



## Navigating plural legal constellations at the coal mining frontier in Mozambique

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### ARTICLE INFO

#### Keywords:

Resource frontier  
Resettlement  
Mozambique  
Corporate power  
Law

### ABSTRACT

In this article, I will focus on the emergence and dynamics of different laws, standards, and norms in the context of an extractive frontier. The extractive frontier is presented as a place where multiple jurisdictions overlap and in which new governance constellations and practices emerge. This article focuses on the laws and standards related to resettlement processes and compensation for loss of residence, land, and livelihood in the surroundings of two coal mines in Tete province, Mozambique. Resettlement processes are one of the most direct ways in which populations are affected by extractive projects and often associated with human rights violations. The paper focuses on resettlement officers of the mining companies who are at the forefront of planning and implementing such processes. Based on ethnographic fieldwork, including interviews with resettlement officers and participation in their daily lives, the article details how these individuals position themselves in relation to multiple sets of laws and rules (e.g. Standards of the International Finance Corporation, state mining law and resettlement regulation, land law, human rights law) and a variety of actors (e.g. mining companies, international finance institutes, government agencies, local populations, NGOs). Resettlement officers often work with standards that surpass national law but are in their implementation of regulations also curtailed by a seemingly absent state, divergent company policies, critical civil society organisations, and global commodity markets. A focus on the everyday intricacies of the work of resettlement officers, shows their power and constraints, and the dynamics by which hierarchies of rules and laws become unsettled at the extractive frontier.

### 1. Introduction

In this article I address the mining frontier as a context where different sets of laws and standards come together, clash, and are negotiated. Extractive projects bring together a variety of actors with different and sometimes opposing interests and worldviews (Buur et al., 2019; Pijpers & Eriksen, 2018: 1–2; Taylor & Menzies, 2012: 229). These form novel configurations in which existing regimes of control over resources, territory and populations are suspended and make way for new ones (Rasmussen & Lund, 2018). Such contexts are often referred to as “frontiers” that have the connotation of massive investments and grand opportunities, but also of social disruption, human rights violations, environmental degradation, and neo-colonization. The resource frontier has been described as wild, violent, and deregulated (Li, 2010; Tsing, 2005: 27–28). However, rather than lawless and unregulated, ethnographic research reveals governance constellations at the resource frontier to be “thick” and observes a “plurification” of regulatory authorities, albeit an uneven and patchy one (Côte & Korf, 2018; Watts, 2018). The mining frontier thus emerges as a sociospatial phenomenon

where many rules, orders, and governance regimes collide often in new ways (Larsen, 2015: 5; Rasmussen & Lund, 2018: 387). Frontiers are “complex plural constellations” (von Benda-Beckmann & Turner, 2018: 257) (e.g., Standards of the International Finance Corporation, state mining law and resettlement regulation, land law, human rights law) and a variety of actors (e.g., mining companies, international finance institutes, government agencies, local populations, NGOs).

Laws and standards play an important role in extractive projects because they define who has the rights to resources, who benefits from the resources, and how compensation, grievances, and protest are dealt with (Taylor & Menzies, 2012). Extractive projects often bring (expectations of) economic growth, jobs, and connections between local businesses and the global economy, but they are also inherently conflictual and often infringe the rights of local populations (Buur et al., 2019). Therefore, it is pertinent to understand how different sets of laws and standards relate to one another in the context of a mining frontier. How and when do certain sets of standards and laws apply? How are they interpreted and implemented? Who is involved in their implementation? What kinds of hierarchies of laws and standards emerge in a

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<https://doi.org/10.1016/j.ssaho.2023.100659>

Received 18 January 2022; Received in revised form 9 July 2023; Accepted 21 August 2023

Available online 31 August 2023

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context characterized by institutional patchiness? In this context of “complex plural constellations” (Benda-Beckmann & Turner, 2020: 22) made up out of diverse regulations, who and what ultimately shape which laws and standards are implemented? And how does this shape the lives of those who are affected by the mining frontier?

