



**The Brookings Institution-SAIS
Project on Internal Displacement**

**Risks and Rights:
The Causes, Consequences, and Challenges
of Development-Induced Displacement**

by

W. Courtland Robinson

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THE BROOKINGS INSTITUTION – SAIS PROJECT ON INTERNAL
DISPLACEMENT

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FOREWORD

Each year, millions of persons are forcibly displaced by development projects, whether dams, roads, reservoirs or oil, gas and mining projects. While such projects can bring enormous benefits to society, they also impose costs, which are often borne by its poorest and most marginalized members. As author W. Courtland Robinson points out, “for millions of people around the world—development has cost them their homes, their livelihoods, their health, and even their very lives.” Impoverishment and disempowerment often become their lot, with particularly harsh consequences for women and children.

Although internally displaced persons are often defined as those uprooted by conflict, human rights violations and natural or human-made disasters, they also include those displaced by development projects. Indeed, Robinson points out: “While victims of disaster—especially natural disaster—generally are the focus of sympathetic attention and international aid (as are many of those displaced by conflict), the same cannot be said for victims of development-induced displacement, although the consequences may be comparably dire.”

In an effort to better understand the plight of those displaced by development projects and the relationship of this kind of displacement to international human rights and humanitarian frameworks for dealing with internally displaced persons, our Project asked the author to examine the nature and scope of development-induced displacement and to identify the international institutions and remedies that might prove effective in addressing this question. We are most grateful to Court Robinson for the extensive research he has done and for his comprehensive report, which was reviewed at a meeting of international experts, held in Washington DC on December 5.

We are confident that the report’s recommendations will contribute to the international response to this major public policy challenge. In particular, we would note that the report calls for a global consultation that would bring together the development as well as human rights and humanitarian communities to harmonize operational guidelines and policies applicable to development-induced displacement.

We express deep appreciation to Michael Cernea, author of the World Bank guidelines on involuntary resettlement, who encouraged our Project to address the issue and expertly guided us in doing so. We thank Walter Kaelin as well for his valuable legal advice.

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Kavita Singh assisted the author by researching and documenting many of the case studies. Gimena Sánchez-Garzoli developed a comprehensive bibliography, which is appended to the report. Kristin Janson and Marianne Makar helped with the organization of the expert meeting and, together with David Fisher, served as rapporteurs. Special thanks also go to Charles Driest for his fine editorial assistance.

The author has asked that appreciation be expressed to Roberta Cohen for her guidance in the development of the paper.

The views expressed in the paper are those of the author alone and should not be attributed to the Brookings-SAIS Project on Internal Displacement or to the trustees, officers or other members of the Brookings Institution or of the Johns Hopkins University School of Advanced International Studies (SAIS).

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He is the author of numerous studies on displacement, including *Terms of Refuge: The Indochinese Exodus and the International Response* (Zed Books, 1998). More recent research interests include North Korean famine mortality, the demography of forced migration, and demographic methods in emergency assessment.

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INTRODUCTION

Like becoming a refugee, being forcibly ousted from one's land and habitat by a dam, reservoir or highway is not only immediately disruptive and painful, it is also fraught with serious long-term risks of becoming poorer than before displacement, more vulnerable economically, and disintegrated socially.¹

Most large forced dislocations of people do not occur in conditions of armed conflict or genocide but in routine, everyday evictions to make way for development projects. This "development cleansing" may well constitute ethnic cleansing in disguise, as the people dislocated so often turn out to be from minority ethnic and racial communities.²

While it may have as many meanings as people who invoke its name, development generally has positive, though perhaps ambiguous, connotations.³ Uneven development is a bad thing and sustainable development is a good thing but, for the most part, underdeveloped countries and communities seek to become more developed, whether that is through improving health and livelihoods, expanding educational opportunities, or building infrastructure. But, as the citations above suggest, development does not benefit everyone equally and for some—indeed, for millions of people around the world—development has cost them their homes, their livelihoods, their health, and even their very lives. The suffering of those displaced by development projects can be as severe, and the numbers as large, as those displaced either internally or internationally by conflict and violence. What follows is an examination of the often-overlooked phenomenon of development-induced displacement, its causes, consequences and challenges for the international community.

In January 2000, thirteen days into the new millennium, the then US Ambassador to the United Nations, Richard Holbrooke, offered these comments to the Security Council on the subject of humanitarian aid to displaced populations:

...two-thirds of the refugees of the world do not fall under the official purview of the UNHCR [United Nations High Commissioner for Refugees]. We call them IDPs. In our Mission, across the street, we have tried to figure out ways to abolish this odious terminology. The very use of initials to refer to people is not, in itself, healthy...[T]hese are people, and to a person who has been driven from his or her home by conflict, there is no difference between being a refugee or an IDP. In terms of what has happened to them, they are equally victims but they are treated differently...So without laying a formal and specific proposal on behalf of my government before you today, I hope that all of us would recognize that what we must do is expand the definition of what is a refugee—erode, if not erase, the distinction between a refugee and a person who is internally displaced.⁴

In a later speech, Ambassador Holbrooke appeared to focus his attention more on the need to “energize our institutional structures to deal with...the inadequate and uneven protection afforded to internally displaced persons,” rather than the need to change definitions, but his suggestion to erode or erase the distinction between refugees and internally displaced persons (IDPs) posed a challenge to the international community.⁵ The most obvious challenge is the issue of state sovereignty since refugees have crossed an international border while internally displaced people have not. Another challenge is that the refugee and IDP definitions established in UN instruments are separated by more than an international boundary line. Although millions of IDPs across the globe would qualify for refugee status if they were to cross an international border, millions more would not.

A refugee, according to the 1951 Refugee Convention, is a person who *owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.*⁶

No comparable international agreement exists for IDPs, although a normative framework has evolved. In 1992, the UN Secretary-General appointed a former Sudanese diplomat, Francis M. Deng, as his Representative on Internally Displaced Persons. In 1998, following years of collaboration with a team of international legal scholars and consultation with non-governmental, regional and international organizations, Deng presented the UN system with the *Guiding Principles on Internal Displacement*.⁷ “Although the *Guiding Principles* themselves are not a binding legal document comparable to a treaty,” Deng wrote, “they are based on and consistent with international human rights law, humanitarian law, and refugee law by analogy.”⁸

The *Guiding Principles* define internally displaced persons as *persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters and who have not crossed an internationally recognized State border.*

Based in part on this definition—and with a particular focus on those displaced by armed conflict, generalized violence, and human rights abuse—the US Committee for Refugees [USCR] estimated that there were more than 20 million IDPs worldwide in 2002.⁹ Another non-governmental organization, the Global IDP Project, estimated that at least 25 million people were internally displaced in 47 countries in 2002.¹⁰ These numbers, it might be said, encompass those who, if they were to cross an international border, could be considered refugees. Indeed it is this group—those displaced by conflict and human rights violations—which is generally thought to constitute “the internally displaced.”

However, the definition set down in the *Guiding Principles* goes beyond refugee-like criteria to include those displaced by “natural or human-made disasters.” Principle 6, moreover, states that “Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence;” this prohibition against arbitrary displacement “*includes displacement in cases of large-scale development projects which are not justified by compelling and overriding public interests* [italics added for emphasis].”

