

'Restriction of access' is displacement: a broader concept and policy

by Michael M Cernea

Recent changes in the World Bank's policy on resettlement have dramatic implications for those displaced by conservation projects, for governments, NGOs and researchers.

The conceptual apparatus in forced migration and population resettlement research is being continuously enriched. One important – but still relatively unknown – development was introduced recently into the resettlement policies of the World Bank, African Development Bank and Asian Development Bank. This new thinking is set out in the revised (January 2002) World Bank Operational Policy (OP) 4.12 on resettlement.¹ This significantly defines the 'restricting of access' to indigenous and other people in parks and protected areas as 'involuntary displacement' even when physical displacement and relocation are not required. The justifying rationale is that restrictions impose impoverishment risks and these risks lead to severe deprivations.

Significantly, this new definition has come from major international agencies themselves involved in instituting 'restricted access' regimes. As the definition has been adopted, the world's major development agencies have moved towards policy consensus that restricted access is a form of displacement.

Rethinking 'displacement'

Forced population displacement caused by development or environment projects has usually been defined as those situations when people lose, through imposed expropriation, either their house, or the land they own, or both. They are compelled to yield the 'right of way' to the project. Within this broadly accepted definition there have been two definitional debates – with major implications for people's livelihoods.

The first debate opposed a narrow definition of forced displacement as physical removal against the broader definition mentioned above. The supporters of the narrow definition contended that displacement occurs only when people lose their homes, their 'place'. Loss of land through imposed expropriation, their argument went, would 'affect' people but will not displace them. Therefore they may be eligible for land compensation but not entitled to resettlement protection and rehabilitation support. Obviously, this narrow viewpoint belittles the core economic content of displacement. This narrow definition lost the debate; today it is discredited.

In the second debate, the issue at stake was more complex. It referred primarily to populations with customary land ownership, not formal legal title. When development projects request 'right of way' or when 'protected areas' are established, the populations with customary ownership (including indigenous groups) are either relocated forcibly, or are prohibited by 'restricted access' from using lands and resources declared as 'project protected areas' or 'project security zones'. They also remain under the constant threat of being physically relocated. The impoverished condition in which these populations are left has been brought into the limelight.

On the ground that no physical removal occurs, the promoters of project-protected areas deny that the displacement concept applies to populations subjected to 'restricted access'. This denial is self-serving as it usually justifies the promoting agencies' refusal to grant those

deprived populations compensation and entitlements to alternative land, impoverishing them further. Social scientists have long provided evidence that 'restricting access' to resources vital for livelihood is equal to imposed economic displacement. This debate, as opposed to the first, has continued to simmer inconclusively.

The most common way of securing 'right of way' is outright land expropriation, with some – often with no – compensation. Restrictions of access are typically instituted against the customary practices of the local communities and are necessary for conserving unique bio-diversity resources. In certain conditions, such restrictions are indispensable, and reasonable restrictions are not, in themselves, the issue. What is at issue is the failure to recognise, preempt and counteract the negative livelihood-related consequences of such restrictions. There is ample evidence that their socio-economic effects end up being virtually the same as if they were physically forcibly displaced. Not being given alternatives, such groups soon revert to surreptitious, but now illegal, use of the restricted areas, undermining conservation objectives. Instead of a 'win-win', a 'lose-lose' situation emerges.

The revision included in OP4.12 reflects theoretical developments in the sociology of displacement as it extends coverage from only "the involuntary taking of land" to also "the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons". The policy defines involuntary restriction of access as "restriction on the use of resources imposed on people living outside a park or protected area, or on those who continue living inside the park, or protected area, during and after implementation."

Never before in the 25 years of its resettlement policy has the World Bank defined 'loss of access' as a form of displacement. This welcome development is, however, consistent with the theoretical principle advocated by scholars long ago – that the definitional characteristic in forced displacement is not necessarily the physical removal but the imposed loss of assets and income. Imposed deprivation of assets may take place *in situ*, without physical removal of inhabitants. Therefore, the policy now covers the "loss of income sources or means of livelihood, whether or not the affected persons must move to another location".

Social scientists have demonstrated that displacement and loss of access to common natural resources are closely associated with social disarticulation, landlessness, loss of identity, increased morbidity and mortality and marginalisation.² All these raise issues of social justice and equity in development and conservation strategies. In practice, the accepted standards of forced resettlement are largely not applied also because those affected are too weak politically to alone fight for their entitlements. Alternative lands are generally not offered, compensation is rarely paid and other effective mitigatory measures are absent. The critique of such approaches is consistent with the broader criticism of the economic harm and moral injustice of unmitigated development-induced displacements. Indicative of the trend towards greater recognition of poverty impacts of protected areas is the fact that the 2003 World Parks Congress – convened by the IUCN World Conservation Union – adopted the recommendation that areas earmarked for biodiversity conservation should under no circumstance exacerbate poverty.

The response from the international development community to the definition of restriction of access as displacement has been rapid and supportive. In Africa, the region where untold abuses have marred the creation of many protected areas, the African Development Bank has included in its 2003 policy on resettlement the statement (absent previously) that the policy covers "loss of assets or involuntary restriction of access to assets including national parks, protected areas or national resources; or loss of income

sources or means of livelihood as a result of projects, whether or not the affected persons are required to move."³ The Asian Development Bank has similarly extended its policy to address "social and economic impact that are permanent or temporary and are caused by ... restrictions imposed on land as a result of an ADB operation."⁴

Implementation

Implementation outcomes will depend on monitoring by civil society and the actions of development agencies, governments and NGOs (such as the IUCN, the WorldWide Fund for Nature or Conservation International) involved in park creation.

The World Bank has committed itself to a sequence of 'required measures' tailored to the needs of the affected populations. Under the new policy, governments receiving Bank financing are required to prepare a 'process framework' for all projects involving restriction of access, explicitly not only for biodiversity sustainability but also for sustainable livelihoods. Project sponsors are expected to implement "measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected areas". The sweep of this statement is particularly important as it established the requirement of 'double sustainability', both of the environment and of people's incomes and livelihoods.

The militancy of the affected people themselves and the work of many resettlement and conservation researchers have impelled the new definition and policy on restricting access. They have provided the empirical evidence demonstrating the risks and sheer disasters inflicted on vulnerable populations by such forced displacement. Some of this research in fact concluded that forced displacements should be ruled out as a park creation strategy unless the 'entitlement matrix' (ie the full complement of titled land, fair compensation, productive alternatives and rights protection) is provided. To analyse its own experiences in more depth, the World Bank itself initiated a project portfolio review,

now in progress, identifying and analysing a large number of projects – over 100 – containing restricted access provisions.

Further research is now needed to chart whether, and how, the new policy guarantees are being implemented. The accountability of development and conservation programmes for their intended and unintended consequences, the assurance of double sustainability in governance programmes over natural resources, the risks of impoverishment and the counter-risk measures are research priorities.

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1. Available at: <http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/0/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>
2. Michael M Cernea and Kai Schmidt-Soltau 'The End of Forcible Displacement? Conservation Must NOT Impoverish People', *Policy Matters*, 12, 2003. See: www.schmidt-soltau.de/english/index.htm. These themes are also explored in *FMR12*: www.fmreview.org/FMRpdfs/FMR12/fmr12contents.pdf
3. AfDB's policy is at: www.afdb.org/en/country_operations/policies_procedures/policies/involuntary_resettlement_policy_english_ver
4. ADB's policy is set out at: www.asiandevbank.org/Resettlement/default.asp

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