This article takes up these questions in relation to the process of planned displacement caused by coal mining projects in Tete province, Mozambique. Large-scale investments for mining (and other) projects often require the dispossession and dislocation of people from their land and homes, a process that in Mozambique is referred to as “involuntary resettlement.” This is involuntary because in the name of national interests the government can prioritize subsoil exploration over other types of land use. In Mozambique resettlement is associated with human rights violations and the increasing impoverishment of often already vulnerable people (Human Rights Watch, 2013; Lesutis, 2022; Lillywhite et al., 2015; Mosca & Selemene, 2011; see also Owen & Kemp, 2015). Buur et al. (2019) have argued that more inclusive economic transformations would involve a delicate balance between implementing investment and accommodating the rights of local populations. This legal landscape is however a complex one as it is characterized by different sets of laws and regulations that relate to different actors and work on different scales. Resettlement processes in particular draw on national laws, international standards (which I regard in this paper as a form of “soft law”), and corporate policies among others. Resettlement processes thus form an example of a practice that exists in the context of regulatory plurification of the extractive frontier. In Mozambique, such processes unfold in a context that is already characterized by multifaceted modalities of governance and multiple jurisdictions and involves various sets of governance actors (Obarrio, 2014). Mining-induced resettlement in Mozambique is planned and managed by extractive companies, but also involves government agencies, finance institutions, companies in the supply chain, local populations, national and international civil society organisations, and many more. These actors often draw on different regulatory traditions with different views on rights, responsibilities, and processes (see also Taylor & Menzies, 2012: 229).

In this article I will explore how different sets of laws and standards that shape resettlement processes relate to one another by zooming in on a crucial actor in resettlement processes: resettlement officers of extractive companies. I opt for the terminology resettlement officer, which is a profession that is also referred to as community relations officer or social assessment and impact manager. Resettlement officers find themselves typically in relation to actors with divergent interests, such as mining companies, government officials, and local populations. These interests also reflect in how resettlement managers relate to and navigate different sets of laws and standards, and how they translate these into plans and practices. I will show that in the context of the coal mines in Tete, the hierarchies of laws and standards are not fixed and that their implementation depends highly on the nature of a particular coal mining company and is determined by the reluctance or incapacity of the state to enforce laws. In this context, international standards and voluntary corporate guidelines often result as more important points of reference than the ‘hard laws’ of the state. Resettlement officers are at the forefront of implementing resettlement and thus in choosing directions in what rules and laws are important points of references and which are less so. By focusing on resettlement officers, we can explore one of the ways by which corporations act as governing actors at the extractive frontier.

I draw on fieldwork conducted between 2016 and 2019 in the surroundings of coal mines in Moatize, a district in Tete province, where since 2011 large-scale mining-induced resettlements took place. Given that coal resources in Moatize are located in relatively densely populated areas, residents needed to be relocated to areas away from the mining site to prevent them from suffering the most direct and harmful effects of coal mining. The research included interviews with resettlement officers of various extractive companies in Mozambique. I accompanied four resettlement officers in their daily work in Tete and

Maputo, and I participated in a two-week course on land acquisition and resettlement taught in Maputo and that is generally followed by resettlement officers. In addition, I conducted fieldwork in different resettlement areas, and I did interviews with activists, NGO staff, as well as government officials.

The paper is structured as follows: I will start by giving an overview of the most important sets of laws and standards related to resettlement processes. Subsequently, I will introduce the resettlement officers and the context of Tete. Then I will provide an ethnographic exploration of how resettlement officers relate to different sets of rules and laws and how these result in the implementation of resettlement processes.

## 2. Rules, laws, and standards of resettlement

The plural legal constellations that shape resettlement processes in Mozambique have roots in colonialism and reflect global connections shaped by multinational companies as well as development cooperation and human rights discourses (von Benda-Beckmann & Turner, 2018). The regulation of resettlement processes in Mozambique is a complex meshwork of sets of standards and laws that work on different scales and involve different actors. For the sake of clarity, in this paper I make a rough three-way division between 1) national law and regulations, 2) international soft law related to corporations, and 3) human rights law. I will now briefly introduce these three sets of regulations.

