



Insight Series Compendium

Tailings Management and Resettlement

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Chapter 1: Overview



**TAILINGS STORAGE FACILITY AND RESETTLEMENT
INSIGHT SERIES COMPENDIUM**

Background

Tailings Storage Facility (TSF) failures in recent years have highlighted the importance of improving how TSFs are managed world-wide. The new Global Industry Standard on Tailings Management is a significant step in this regard.

This Compendium consolidates a two-part Insight Series developed by Steyn Reddy Associates (SRA) to look further into the role of resettlement and livelihood restoration in relation to TSF management. It is available for download free at www.steynreddy.com, along with all of SRA's other thought leadership.

Overview

Purpose of the Tailings Storage Facility and Resettlement Insight Series

To help project proponents, mine owners, land access and resettlement practitioners, communities and other interested parties to understand how displacement impacts and resettlement can be properly considered and handled within the broader context of effectively assessing and managing tailing storage facility (TSF) risks and consequences to communities, be these in relation to existing or planned TSFs.

Past Dam Failures

The disastrous failure of the Fundão TSF in Mariana, Brazil on 5th November 2015, and the later failure of the TSF at the Corrego do Feijão mine in Brumadinho, Brazil on 25th January 2019 helped to focus further attention on the environmental and social risks related to mining. Sadly, these incidents are not unique. They follow in the path of a number of other incidents. In this century, a few of the other major tailings related incidents include at Pichi Lake, Canada on 30th November 2004; Rio Pomba Cataguases, Brazil on 10th January 2007; Taoshi, China on 8th September 2008; Ajika, Hungary on 4th October 2010; Padcal No 3, Philippines on 3rd August 2012; Mount Polley, Canada on 4th August 2014; and Hpakant, Myanmar on 25th October 2015.

TSF Risks and Consequences

As evidenced by the incidents referred to above, from a social perspective an inherent risk associated with a TSF is the potential of structural failure and the consequences of this on communities in the vicinity and further afield. Failure and its consequences may take a number of forms e.g. seepage from out of the TSF causing ground water pollution, or a breach of the dam wall causing outflow of materials and inundation of buildings, crops and other assets, with consequent loss of livelihoods and / or injury and loss of life.

From a project proponent / mine owner perspective, additional risks relate to a disruption to operations and consequent cost and profit implications, as well as impacts on reputation and potential lost opportunity costs as a result. In today's connected world, where many companies and financial institutions have committed to compliance with various standards and principles e.g. the IFC

Performance Standards on Environmental and Social Sustainability and the Equator Principles, leading mining companies typically want to demonstrate to countries, investors, lenders, insurers, local communities, civil society and other stakeholders that they are committed to managing TSFs according to best practice, including striving towards zero harm to people and the environment.

Regulation of TSFs

Many countries lack comprehensive legislation dealing with the management of TSFs. However, a number of organisations have in the past developed guidance on the management of dams in general, and TSFs in particular. These include the following:

- International:
 - International Commission on Large Dams (ICOLD);
 - United Nations Economic Commission for Europe (UNECE);
- Australia:
 - Australian National Committee on Large Dams (ANCOLD);
 - Government of Western Australia, Department of Mines;
 - Queensland Government;
- Canada:
 - Canadian Dam Association (CDA);
 - Mining Association of Canada (MAC);
- European Commission:
 - Best Available Techniques (BAT) Reference Document for the Management of Waste from Extractive Industries;
- USA:
 - United States Federal Emergency Management Administration (FEMA);
 - United States Society on Dams (USS).

In 2019, the International Council on Mining and Metals (ICMM), the United Nations Environment Programme (UNEP) and the Principles for Responsible Investment (PRI) decided to co-convene a global tailings review to establish an international standard. This process has culminated in the global Industry Standard on Tailings Management (issued in August 2020) (the Standard). In sum, the Standard enjoins TSF operators to:

- Have zero tolerance for human fatalities and to strive for zero harm to people and the environment from the earliest phases of project conception and throughout the lifecycle of a TSF.
- Use specified measures to prevent the catastrophic failure of TSFs and to implement best practices in the assessment, planning, design, construction, operation, maintenance, review, monitoring and closure of TSFs, as well as in addressing their risks and consequences to people.