Assessments sponsored by the World Bank have estimated that every year since 1990, roughly 10 million people worldwide have been displaced involuntarily by infrastructural development projects.¹¹ In India alone, during the last 50 years, an estimated 25 million have been displaced by development projects.¹² In that same period in China, development projects displaced more than 40 million people, including 13.6 million in the 1990s.¹³ Such estimates, though large, may be as incomplete as they are imprecise. While victims of disaster—especially natural disaster—generally are the focus of sympathetic attention and international aid (as are many of those displaced by conflict), the same cannot be said for victims of development-induced displacement, although the consequences may be comparably dire. As a multi-year study of development-induced displacement by the World Commission on Dams concluded, “impoverishment and disempowerment have been the rule rather than the exception with respect to resettled people around the world.”¹⁴ The impact has been felt most heavily by marginalized and vulnerable populations:

*Evidence suggests that for a vast majority of the indigenous/tribal peoples displaced by big projects, the experience has been extremely negative in cultural, economic, and health terms. The outcomes have included assetlessness, unemployment, debt-bondage, hunger, and cultural disintegration. For both indigenous and non-indigenous communities, studies show that displacement has disproportionately impacted on women and children.*¹⁵

The *Guiding Principles* offer both a rationale and a framework for analyzing patterns of internal displacement that may fall outside the bounds of conflict-induced displacement but are associated, nevertheless, with increased vulnerability, including impoverishment, elevated morbidity and mortality, loss of social and economic rights, and, in many cases, abuse of human rights. By means of a general overview and through a series of illustrative examples, this study will explore the dynamic of development-induced displacement, seeking to delineate its principal causes, the contexts in which it occurs, and its consequences both for those who are displaced and for those who may be affected, directly or indirectly, by displacement. Lastly, the study will consider what role, if any, should be played by the international community—and particularly, the UN Secretary-General’s Representative on Internally Displaced Persons—in responding to these displacements.

As noted above, internally displaced persons as described by the *Guiding Principles* are unlike refugees in two important respects: first, they have not crossed an international border and thus do not enjoy the protections accorded under international law to refugees

and asylum seekers. Second, their displacement may not be caused by conflict and they may not be fleeing a well-founded fear of persecution. Indeed, those displaced by natural disasters and many kinds of human-made disasters generally have no reason *per se* to fear or mistrust state authorities, whether or not they receive help from them.

Unlike refugees, internally displaced persons may also be displaced by development projects. But populations that are forced or obliged to move by development projects pose a special challenge to the international community. Though they may not have crossed a border and may not be considered to be in “refugee-like” circumstances within their own country, nevertheless they have been evicted from their homes or places of habitual residence, had their lives and livelihoods disrupted, and face the uncertainties of resettling in unfamiliar and often inhospitable locations. Like refugees in this respect, they face long-term risks of becoming poorer and more vulnerable as a result of their displacement.

Development-induced displacement is problematic at best, even when a state has the best interests of the entire population at heart. Such displacement can be catastrophic when it occurs in the midst of conflict or when a state targets a particular segment of the population—be they people in poverty; ethnic, racial, religious or political minorities; indigenous peoples; or other vulnerable groups—to bear a disproportional share of the costs of development and, either through neglect, malfeasance, or outright malice, denies them a proper share of the benefits. In these instances, and they are manifold, development-induced displacement constitutes a violation of human rights and humanitarian law and calls for a response from the international community. Such a response should incorporate the *Guiding Principles* as a normative framework and should build upon the policies and guidelines being developed by international financial institutions, UN and international agencies, and non-governmental organizations. The response, furthermore, should promote an approach to development—and to development-induced displacement—that incorporates both an “assessment of risks” and a “recognition of rights.”¹⁶

CONCEPTS AND DEFINITIONS

In situating the concept of development-induced displacement within the global context of population movements, it may be useful, on the one hand, to view internal and international migration, voluntary and involuntary movement, negative “distress” migration and positive “livelihood” migration as a continuum with no single, clear line separating one type from the other.¹⁷ Migration may begin internally but eventually cross international boundaries just as international migration may one day cycle back home. Voluntary movement may contain elements of coercion just as involuntary movement is not without rational decision-making or strategic choice. On the other hand, distinctions can and should be made at certain points along the continuum so that one can tell the difference, for example, between an oil-company executive who moves to take a management position overseas and the subsistence farmer who is moved from her land so the oil company can drill.

These points along the continuum, however, are not always self-evident nor simple to define. As this paper moves toward a description and a typology of development-induced displacement, it will explore various definitions—of refugee, internally displaced person, and of disasters, both natural and human-made. The focus will be on those points along the continuum that fall more or less clearly within the scope of involuntary migration. When people are induced to move—that is, when they are displaced—even if it is by development schemes, then what is occurring can be termed forced migration, using Nicholas Van Hear’s definition of *forced migration* in reference to “individuals or communities compelled, obliged, or induced to move when otherwise they would choose to stay put; the force involved may be direct, overt and focused, or indirect, covert, and diffuse.”¹⁸

Refugees

The archetypical example of forced migration is that of the refugee, who, according to the UN Convention Relating to the Status of Refugees (1951), must be outside his or her country of nationality and unable or unwilling to return due to a well-founded fear of persecution for any one of five reasons: race, religion, nationality, membership of a social group, or political opinion. It is this definition that has been endorsed by 135 UN member states and that guides the work of the UN High Commissioner for Refugees (UNHCR).

In addition to this universal instrument, several regional instruments also have evolved. In 1969, the Organization of African Unity (OAU) formally recognized the need for an expanded definition of refugee within the African context. The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, which had 42 signatories as of 1993, repeats the UN definition but adds that

*The term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.*¹⁹

In 1984, ten Central American states signed the Cartagena Declaration on Refugees, which, in non-binding language, extended the definition of refugee beyond the 1951 Convention to include “persons who have fled their country because their lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed the public order.”²⁰

Based primarily, though not solely, on the 1951 Convention definition, UNHCR estimated that there were 12 million refugees worldwide in 2002.²¹ A private, non-profit organization, the US Committee for Refugees (USCR), estimated that there were 14.9 million refugees and asylum-seekers worldwide in 2002, counting “two categories of uprooted people: refugees who are unable or unwilling to return to their home countries

because they fear persecution or armed conflict there and who lack a durable solution; and asylum seekers who are awaiting a refugee status determination.”²²

Despite the variations in terms and the different estimates that result, it is fair to say that the definition of refugee, at its core, encompasses people who have fled their country and fear persecution or violence if they return. It is also fair to say that this definition, however broadly construed, leaves out millions of vulnerable people, including all those who have not crossed an international border.

Internally Displaced Persons

Walter Kälin, one of the international legal advisers who helped to develop the *Guiding Principles on Internal Displacement*, has underscored the difference between refugees and IDPs. The *Guiding Principles*, he emphasized,

*seek to highlight the descriptive and non-legal nature of the term ‘internally displaced persons.’ Internally displaced persons need not and cannot be granted a special legal status comparable to refugee status. In international law, refugees are granted a special legal status because they have lost the protection of their own country and, therefore, are in need of international protection not necessary for those who do not cross international borders. Internally displaced persons do not need such a substitute protection. Rather as human beings who are in a situation of vulnerability they are entitled to the enjoyment of all relevant guarantees of human rights and humanitarian law, including those that are of special importance to them.*²³

Although the problem of internally displaced people is by no means a new one, a concerted international focus on solutions has come about only within the last decade. One catalyzing event occurred on April 5, 1991, when the UN Security Council’s Resolution 688 demanded that Iraq “allow immediate access to international humanitarian organizations to all those in need of assistance in all parts of Iraq.”²⁴ At its peak, the aid effort serving internally displaced Kurds in northern Iraq involved 30 bilateral donors, 50 international NGOs, several UN agencies (including UNHCR), 20,000 personnel, and more than 200 aircraft. UN Secretary-General Javier Perez de Cuellar felt compelled to announce, “We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents.”²⁵

In December 1991, the General Assembly created the position of Emergency Relief Coordinator, affirming that humanitarian assistance to victims of natural disasters and other emergencies was a matter of international import.²⁶ In 1992, as noted above, UN Secretary-General Boutros Boutros-Ghali appointed Francis M. Deng as his Representative on Internally Displaced Persons with authorization to conduct fact-finding missions, establish dialogue with governments, coordinate with humanitarian and human rights groups, make proposals for legal and institutional protection, and publish reports

for action by the UN Commission on Human Rights, the General Assembly, and international organizations.²⁷

Prior to Deng's appointment, in February 1992, the UN Commission on Human Rights issued a report on IDPs in which it defined internally displaced persons as "Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country."²⁸ In the years of debate and discussion that followed, most of the commentators tended to agree that this definition was too limiting. If the term only referred to those who fled "suddenly or unexpectedly" and "in large numbers," then smaller numbers would be excluded as would those displaced in more gradual, deliberate circumstances. Similarly, some argued that IDPs were not always "forced to flee," but often were obliged to leave their homes and property,²⁹ either as a result of a government order or in the face of an impending disturbance.