First, in legal terms, one could say resettlement starts with eminent domain – the power of the state actor to take private property for public use under certain circumstances in the name of national interest (Buur et al., 2019). The constitution of Mozambique states that people have the right to equitable compensation for expropriated assets and the right to a new and equal plot of land. The resettlement process is thus part of the compensation for expropriation. In the context of international investment projects, the government of Mozambique plays the role of an arbiter. According to the Art.30 of the Mozambican Mining Law, the government oversees the exchange deals made between the investors, in this case coal mining companies, and the people to be resettled. The government is also in charge of settling any occurring disputes. Consequently, one of the main tasks of the government is the provision and enforcement of laws and regulations concerning resettlement. One of the main legal instruments for resettlement is the regulation for resettlement resulting from economic activities, Decree nr. 31/2012 of 8 August 2012, and a new mining law, approved in 2014 (Law no. 20/2014 of 18 August). This regulation and the revised mining law were developed after criticism by civil society organisations of initial resettlement processes by the coal mining company Vale in 2009. These laws and regulations were formulated in consultation and negotiation with corporate actors, the World Bank, and international donors, among others (Schubert, 2020: 552–553; Wiegink, 2020). This is not exceptional in Mozambique, as Obarrio (2014) shows, juridical reform in post-colonial Mozambique is generally shaped by foreign agencies. The Mozambican legal framework concerning project-induced resettlement is perceived as progressive and there are indications of strengthened audit regimes and improved efficiency in the governing of the extractive industry (Schubert, 2020: 552–553). The resettlement regulation for instance stipulates that companies are obliged to conduct community consultation before the beginning of the mining operations and to provide for fair and transparent compensation for affected households when mining activities implies resettlement. Under this regulation, the government can fine companies or withdraw mining licenses if relocation happens without observing communities’ social and economic interests. However, illustrated by the widely reported flaws of the resettlement processes in Tete (Lesutis, 2019a,b; Lillywhite et al., 2015), the poor implementation and lack of enforcement of these legal provisions has been a stumbling block for a more effective protection of people’s rights.

Second, resettlement is further regulated by different sets of standards that can be described as “soft law”, which refers to non-binding instruments, for example declarations, environment and social

standards, and codes of corporate conduct (Blackett, 2001: 402; Sandvik, 2011; Zerilli, 2010). Such initiatives have proliferated in recent decades and more and more companies subscribe to such “soft standards” and, increasingly, sustainable development principles (Rajak, 2020). The most important standards for mining-induced resettlement are the performance standards of the International Finance Corporation (IFC) of the World Bank Group, which refers to land acquisition and involuntary resettlement, and the standards of the International Council on Mining and Metals (ICMM). The IFC standards are seen as having “serious teeth” as complying with these standards or not may make the differences between obtaining a loan or equity finance or not (Addison & Roe, 2018). The industry organisation ICMM is specifically relevant for mining companies, as it aims to guarantee safe and fair mining through a set of Mining Principles that members are expected to adopt. One of the first mining companies that operated in Tete, Rio Tinto, was a founding member of the ICMM. Vale re-joined the ICMM in 2017. Such guiding principles are voluntary and can be regarded as part of a global system of ethical governance that naturalizes the role of corporations in development efforts and strengthens corporate power (Dolan & Rajak, 2016).

Third, resettlement processes are also potentially considered a human rights issue, as the impact of relocation of people often has adverse effects on livelihood means, access to water, and much more. The UN Guiding Principles on Business and Human Rights (UN, 2011) involves a commitment to avoid, mitigate, and remedy negative impacts on human rights caused or related by activity of a business project (Van der Ploeg & Vanclay, 2017). The proliferation of human rights in business practices and standards is immense, but this is still largely a voluntary commitment (ibid.). While (some) companies (often backed-up by donors) present themselves as champions for human rights, the human rights record of project-induced resettlement is a rather bleak one, also in Mozambique. The dire living conditions in the resettlement areas of Mualadzi and Cateme in Tete province have been covered in various reports by international organisations such as Human Rights Watch (2013) and Oxfam (Lillywhite et al., 2015) and national organisations such as the Human Rights League, Centro Terra Viva, Observatorio Meio Rural, Justiça Ambiental, and CIP. Reported human rights violations include loss of livelihood activities, such as farming, fishing, and selling stones or charcoal; an insecure supply of water; the lack of participation in decision making processes; lack of information and documentation; and a repressive attitude of the government, especially when resettled people voiced their discontent (Human Rights Watch, 2013; Lillywhite et al., 2015; Mosca & Selemene, 2011; Siteo & Queface, 2015). The national Human Rights League has brought several cases to court in Mozambique. But court cases have dragged on and have not resulted in additional compensation for people affected by resettlement or in substantial sanctions for mining companies.