The Standard is not intended to prevail over the requirements of any country legislation. TSF operators are expected to conform with the requirements of the Standard that are not in conflict with country legislation. While the Standard is generally voluntary, ICMM members will be required to implement the Standard. The Standard sets out principles, guidance and requirements for how project proponents and mine operators put in place and use resources, processes, systems, tools and mechanisms for the assessment, planning, design, construction, operation, maintenance,

review, monitoring and closure of TSFs, and related risk and impact prevention and remediation, stakeholder engagement, and emergency response and long-term recovery issues.

Resettlement in the Mining Sector

In the past, mining sector related resettlement of communities has typically taken place primarily in relation to accessing land required for projects to be developed or expanded (including the construction and expansion of TSFs).

What the new Standard highlights is the need to more closely consider displacement impacts and resettlement not just in the context of land access to enable projects to be developed or expanded, but also in situations where projects do not need land on which to construct and operate their facilities (including TSFs) but where communities reside or will reside adjacent to, near or downstream of TSFs (or other mine facilities) and are therefore exposed to the risks and consequences arising from TSF failure e.g. pollution and inundation. Given the large number of existing TSFs related to mines across the world, this issue is not just relevant for future mining projects.

For the purposes of this Insight Series we define displacement impacts on people affected by mining as taking two broad forms:

- **Physical Displacement:** Loss of dwelling or shelter
 - as a result of land being directly required for the construction and development of a mine; or
 - due to pre-emptively moving people to avoid TSF risks and consequences before they occur, even if the land is not directly required for the mine; or
 - due to the consequences of the failure of a TSF, which requires the affected persons to move to another location.
- **Economic Displacement:** Loss of assets (including land) or access to assets that leads to loss of income sources or means of livelihood as a result of project related land access or restriction of access to natural resources (land, water or forest), including due to taking pre-emptive measures to avoid or minimize TSF risks and their consequences, or due to the consequences of the failure of a TSF. (People may be economically displaced with or without experiencing physical displacement).

We define **Resettlement** as referring to physical displacement and / or economic displacement:

- As a result of land access required for project development i.e. land on which mining will occur and related infrastructure and facilities will be constructed;
- Due to the consequences of the failure of a project TSF;
- As a result of the pre-emptive moving of people to avoid these consequences;

- Due to the imposition of restrictions on land use around and near to a TSF, for example a prohibition on housing and economic activities, in order to create buffer zones and avoid encroachment, and the process by which these displacement impacts are mitigated and addressed.

Steyn Reddy Associates Resettlement Insight Series

This Tailings Storage Facility and Resettlement Insight Series has been independently prepared by Steyn Reddy Associates (SRA), a niche consulting firm focused on land access and resettlement.

The Insight Series is designed to consider key displacement and resettlement issues in light of the requirements of the Standard. It is not designed as an academic discourse, but is focused primarily on providing practical guidance in situations where a project does not require land for the physical development or expansion of its project / mine, but where an existing or planned TSF has people living in its potential inundation zone.

The series aims to help project planners in such a situation answer the following critical questions:

1. When is pre-emptive resettlement of people the appropriate risk and consequence mitigation option, as opposed to leaving communities in-situ and addressing risks and consequences in other ways?
2. Taking into account reputational and other risks and considerations, is the project proponent / mine owner willing to have a 'High, Very High or Extreme' classification TSF (in terms of the dam failure consequence classification of the Standard) in its portfolio, when there are nearby communities that would be within the potential inundation zone if a TSF failure occurred?
3. What happens when a project proponent / mine operator informs communities in the vicinity of an existing or planned TSF that it does not need to resettle them, but the communities make it adamantly clear that they do not want to remain in the vicinity of the TSF due to their concerns / perceptions about risks to their lives, health, property and / or livelihoods?
4. What steps should be taken to be able to consider and answer the above questions?

(This new insight series builds on SRA's previous 19 part Land Access and Resettlement Insight Series now available in Spanish, French and Portuguese), which discusses the key steps in a land access and resettlement process, from project assessment and planning through to negotiations and into implementation (physical resettlement, livelihoods restoration and moves) and monitoring & evaluation, and related topics.

Both of the insight series were prepared based on SRA's extensive global experience in dealing with land access and resettlement in the natural resources and other sectors. Interested parties can access both series at www.steynreddy.com.