In 1998, Deng presented a revised definition of IDPs to the UN Commission on Human Rights, which unanimously adopted a resolution taking note of the *Guiding Principles*. In addition, the Inter-Agency Standing Committee (IASC), comprising the heads of the major international relief and development agencies, welcomed the *Guiding Principles* and encouraged its member agencies to share them with their Executive Boards and staff and to apply them when working with internally displaced populations.

The *Guiding Principles*, as noted previously, define internally displaced persons as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence **in particular** (emphasis added) as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters and who have not crossed an internationally-recognized State border." Walter Kälin observed that while the definition of IDPs gives examples of how internal displacement may occur, the words "*in particular*" indicate "that the listed examples are not exhaustive."

Indeed, Principle 6 of the *Guiding Principles* states that

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - a) when it is based on policies of apartheid, 'ethnic cleansing' or similar practices aimed at or resulting in alteration of the ethnic, religious, or racial composition of the affected population;
 - b) in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - c) **in cases of large-scale development projects that are not justified by compelling and overriding public interests** [emphasis added];

- d) in cases of disasters, unless the safety and health of those affected requires their evacuation; and
- e) when it is used as a collective punishment.

Principle 9 of the *Guiding Principles*, moreover, provides that “States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists, and other groups with a special dependency on and attachment to the land.”

As Kālin notes, norms of human rights law and humanitarian law prohibit the forced movement of persons while permitting certain exceptions. Article 12(3) of the International Covenant on Civil and Political Rights (ICCPR) states that the right to liberty of movement and freedom to choose one’s residence “shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others.” Article 49, Geneva Convention IV states that forced migration is allowed, on an exceptional basis, if the security of the population or military imperatives so demand.

It clearly emerges [Kālin writes] that forced displacement of persons may be allowed in certain circumstances but that these exceptions from protection against displacement are restricted to cases of an ultima ratio which shall be resorted to only if there are no other alternatives. In this regard, the term ‘arbitrary’ implies that the acts in question contain ‘elements of injustice, unpredictability, and unreasonableness.’³⁰

Internally displaced persons, under the definition of the *Guiding Principles*, are not simply “internal refugees,” differing only from their international counterparts by a fluke of geography. IDPs, as above noted, comprise a broader classification of person, which includes those who generally *would be* considered refugees if they crossed an international border but also those—and this includes, in particular, people displaced by natural disaster or arbitrarily by large-scale development projects*—who generally *would not*.³¹ The nature of their displacement puts IDPs and refugees alike in situations of vulnerability and entitles each population to the enjoyment of all relevant guarantees of human rights and humanitarian law. The specific laws that apply, however, are not always the same.

As earlier noted, the US Committee for Refugees estimated that more than 20 million IDPs worldwide had been displaced in 2002 by armed conflict, generalized violence, and human rights abuse. UNHCR estimated more than 6 million IDPs were among its total “population of concern” in 2002. In light of the *Guiding Principles*’ broader definition of an internally displaced person, the question is: who remains to be accounted for?

* The *Guiding Principles*, it should be noted, apply also to those displaced by less than “large-scale development projects.” The description, “large-scale,” was mentioned as part of an illustrative, but not exhaustive, list of examples in Principle 6 (2C).

Disaster-Induced Displacement

The United Nations has defined a disaster as “a serious disruption of the functioning of a society, causing widespread human, material, or environmental losses which exceed the ability of the affected society to cope using its own resources.”³² By this definition, not every fire, earthquake, drought, epidemic, or industrial accident constitutes a disaster, only those where the losses exceed a society’s ability to cope and external aid is required. Most classifications of disaster identify two main types: natural and human-made. Natural disasters may be broken down into three sub-categories—sudden impact, slow-onset, and epidemic diseases—while human-made disasters include two sub-categories—industrial/technological disasters and complex emergencies:³³

1. ***Sudden impact disasters*** include floods, earthquakes, tidal waves, tropical storms, volcanic eruptions, and landslides. Floods are the type of natural disaster most frequently associated with sudden migration of large populations and food shortages. Earthquakes cause the greatest number of deaths and overwhelming infrastructural damage.
2. ***Slow-onset disasters*** include droughts, famine, environmental degradation, deforestation, pest infestation, and desertification (conversion of arable lands to deserts). These disasters are usually the result of adverse weather conditions combined with poor land use.
3. ***Epidemic diseases*** such as cholera, measles, dysentery, respiratory infections, malaria, and, increasingly, HIV, generally do not trigger large-scale displacement even during a severe outbreak although they often threaten displaced populations, especially those clustered in overcrowded and unsanitary conditions following a major disaster.
4. ***Industrial/technological disasters*** result from a society’s industrial and technological activities that lead to pollution, spillage of hazardous materials, explosions, and fires. They may occur from poor planning and construction of facilities or from neglect of safety procedures. Sudden-onset disasters such as earthquakes and floods as well as human factors such as armed conflict or a terrorist attack may trigger secondary disasters such as fires, industrial explosions, and pollution/contamination.
5. ***Complex emergencies*** are usually human-made with multiple contributing factors (these may include war, internal conflict, and natural disaster) and are marked by large-scale displacement, food insecurity, human rights violations, and elevated mortality.³⁴

The International Federation of Red Cross and Red Crescent Societies cites estimates of 170,478,000 people affected by 712 disasters in 2001. Roughly 82 percent of the people affected and 41 percent of all disasters reported were in the Asian continent. Droughts and famines accounted for nearly 51 percent of the total populations affected although

earthquakes contributed to nearly 55 percent of the 39,073 disaster-related deaths in 2001.³⁵ Although the International Federation does not make any direct estimates of how many people were physically displaced by disaster, it documented approximately 34 million people being assisted in 2001 who were affected by “floods, droughts, earthquakes and displacement.”³⁶

Development-Induced Displacement

*Forced population displacement is always crisis-prone, even when necessary as part of broad and beneficial development programs. It is a profound socio-economic and cultural disruption for those affected. Dislocation breaks up living patterns and social continuity. It dismantles existing modes of production, disrupts social networks, causes the impoverishment of many of those uprooted, threatens their cultural identity, and increases the risks of epidemics and health problems.*³⁷

In the 1950s and 1960s, it may be said that the dominant view in development was informed by modernization theory, which, put crudely, saw development as transforming traditional, simple, Third World societies into modern, complex, Westernized ones. Seen in this light, large-scale, capital-intensive development projects accelerated the pace toward a brighter and better future. If people were uprooted along the way, that was deemed a necessary evil or even an actual good, since it made them more susceptible to change.³⁸ In recent decades, however, a “new development paradigm” has been articulated, one that promotes poverty reduction, environmental protection, social justice, and human rights. In this paradigm, development is seen as both bringing benefits and imposing costs. Among its greatest costs has been the involuntary displacement of millions of vulnerable people.