All of these sets of hard and soft laws apply to the resettlement context or, one could argue, should apply. Yet these sets of laws are differently applied, enforced, and understood across resettlement projects in Mozambique. To understand how and when certain sets of hard or soft law become relevant and how these different sets relate to one another, I will zoom in on the work of resettlement officers in the coal mining area in Tete and how they navigate these plural legal constellations in relation to resettlement projects.

### 3. The in-betweenness of the resettlement officer

Resettlement officers generally oversee the design and implementation of resettlement projects. Project-induced resettlement in Mozambique has significantly increased since the 2000s when the government of Mozambique centralized extractive projects as the principal vehicle for developing the country. The development of the coal mines in Tete was the first big extractive endeavour and involved the resettlement of over 10,000 people between 2009 and 2014 alone (Lesutis, 2019a,b). In this paper I focus on the resettlement officers who worked in Tete for the mining companies Vale and ICVL.

The Brazilian mining company Vale was the first to start coal production in 2009 as it acquired the Moatize concession and developed the Nacala Logistic Corridor (NLC), which includes a railway that runs from Moatize through Malawi to the coal terminal at the deep waters of Nacala port. The second largest coal concession, the Benga mine, was initially explored by the junior mining company Riversdale, which was acquired by Rio Tinto, a British-Australian mining company. Rio Tinto's mining operation in Mozambique was short-lived as in 2014 the company sold its assets to the Indian consortium International Coal Venture Limited (ICVL) consisting of predominantly state-owned companies. These companies were responsible for the building of the two biggest resettlement villages, Cateme and Mualadzi, located about 40 km from Moatize town. At the time of fieldwork, relocation to these villages was largely completed, and the resettlement efforts primarily addressed the restoration of the inhabitants' livelihoods. This was the main task of the resettlement officers who I encountered during fieldwork.

“The company does not want to spend too much money, the communities are never satisfied, and the government wants to get something out of this, this is so stressful.” These are the words of Ibrahim (a pseudonym), a resettlement officer for one of the coal mining companies in Tete. His job was to negotiate and implement resettlement processes. His words summarized the way in which resettlement officers for extractive companies in Mozambique generally characterized their position: as balancing interests of a variety of actors that include the state (often a variety of state agencies), the mining company, the people affected by resettlement, and civil society organisations. Resettlement officers have the delicate job of changing people's lives profoundly, while also—among other things—keeping within the company's budget and timelines. They are in the forefront of ensuring a company's “social license to operate” and they oversee implementing Corporate Social Responsibility (CSR) projects. Consequently, they must manage relationships with government agencies, local communities, sub-contracted companies such as consultancy firms and other relevant actors. This happens in a particular political context, which in Mozambique is characterized by a dominant but often distant governing elite mainly made up by the Frelimo party, of which many members have great interests in the extractive industry (Macuane, Buur, & Monjane, 2018). In addition, resettlement processes, and the work of resettlement officers, are shaped by shifting global commodity markets, local conflicts, and the scrutiny from watchdog organisations to name just a few contextual factors.

The resettlement officers of the coal mining companies in Tete were generally Mozambican. They were often in their 30s or 40s, most of them were men, and most of them had university degrees in social sciences or law. They typically worked in a team consisting of high-educated officers from Maputo and more junior local officers with the ability to speak the local language. The more senior officers I spoke to were part of Maputo's middle class, often educated or trained abroad. In some cases, their education was paid for by mining companies. The officers resembled in several ways the “mediating bureaucrats” described by Buur and Nystrand (2020). They use this notion to characterize the position of high-level directors in the sugar industry of Mozambique, who move between different constellations of public and private office, including different positions in the Frelimo party and government (Buur and Nystrand, 2020). Similarly, senior resettlement officers in Tete have often been employed as assessors in government ministries or were so after having worked in the extractive industry. Consequently, the resettlement officers I encountered were well situated to navigate between different social realms, and to employ different rules and “tacit codes” (Blundo & Olivier de Sardan, 2006). These included different sets of national laws and company standards, but also the less formal ways of engaging with for example government officials. These navigations of resettlement officers were however constrained by the nature of the mining company and global and local developments in the extractive industry.

