young people with no professional resettlement or otherwise related experience to lead negotiation and payment processes with community members. This resulted in many issues of corruption, and bad behaviour towards local communities. Also, internally, there was little reflection on mistakes that occurred in the communities, and there was no internal ongoing conversation or feedback-loops on how these issues could be solved in a timely manner. Especially in the railway line project, only after the conflicts with community members had escalated and reached higher management, was there some internal discussion to develop an appropriate communication strategy.

The motivation of individual team members also played a role. Community relations work is a highly demanding professional task, but for some staff members it was just a job. Not everyone was eager to work with the communities, which often involved spending many hours each day in a dusty and hot environment. Especially in the mining project, which was
located in a very hot province in north-west Mozambique, there was a strong preference by staff to stay in their office or car with the air conditioning. Typically, the staff working in higher-level management were more competent, more motivated, more dedicated, and more experienced (but few had previous experience with resettlement). There were many instances where the managers did the work that was meant for junior staff, but the junior staff lacked motivation, were insecure, did not have experience or just did not do it right.

In their recent paper, Owen and Kemp (2017) found an overall absence of social management capability in mining companies. They observed a pattern of poor social performance, especially in managing resettlement, which indicates a lack of capacity and understanding by the industry as a whole. The Project Management literature, however, shows that poor management is evident in many types of projects. In the construction and operations of large-scale projects, many individuals, both from technical and social departments, need to be trained and go through a learning process, which inevitably involves errors. However, the lack of experienced professionals and a ‘learning on the job’ approach that is deployed in high-risk and conflict sensitive project development will have disastrous consequences for project-affected communities.

**Limitations in respecting the rights of project-affected peoples**

The corporate responsibility to respect human rights (United Nations, 2011) means that no individual, family and/or community can be made worse off by company activities, or, as a consequence of the activities of a company’s business relationships. As I have outlined in the Human Rights Based Approach to Resettlement (Chapter 4), the land requirements of projects can be in opposition to many human rights, especially the human rights of property, self-determination, culture, housing, and freedom of movement. From an international human rights law perspective, forced evictions constitute a gross violation of human rights (United Nations, 2014). In Chapter 4, drawing from various United Nations human rights documents, I suggested that project-induced involuntary resettlement that does not result in livelihood restoration can be regarded as a forced eviction and thus can constitute a gross violation of human rights. To mitigate the impacts on fundamental human rights, and make good the harm that will inevitably be done by removing assets and/or people, project operators should go
A human rights perspective is concerned with the adequacy of the outcomes as well as the adequacy of the process through which these outcomes will be achieved. In Chapter 4, I outlined the human rights principles to be observed in the process of resettlement including ensuring adequate access to information, meaningful participation, respecting human dignity, and adequate grievance management. In the two project sites, notwithstanding the improved houses and facilities, the resettlement process, including the ways affected people experienced being treated by company staff, and their lack of access to information and participation in the assessment, negotiation and compensation procedures, turned out to be detrimental to the restoration of their livelihoods.

With the improvement of international resettlement standards (particularly IFC, 2012), projects need to ensure the provision of financial compensation at full replacement value. While this is a right to be secured for all project-affected peoples regardless of the status of their land title, it should be stressed that more money does not necessarily bring affected families into better situations. The inability of many of the affected peoples to invest the financial compensation into new livelihoods is a major cause of their impoverishment. This problem is well documented in the literature (Cernea and Mathur, 2007; ADB, 2014), is well known by SIA practitioners (Vanclay, 2017), and was acknowledged by most staff members. Already in the 1990s, Cernea (1996, 2003) advocated the need for social investment (benefit sharing) in addition to financial compensation to avoid the impoverishment resulting from the inability to invest in new livelihoods.

The improvement of resettlement outcomes has received major attention by project operators (see Owen and Kemp, 2017). In the two project sites studied, affected peoples had access to financial compensation at replacement value, and significant investments were made by the companies to improve housing, access to water and other public services. The companies seemed comfortable in undertaking the technical aspects of resettlement, such as the design of new resettlement site locations, the construction of new housing, health clinics, schools, and water pumps. It is evident that this is important so that basic needs become secured and improved. However, one of the main observations in this PhD research is that the implementation of ‘process rights’ failed.