Things to Bear in Mind:

- Management of the risks and consequences related to existing and planned TSFs needs to improve.
- TSF risks and consequences need to be handled through a multi-faceted approach i.e. they cannot necessarily be addressed solely by technical design, construction, monitoring and emergency evacuation measures.
- Pre-emptive resettlement of people to avoid TSF risks and consequences will sometimes be appropriate and necessary.
- Resettlement assessment, planning, stakeholder engagement and implementation activities need to be fully imbedded into broader efforts and processes to manage existing and planned TSFs and their risks and consequences.
- The need to carefully and fully engage with communities, particularly those in a potential TSF inundation zone, and other external stakeholders, and take account of their concerns and perceptions, is going to be even more critical in future given the ever increasing focus on the environmental and social risks related to mining and the performance and reputation of the mining sector.
- Resettlement is a multi-faceted and challenging process that needs to be carefully considered, planned and undertaken.

Chapter 2: **What to Do: A Framework**



**TAILINGS STORAGE FACILITY AND RESETTLEMENT
INSIGHT SERIES COMPENDIUM**

The Global Industry Standard on Tailings Management and Resettlement

It is outside the ambit of this insight series to provide a detailed discussion of the provisions of the Global Industry Standard on Tailings Management (Readers are encouraged to download and read the full Standard, which can be accessed at <https://globaltailingsreview.org/>). However, it is useful to quote certain key provisions thereof to help understand the broader context of TSF management, how the topic of resettlement is discussed, and how it relates to other topics.

Apart from the Glossary in Annex 1 of the Standard, the term Resettlement is only mentioned once in the Standard:

- Requirement 5.8 states that “Where other measures to reduce the consequences of a tailings facility credible failure mode as per the breach analysis have been exhausted, and pre-emptive resettlement cannot be avoided, the Operator shall demonstrate conformance with international standards for involuntary resettlement.”

| Reference | Provisions | Relevance to Resettlement |
|-----------|---|---|
| Preamble | The Global Industry Standard on Tailings Management (herein ‘the Standard’) strives to achieve the ultimate goal of zero harm to people and the environment with zero tolerance for human fatality. | The goal of zero harm to people may sometimes necessitate resettlement. |
| Preamble | The Standard provides a framework for safe tailings facility management while affording Operators flexibility as to how best to achieve this goal. | |
| Preamble | The Standard will be supported by implementation protocols which will provide detailed guidance for certification, or assurance as applicable, and for equivalence with other standards. | |

| Reference | Provisions | Relevance to Resettlement |
|------------------|---|---|
| Glossary Annex-1 | <p>– ‘As Low as Reasonably Practicable’ – ALARP requires that all reasonable measures be taken with respect to ‘tolerable’ or acceptable risks to reduce them even further until the cost and other impacts of additional risk reduction are grossly disproportionate to the benefit. (Page 25)</p> <p>‘Involuntary Resettlement’ – Resettlement can be either voluntary or involuntary, and may involve either physical or economic displacement. Involuntary resettlement occurs when project-affected people do not have the right to refuse resettlement. This includes cases where a company has the legal right to expropriate land. Voluntary resettlement occurs when resettled households have a genuine choice to move. When the voluntary nature of resettlement cannot be confirmed, resettlement should be treated as involuntary.</p> | The option of resettlement should be considered and costed as one of the options. |

| | <p>'Mitigation Hierarchy' – Identifies a series of essential, sequential steps that Operators must follow through the project lifecycle in order to limit negative impacts and to enhance opportunities for positive outcomes. It describes a process to anticipate and avoid adverse impacts on workers, communities and the environment from a proposed action. Where avoidance is not possible, actions must be taken to minimise, and where residual impacts remain, to compensate fairly or offset for the risks and impacts.</p> | <p>A mitigation hierarchy can be structured in a number of ways, but typically includes the following:</p> <p>Preventive measures: - Avoidance - Minimization</p> <p>Remedial measures: - Restoration - Offsetting.</p> <p>Pre-emptive resettlement is one possible preventive measure. Post dam failure, resettlement is one possible remedial measure.</p> |
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| | <p>'Project-affected People' – People who may experience impacts from a tailings facility. People affected by a tailings facility may include, for example, people who live nearby; people who hear, smell or see the facility; or people who might own, reside on, or use the land on which the facility is to be located or may potentially inundate. (Page 31)</p> | <p>This includes people who may be physically and / or economically displaced by a project.</p> |
| <p>Principle 1</p> | <p>Respect the rights of project-affected people and meaningfully engage them at all phases of the tailings facility lifecycle, including closure. (Page 7)</p> | <p>This needs to be explained why it is safe not to resettle people living in the potential inundation zone of a TSF i.e. why alternative measures are adequate.</p> |
| Reference | Provisions | Relevance to Resettlement |
| <p>Requirement 1.1</p> | <p>Demonstrate respect for human rights in accordance with the United Nations Guiding Principles on Business and Human Rights (UNGPs), conduct human rights due diligence to inform management decisions throughout the tailings facility lifecycle and address the human rights risks of tailings facility credible failure scenarios. (Page 7)</p> | <p>Guiding Principles on Business and Human Rights:</p> <ul style="list-style-type: none"> ● 12 – The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work. ● 13 – The responsibility to respect human rights requires that business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. ● 14 – The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that |

