

# Improving outcomes in development-induced displacement and resettlement projects

compiled by Chris de Wet

*The annual displacement by development projects of some ten million people has immense socio-economic and human rights consequences. Resettlement guidelines formulated by funders, governments and international treaties have achieved only limited success in reversing these negative consequences.*

Not all private sector funders or governments respect guidelines. Neither international law nor national legal systems make adequate provision for 'development oustees'. Poorly informed and planned, non-consultative and badly implemented resettlement projects continue to result in impoverishment and social disruption and to provoke resistance. In order to inform policy making, the Refugee Studies Centre undertook a four-year (1997-2001) development-induced displacement and resettlement (DIDR) research project funded by the UK's Department for International Development. Systematic literature surveys were undertaken of published and unpublished sources, including academic research, international funding agencies' resettlement guidelines, national and state resettlement policies, relevant international treaties and legal cases and literature from NGOs and social movements. Interviews were also conducted with a range of academics, officials, implementing agents, NGOs and activists in Brazil, Canada, India, Switzerland, Uganda and the US.

Brief summaries of the main findings and policy implications of the four desk studies undertaken by the project are below.

## Addressing policy constraints and improving outcomes in DIDR projects

by Alan Rew, Eleanor Fisher and Balaji Pandey'

The extent and the negative consequences of DIDR indicate serious policy failures with implications for the scope and limits of development policies and their implementation. Explanations of DIDR's dismal record typically appeal to the absence of national legal and policy frameworks and political will to redress the needs of the displaced. The nature of 'the DIDR problem' is more fundamental, as it is inherent in the institutional process of resettlement and rehabilitation itself. Implementation is inherently problematic. Almost always, an 'implementation deficit' obstructs the hypothetical smooth translation of policy into action as policy gets transformed by the very process of implementation.

The normative frameworks formulated by high level policy makers do not necessarily involve clear policy goals for they have to be broad enough to reconcile divergent and even contradictory political positions. This paves the way for differing interpretations of policy further down the bureaucratic hierarchy.

Resettlement and rehabilitation policies are coordinated and implemented at the level of government departments and district administration. There are weaknesses in the chains of communication and decision making due to work pressures, insufficient capacity and problems of coordination between agencies. Though resettlement officers cope as best they can, the result is invariably the development of *ad hoc* institutional arrangements. Local officials exercise considerable discretion as they develop operational routines. This allows for cutting corners and corruption. For the affected population, the local resettlement officer is the government; his or her decisions are policy. Implementation takes on a life of its own.

At the national level, policy reform requires greater clarity and specification of goals as well as the development and enforcement of a coherent vision and framework of DIDR policy issues around human rights, sustainable development and poverty elimination. This framework should incorporate the perspectives of affected people. Donors could facilitate the reform process by paying closer attention to the way rights and entitlements are safeguarded in major development projects.

Lines of authority and responsibility need to be clarified between central, state or provincial and local governments, as well as between government and the private sector interests which are increasingly becoming involved in DIDR projects. At the ground level, the discretion exercised by local officials could be kept in check by monitoring by civil society groups and

NGOS – which would require a financial and political commitment by government to the institutions of civil society.

### Addressing legal constraints and improving outcomes in DIDR projects

by Michael Barutciski<sup>2</sup>

Neither the areas of international law that address forced migration (ie refugee and humanitarian law) nor formulations concerning IDPs offer much protection to people displaced by DIDR projects. DIDR occurs in the name of an ostensibly greater good.

The government causing the displacement is also responsible for ensuring the protection of the people it has displaced. International treaties (such as the International Covenant on Economic, Social and Cultural Rights) offer only limited protection to DIDR displacees. Not many countries have incorporated these provisions into their national legal systems, and states have considerable discretion in determining the nature of consultation and participation regarding affected people.

European Community aid grants stipulate that the recipient state should uphold the human rights provisions of the Fourth Lomé Convention. However, enforcement remains problematic, as evidenced by the eviction of tens of thousands of people from the Kibale Game Corridor in Uganda, in violation of Lomé IV provisions.

### *Resettlement impoverishes people by taking away their political power*

Perhaps the most promising development at the international level has been the 'soft law' of the resettlement guidelines drawn up by international funders which makes loans dependent upon borrower countries respecting the rights of those to be displaced. Foremost among these is the World Bank's guidelines on resettlement<sup>3</sup> which require consultation with the affected people, and their planned resettlement, compensation and rehabilitation.

However, even with a body as powerful as the World Bank, the fundamental problem remains one of enforcement. The fact that the World Bank has an

explicitly non-political mandate means that it may lack the means effectively to confront governments which ignore its guidelines.

At issue is respect for the rights of DIDR displacees. These rights are frequently abused because of a problematic internal relationship between states and individual citizens. International law recognises that states should be allowed to solve their internal problems by themselves, and is unlikely to sanction intervention in DIDR projects which are ostensibly in the national interest.