Way beyond Ruggie’s approach of ‘doing no harm’. Companies thus have to fulfil human rights and contribute to their progressive realization in order to achieve socially sustainable outcomes for local communities.
In Chapter 2, I outlined the challenges in the mining area in Tete, in which thousands of people that were affected by each mining project have been compensated in cash, with little to no opportunities for alternative livelihoods. Many conflicts over access to land in the mining areas have erupted and, at the time of writing this conclusion, have resulted in the death of at least one local villager, who was shot by local police in a protest about regaining their access to grazing lands. Although from a strict legal perspective, the mining company is not responsible for any impoverishment resulting from ‘bad investments’ made by the affected people, from the perspective of international standards and human rights there is a responsibility to ensure that people are not made worse off. Within the companies studied, one objective was to pay affected people as quickly as possible, and staff did not consider it the company’s responsibility to ensure affected people would be able to restore their livelihoods. However, the corporate responsibility to respect human rights would imply that displaced peoples should be given support to become fully re-established, thus social and financial counselling should be offered to ensure they do not become worse off.

De Wet (2006) argued that the failures in resettlement could be explained either by the inadequate input approach or the inherent complexity approach. A lot can still be gained by increasing input by means of more financial and human resources, the training of staff, improving early planning, and managing ‘social’ before construction commences so as to avoid the significant time pressures community relations staff are otherwise faced with. In both projects, most staff members lacked the skill and experience to undertake participation activities, which is a difficult undertaking in any case but especially when such high risks for affected peoples are at stake. However, regardless of a more capable community relations team, there are also inherent complexities in resettlement, especially in poor and remote contexts. Community relations staff are confronted with the issue of how to restore subsistence livelihoods of communities, especially when large-scale project developments take away the possibilities of restoring traditional ways of living. A farmer in Nampula province in Mozambique commented that “human rights is what we always had in nature”, and, “we need freedom to live as we did before” (Santarelli et al., 2015). But, due to the project, the ability to stay and continue the way of living as before was lost. New housing, infrastructure, water, and health and education facilities (which can be human rights fulfilments in itself) cannot mitigate or remedy the human rights impacts related to lost access to land and natural resources. In addition, the speed by which the transformation from traditional lifestyles to modern, cash-based (and often from rural to urban lifestyles) takes
place inherently causes suffering to those people affected. Many Indigenous and other minority groups are resisting these fundamental changes to their livelihoods and demand respect for their right to self-determination (Hanna and Vanclay, 2013).

**How can the implementation of respect for human rights become improved?**

The endorsement of the UNGP (United Nations, 2011) led both companies to align their human rights policies with the expectations of the corporate responsibility to respect human rights. In the railway line project this also involved human rights training and workshops for all the project teams, and specific training for security officers. Also, the human rights manager from the railway line project developed and applied an internal human rights risk assessment tool, the outcomes of which were subsequently linked to the project’s social impact management and development plans. Also, the mining project engaged an external organization to undertake a stand-alone human rights impact assessment of its operations. However, in both companies, the human rights due diligence process was treated as an end in itself, rather than being a means of ensuring ongoing adaptive management. Perhaps most notably, human rights due diligence was not undertaken prior to acquisition and/or construction of the projects.

On a more positive note, Ruggie’s concept of leverage seems a promising approach in improving awareness about human rights issues and changing the actual practice on the ground. Leverage can be understood as “the ability of a business enterprise to effect change in the wrongful practices of another party that is causing or contributing to an adverse human rights impact” (United Nations, 2012, p.7). Managers from the various company departments (communities, construction, health, safety and security) performed a major role in improving the awareness of social and human rights issues with regard to the contractors. As I outlined in Chapter 2, the staff of the community relations team in the multinational enterprise formed a critical role in building the capacity of the consultancy that was hired to undertake community relations activities. Furthermore, the community relations team of the multinational company trained a Mozambican organization to perform part of the resettlement activities in line with international standards.
Even though not studied in-depth, I also noted that capacity building was undertaken by construction managers of the multinational company to the managers and other staff of Chinese and Mozambican contractors.