| | | responsibility may vary according to these factors and with the severity of the enterprise's adverse human rights impacts. |
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| Requirement 1.2 | Where a new tailings facility may impact the rights of indigenous or tribal peoples, including their land and resource rights and their right to self-determination, work to obtain and maintain Free Prior and Informed Consent (FPIC) by demonstrating conformance to international guidance and recognised best practice frameworks. (Page 7) | Indigenous or tribal people may insist on resettlement as a condition for giving FPIC. |
| Requirement 2.1 | Develop and document knowledge about the social, environmental and local economic context of the tailings facility, using approaches aligned with international best practices. Update this knowledge at least every five years, and whenever there is a material change either to the tailings facility or to the social, environmental and local economic context. This knowledge should capture uncertainties due to climate change. (Page 8) | <ul style="list-style-type: none"> ● It is important that a comprehensive socio-economic baseline of people in the potential inundation of a TSF exists so that, if a dam break occurs and people lives, assets and livelihoods are impacted, there is a baseline to inform compensation, mitigation and re-establishment planning and against which these efforts can be monitored and evaluated. This baseline should include a 100% census, socio-economic survey, business and asset survey. ● If a pre-emptive resettlement takes place, then a comprehensive baseline will be needed on the same basis as above. |
| Reference | Provisions | Relevance to Resettlement |
| Requirement 2.3 | <p>Develop and document a breach analysis for the tailings facility using a methodology that considers credible failure modes, site conditions, and the properties of the slurry. The results of the analysis shall estimate the physical area impacted by a potential failure. When flowable materials (water and liquefiable solids) are present at tailings facilities with Consequence Classification of 'High', 'Very High' or 'Extreme', the results should include estimates of the physical area impacted by a potential failure, flow arrival times, depth and velocities, and depth of material deposition. Update whenever there is a material change either to the tailings facility or the physical area impacted. (Page 8)</p> <p>In order to identify the groups most at risk, refer to the updated tailings facility breach analysis to assess and document potential human exposure and vulnerability to tailings facility credible failure scenarios. Update the assessment whenever there is a material change either to the tailings facility or to the knowledge base. (Page 8)</p> | The results of a breach analysis may highlight the need to pre-emptively undertake resettlement e.g. where flow times will make it impossible or unlikely for emergency evacuation to be able to avoid human fatalities or significant damage to assets and livelihoods. |