In 1994, a study of all World Bank-assisted development projects from 1986-1993 that entailed population displacement found that just over half were in the transportation, water supply, and urban infrastructure sectors.³⁹ Extrapolating from World Bank data to derive estimates of global figures, the study concluded that, in the early 1990s, the construction of 300 high dams (above 15 meters) each year had displaced 4 million people. Urban and transportation infrastructure projects accounted for 6 million more displaced each year. Within one decade, according to a 1996 assessment, “at least 80 to 90 million people have been displaced by programs in only two development sectors. *Population displacement by development programs is now a worldwide problem, of a magnitude previously unsuspected* [italics in original]. Moreover, ongoing industrialization, electrification, and urbanization processes are likely to increase, rather than decrease, the number of programs causing involuntary population displacement over the next 10 years.”⁴⁰

Not only is development-induced displacement a widespread, and growing, phenomenon, but evidence suggests that while the beneficiaries of development are numerous, the costs are being borne disproportionately by the poorest and most marginalized populations. In India, for example, one study calculated that 2 percent of the total population had been

displaced by development projects in the first forty years of the country's independence (1951-1990). Of those displaced, however, 40 percent were tribal people though they comprise only 8 percent of the population.⁴¹ As author Arundhati Roy observed, "The ethnic 'otherness' of their victims takes some of the pressure off the nation builders. It's like having an expense account. Someone else pays the bills."⁴²

In a 2002 study, the Center on Housing Rights and Evictions (COHRE) documented the forcible eviction of 4.3 million people in 63 countries during the period 1998-2000. These forced evictions occurred "largely as a result of development projects, discrimination, urban development schemes, gentrification, urban beautification, land alienation in both rural and urban areas, and in situations of armed conflict and ethnic cleansing, or their aftermath." The COHRE study noted that "this compilation...captures only a representative cross-section of a much wider practice" and estimated that, as of 2002, there were over 3.6 million people threatened by forced eviction under existing plans and projects.⁴³

Causes or categories of development-induced displacement include the following: water supply (dams, reservoirs, irrigation); urban infrastructure; transportation (roads, highways, canals); energy (mining, power plants, oil exploration and extraction, pipelines); agricultural expansion; parks and forest reserves; and population redistribution schemes.⁴⁴

Michael Cernea, a sociologist based at the World Bank who has researched development-induced displacement and resettlement for two decades, points out that being forcibly ousted from one's land and habitat carries with it the risk of becoming poorer than before displacement. Those displaced "are supposed to receive compensation of their lost assets, and effective assistance to re-establish themselves productively; yet this does not happen for a large portion of oustees."⁴⁵

Cernea's impoverishment risk and reconstruction model proposes that "the onset of impoverishment can be represented through a model of eight interlinked potential risks intrinsic to displacement."⁴⁶ These are:

1. **Landlessness.** Expropriation of land removes the main foundation upon which people's productive systems, commercial activities, and livelihoods are constructed. This is the principal form of de-capitalization and pauperization of displaced people, as they lose both natural and human-made capital.
2. **Joblessness.** The risk of losing wage employment is very high both in urban and rural displacements for those employed in enterprises, services, or agriculture. Yet, creating new jobs is difficult and requires substantial investment. Unemployment or underemployment among resettlers often endures long after physical relocation has been completed.
3. **Homelessness.** Loss of shelter tends to be only temporary for many resettlers; but, for some, homelessness or a worsening in their housing standards remains a

lingering condition. In a broader cultural sense, loss of a family's individual home and the loss of a group's cultural space tend to result in alienation and status deprivation.

4. ***Marginalization.*** Marginalization occurs when families lose economic power and spiral on a “downward mobility” path. Many individuals cannot use their earlier acquired skills at the new location; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization, expressed in a drop in social status, in resettlers' loss of confidence in society and in themselves, a feeling of injustice, and deepened vulnerability.
5. ***Food Insecurity.*** Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary for normal growth and work.
6. ***Increased Morbidity and Mortality.*** Massive population displacement threatens to cause serious decline in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation-related illnesses, particularly parasitic and vector-borne diseases such as malaria and schistosomiasis. Unsafe water supply and improvised sewage systems increase vulnerability to epidemics and chronic diarrhea, dysentery, and so on. The weakest segments of the demographic spectrum—infants, children, and the elderly—are affected most strongly.
7. ***Loss of Access to Common Property.*** For poor people, loss of access to the common property assets that belonged to relocated communities (pastures, forest lands, water bodies, burial grounds, quarries, and so on) result in significant deterioration in income and livelihood levels.
8. ***Social Disintegration.*** The fundamental feature of forced displacement is that it causes a profound unraveling of existing patterns of social organization. This unraveling occurs at many levels. When people are forcibly moved, production systems are dismantled. Long-established residential communities and settlements are disorganized, while kinship groups and family systems are often scattered. Life-sustaining informal social networks that provide mutual help are rendered non-functional. Trade linkages between producers and their customer base are interrupted, and local labor markets are disrupted. Formal and informal associations, and self-organized services, are wiped out by the sudden scattering of their membership. Traditional management systems tend to lose their leaders. The coerced abandonment of symbolic markers (such as ancestral shrines and graves) or of spatial contexts (such as mountains and rivers considered holy, or sacred trails) cuts off some of the physical and psychological linkages with the past and saps at the roots of the peoples' cultural identity. The cumulative effect is that the social fabric is torn apart.⁴⁷

Others have suggested the addition of other risks such as the loss of access to public services, loss of access to schooling for school-age children, and the loss of civil rights or abuse of human rights.⁴⁸ Borrowing from Robert Muggah and Theodore Downing, this paper adds two additional risks intrinsic to displacement:

9. ***Loss of Access to Community Services.*** This could include anything from health clinics to educational facilities, but especially costly both in the short and long-term are lost or delayed opportunities for the education of children.
10. ***Violation of Human Rights.*** Displacement from one's habitual residence and the loss of property without fair compensation can, in itself, constitute a violation of human rights. In addition to violating economic and social rights, listed above, arbitrary displacement can also lead to violations of civil and political rights, including: arbitrary arrest, degrading treatment or punishment, temporary or permanent disenfranchisement and the loss of one's political voice. Finally, displacement carries not only the risk of human rights violations at the hands of state authorities and security forces but also the risk of communal violence when new settlers move in amongst existing populations.

The impoverishment risk and reconstruction model already has been used to analyze several situations of internal displacement. Lakshman Mahapatra applied the model to India, where he estimates that as many as 25 million people have been displaced by development projects from 1947-1997.⁴⁹ Among his findings,

- Compensation for land in the form of cash payments (rather than land-for-land) has increased landlessness among tribal peoples and other largely illiterate, vulnerable groups.
- In the Vindhyachal Super Thermal Power Project, 2,330 families were displaced, of whom only 1,298 could be traced after the end of the first phase. Of those traced, only 272 families or 21 percent were rehabilitated with a job or self-employment.
- A comprehensive study of people displaced by eight different development projects against a control group of 110,000 non-displaced families found that the prevalence of acute illnesses was higher in seven resettlement groups and of chronic diseases in five resettlement groups.
- Children of tribal groups displaced by the Salandi Major Irrigation Project in Orissa were set back in education when schools were not provided in government resettlement colonies until nearly 10 years after relocation.

Overall, Mahapatra concluded that “detailed examination of India’s resettlement experiences confirms empirically and theoretically the validity of the conceptual model of risk and reconstruction as an analytical, explanatory, and strategic tool.”

Cernea's impoverishment risk and reconstruction model offers a valuable tool for the assessment of the many risks inherent in development-induced displacement. Balakrishnan Rajagopal of the Massachusetts Institute of Technology has noted five "human rights challenges" that arise in relation to development-induced displacement:⁵⁰

Right to Development and Self-Determination. In 1986, the UN General Assembly adopted a Declaration on the Right to Development, which states that "every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized." The Declaration, moreover, asserts the right of peoples to self-determination and "their inalienable right to full sovereignty over all their natural wealth and resources."⁵¹ In Rajagopal's interpretation, such language makes it "clear that local communities and individuals, not states, have the right to development."⁵²

Right to Participation. If self-determination is the right to say whether development is needed or not, participation rights begin to be relevant when development begins. The right to participation is based on various articles of the International Bill of Human Rights, which consists of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁵³ More specifically, the 1991 International Labor Organization Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169) stipulates (Article 7) that indigenous and tribal peoples shall participate in the formulation, implementation and evaluation of national and regional development plans that affect them.⁵⁴