Besides efforts to address the impacts and gaps caused by contractors, major efforts were also undertaken inside the two companies to stimulate behavioural changes for their own staff. The companies particularly focused on changing perceptions and behaviour regarding safety and security issues. Subjects discussed on a daily to weekly basis were, for example, why and how to wear seatbelts, speed limits, the check on alcohol use, and how to handle heavy loads and trucks. Also, these moments were used to show mistakes or (fatal) accidents that had occurred during construction activities, and how these could have been avoided. Also, how one treats one another in daily work activities and how to point out dangerous behaviour of another person was discussed. These awareness-raising activities were held on a daily or weekly basis and required attendance of all the staff from all the departments.

Similar to the on-going awareness-raising activities regarding safety and security in relation to construction and operations, awareness raising regarding the local environment including the impacts on communities should become organized. Harvey (2014) emphasized that, in order to achieve better social development outcomes in project site areas, rather than reaching out to communities with promises that are difficult to fulfill, companies need to focus more on ‘in-reach’, which means “working to change the behaviors and thence attitudes of its own employees across the full spectrum of the workforce” (Harvey, 2014, p. 9). Harvey (2014) proposed the idea of local induction training that should sensitize all staff members for the local environment, communities, cultures, the project displacement and resettlement issues, as well as other challenges such as environmental changes caused by the project that affects peoples’ livelihoods. In my view, in high-risk projects, it is imperative to improve staff members’ awareness of the human dignity of not only their colleagues by considering their safety and wellbeing, but also that of community members (severely) affected by the project. Improved awareness about social and human rights impacts can result in changing shortsighted convictions and behaviours of staff members regarding the surrounding and affected communities. This can lead to improvement of early-on management.
Other International Standards

In order to answer the main research question, an important element of this PhD research was to consider whether there is a need for more explicit mention of human rights duties in the requirements of the International Financial Institutions (IFIs), or whether their existing performance standards suffice in adequately describing what projects should do to address all adverse impacts on human rights. In the actual design and implementation of projects, an implicit approach may avoid political controversy that can exist about the human rights concept, particularly in governments (Frankovits, 2006; Freeman, 2013). Also, the performance standards of IFIs, especially the IFC performance standards, have significantly improved over time, and are now utilized by the largest credit agencies, regional development banks, multinational corporations and governments involved in project design and approval (Vanclay et al., 2015).

In this PhD, I compared the IFC performance standards, particularly the *IFC PS 5 Land Acquisition and Involuntary Resettlement* (IFC, 2012), with the expectations established in human rights standards regarding displacement and resettlement, specifically the *Basic Principles and Guidelines on Development Based Evictions and Displacements* (United Nations, 2007). I concluded that the IFC performance standards were reasonably aligned with human rights standards. The IFC PS 5 can be useful for company staff because it provides an extensive and practical oversight of most of the issues that need to be managed in resettlement. In contrast, even though the Basic Principles (United Nations, 2007) provided relevant minimum standards in terms of human rights, human rights scholarship is marginally engaged with the issue of project-induced displacement and resettlement. Human rights scholars who specialise in the economic, social, and cultural rights seem to lack awareness of the significant role of large-scale project development in fulfilling (and obstructing) these rights (see for example Baderin and McCorquodale, 2007). Perhaps one reason for this is the general exclusion of human rights rhetoric in development theory (Freeman, 2013), which is also shown by the absence of human rights terminology in most development banks. The avoidance of explicit requirements regarding international human rights law in IFIs has been an ongoing topic of discussion (see Alston, 2015; McBeth, 2008).
In chapter 4, I concluded that the implicit nature of the human rights approach in the IFC PS 5 understates the risks to humans involved in project development. An explicit human rights approach identifies potential risk areas for litigation by translating social and environmental impacts into potential or actual human rights violations. Also, from a human rights activist perspective, human rights language can be used as a powerful rhetoric for demanding corporate accountability. A company accused of human rights violations is more likely to face reputational damage, financial lender scrutiny and shareholder retreat from investments than do the accusations of a company being involved in social and environmental impacts. When resettlement requirements become framed in human rights language, which I have illustrated in the conclusion of Chapter 4, all actors can become more aware of the significance of the issues at stake for project-affected peoples.