#### 4. “The Indian is complicated”<sup>1</sup>

How global commodity markets and the nature of mining companies shape resettlement practices is well illustrated by the predicament of resettlement officers working for ICVL, the Indian consortium that took over the mining concession of Rio Tinto. Ibrahim, who I introduced previously, was one of the senior resettlement officers of ICVL. Although Mozambican, he was schooled in South Africa and gained most of his working experience with Rio Tinto. He had fond memories of that period. In one of our conversations, he reminisced nostalgically that “Rio Tinto was a great school for me. They worked with the highest international standards. We had a great livelihood program, developed by KPMG.<sup>2</sup> That is the best, internationally. So, we were really working well.” In Ibrahim’s view, ICVL compared rather poorly to Rio Tinto and resulted as “complicated.” As ICVL took over the Benga concession in 2014, coal prices were very low and soon ICVL paused its coal production. For years, the community relations office of ICVL did not receive extra funding, the salaries of Ibrahim and other Mozambican employees were paid but frozen, and their health care insurance was stopped. The resettlement managers discontinued their regular visits to the resettlement area of Moatize because they had no funding to fulfil the demands of the residents. The resettlement process which already had been flawed according to Oxfam (Lillywhite et al., 2015) and other organisations, started to crumble further.

The change in ownership of the mining concession was also noticed in the resettlement village Mualadzi and relationships between the local population and the company were quite sour when I conducted fieldwork between 2016 and 2018. “We have never seen the Indian”, several residents of Mualadzi said to me. They wondered where the resettlement funds went, and rumours circulated about Ibrahim and other resettlement officers “eating” the resettlement benefits. This situation put the resettlement officers in a very tight spot. They were criticised by the residents of the resettlement area for not living up to the company promises. At the same time, they were not receiving any back-up from the company, which kept them on a pay roll but allocated no resources to the resettlement process. In other words, ICVL was not accommodating the rights of the population affected by the mine.

Resettlement officers are involved in a realm of activities that are often not the priority issue for extractive companies. The mitigation of social impact of extractive projects usually costs more time and money than initially planned for (Owen & Kemp, 2015). However, most of the resettlement officers that I spoke with considered their work as central for the business of the company. They made the so-called “business case” for good community relations, as conflict and protests of people in the surroundings of the project result in delays and in more costs in terms of money, time, resources, and often company reputation. To illustrate this, many resettlement officers in Tete recalled the protests in 2012, when residents of Cateme blocked the railway that passed their village and thereby stopped Vale’s coal production for several days. With this example resettlement managers argued that “bad” resettlement is bad for business. This logic is repeated in scholarship about “soft” security measures in the surroundings of extractive companies that are considered to be part of the business practices of mining companies (e.g., Buur & Sumich, 2019; Hönke, 2013). In addition, the business case for good community relations is widely used in the resettlement consultancy

<sup>1</sup> This is a quote from a resettlement officer that resonates with other remarks made by Mozambican interlocutors in reference to extractive enterprises from Indian origin. This merits further analysis of the (racial) hierarchies and a general reflection on “postcolonial meanings attributed to whiteness, including expertise, technology, power, money, hard work, meritocracy, and philanthropy” (Appel, 2019: 28) in Mozambique’s extractive context that go beyond the scope of this paper.

<sup>2</sup> KPMG is one of the world’s biggest international accountant and consultancy firms providing audit, tax, and advisory services.

literature and supported by World Bank and donors’ hopes that resettlement will result in opportunities for sustainable development (Reddy et al., 2015). However, companies relate in different ways to the “sustainable development” paradigm and to CSR standards. In addition, for some company’s CSR reputation seems to be more important than for others. In Ibrahim’s view, ICVL did not care as much as other companies operating in Mozambique did and this was exemplified in the company’s decision to pause resettlement activities when the company faced dropping coal prices and temporarily stopped mining operations. This had no legal consequences and left Ibrahim and his colleagues with nothing much to do than to wait and stall the resettlement process until coal production would pick up again.

#### 5. “There is no control”

The resettlement officers that I spoke to in Tete, thought it was the job of the Mozambican government to address misconduct of mining companies and to monitor whether national laws and regulations were followed. These expectations became particularly apparent when the resettlement officers reflected on the challenges they faced with involving government actors in resettlement processes.