| Reference | Provisions | Relevance to Resettlement |
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| Requirement 3.2 | For new tailings facilities, the Operator shall use the knowledge base and undertake a multi-criteria alternatives analysis of all feasible sites, technologies and strategies for tailings management. The goal of this analysis shall be to: (i) select an alternative that minimises risks to people and the environment throughout the tailings facility lifecycle; and (ii) minimise the volume of tailings and water placed in external tailings facilities. (Page 9) | Resettlement must be one of the options considered. |
| Requirement 3.3 | For new tailings facilities, use the knowledge base, including uncertainties due to climate change, to assess the social, environmental and local economic impacts of the tailings facility and its potential failure throughout its lifecycle. Where impact assessments predict material acute or chronic impacts, the Operator shall develop, document and implement impact mitigation and management plans using the mitigation hierarchy. (Page 9) | |
| Requirement 3.4 | Update the assessment of the social, environmental and local economic impacts to reflect a material change either to the tailings facility or to the social, environmental and local economic context. (Page 9) | |
| Requirement 4.1 | Determine the consequence of failure classification of the tailings facility by assessing the downstream conditions documented in the knowledge base and selecting the classification corresponding to the highest Consequence Classification for each category in Annex 2, Table 1. The assessment and selection of the classification shall be based on credible failure modes, and shall be defensible and documented. (Page 10) | <ul style="list-style-type: none"> ● The consequence of failure classification of a TSF will play an important role in the understanding of the risks related to dam failure, and the perception of people living downstream as to how safe it is to remain in the area versus being resettled. ● Taking into account reputational and other risks and considerations, is the project proponent / dam owner willing to have a 'High, Very High or Extreme' classification TSF in its portfolio, when there are nearby communities that would be within the potential inundation zone if a TSF failure occurred?. |
| Requirement 5.7 | For a proposed new tailings facility classified as 'High', 'Very High' or 'Extreme', the Accountable Executive shall confirm that the design satisfies ALARP and shall approve additional reasonable steps that may be taken downstream, to further reduce potential consequences to people and the environment. The Accountable Executive shall explain and document the decisions with respect to ALARP and additional consequence reduction measures. For an existing tailings facility classified as 'High', 'Very High' or 'Extreme', the Accountable Executive, at the time of every DSR [Dam Safety | Resettlement must be one of the options considered. |

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| | Review] or at least every five years, shall confirm that the design satisfies ALARP and shall seek to identify and implement additional reasonable steps that may be taken to further reduce potential consequences to people and the environment. (Page 13) | |
| Requirement 5.8 | Where other measures to reduce the consequences of a tailings facility credible failure mode as per the breach analysis have been exhausted, and pre-emptive resettlement cannot be avoided, the Operator shall demonstrate conformance with international standards for involuntary resettlement. (Page 13) | |
| Requirement 6.1 | Build, operate, monitor and close the tailings facility according to the design intent at all phases of the tailings facility lifecycle, using qualified personnel and appropriate methodology, equipment and procedures, data acquisition methods, the Tailings Management System (TMS) and the overall Environmental and Social Management System (ESMS) for the mine and associated infrastructure. (Page 14) | As a social issues, resettlement issues and activities must form part of the project / mine's ESMS. |
| Requirement 6.5 | Implement a formal change management system that triggers the evaluation, review, approval and documentation of changes to design, construction, operation or monitoring during the tailings facility lifecycle. (Page 14) | Decisions on how to manage TSFs, and avoid, minimize and mitigation their impacts are not once off decisions. Therefore, when making initial decisions, project planners need to consider the potential increased cost of resettling people later on instead of earlier e.g. due to the growth of communities in size and their encroachment over time towards a TSF. |
| Requirement 10.1 | Conduct and update risk assessments with a qualified multi-disciplinary team using best practice methodologies at a minimum every three years and more frequently whenever there is a material change either to the tailings facility or to the social, environmental and local economic context. Transmit risk assessments to the ITRB [Independent Tailings Review Board] or senior independent technical reviewer for review, and address with urgency all unacceptable tailings facility risks. (Page 18) | The team undertaking the risk assessments should include a person with resettlement expertise and experience. |
| Requirement 10.2 | Conduct regular reviews of the TMS and of the components of the ESMS that refer to the tailings facility to assure the effectiveness of the management systems. (Page 18) | |
| Requirement 10.5 | Conduct an independent DSR at least every five years for tailings facilities with 'Very High' or 'Extreme' Consequence Classifications and at least every 10 years for all other facilities. For tailings facilities with complex conditions or performance, the ITRB may recommend more frequent DSRs. (Page 18) | The team undertaking the DSR should include a person with resettlement expertise and experience. |