Still, companies may be more inclined to adhere to IFIs performance standards than to international human rights standards, especially when companies seek financial support. So then, would that make any difference? IFIs performance standards are, in principle, pro-project, and the requirement of ensuring full access to information and meaningful participation (basically free, prior and informed consent) can form a major challenge to project approval. The performance standards are meant to avoid and reduce adverse impacts and manage the issues as adequately as possible, with the implication that project finance is guaranteed. The integration of human rights principles into project design and management procedures, on the other hand, will imply enabling the meaningful participation and obtaining the consent of those potentially affected. Thus, the full integration of these human rights principles into development plans and projects would leave open the option of whether projects are actually being approved, designs can be significantly altered, or whether existing projects can be stopped or relocated elsewhere. Given the aim of a human rights based approach to achieve more equal power relationships, genuine respect for human rights would mean that leaders and staff in governments, in financial institutions, and in companies with an interest in projects, must start to behave very differently towards local community groups (Twomey, 2007).
Recommendations: improving corporate human rights performance

Human rights standards form a useful tool of analysis regarding the impacts and changes observed in project-induced displacement and resettlement. But, the existence of human rights standards have so far not led to the adequate protection of project-affected peoples. The added value of a human rights based approach is debated (see Frankovits, 2006; Twomey, 2007), and it is true that the mere integration of human rights into business procedures may not, in itself, guarantee more sustainable and equitable outcomes. However, my analysis has demonstrated that, if human rights principles had been fully applied throughout the processes of compensation, resettlement and livelihood restoration, the outcomes would have been different from the experience of project-affected peoples. One of the primary concerns of the human rights based approach is generating development outcomes that are supported by project-affected peoples through ensuring access to information and meaningful participation.

The dominant development paradigm is associated with local conflict, hardships and human rights violations (Wright, 2008). I assert that only through meaningful participation large-scale projects can become experienced as more positive and inclusive. However, decades or even centuries of obstructed participation and access to information will need to be overcome first; many people including from all actors in society (government staff, company staff, civil society staff, community members) will need to learn how to meaningfully participate in decision-making, together. Therefore, a lot of patience is required from all.

Each chapter in this PhD provided a set of practical recommendations for how companies should improve their corporate procedures and practice in order to comply with the corporate responsibility to respect human rights. Below, I highlight a selection of them, comprising the key messages in terms of improving corporate human rights performance and their contribution to social development.

- Adherence to the corporate responsibility to respect human rights means that the implementation of environmental and social management plans needs to become improved. To better identify and address the human rights dimensions of project proposals, environmental and social impact assessments need to be complemented with human rights expertise. This may require additional capacity building within
Recommendations: improving corporate human rights performance

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• Adherence to the corporate responsibility to respect human rights means that the implementation of environmental and social management plans needs to become improved. To better identify and address the human rights dimensions of project proposals, environmental and social impact assessments need to be complemented with human rights expertise. This may require additional capacity building within ESIA consultancies on how the risks of projects can be addressed so that human rights awareness is raised within project operators.

• Adherence to the corporate responsibility to respect human rights requires a couple of changes in how new projects are developed and in the way projects are acquired. First of all, investment teams and acquisition teams must identify potential impacts on communities so that a qualified community relations team with adequate technical and social skills can be set-up early on. Second, this community relations team needs to involve a high level of leadership who is able to convince higher management of getting access to adequate resources. The social manager is also responsible for designing and implementing the procedures and processes that include the objectives of full access to information and meaningful participation. Also, the community relations team must start ongoing team-building activities to improve awareness for the conflict sensitive issues they have to deal with, and to improve communication amongst staff members. Inexperienced staff members must have an experienced supervisor. Eventually, regular feedback sessions need to be organized in order to identify when and why mistakes occur and stimulate an individual and group-learning process.

• Respect for human rights means that the human rights principles of access to information and meaningful participation must become standard practice by business in displacement and resettlement activities. Especially, social performance and human rights staff members in companies need to focus on identifying strategies for how to, given the contextual issues, ensure access to information and meaningful participation as much as possible. Also, they need to monitor implementation of these strategies on an on-going basis, through moments of sharing experiences, feedback, and advice.

• To respect the human rights of project-affected peoples, project managers need to secure longer-term investments for livelihood restoration activities (this may be up to ten years). Much deeper thinking on how livelihoods can become adjusted should result in more effective plans and strategies for project-affected peoples. New forms of income-earning activities, social relationships, and new skills may need to be obtained.
so that people can prosper. This can only be achieved by the meaningful participation of those people affected, and especially vulnerable households.