On a day in May 2017, I accompanied two Mozambican resettlement officers of Nacala Logistics Corridor (*Corredor Logístico Integrado de Nacala*, CLN), a joint venture of mining company Vale and the state company Mozambique Ports and Railways (*Portes e Caminhos de Ferro de Moçambique*, CFM). The Nacala Corridor project was for eighty per cent owned by Vale. It entails a 900 km-long railway to transport coal to the port of Nacala. While parts of the railway were pre-existing, 230 km of the railway needed to be constructed anew between 2011 and 2014, which resulted in the resettlement of 1817 households and affected 12,000 households economically as the railway passed through their farmland.<sup>3</sup>

I joined the two resettlement officers on a visit of communities affected by the railway infrastructure in Moatize district. We drove along the railway north of the town of Moatize almost up to the border with Malawi. The dry, hilly bushland was populated with sporadic villages and homesteads. The flag of Renamo (the National Resistance of Mozambique, *Resistência Nacional de Moçambique*), an armed group and the main opposition party of Mozambique, was flying in several settlements. This was a remarkable sight as open support of for Renamo was in many parts of Tete considered dangerous. Between 2012 and 2016, Renamo combatants and government security forces were engaged in an armed conflict which mainly impacted central Mozambique, including Moatize district. While at the time of fieldwork in 2017 hostilities had ended, politically the relations between the two parties were very tense.

I made a remark about the Renamo flags and the CLN resettlement officers confirmed that this was an area with much support for Renamo. “People at the bottom do not like those at the top,” one of them said, adding that “the government hardly shows its face here. There is nothing here. No jobs, no health posts. There is nothing to find here.” From this the conversation moved naturally to what the (seemingly) absence of the government meant in relation to the mining projects. One of the resettlement officers who I will call Marco, explained that:

There is very little control in this area. And if they [government officials] accompany you to communities we need to pay them. I am talking about the directors and *tecnicos* [of the government]. Do you remember the payments I made yesterday? That were payments to the technical guys of the government - their *per diem*. But they might also simply say, ‘I have no time, I have other work to do.’ That is not

<sup>3</sup> Synergia 2016, Nacala Corridor Resettlement Status Report for Lenders, [https://www.afdb.org/sites/default/files/documents/environmental-and-social-assessments/mozambique\\_-\\_nacala\\_rail\\_port\\_project\\_-\\_summary\\_rap\\_-\\_10\\_2015.pdf](https://www.afdb.org/sites/default/files/documents/environmental-and-social-assessments/mozambique_-_nacala_rail_port_project_-_summary_rap_-_10_2015.pdf).

right. It is their job to control. But here there is no control. And if they send someone for an audit, they have no idea. They send sociologists that just come from university and who have no idea what to ask. The government just wants to know something when they need money, and then these *per diems* come in handy.

From the perspective of these resettlement officers, the government was absent and failed to provide for the local populations in the rural parts of Moatize. In their view, government officials failed in controlling or auditing the mining companies, and merely profited from the mining companies when it suited them. *Per diems* were an essential means for resettlement officers to involve government actors, however not in a meaningful way.<sup>4</sup> The resettlement officers considered their work with the *comunidades*, including the compensation offered for resettlement and the community projects they implemented, to be solely at the initiative of Vale or in this case CNL.

Another resettlement officer of Vale expressed a similar analysis: “The norms of CSR are very beautiful. But the government does not have the capacity to comply with this law [and] to call on the companies to submit their CSR plans. This you cannot leave up to the liberty of the companies. [...] It is already something if the companies [make a CSR plan], all alone, without being obliged by no one, if they remember this.”<sup>5</sup> This resettlement officer painted a picture of an absent government and a very willing company that complied with all the norms and did even more than was demanded of them by national law. He alludes here to the “soft laws” and standard settings of companies and international bodies such as the EITI that introduce voluntary standards. Compliance with such standards is often expected from investors, shareholders, and other actors. In such a context international standards and expectations are higher than domestic requirements (Tagliarino, 2016).

Similarly, CSR efforts were also understood in terms of exchanges between the company and the government. During our trip along the railway, Marco pointed out a village where he and his colleagues planned to dig three boreholes. “But these will be on the record of the government.” Why is the government not drilling the boreholes themselves? I asked. Marco answered that the government does not have the funds, “so we do it for them.” He shrugged, to him this was one of the several ways in which their social projects merged with the interests of the district government. But this is also one of the many ways in which corporate actors take up governance tasks (see von Benda-Beckmann et al., 2009) or in this case strengthen the government, which in Mozambique also means strengthening the party in power, Frelimo.