| Reference | Provisions | Relevance to Resettlement |
|------------------|---|---|
| Requirement 10.6 | For tailings facilities with 'Very High' or 'Extreme' Consequence Classifications, the ITRB, reporting to the Accountable Executive shall provide ongoing senior independent review of the planning, siting, design, construction, operation, water and mass balance, maintenance, monitoring, performance and risk management at appropriate intervals across all phases of the tailings facility lifecycle. (Page 19) | The ITRB team should include a person with resettlement expertise and experience, or have access to someone with such expertise and experience. |
| Requirement 10.7 | Operators shall use best efforts to assess and take into account the capability of an acquirer of any of its assets involving a tailings facility (through merger, acquisition, or other change in ownership) to maintain this Standard for the tailings facility lifecycle. (Page 19) | Mine owners who are considering selling assets that include TSFs should include a person with resettlement expertise and experience in the team that is undertaking this assessment. |
| Requirement 14.3 | In the event of a catastrophic tailings facility failure, work with public sector agencies and other stakeholders to develop and implement reconstruction, restoration and recovery plans that address the medium- and long-term social, environmental and local economic impacts of the failure. The plans shall be disclosed if permitted by public authorities. (Page 22) | <ul style="list-style-type: none"> ● These efforts may need to include moving a community affected by the failure or the remnants thereof permanently from the area, hence the need to develop a Resettlement Action Plan to deal with physical displacement as part of the suite of reconstruction, restoration and recovery plans. ● Where a community does not need to be permanently moved, but its livelihoods are impacted, then a Livelihoods Restoration Plan should be developed as part of the suite of reconstruction, restoration and recovery plans. |

In brief, what one can draw from the Standard in relation to resettlement is as follows:

- Resettlement of people potentially impacted by a possible future TSF failure is not always the appropriate or required solution. However, it will be increasingly considered as appropriate or necessary in a number of instances in future. Whether it is appropriate at all, or as a pre-emptive avoidance tool, a near term need, or something that can take place longer term will depend on the assessment work undertaken, bearing in mind that circumstances can change over time.
- Even where project proponents / dam owners believe that there are other non-resettlement measures that can be used to address risks and consequences to communities in potential inundation zones whilst leaving them in situ, there may be times where the major challenge for project proponents / dam owners will be, despite this belief, convincing the communities in question and / or regulators and civil society that it is acceptable to leave the communities in situ:
 - This will particularly be the case where communities ask questions like – 'Can the project / mine guarantee that its emergency response and evacuation plans will ensure that people will be evacuated safely in all instances of dam failure, and that there will therefore be no human fatalities? – In many cases, it will not be possible to give such guarantees.