Right to Life and Livelihood. When security forces take action to move people forcibly or to quell civil dissent against development projects, this may constitute a direct threat to the right to life, which is protected in the UDHR (Article 3) and the ICCPR (Article 6). The right to livelihood is threatened by the loss of home and the means to make a living—whether farming, fishing, hunting, trading or the like—when people are displaced from habitual residences and traditional homelands. The right to own property and not to be arbitrarily deprived of this property as well as the right to work are spelled out in the UDHR (Articles 17 and 23, respectively) as well as in Article 6 of the ICESCR. Article 11 of the ICESCR, moreover, affirms that "States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

Included in the right to life is the right to environment, which, as Rajagopal puts it, "makes life worth living, materially and culturally."⁵⁵ This concept has also been phrased as "intergenerational equity" or the right of future generations to inherit a planet, or a particular piece of it, that is capable of sustaining life. The 1992 Convention on Biological Diversity, for example, asserts that state signatories are "determined to conserve and sustainably use biological diversity for the benefit of present and future generations."⁵⁶

Rights of Vulnerable Groups. Growing evidence shows that, while development projects may create vulnerability through impoverishment, they disproportionately affect groups that are vulnerable to begin with, particularly indigenous groups and women. Human rights of vulnerable groups are protected generically in the International Bill of Human Rights. The ILO Convention 169 spells out protections for indigenous groups. For women, as Sarah Aird notes in a study of dam-related displacement but whose observations could apply more generally:

some governments still recognize only male heads of household as legitimate landowners, denying women compensation for submerged lands and exacerbating pre-existing gender inequalities. In tribal communities where women enjoy user rights over land but not ownership rights, governments do not provide these women with any compensation. In addition to suffering greater negative effects due to dams, women also generally do not enjoy the same benefits men do, such as enhanced employment opportunities.⁵⁷

The principle of non-discrimination is not only codified in the UDHR (Article 2), the ICCPR (Article 2) and the ICESCR (Article 2) but also in the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Right to Remedy. The right to remedy is asserted in the UDHR (Article 8) and in the ICCPR (Article 2). As Rajagopal notes, “often, due to the nature of the development process, the project-affected peoples come to know about actions that have been taken without their knowledge or consent. Therefore, they need a quick and efficacious remedy that can halt on-going violations and prevent future ones. The right to remedy is therefore crucial...to all development projects.”⁵⁸ Put more broadly, “A right without a remedy is no right at all.”⁵⁹

CASE STUDIES

The focus of this section will be on illustrating, through the use of case studies and examples, the principal causes, contexts, and consequences of development-induced displacement. The case studies and examples are grouped thematically, according to cause of displacement. The focus, wherever possible, will be on documenting the specific impacts on populations that are directly and indirectly affected by development-induced displacement. It should also be noted that the cases and examples below present an illustrative rather than exhaustive list of development-induced displacements around the world.

Water Supply

According to the World Commission on Dams (WCD), between 40 and 80 million people worldwide have been physically displaced by dams.⁶⁰ In China, by the late 1980s, roughly 10 million people were counted as “reservoir resettlers” while, in India, estimates of the populations displaced by large dams ranged from 21 million to 33 million people.

These figures, however large, are only partial estimates and do not count the millions more people living upstream and downstream of dams who have suffered what the WCD calls “livelihood displacement.”⁶¹

Among the many concerns that the World Commission has raised about dam-related displacement are:

- Displaced and affected people rarely receive complete and adequate information on the dam project, the nature and extent of displacement and provisions for resettlement and reconstruction.
- Displaced and affected people normally have no role in generating baseline information or in developing resettlement plans.
- The relocation process is often traumatic, involuntary, and prolonged. Compensation is inadequately assessed and monitored. Resettlement sites are plagued by poor infrastructure and problematic relationships with host communities.⁶²

China. In its first 40 years after the 1949 revolution that established the People’s Republic of China, the government has resettled an average of 800,000 people per year for development purposes.⁶³ The Three Gorges Dam project, launched in 1994 and to be completed in 2009 at a total cost in excess of \$US 25 billion, is expected to result in the largest dam-related displacement in history. Flooding more than 1,000 square kilometers of land with a reservoir more than 400 miles in length, the Three Gorges Dam project will displace the populations of 17 cities and 109 towns in 19 counties—a total of more than 1.2 million people.⁶⁴

The government’s argument in favor of the dam is that it will control the effects of monsoon floods on farmland as well as on industrial and urban centers in the lower Yangtze River basin; moreover, it will also serve as the center of an expansion of electric generation capacity in China, which is expected to reduce the country’s overall dependence on coal as an energy source.⁶⁵ Criticism of the project has been wide-ranging, including its technical feasibility, negative environmental impacts, destruction of cultural landmarks and archaeological sites, government corruption, lack of transparency, and the displacement of such large numbers of people without their effective participation and, potentially, without adequate compensation.⁶⁶

The World Bank assisted the Chinese government in preparing initial feasibility studies but declined to fund the project, in part because the resettlement plan was deemed unsatisfactory.⁶⁷ The Chinese government has budgeted 40 billion *yuan* (about \$US 5 billion) for resettlement and already has moved 395,000 people with another 130,000 scheduled to move by June 2003. Many are likely to move only a few kilometers from their original homes but up to 125,000 will be relocated out of the reservoir area and sent to places as distant as Shanghai to the east and Xinjiang to the west.⁶⁸ One study projected that the true cost of resettlement would be 195 billion *yuan* (about \$US23.6

billion), more than four times what has been budgeted.⁶⁹ Some international observers have suggested that proposed compensation payments are promises unlikely to be kept.⁷⁰

Studies of persons in China resettled because of dams indicate that they are often left in poverty. A study measuring the effects of displacement due to dam construction stated that only one third of those resettled had “re-established their lives at satisfactory standards.” Another third had returned to “subsistence livelihoods” while the remainder were “mired in poverty.”⁷¹ World Bank evaluations of dam resettlements indicate that resettlers experience high rates of unemployment and often remain dependent upon food rations from the government. Sixty percent are believed to live below the poverty line.⁷²

India. India has the largest number of development projects in the world and, quite possibly, the largest number of development-induced displaced persons in the world as well. The India Social Institute estimated there were currently 21.3 million persons displaced because of development projects; of this number 16.4 million were displaced by dams. According to the Central Water Commission, 3,300 dams had been built since 1947 and another 1,000 are under construction. The Indian Institute of Public Administration estimates that the average number of persons displaced by a large dam is 44,182.⁷³ Development projects disproportionately affect the poorest segments of Indian society, including those belonging to scheduled castes and tribal groups, and threaten them with even greater impoverishment because of a loss of livelihood, land, assets and social structure.

Among the best known and most controversial cases of development-induced displacement in India is that of the Sardar Sarovar dam and irrigation complex on the Narmada River. Although the Indian government had been studying development of the Narmada River basin for several decades since independence, full-scale construction of the Sardar Sarovar Dam did not begin until 1987, overseen by the Narmada Control Authority (NCA) and funded initially by the World Bank. Government claims that the Sardar Sarovar Project would irrigate 1.8 million hectares of drought-prone areas in Gujarat and 75,000 hectares in Rajasthan as well as provide domestic water to 2.4 million people were met with criticisms from the local communities that the benefits were exaggerated and that the project would displace as many as 320,000 people and affect the livelihoods of thousands more.⁷⁴ Following several years of non-violent protests led by the Narmada Bachao Andolan (Save the Narmada Movement), in 1991, the World Bank established an independent review committee, chaired by the former head of the UN Development Program, Bradford Morse. In June 1992, the Morse Commission released its report, concluding that “the Sardar Sarovar Projects as they stand are flawed, that resettlement and rehabilitation of all those displaced by the Projects is not possible under prevailing circumstances, and that the environmental impacts of the Projects have not been properly considered or adequately addressed.”⁷⁵

Although the World Bank withdrew its support for the project in 1993, and a lawsuit in India stayed construction from 1995 to 1999, construction continued sporadically until 2000 when the Sardar Sarovar Dam reached a height of 90 meters. In February 2002, the Rehabilitation and Resettlement sub-group of the NCA halted further construction,

pending a review of the status of resettlement for those already affected. Although various groups reported that the rehabilitation of the people affected at the 90 meter height had not been completed, in May 2002, India's Supreme Court authorized the dam to be raised to 95 meters.