While Mozambique’s expropriation and resettlement laws are regarded as quite comprehensive, the implementation of this legislation has been slow, and the capacity of state actors to enforce the law is considered weak (LANDac, 2016). The resettlement officer of Vale also mentioned that the government of Mozambique does not “oblige” companies to follow certain laws and standards. He worked for six years in the mining industry and observed that the mining companies have only minimally been held accountable by the government for malpractices, a process that is further complicated by the alleged corruption of courts. In this context, following regulations and standards is largely up to individual companies, and, as we will see in the next section, their critics. This does not mean that resettlement officers do not engage with state actors. Yet in their experience these engagements were not shaped by the laws and regulations that govern project induced resettlement. Zooming in on the everyday practices of resettlement officers, we see

<sup>4</sup> *Per diems* are often-generous payments for participation in workshops or activities organized by companies or NGOs. Such allowances are considered as much-needed salary augmentations and are generally seen as a way to distribute resources to the government, but also allow for personal patronage dynamics and the hollowing out of state organisations (Pfeiffer, 2003).

<sup>5</sup> Interview: 20 March 2017.

that the relationships with state actors were shaped by relationships of exchange. This is illustrated for instance by the handing out of *per diems* to “technical guys” of the government.

While the Mozambican government at some level can be considered as an arbiter that sets laws, allocates concessions, and approves resettlement plans, among other things (Bainton & Skrzypek, 2021; Rigi, 2007), resettlement officers operate in a space where the state is not (perceived as) acting as a regulatory or controlling body. Rather, the state-company relationships that resettlement officers are managing are shaped by dynamics of exchange and politics. Within such relationships resettlement officers mediate the diverse interests of the state, the party, and companies and “liaise between business and political interests, technical and technocratic concerns, and administrative and legal procedures” (see Buur & Nystrand, 2020: 343). Which CSR guidelines and regulations are followed and to what extent, are thus the results of a translation of these interests.

## 6. “It seems like no one sees this”

In addition to state actors, civil society organisations, including watchdog organisations and (environmental) NGOs, were another actor that shaped how resettlement officers navigated and understood the implementation of laws and regulations surrounding mining and resettlement.

On my trip with Marco, the resettlement officer working for the CNL railway, we passed the dry port of Jindal Africa, an Indian coal mining company. It was a big terrain on the fringes of a populous neighbourhood of Moatize town. There was a row of train freights loaded with coal, prepared to be taken by railway to the Nacala sea port. On top of one of the freights, someone was shovelling the coal from one side of the freight to another. Marco was shocked. “This would have never been possible within Vale”, he said, and pointed out that “the guy does not even wear a mask.” In the Vale mine and in the CNL offices the work of loading coal freights is automated and strict health and safety regulations are in place and followed, as I had come to experience while travelling with Marco. Upon entering the CNL offices I was first shown a video that instructed the viewer on the values and health and safety rules of Vale. Marco dutifully reminded me to put my seatbelt on every time we entered the car and in the courtyard of his office told me not to enter the freight garage wearing my sandals as people were obliged to wear fortified boots and a helmet in that area.

Marco moved his attention from the shovelling man to the surroundings. He pointed out the trees and the houses adjacent to the dry port of Jindal that were all covered in black coal dust. “This should not be this way. But there is no one who says anything. The government does not, and neither does civil society. I do not understand this. They [civil society organisations] only focus their attention on some companies, such as Vale. They never say anything about Jindal and ICVL. They do not care.” To stress that Vale *did* “care”, Marco told me about the audits that Vale is subject to. Fortunately, he said it is not the government that does this, but the World Bank and IFC. “But I wonder if these other companies do such audits”, he added. “These are voluntary.” His words rang with a certain pride for working for Vale, a company that was following “the rules” and was working in his view up to standard.

Why then is Vale investing so much in social impact mitigation, I asked. Marco said: “Because it has a name to protect. They do not need reputation damage. A company like Jindal does not care. If we would do the same things. Our gates would be closed. People would be protesting. But Jindal ..., it seems like no one sees this.” Marco referred to past protests of *reassentados* in Moatize, but also suggested that NGOs and watchdog organisations keep a close eye on Vale. Due to previous malpractices elsewhere (Marshall, 2015), Vale has been closely scrutinized by various NGOs and human rights organisations in Mozambique (Human Rights Watch, 2013; Lillywhite et al., 2015) and by international organisations such as the global activist organisation, People Affected by Vale (*Atingidos pela Vale*). To Marco it felt unfair that Vale

received so much criticism in Mozambique, while many other companies could do as they pleased and get away with this. The standards that NGOs and international organisations applied when assessing the human rights record in the extractive industry thus seem to differ per company and are shaped by past histories and the nature and provenance of a company (Kirsch, 2014; Salverda, 2019).<sup>6</sup> Some companies, such as Vale, may go beyond national law and standards and provide more resources to CSR projects or resettlement efforts (see also Li, 2016). Other companies seem to have less concerns about company reputation, such as Jindal. Such differences directed the companies' allocation of resources and personnel to resettlement processes and thus influenced the daily work of the resettlement officers, including the extent to which this was in concurrence with the soft and hard laws relating to resettlement.