An Integrated and Systematic Approach

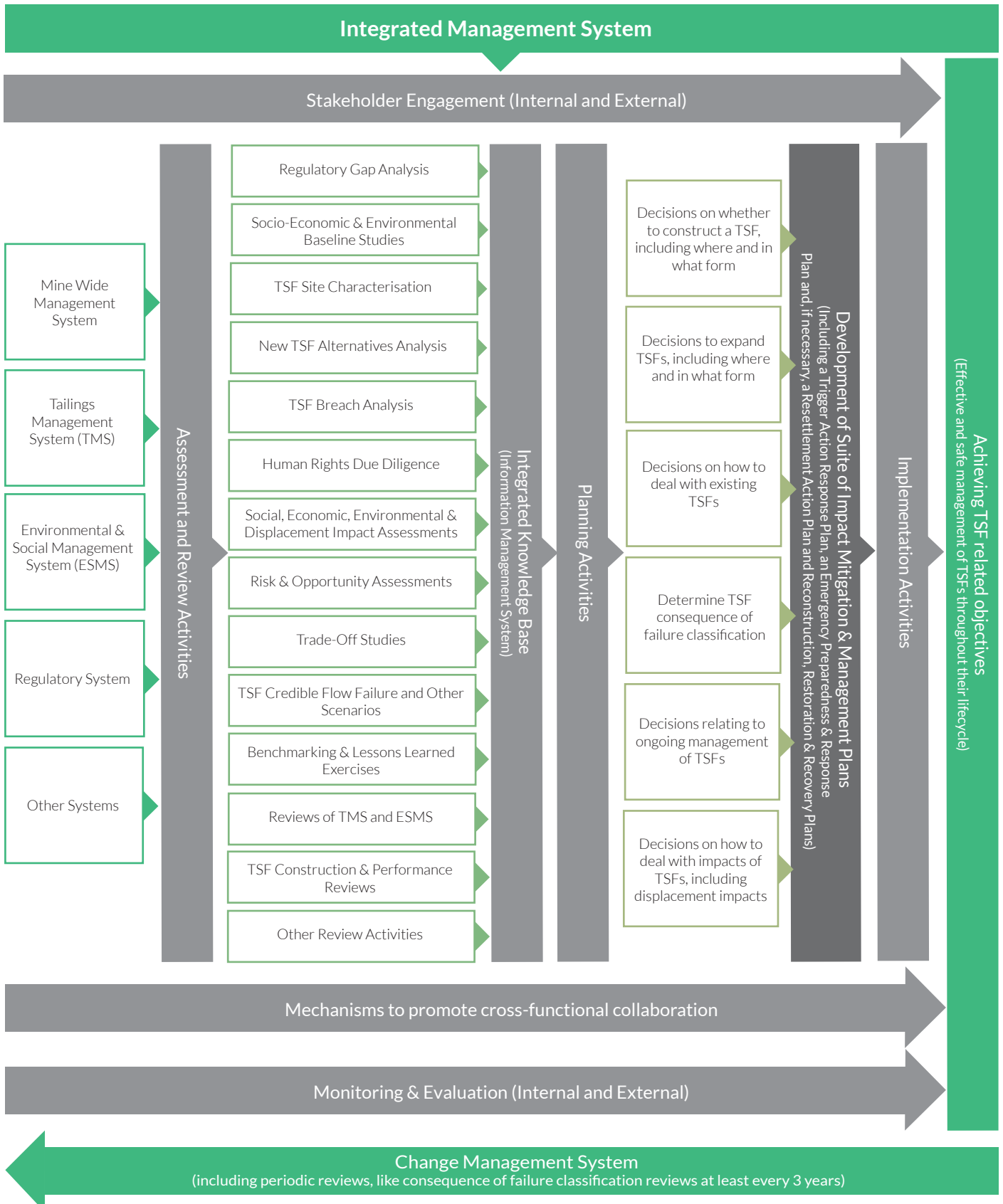
It is clear that, when dealing with existing and new TSFs, their design, construction, management and expansion, and how to address their impacts on people and the environment, is a complex process that evolves over time and involves many disciplines and areas of expertise. This process needs to take account of different and changing local conditions and often shifting and evolving objectives and risks, given that TSFs form part of mines that are subject to changes in mineral prices, costs and other operational, legal, social, environmental, political and economic factors. All of this occurs within the broader context of a world that is becoming increasingly concerned about social and environmental issues, including climate change, biodiversity, the health of the planet, human rights, and the impacts of the mining sector and its role in future.

All of these considerations interact with each other and create a complex, interrelated and dynamic system. Critically, this requires an integrated and systematic approach for dealing with TSFs. This necessitates interaction between mine operators; technical, social and other specialists; and different internal and external stakeholders, in order to consider and determine the best technical and other solutions (including resettlement where appropriate) to avoid and manage risks related to TSFs, in particular dam failure.

The Standard envisages:

- A tailings management system (TMS) that is focused on the safe operation and management of the TSF itself.
- The TMS interacting closely with other relevant systems, including the environmental and social management system (ESMS), the mine-wide management system, and the regulatory system.

In order to be able to see how all of this fits together, it is useful to try and represent them and their relationships in graphic form. SRA's approach to capturing key elements and their integration is set out below.



Further Things to Bear in Mind

- Making often tough decisions on how to deal with TSFs and their anticipated and potential risks and consequences is clearly not easy. An integrated systematic approach is the only way to achieve this (as shown above).
- Decisions about how to deal with anticipated and potential risks and consequences of TSFs are not going to be taken only once. A range of changes in a TSF itself and its broader environment and context, and regular monitoring results and reviews, mean that decisions made at the beginning may have to be changed. This means that even more importance is attached to big initial decisions like a) where to site a TSF, b) what buffer zones to put in place to avoid encroachment of communities towards TSFs, and c) whether or not to pre-emptively resettle communities. Getting these decisions badly wrong can be very expensive in a number of ways down the line.
- Where a project does not undertake one life-of-mine land take at its beginning, a careful consideration of potential future expansion land take requirements should be undertaken, particularly bearing in mind likely future natural growth of nearby communities, the potential for influx of people and speculative activities, and the higher cost of resettlement at a later stage.
- Particularly useful tools include scenario planning and trade-off studies. Identifying realistic alternative scenarios in relation to the risks and consequences of TSF failure, and undertaking trade-off studies to show the practicality, costs, and advantages and disadvantages of different preventive (avoidance and minimization) and remedial (restoration and offsetting) measures, including resettlement, is an essential process.
- Stakeholder engagement around TSFs will often be especially challenging. Communities have ever improving access to media about what has happened elsewhere, and will be increasingly wary when projects / mines share information about the classification of a TSF and how risks and consequences to people will be addressed. Where a project proponent / mine owner cannot convincingly explain that its measures, including emergency response and evacuation plans, will avoid serious impacts, particularly human fatalities, communities (and civil society) will increasingly insist on pre-emptive measures like resettlement.
- As the Standard says, it will be supported by implementation protocols which will provide detailed guidance for certification, or assurance as applicable, and for equivalence with other standards. However, it will take time to develop these protocols. This process, and the need to bring practice on-the-ground up to standard as quickly as possible, means that benchmarking and sharing of lessons learned (good and bad) is going to be necessary so that projects / mines do not have to always individually 'create or re-invent the wheel'.
- Cross-functional collaboration within project / mine teams, and with relevant outside stakeholders, is going to be critical to enable project proponents / mine owners to make the best decision in the circumstances of the TSF in question.