Effective legal action at international level requires mechanisms which allow for individual complaints and which create sufficient pressure to ensure respect for basic norms. The World Bank's Inspection Panel is the first forum where private parties can hold an international organisation accountable. The effectiveness of such mechanisms depends on the preparedness of international organisations to jeopardise economic projects in the interests of human rights. This may depend on public pressure and the acceptance that human rights make good economic as well as moral sense.

However, their essentially non-political mandates limit the extent to which financial institutions can link loans to human rights. Governments making loans and providing aid are able to take open political stands and to push for such conditionalities. An international alliance of funding and other institutions would provide for greater authority and enforceability. The European Parliament's call for internationally accepted monitoring mechanisms is a positive step in this regard. Public pressure and access to legal procedure increases participation and accountability, and government agencies such as DFID could also consider further support for NGOs and pressure groups, providing human rights and legal support to those in danger of displacement.

### Toward local level development and mitigating impoverishment in DIDR

by Dolores Koenig<sup>4</sup>

Recent attempts to understand why resettlement outcomes have not

shown anticipated improvements have been inadequate because they have focused on the economic aspect, neglecting the political. They have concentrated on the resettled communities themselves, neglecting their relationship to their wider regional and national systems. Cernea's risks and reconstruction model has been extremely useful in identifying the risks inherent in resettlement<sup>5</sup> and in suggesting ways to deal with these risks so as to reconstitute economic livelihoods and socio-cultural systems. It has, however, been less effective at addressing such political aspects of DIDR as differences in power among people in affected communities, the human rights of the displaced, their local autonomy and control, and their ability to affect their interactions with national institutions – all of which are integral to sustainable development. Resettlement impoverishes people by taking away their political power, notably to decide how and where to live. It disrupts the control that a local social group has over its social institutions, and increases their political marginalisation. People lose resources (ie become impoverished) because they lack the cultural, economic, political and social capital to make their claims and rights heard effectively.

The fact that the state often serves as both implementer and referee in resettlement situations puts it in a powerful position. However reluctantly, states do respond to pressures. The question becomes one of how to integrate resettled people into their national political and economic systems so that they can put pressure on their governments and increasingly participate as equal citizens.

Key constraints on resettlement projects failing to achieve their goals include:

- weak, authoritarian and uncommitted implementing institutions lacking a clear mandate, organisational capacity and sociological skills to oversee resettlement
- the complexities inherent in the resettlement process – with which weak implementing institutions are even less able to deal
- resistance, which may even further compromise project capacity

This study argues that the best way to address such constraints is via a more democratic, participatory approach to project planning and implementation. Effective participation involves the ability to influence decisions and proceedings throughout the project. This in turn requires: i) a free flow of information at all stages, ii) a clear set of operating rules that are understood and adhered to by all parties and iii) all parties having the skills to operate on equal terms in an open-ended negotiation process where the outcomes emerge from the process. While risky, this approach yields returns, as genuine participation helps secure consensus, reduces conflicts and delays, and makes for more realistic planning and goals.

Many projects have failed because they have not been flexible enough to adapt to differing needs or unexpected developments. Care must be taken to provide a wide range of resettlement and compensation options, designed to take account of the diversity of constituencies within a resettled 'community'. Project officials also need to be recruited from a range of backgrounds, so as to provide a wide bank of skills and experience to deal with anything that may come up. Project flexibility also requires more generous funding: World Bank evidence shows that well-funded

projects were essentially free of major problems.

Resettlement is an inherently complex process. While a participatory, flexible and open-ended approach to planning and implementation may appear risky and expensive at the outset, any other approach seems almost certain to fail, and in the end to be much more costly overall.

### **Displacement, resistance and the critique of development: from the grassroots to the global**

*by Anthony Oliver-Smith<sup>6</sup>*

Resistance may be seen as a response to the often appallingly bad consultation, baseline research, planning and implementation of resettlement projects and highlights serious shortcomings in the thinking behind such projects. At a deeper level, resistance signifies that development itself has become a contested domain, an argument involving many voices and perspectives, notably those affected by displacement and their allies. Resettlement projects have become the sites in which various interests, and models of development and the environment, are being contested. Resistance may be seen as part of a discourse about rights: those of state and capital to develop versus those of

peoples targeted to be moved. Underlying resistance is the perception that the most vulnerable are forced to bear an unfair share of the costs of development – which is seen as a violation of basic human rights. Recent thinking has established links between the concepts of rights and of risks. When people assess risk to be more than is culturally acceptable (ie what they regard as their rights), or when they redefine such acceptability, resistance is likely to result. A rights and risks approach (as advocated by the World Commission on Dams) allows for the inclusion of symbolic and affective, as well as material, concerns. Constituencies differentiated by age, gender or wealth are affected and respond in different ways. Such an approach heightens our understanding of the cultural and identity dimensions of resistance to resettlement.