In 2015, Jindal was accused by civil society organisations for non-compliance to their resettlement plan. About 300 households had been waiting for six years for resettlement, while the company enclosed their homes within the fence of the mine and started mining operations in their vicinity. The court acknowledged the non-compliance of the company and ruled in favour of the plaintiffs, yet there was no further action taken to commence the resettlement process, nor was the company sanctioned. In 2020, Justiça Ambiental and Friends of the Earth called the company's way of operating a "classic example of corporate impunity."<sup>7</sup>

## 7. Final reflections

In August 2019 I followed a two-week course on resettlement, together with about thirty resettlement officers and other kinds of consultants (to be). One of the main themes of the course was the analysis of the social risks of land acquisition for projects and standards that exist to mitigate these risks. According to our teachers, the worst kind of trouble a resettlement manager encounter was to be accused of human rights violations. The course educators mentioned repeatedly that resettlement infringes potentially on many (human) rights issues. While this is true, ending up on trial for human rights violations is not a very likely scenario for a resettlement officer. Nor do resettlement officers consider possible human rights violations on a daily basis. Rather their work is characterized by managing diverging interests and considerations involving a variety of sets of rules, laws, and standards.

In this paper I sought to describe how resettlement officers navigate "complex plural constellations" (von Benda-Beckmann & Turner, 2018) of multiple sets of laws and rules, such as Standards of the IFC, state mining law and resettlement regulation, land law, human rights law, and how they engage with a variety of actors, such as mining companies, international finance institutes, government agencies, local populations, and NGOs. The experiences and reflections of resettlement officers of different mining companies in Tete shows the intricacies of implementing different sets of rules, laws, and standards and reveals that the extent to which certain regulations are followed is not fixed. This may be dependent on the mining company in charge, but is also shaped by company-government relations, as well as the relations between extractive companies and their critics. The uneven implementation of

<sup>6</sup> The attention of civil society actors may also be shifting over time. Over the 2010s large investments for liquid natural gas were made in Cabo Delgado. With these investments the attention of many civil society organisations in Mozambique shifted from the coal mines in Tete northwards where companies such as Anadarko, ExxonMobil, ENI, and Total started operations. Such shifts of attention should be understood in relation to the dependency of watchdog organisations and critical civil society organisations in Mozambique on donor funding that largely comes from European and North American agencies (Wiegink, 2020).

<sup>7</sup> [https://issuu.com/justicaambiental/docs/caso\\_estudo\\_jindal\\_ingles/s/10936247](https://issuu.com/justicaambiental/docs/caso_estudo_jindal_ingles/s/10936247), last accessed 4 October 2021.

regulations is thus not only shaped by corporate interests but also by the management of relationships with a variety of other actors, including state actors, (international) NGOs, watchdog organisation, and community organisations, lenders, and financial bodies. In this context, multinational corporations are not all powerful, nor is the state totally absent (Diphooorn & Wiegink, 2022). The mining frontier is a context in which different sources of power and forms of rule, both state and non-state influence and contend with each other. A focus on the everyday intricacies of the work of resettlement officers, shows their power and constraints, and the dynamics by which hierarchies of rules and laws become unsettled at the extractive frontier. The result is that resettlement projects are rather unpredictable and unaccountable processes of displacement for those affected by mining projects.

## CRedit authorship contribution statement

**Nikkie Wiegink:** Investigation, Conceptualization, Writing – review & editing, was all done by the corresponding author.

## Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

## Acknowledgement

The author wants to thank an anonymous reviewer and the fellow editors of the special issue, Katharine Fortin, Chris van der Borgh, and Martijn Oosterbaan for their invaluable feedback and suggestions for improvement. The research was funded by the Netherlands Organisation for Scientific Research (NWO) Veni scheme (016.165.234, 2015).

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