What to Do Once a Decision on Need to Resettle Has Been Taken

Where a decision is made to undertake pre-emptive resettlement as the way to address possible risks and consequences to communities in the potential inundation zone of an existing or new TSF, then project planners are advised to look at the provisions of SRA's 19 part Land Access and Resettlement Insight Series. This series provides a practical overview of key elements of land access and resettlement and how to deal with these. Interested parties can access this insight series at www.steynreddy.com.

The table below provides easy cross references to the 19 part Land Access & Resettlement Insight Series:

| Part | Topic |
|-------------|---|
| 1 | The Land Access and Resettlement Project Framework |
| 2 | Project Planning and Preparation |
| 3 | External Stakeholder Engagement |
| 4 | Internal Stakeholder Engagement |
| 5 | Cultural Heritage, Cemeteries and Graves |
| 6 | Baseline Data Collection and Analysis |
| 7 | Minimizing Displacement |
| 8 | Physical Resettlement Planning |
| 9 | Livelihood Restoration Planning |
| 10 | Government and Partner Led Resettlement |
| 11 | The Negotiation Process |
| 12 | Eligibility and Entitlements |
| 13 | Physical Resettlement Implementation |
| 14 | Livelihood Restoration Implementation |
| 15 | Benefit Sharing and Community Investment |
| 16 | Land Management |
| 17 | Sign-Off, Moves and Follow-Up |
| 18 | Monitoring and Evaluation |
| 19 | The Business Case for Obtaining a Social License to Operate |

Closing Thoughts and Advice

- Project proponents / mine owners can potentially face situations where, after they have decided to pre-emptively resettle people to avoid TSF risks and consequences, some people in the affected community state their clear desire to move due to their shared concerns about the risks and consequences, whereas other members of the community state that they do not share this view and want to remain in their current location.
- Managing situations like this will always be challenging, but the best way to do so is with a solid process of assessment, stakeholder engagement and planning. The integrated and systematic approach to this envisaged in the Standard and discussed in this SRA Tailings Storage Facility and Resettlement Insight Series is the best way to manage this challenge.
- The ultimate goal of zero harm to people and the environment with zero tolerance for human fatality imposes a heavy responsibility on project proponents and mine owners. The Standard provides a framework for safe TSF management while affording them flexibility as to how best to achieve this goal. However, if resettlement is chosen as the appropriate pre-emptive avoidance method, then the goal of zero harm is not met simply by moving people. The resettlement process itself needs to be carefully and comprehensively managed to enable physical and economic displacement impacts to be properly addressed.

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If you have a question or comment on this compendium, or anything related to land access and resettlement, please email us at info@steynreddy.com.

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About Us

SRA helps our clients acquire the land they need – on time and on budget. We work collaboratively with our clients' teams and affected communities to identify, assess and manage displacement impacts in a practical, responsible and sustainable manner.

SRA's experienced team:

- Has managed hundreds of land access and resettlement projects around the world
- Has a track record of realising win-win-win solutions for our clients, communities, and host governments
- Applies international standards and best practices in a pragmatic, innovative and locally appropriate manner
- Is results-oriented and hands on, working largely at project sites with clients and other
- Are well recognised thought leaders in the field, co-authoring a well-known guide and publishing a popular Insight Series.