Thailand. The Pak Mun Dam, built on the Mun River in northeast Thailand, was completed in 1994 by the Electricity Generating Authority of Thailand with about 10 percent of funding coming from the World Bank. The principal benefit of the dam was to generate hydropower although an early environmental impact assessment (conducted in 1981) had predicted an increase in fish production from the reservoir. During construction of the dam from 1990-1993, local villagers began to protest that the dam was contributing to a dramatic decline in fish catch and that many fish species had disappeared altogether. In 1995, the Thai government approved payments of 90,000 Baht (about \$US 2,400) to 3,955 fishermen as compensation for loss of income during the construction period. Protests and negotiations continued over compensation for long-term loss of fisheries livelihood. Protesters demanded a payment of \$1,400 per year for 30 years as compensation; in March 2000, the Thai government approved payments of 60,000 Baht each to an additional 2,200 fishermen.⁷⁶ In 1991, the government opened the gates to the dam but agreed to conduct studies into Pak Mun Dam's impact on fisheries.

Lesotho. Though the largest numbers of persons displaced by dams are in Asia, dam-building projects have also had negative impacts upon indigenous and peasant groups in Latin America and the poor in Africa. An example is the Lesotho Highlands Water Project, the largest infrastructure project ever constructed in Africa. The project is a multi-dam scheme designed to export Lesotho's water to South Africa's industrial center of Gauteng Province and to provide hydroelectricity to Lesotho. The World Bank and several other financial institutions provided more than \$4 billion dollars to finance the project, and companies from at least nine different countries have been involved in the dam's construction. The project is expected to displace over 27,000 people and the World Bank has admitted that despite close supervision and drafting of resettlement plans, "the results on the social side...are clearly distressing."⁷⁷

Urban Development and Transportation Infrastructure

With urban growth rates exceeding 6 percent annually, according to UN figures, by the year 2025 more than two billion people will be living in large cities of more than one million inhabitants. As Michael Cernea has noted, "In cities such as Sao Paulo, Lagos, Douala, Rabat, Shanghai, or Mexico City, massive investments in infrastructure for transportation, re-housing, sanitation and other services are needed, and will be increasingly needed, for improving living standards and economic expansion. Such urban investment will inevitably entail further land acquisition and involuntary displacement."⁷⁸ Urban development and infrastructure projects already are a principal cause of development-induced displacement worldwide and the trend is likely to accelerate. From 1980 to 1986, for example, World Bank-assisted projects in transportation, water and urban development accounted for 33 percent of all projects

involving involuntary resettlement in Africa; from 1987 to 1995, the proportion grew to 57 percent.⁷⁹

Examples of involuntary displacement due to urban development and infrastructure projects from around the world include the following:

- In *Madagascar*, a World Bank-funded urban development project displaced a total of 2,341 households in urban areas and resettled them in Antanarivo Plain. A follow-up study found that only three of the households settled at the intended permanent settlement sites and concluded that “a substantial proportion of the displaced households have been made worse off by resettlement.”⁸⁰
- In *Brazil*, police used tear gas, rubber bullets and nightsticks on May 19, 2000 to evict an estimated 2,000 squatters from homes that they had occupied for 17 years in Sao Paolo. None were given relocation assistance following the eviction.⁸¹
- In the *Dominican Republic*, between 1986 and 1992, at the height of the nation’s urban renewal campaign, about 30,000 families in Santo Domingo were evicted from their homes. Though the numbers have decreased, evictions continue. “The most unprotected group in the Dominican Republic continues to be Haitians or Dominicans of Haitian descent, particularly women.”⁸²
- In *Burma (Myanmar)*, the State Peace and Development Council has carried out numerous evictions of “squatters” in the name of urban development and beautification. According to US State Department reports, between 1988 and 1994, an estimated 500,000 residents of Rangoon were removed from their homes—often to break up anti-government strongholds in the city—and relocated to satellite settlements outside the city.⁸³ An earlier report from the UN Center for Human Settlements (UN-Habitat) estimated that between 1989 and 1990, about 1.5 million people nationwide had been relocated, half of them from the four cities of Rangoon, Mandalay, Bago and Taunggyi. This “massive social engineering exercise” involved 4 percent of the entire population and 16 percent of Burma’s urban population.⁸⁴
- In *India*, in 1998, demolition squads from the Brihanmumbai Municipal Corporation evicted 167,000 people in Mumbai (Bombay) without providing resettlement assistance. In March 2000, around 5,000 slum dwellers were moved outside Delhi to a resettlement site. However, many residents could not afford the travel fare to their work, and promised schools and health clinics were never built.⁸⁵
- In the *Philippines*, the Urban Poor Associates (UPA), a local NGO, estimated that 165,000 families had been evicted nationwide in 1999. In Metro Manila, UPA reported that 6,059 people had been forcibly evicted in 2000, of whom only 1,342 families had received relocation assistance. Most of the evictions were related to government infrastructure projects.⁸⁶

- In Phnom Penh, *Cambodia*, in November 1999, municipal authorities evicted approximately 600 ethnic Vietnamese residents from a floating village on the Bassac River, charging that they were illegal residents. Outside Phnom Penh, soldiers bulldozed the homes and fields of 100 subsistence farmers so that a local general could build a casino in the area.⁸⁷
- In Dhaka, *Bangladesh* from May 1999, 100,000 people (20,000 households) in 44 settlements lost their homes and belongings during a forced eviction that occurred without any prior written warning. A majority of those evicted were single mothers with children, many working in the city's 2,000 garment factories located around the city center.⁸⁸
- In *Greece*, in August 1998, Greek authorities expelled approximately 3,000 Roma (also known as Gypsies) from Evosmos, a Roma community for 30 years, without providing relocation assistance.⁸⁹

Energy

The two trends of global population growth and urbanization likely will intensify the search for energy sources in the coming years. Oil, gas and mining projects not only lead to forcible displacement of populations but have resulted in considerable environmental damage as well. Looking at mining-induced displacement alone, Theodore Downing has estimated that, between 1950 and 1990, mining displaced 2.55 million people in India; the Freeport mine in Indonesia displaced 15,000 people; Tarkwa mine in Ghana displaced 20,000-30,000; mining in South Africa displaced 37,000 over five years; and cases are "highly visible" in Papua New Guinea, the Philippines, Peru, Venezuela, Suriname, Guyana, Argentina, Chile, Honduras, Tanzania, Botswana, and Namibia.⁹⁰

Nigeria. The Niger Delta, encompassing more than 20,000 square kilometers, is one the world's largest wetlands as well as a principal source of the world's oil. Nigeria is the largest oil producer in Africa and earns about 90 percent of its foreign exchange from oil, principally through joint ventures with European and US oil companies like Shell, Mobil, Chevron, Elf, Agip and Texaco. While the oil revenues—estimated at US\$ 320 billion from 1970 to 2000—have enriched a small minority of the financial and political elite, Nigeria remains desperately poor, with a per capita income of US\$ 260 per year. In particular, tribal peoples who live in the Niger Delta not only have reaped little financial benefit from the oil, its extraction also has led to displacement and widespread environmental damage.