- Improving the implementation of the corporate responsibility to respect human rights would require a more prominent role of National Human Rights Institutions (NHRIs) in monitoring the resettlement activities of business. In many countries, this implies that NHRIs need to receive capacity building as well as stronger mandates to fulfil an independent role in monitoring, evaluation and investigating claims of human rights violations.

- The corporate responsibility to respect human rights requires changing the training and education of students. “If students are to become more holistic thinkers, having regard for issues such as ethics, logical integrity and emotional acceptance, greater emphasis needs to be placed on the qualitative sciences” (Pant and Baroudi, 2008, p. 127). The United Nations Principles for Responsible Management Education stressed the need for educating and training graduates in business schools regarding the human rights principles directly relevant to business operations. Thus, academics and policy-makers need to think critically about how to change the current education system, especially disciplines of (mineral) economics, economics and business, project and supply chain management, and law studies. In order to solve the business and human rights predicament, students from various disciplines need to be trained with a holistic mindset that includes a focus on developing their soft skills.

It is of vital importance that more academic research is undertaken in the real world. The chosen research methodology in this PhD research involved becoming an intern in two mining companies, and this was essential for comprehending the real-life challenges of the business and human rights predicament. I believe that more research should be undertaken by taking on a practical and qualitative approach by which the researcher becomes immersed in the reality of the topic under investigation.

Having completed this PhD research, there are still many issues that would need closer scrutiny, and therefore would be interesting subjects for further research. One of my conclusions is that much more attention needs to be given to improving access to information
and meaningful participation. How this exactly has to be done in practice, given many contextual aspects of project areas, will be the main challenge for project staff. Therefore, more research inside of companies should be focussed on identifying best practice strategies on providing project-affected peoples adequate access to information. Also, successful and failing strategies of meaningful participation should become identified. Such an analysis can result in a useful tool for companies aiming to reduce and avoid local conflict, improve their resettlement processes and thus have better human rights performance. In addition, more research conducted on the human rights function within business can improve the understanding of the challenges and successes of internalizing human rights. Eventually, there exists a major shortcoming in the literature on the social and human rights impacts of linear projects. Therefore, more research is needed on the human rights challenges that are specific to linear projects, and how these should be managed.

On the overall, I find that the social dimension of sustainability needs to receive more attention in academic research. This can be achieved by conducting research on the social and human rights dimensions of Project Management. Often the perspectives from communities are investigated, which is of course of extreme importance, but equal attention should be given to how company staff contribute to, or obstruct, achieving more socially sustainable outcomes for communities. Research should focus on how community and company perspectives can become better aligned. This also implies that researchers in the social and human rights (activist) area need to better understand internal company mechanisms, and be open minded to comprehending how company staff are operating in practice including the challenges they grapple with on a day to day basis.

An element that has not received much attention within project management, human rights, and impact assessment research is how staff within corporations manages environmental issues and impacts. Over the last decades, a lot of conflict and human suffering is caused by environmental impacts that have not been adequately mitigated by business enterprises. The performance of environmental departments, the practice of staff and their challenges experienced, is therefore also vital for improving implementation of the corporate responsibility to respect human rights. More interdisciplinary and empirical research in this area can contribute to the recent development in the United Nations of establishing a new human right to a clean, healthy and sustainable environment.
International and human rights law students should focus on exploring the possibilities for having the adverse impacts of multinational corporations investigated in international courts. When multinational corporations face a risk of litigation in international courts, this can form a strong incentive for powerful individuals in companies to bring about more critical change internally, which will have beneficial outcomes for communities at the local level.

**Final comments**

To improve the implementation of the corporate responsibility to respect human rights, companies have to change from the inside out. Staff members including the managers from all departments have to look critically at their existing management plans and procedures, and look where there are gaps in terms of human rights breaches. Undertaking environmental and social impacts assessment and implementing management plans is an essential element of achieving respect for human rights. The Human Rights Sphere should be utilized to better understand the human rights dimensions of project sites, and how to address these. Ideally, no plans separate from social management plans regarding respect for human rights should be developed, because this will likely result in box ticking. There is a need for an integrated whole.

