

FACTSHEET ON IMPACT OF EXTRACTIVE PRACTICES

With a Focus on Women

MARCH 2019

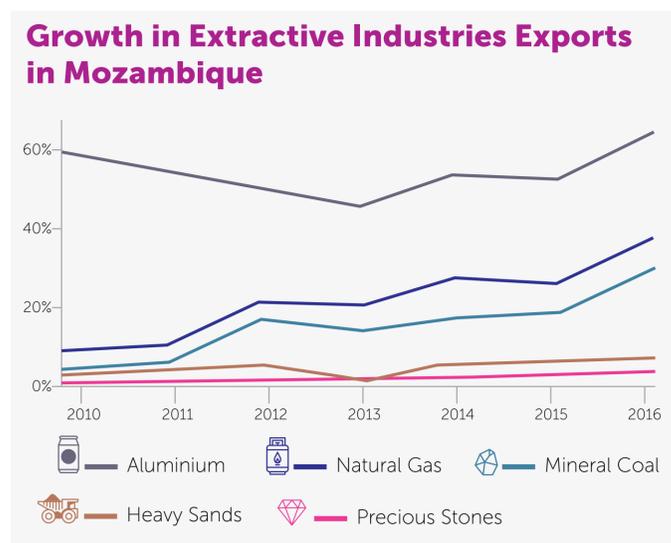
Aim

This factsheet outlines the impact of extractive industries on affected communities, including women, children, and people with disabilities. It also details the existing legal protections while drawing attention to laws and policies which need to be further strengthened.

Issues relating to natural resource extraction within Mozambique have recently gained more prominence. To mitigate the situation from becoming more desperate, it is vital that all stakeholders work with affected communities to ensure real sustainable development while safeguarding the people's rights.

What are Extractive Practices?

Extractive industries can be defined as processes that involve different activities that lead to the extraction of raw materials from the earth (such as oil, metals, minerals and aggregates), for processing and utilization by consumers. (UNCTAD, 2012)



Source: adapted from The World Bank, Mozambique Economic Update, July 2017

Current Status

Mozambique's Constitution protects the fundamental human rights of all its citizens. There are also national laws, norms and policies aimed at regulating access to and use of land, protection of the environment, and exploitation of natural resources. Implementation of these protections however remains a challenge.

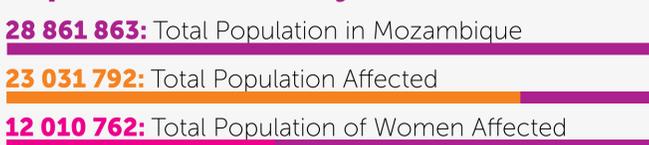
The exploitation of natural resources affects communities' livelihoods, most of whom live on subsistence agriculture, with land being one of the first assets to be expropriated.

Extractive practices also have an adverse impact on 10 out of the 17 Sustainable Development Goals (SDGs).



Source: adapted from EITI, Final Report Independent Administrator, February 2018

Population affected by Extractive Practices



Source: as suggested by the Census 2017 (Preliminary Data)

Main Problems

 Inadequate consultation or compensation	 Resettlement doesn't provide equitable living conditions	 Pollution of air, land, and water	 Loss of Livelihood (access to fertile land, rivers, markets)	 Violation of cultural rights (ancestral graves, places of worship)
 Gaps in transfer of extractive revenue to affected communities	 Women excluded during decision making and compensation	 Women overburdened due to lack of water and food security	 Disruption of social networks (breakdown of women's support system)	 Increase in violence against women and early/forced marriages

Impact on Women

Relevant Laws

- Land Law (Law nº 19/1st October 1997)
- Law of the Environment (Law nº 20/1st October 1997)
- Environmental Regulation for Mining Activity (Decree nº 26/20th August 2004)
- Mining Law (Law nº 20/18th August 2014)
- Law of Petroleum (Law nº 21/18th August 2014)
- Family Law (Law nº 10/25th August 2004)
- Regulation on the Resettlement Process Resulting from Economic Activities (Decree nº 31/8th August 2012)

"The rights of the directly affected population are... to have their standard of living re-established, equal to or above the previous level... to have space to perform their subsistence activities; to give their opinion about the entire resettlement process."

Article 10, Decree nº 31/8th August 2012

Role of the State

- 1) The State should draft and implement laws that defend the rights of affected peoples.
- 2) As Mozambique starts to establish the Sovereign Wealth Fund, communities where extractive industries are present should be prioritised.
- 3) The State must facilitate inclusive and sustainable development for its people while encouraging economic growth.

Role of the Industries

- 1) Investment by the industries in the community, such as workforce training and health and education programmes, should be transparently devised and implemented with community participation.
- 2) The Industry should focus on environmental protections and safeguarding communities against potential harm.

Recommendations

- Respect the principle of free, prior, and informed consent.
- Resettlement processes require comprehensive consultation at all levels, with representation given to vulnerable populations including women.
- Ensure independent monitoring for resettlement process to protect peoples' rights.

Focus on Women:

- Promote women's ownership within the compensation and rehabilitation packages.
- Protect women's economic autonomy through the continuation of established saving groups.
- Provide equal representation to women in the Natural Resources Management Committees.

"The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate... [It] exists over and above compliance with national laws and regulations protecting human rights."

UN Guiding Principles on Business and Human Rights