One ethnic group, the Ogonis, with a population of about 500,000, formed the Movement for the Survival of the Ogoni People (MOSOP) to protest Nigerian government policies in the delta. Led by author and fellow Ogoni, Ken Saro-Wiwa, MOSOP protests forced Shell to close its production in Ogoni areas and prompted a government backlash. According to Human Rights Watch, government security forces detained and tortured thousands of Ogoni activists and executed several hundred others over a period of several

years. In 1995, Saro-Wiwa and eight other MOSOP leaders were executed on trumped-up charges of murder.⁹¹

The death of Nigerian strongman, Gen. Sani Abacha, in June 1998 and the subsequent democratic election of President Olusegun Obasanjo in May 1999 offered some hope that oil exploration and extraction might be less destructive of indigenous peoples' homelands and livelihoods. In 2001, the Obasanjo administration established the Niger Delta Development Commission with a focus on building strategic partnerships with local communities, the private sector, civil society groups, and development agencies.⁹² In May 2002, the nine-member African Commission on Human and Peoples' Rights ruled that "the pollution and environmental degradation to a level humanly unacceptable has made living in Ogoni land a nightmare" and ordered the Nigerian government to undertake a "comprehensive cleanup of lands and rivers damaged by oil operations."⁹³

Sudan. For nearly 20 years, Sudan has been engulfed in a civil war that has pitted the Islamic north against the Christian and animist south and resulted in the deaths of an estimated 2 million people and the displacement of 4 million more. By 1998, many observers believed that the two sides—the military government of Omar al-Bashir in the north and the Sudanese People's Liberation Army (SPLA) in the south—were exhausted and impoverished by war and moving toward a peace settlement. In late 1998, however, substantial deposits of oil were discovered in southern Sudan. The north began large-scale production of oil in 1999 in collaboration with international oil companies like Canada's Talisman Energy, Sweden's Lundin Oil, Malaysia's Petronas and China's state-owned China National Petroleum Corporation.⁹⁴ The creation of a 1,500-kilometer pipeline from the southern oil fields to Port Sudan has yielded an average of 200,000 barrels of oil per day and netted profits for the Khartoum government in excess of US\$1 million per day, much of which is being ploughed back into the war effort.⁹⁵

In the past few years the northern government and allied southern militias have bombed and burned villages in efforts to secure areas around the oil fields. In one area of Eastern Upper Nile, 48 villages were burned and 55,000 people were displaced in a 12-month period.⁹⁶ In the face of systematic violence and human rights abuse against civilians living near the oil fields or the pipeline, international oil companies have been under mounting pressure to withdraw or fundamentally alter operational policies. In early 2002, a class action lawsuit was filed in a New York district court against Talisman Energy and the government of Sudan by victims of the government's military actions. The case was being considered under the Alien Tort Claims Act (ATCA), which allows foreigners to sue in US courts over violations of human rights and other international laws. Among the evidence presented was a directive, dated May 7, 1999, in which Talisman Energy allegedly requested the Sudanese government to "conduct cleaning up operations" in villages surrounding the company's oil operations.⁹⁷

Following an assessment mission to southern Sudan in March 2002, the NGO Christian Aid issued a report accusing the Sudanese government of attacking and displacing 50,000-60,000 civilians in Rubkona County in Western Upper Nile. "All this is done," the report argues, "because of the oil. Rubkona County sits on large reserves of oil,

which Lundin Oil Company of Sweden has the concession to exploit.”⁹⁸ At about that same time, the World Food Program and Operation Lifeline Sudan were estimating conservatively that 174,000 had been displaced as a result of the “oilfields war.”⁹⁹

Through much of 2002, peace talks continued between the Sudan government and the rebel Sudan People’s Liberation Movement/Army (SPLM/A), brokered by the United States and several European countries. On October 15, the two sides agreed to a military standstill extending until March 2003. On October 30, Talisman Energy announced that it was selling off its 25 percent share in the Sudanese venture, Greater Nile Petroleum Operating Company, though Talisman still disputes the human rights allegations made against it.

Burma. Burma is another example of a country locked in an ongoing civil war, where energy projects have been accused of contributing to displacement and human rights abuses. As in the Sudan, the multinational corporations find themselves involved in a lawsuit filed in the United States under the Alien Tort Claims Act. In June 2002, a California judge ruled that the case of John Doe et. al. v. Unocal Corp. could be tried in the California Superior Court. The lawsuit, which was filed in 1996, alleges that Unocal—along with its partner, Total, a French energy company—were aware that forced labor was used in Burma and thus are partly responsible for the human rights violations committed by the Burmese army during the construction of the Yadana natural gas pipeline. Unocal has denied the charge, saying through a spokesperson, “We are not partners with the military, did not request anything from the military and did not receive services from the military.”¹⁰⁰

According to lawyers for the International Labor Rights Foundation, which has filed the suit on behalf of overseas plaintiffs, Unocal could be held liable under the legal doctrine of “vicarious liability” which holds that joint-venture partners bear responsibility for each other’s actions involving their common business.¹⁰¹

In September 2002, the U.S. Ninth Circuit Court of Appeals overturned a lower court’s dismissal of a federal lawsuit, ruling that Unocal may have “aided and abetted” human rights abuses committed by the Burmese military. “The evidence supports the conclusion,” according to the appeals court, “that Unocal gave practical assistance to the Myanmar military in subjecting plaintiffs to forced labor.”¹⁰²

Agriculture and Natural Resources

Other types of projects that result in a significant amount of development-induced displacement are parks and forest reserves, and agricultural expansion. Although statistics on the numbers displaced as a result of these types of projects are incomplete, below are a few illustrative examples:

Parks and Forest Reserves. In ***Uganda***, a forest management project funded by a multilateral, European donor agency in 1992, led to the violent eviction of 35,000 people from the Kibale forest. During the nine months that followed, about 19,000 people were

moved 150 miles to the under-populated county of Bugangaizi where, according to a field report written by a social anthropologist, “people were given only a few tools from relief agencies and virtually no government services, but were left to fend for themselves. They have struggled to build shelter and produce sufficient food and have to cope with poor health and sanitary conditions.”¹⁰³

The public criticisms that arose in response to the Kibale fiasco persuaded the government of Uganda to draft a national resettlement policy that provides for improvement of living standards for involuntary resettlers, prompt compensation at full replacement costs, and institution of grievance procedures.¹⁰⁴ The negative outcomes from Kibale also fostered a new, proactive approach to resettlement in a World Bank-assisted forestry sector project in *Côte d’Ivoire*. Before the project began, the Forestry Department of Côte d’Ivoire had been using paramilitary forces to recover control of forests by evicting people with no compensation. When the World Bank learned that an estimated 200,000 people were to be displaced in such a manner, it withdrew support and worked with the Forestry Department on a plan that reduced the number of displaced persons to 40,000. The new plan provided better conditions for resettlers, consolidated existing scattered populations into ‘agroforestry zones’ and integrated resettlers into forest management plans.¹⁰⁵

Agricultural Expansion. In *Sudan*, government forces launched attacks on the people of the Nuba Mountains to drive them away so that the land—an area of 80,000 square kilometers at the geographical center of the country and recognized as the most fertile soil in Sudan—could be used for large-scale mechanized agriculture.¹⁰⁶ In January 2002, a cease-fire agreement was signed for the Nuba Mountains, guaranteeing the free movement of civilians and goods throughout the region. UN assessments that followed the cease-fire found that, out of a population of 1.13 million, about 170,000 displaced people were living in camps under the control of the Sudanese government, while tens of thousands had fled into the relative safety of the mountains.¹⁰⁷

Population Redistribution Schemes

Cambodia. On April 17, 1975, the same day that the victorious Khmer Rouge armies marched into the Cambodian capital of Phnom Penh, they began to march an estimated four million residents and war refugees out of Phnom Penh and other Cambodian cities into the countryside. Many of the evacuees were told that the move was only temporary, to avoid the threat of retaliatory bombing by the United States. In fact, the forced migration was part of an eight-point plan by Pol Pot, the leader of the new Democratic Kampuchea, to empty all cities and towns and establish agricultural cooperatives and work camps throughout the country.¹⁰⁸ Within four years, up to two million Cambodians had died of starvation, overwork, disease, and execution.

In a neighboring state, the Socialist Republic of *Vietnam* also achieved military victory in April 1975, reuniting North and South Vietnam after decades of political division and armed conflict. Soon after it took power in the South, the government began to promote a “Return to the Village” program, targeting the war refugees in Saigon (which was soon

renamed Ho Chi Minh City) and other urban areas. By 1976, the Fourth Party Congress had approved the establishment of New Economic Zones (NEZs) as the keystone of a five-year development plan. While the “Return to Village” program was voluntary and offered preferential treatment to those with a good revolutionary record, the relocations to New Economic Zones were by no means all voluntary and the targets were not all peasant farmers and war veterans.