Companies need to move away from solely focusing on achieving outcomes and results; a human rights based approach is as much concerned with the process. Implementation is key. Adequate implementation can only be achieved when the capacity of staff members is increased. Staff members need to become trained in their technical and in their soft skills especially when involved in managing sensitive and complex situations in displacement and resettlement. Also, the staff in multinational corporations have a key role in training the staff of local business enterprises (their contractors) in developing awareness of international and human rights standards, and by training their soft skills that ensures more adequate implementation of social and human rights policies.

The corporate responsibility respect human rights means in reality that corporations should follow all relevant human rights standards, related to the specific human rights issue they are involved with. Companies may not be able to manage all human rights issues at the same
time, or avoid all human rights impacts. However, they should create the enabling conditions for project-affected peoples to restore and improve their livelihoods. Therefore, human rights principles of access to information and meaningful participation must receive much more attention in companies; currently these aspects are severely undermined and therefore result in weak livelihood restoration outcomes. Especially in developing contexts, changing the subsistence livelihoods requires very careful consideration of realistic alternatives for livelihood restoration.
References


Introductie

De activiteiten van bedrijven kunnen positieve en negatieve gevolgen hebben voor de mensenrechten van lokale bewoners. In 2011 heeft de Verenigde Naties een nieuwe richtlijn geaccepteerd die de verplichtingen van overheden en bedrijven in geval van bedrijfsgerelateerde mensenrechten schendingen verduidelijkt en bevestigt. De acceptatie van deze richtlijn, the United Nations Guiding Principles on Business and Human Rights, vertegenwoordigt, voor het eerst in decennia, een internationale overeenstemming op het gebied van mensenrechten en bedrijfsvoering. De Guiding Principles stelt vast dat bedrijven, ongeacht de mensenrechten verplichtingen van overheden, de verantwoordelijkheid hebben om mensenrechten te respecteren in relatie tot hun eigen activiteiten en in relatie tot de activiteiten van zakenpartners. Sinds de acceptatie van de Guiding Principles hebben honderden multinationale ondernemingen bevestigd dat respect voor mensenrechten een centraal onderdeel is in hun bedrijfsvoering. Echter, er vindt weinig onderzoek plaats naar de implementatie van de Guiding Principles en wat het effect is voor lokale bewoners die de gevolgen van bedrijfsactiviteiten ondervinden.

Grootschalige projecten hebben een negatief imago rondom mensenrechten omdat de landaankoop voor deze projecten vaak gepaard gaat met de onvrijwillige uitzetting van lokale bewoners, en als gevolg hiervan deze gemeenschappen slechter af raken. Sinds 1980 hebben talloze antropologische onderzoeken geconcludeerd dat de gevolgen van landonteigening en het verplaatsen van dorpen voor ontwikkelingsprojecten, met name wanneer het kwetsbare bevolkingsgroepen betreft, zorgt voor de verarming van deze groepen. Deze verarming houdt in dat de mensenrechten van getroffen bewoners en gemeenschappen niet voldoende kunnen worden gewaarborgd. Volgens schattingen worden 15 miljoen mensen jaarlijks onteigend voor grootschalige projecten en betreft het met name inheemse volken en groepen die afhankelijk zijn van zelfvoorzienende landbouw en visserij. Door globalisering worden grootschalige projecten in toenemende mate beheerd door multinationale ondernemingen, bijvoorbeeld in de mijnbouw, olie en gas industrie, de intensieve landbouw en veeteelt, de voedselindustrie, en in (gerelateerde) lineaire projecten zoals spoor- en snelwegen. Voor internationale ondernemingen hebben financiële instituties, zoals de International Finance Corporation van de Wereld Bank, uitgebreide milieu en sociale standaarden opgezet die investeerders moeten aanzetten om de negatieve effecten van hun projecten in kaart te brengen, te vermijden en te mitigeren, en daarbij de levenstandaarden van getroffen bevolkingsgroepen te herstellen en te verbeteren.

Dit proefschrift is gericht op het analyseren van de mensenrechten effecten van grootschalige projecten op lokale bewoners en gemeenschappen. Hierbij is het onderzoek gericht op de implementatie van procedures rondom landonteigening, compensatie en het herstellen en verbeteren van de levensstandaarden van getroffen lokale bewoners en hun gemeenschappen. Het onderzoek heeft plaatsgevonden in Mozambique, waar ik deelnam aan de activiteiten van