DIDR gives rise to a complex tapestry of cultural and human rights and project-initiated risks. Exclusively economic value orientations, such as cost-benefit analyses, with assumptions about commensurability between different kinds of goods, cannot address that complexity. Cultural resources are not amenable to such an equation, which is resisted by people at risk of such loss. The insistence on commensurability is an

*Medha Patkar and Narmada protesters confront Justice Kurdukar, Grievance Redressal Authority of Maharashtra*



assertion of political power and not an economic achievement – which evokes the counter-assertion of resistance.

Resistance acts as an initiator of social change. Crises are times of fluidity, redefining a variety of internal and external relationships. Women, most notably Medha Patkar of the Save the Narmada Movement<sup>7</sup>, have played an active role in resistance to DIDR.

### *Women have played an active role in resistance to DIDR.*

The proliferation of organised social movements, together with the new communications technology, has seen local DIDR resistance being taken up by first world activists and promoted in wider fora, with websites<sup>8</sup> becoming a key feature of DIDR resistance. Such assistance is not always disinterested, with transnational groupings using resistance to specific resettlement projects as a platform to attack Western development ideology.

Resistance is mostly an uneven power struggle, with movements needing to mobilise to improve their chances. Effective mobilisation requires a democratic and pluralistic political climate with a free flow of information. While it may carry heavy costs, and often does not succeed in stopping resettlement, resistance may still succeed both in improving the terms of resettlement and developing valuable experience in dealing with outside agencies. At a wider level, resistance movements have influenced global dialogues on development and changes in policy or practice in specific countries or institutions.

### **Policy relevant lessons emerging from the project**

At the national level, policy reform requires:

- greater clarity and realism in the formulation of policy goals
- the development and enforcement of a coherent and shared policy framework, clearly stipulating requirements for resettlement to be undertaken as development, and addressing the issues of inalienable human rights, sustainable development goals and the elimination of poverty

- clarification of the role and obligations of the private sector

At the international level, the promotion of the rights of development displacees requires:

- accessible mechanisms, allowing for the lodging, and following up, of individual complaints (governments making bilateral loans are better placed to establish such mechanisms and to link aid and human rights, as they are not limited by non-political mandates)
- support for the European Parliament's proposal for international fora and funders to cooperate in establishing internationally accepted and sanctioned mechanisms for monitoring development projects
- support from DFID and other donors for NGOs working for the rights of development-displaced people

To ensure genuine participation and improve project outcomes, policy reform requires:

- a democratic participatory approach to project planning and implementation involving:
  - authentic participation which involves the ability to influence decisions
  - decision-making criteria which move away from the purely economic to more dialogic, consensual considerations
  - recognition of resistance as a legitimate form of expression in the dialogue about development options
  - re-examination of the criteria allowing the state to relocate people and appropriate property
  - development of skills necessary for all parties to engage in open-ended negotiation as equal parties
  - free flow of information at all stages of a development project which may cause resettlement
- a wide range of resettlement and compensation options, involving:
  - approaches designed to open out choices, allowing people to mix and match options to their needs

- appropriate and just forms and levels of compensation determined in genuine consultation with affected people
- options that will not increase economic differentiation, while yet encouraging the rich to invest in the resettlement area

- a flexible, learning-oriented approach to settlement projects, involving:

- projects designed so as to be able to adapt as unexpected developments occur, and in response to ongoing input by affected parties
- the necessary range of skills in the implementation team, as well as sufficient funding, to allow for flexibility

- the integration of resettlement projects into ongoing regional development initiatives for optimum efficiency and synergy

All the above considerations must be informed by the suggestion by the World Commission on Dams that "an approach based on 'recognition of rights' and 'assessment of risks' (particularly rights at risk) be developed as a tool for future planning and decision making".<sup>9</sup>

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1. Centre for Development Studies, University of Wales, Swansea. The full report is at [www.qeh.ox.ac.uk/rsc/rerep8.html](http://www.qeh.ox.ac.uk/rsc/rerep8.html).  
2. Formerly at the Refugee Studies Centre, University of Oxford. The full report is at [www.qeh.ox.ac.uk/rsc/rerep7.html](http://www.qeh.ox.ac.uk/rsc/rerep7.html).  
3. See [www.displacement.net/OP412\\_901.pdf](http://www.displacement.net/OP412_901.pdf).  
4. Department of Anthropology, American University, USA.  
5. Michael Cernea 'Risks, Safeguards and Reconstruction: a Model for Population Displacement and Resettlement' in M Cernea and C McDowell (eds) *Risks and Reconstruction: Experiences of Resettlers and Refugees*, World Bank, 2000, Washington DC (see p 15 & 47).  
6. Department of Anthropology, University of Florida.  
7. See [www.narmada.org](http://www.narmada.org).  
8. See, for example, that of the International Rivers Network [www.irn.org](http://www.irn.org).  
9. See *Dams and Development: a New Framework for Decision-Making*, Earthscan, 2000, London, p206. The report can be downloaded at [www.dams.org/report](http://www.dams.org/report).