One government directive listed some of the groups slated for rural resettlement: “The unemployed or semi-employed; traders; those who have capital; students who cannot pursue their studies; officers, officials and personnel of the old regime; relatives of those undergoing reeducation; the Chinese; members of religious minorities; and skilled machinery workers.”¹⁰⁹ Demographer Jacqueline Desbarats estimated that, of 700,000 people moved from Ho Chi Minh City as of 1977, about 400,000 had returned to their home villages and the rest had gone to New Economic Zones. By 1980, an estimated 1.5 million people were moved to the NEZs, although, of these, about half were frustrated by “lack of adequate infrastructure, poor social services, and low incomes,” and either moved on or returned to their place of origin.¹¹⁰

These two examples from recent Southeast Asian history, though contiguous in time and space, represent two distinct points on the spectrum of population redistribution schemes. While few scholars or development specialists would now defend the Khmer Rouge forced ruralization policy and view it, at best, as a disastrous experiment in social engineering, Vietnam’s population redistribution plans have garnered more mixed reviews and capture more of the complexities in assessing such plans in terms of both causes and consequences. In many respects, Vietnam’s population redistribution policies since 1960 have sprung from a legitimate desire to alleviate serious population pressures in the north and have encouraged voluntary participation. In other respects, the coercive and punitive features are apparent in the disproportionate movement of Chinese and families of political prisoners from Ho Chi Minh City to the New Economic Zones.

In *Africa*, similarly, the apartheid-inspired, forced relocation of blacks to “homelands” in South Africa has been universally condemned, while the “villagization” schemes in Ethiopia and Tanzania, for example, have been both defended as necessary to development and criticized as coercive, politically-motivated initiatives.¹¹¹

Tanzania. Tanzania adopted the policy of villagization, the resettlement of all households outside of dense settlements in villages, in 1967 as part of a national strategy for development under President Julius Nyerere. In the first five years of the *Ujamaa* scheme, while movement was voluntary, less than 20 percent of Tanzania’s rural population moved into villages. In only two years, 1974-1975, virtually all of the remaining scattered households were forced to move into villages.¹¹²

Ethiopia. In Ethiopia, during the last two decades, pastoral and semi-nomadic groups have seen government laws and policies impose greater restrictions on movement and access to resources. Ethiopia’s own villagization schemes not only moved more people than in Tanzania but did so in the context of warfare, civil conflict, and massive regional

displacement in the Horn of Africa. Development-related displacements, in such a setting, also came to serve a political purpose, as the Ethiopian government moved people away from areas of rebel activity and into settlements where they could be controlled more easily.¹¹³

Indonesia. Population redistribution schemes not only have direct effects, in terms of the people who move or are displaced under their auspices, but they may also have indirect consequences, in terms of those whose lives and livelihoods are affected by the initial migrations. For more than half a century, the Indonesian government has promoted policies to move people from the crowded islands of Java, Bali, and Madura to less densely populated areas in the far-flung archipelago. From 1950 to 1994, the Transmigration (or *transmigrasi*) Program moved more than 6.4 million people, mainly from Java—where 60 percent of Indonesia’s 210 million people live on only 7 percent of the total land area—to Sumatra, Kalimantan, and Irian Jaya.¹¹⁴

The goal of the “voluntary resettlement program,” as stated in government documents, was “to improve the lives of poor and landless families and to develop Indonesia’s many under-populated islands by offering land and jobs to people who have neither.” Government-sponsored families were offered transport to new settlement sites and “allotted a package that included a home and land, clothing, household utensils, farming implements, fertilizer, seed and sufficient food for their use until their first crop is harvested.”¹¹⁵

In 1994, the World Bank conducted an evaluation of Indonesia’s transmigration program, which it had supported through seven projects totalling \$560 million. The study concluded that, in the five projects analyzed, “all achieved their resettlement goals, despite the difficult natural conditions of the project areas. In all villages, schools and health centers were built and adequately staffed. The settler population was stable, and settlers considered their new life to be better than the one they had left behind.”¹¹⁶

The study also found, however, that only two out of five projects had proved economically viable; that no provisions had been made to consider the cumulative impacts of development projects on forests; and, most significantly, that “transmigration had a major negative and probably irreversible impact on indigenous people.” As a result of widespread land clearing to convert rainforests into oil palm plantations, the World Bank study noted that indigenous peoples, like the Kubu Rimba (nomadic forest dwellers in southern Sumatra), “have been (and are being) displaced.” In East Kalimantan, Dayak communities “have not yet been compensated for lands acquired for the project.” In terms of remaining problems, the World Bank assessment identified three outstanding issues, the first of which was “adequate protection for indigenous peoples.”

Some NGOs, reading the World Bank reviews of its first *transmigrasi* projects, were quick to say that their own, earlier criticisms were fully justified. “Transmigration projects,” concluded the World Rainforest Movement, “especially those promoting dry land farming, were of little economic benefit to transmigrants, they contributed significantly to deforestation, were damaging to soils and hydrology, generated conflicts

over land and other resources, and rode roughshod over the needs of indigenous peoples.”¹¹⁷

In May 1998, President Suharto stepped down, ending 32 years of authoritarian rule and leaving Indonesia in the throes of political and economic crisis. The long-simmering tensions in the sprawling country with its 350 ethnic and linguistic groups began to boil over. In 1999, while much of the Western world was focused on the plight of ethnic Albanians in Kosovo, Indonesia was convulsed in its own violent episodes of ethnic cleansing. In West Kalimantan, indigenous Dayaks were clashing with migrant Madurese while in the eastern Moluccas, known as the Spice Islands, Ambonese Christians were battling Muslim migrants. Hundreds died in the communal violence and hundreds of thousands were displaced. By the end of 2000—counting those displaced in Kalimantan, the Moluccas, as well as in Aceh, Irian Jaya, and East and West Timor—estimates of the total internally displaced population in Indonesia ran to more than one million.¹¹⁸ Although the causes of this displacement were complex and multifaceted, most observers agreed that the transmigration program was a principal factor. As the US Committee for Refugees reported:

*Poor implementation of the transmigration policy—regardless of its purposes—is causing longstanding resentments to explode.... Because transmigration often involves a particular religious or ethnic group (usually Javanese Muslims but also Madurese Muslims, Balinese Hindus, and others) economic disparities created by transmigration often cause what appear to be religious or ethnic clashes that are in fact economic at root.... In West Kalimantan, Muslim transmigrants from Madura were seen as economically favored over native Dayaks, who are Christian.*¹¹⁹

In 2001, Indonesia’s minister of manpower and transmigration announced that “Transmigration is finished. The only people being relocated now are refugees. We are cleaning up the mess that Suharto’s government left. We will be perceived as succeeding if there is no more transmigration program.”¹²⁰

GUIDELINES AND STRUCTURES FOR RESPONSE

In 1992, the newly appointed Representative of the Secretary-General on Internally Displaced Persons was mandated to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs were being addressed under current institutional arrangements, and ways to improve protection and assistance for them. In 1998, as earlier noted, Francis Deng presented the UN Commission on Human Rights with the *Guiding Principles on Internal Displacement*, drafted in collaboration with a team of international legal experts. The *Guiding Principles* not only establish a definition of internally displaced persons but provide guidance to the Representative of the Secretary-General, to states, to international and non-governmental organizations, and to “all other authorities, groups and persons in their relations with internally displaced persons.”¹²¹

The *Guiding Principles*' definition of internally displaced persons includes not only those displaced by armed conflict, situations of generalized violence and violations of human rights but also includes populations displaced by natural or human-made disasters and also those, by implication, who are arbitrarily displaced by large-scale development projects that are not justified by compelling and overriding public interests.

This section of the paper will examine what international policy guidelines and mechanisms, both extant and potential, could be employed to respond to those who are defined as internally displaced as a result of development projects when national response is not forthcoming and when violations of fundamental rights are involved. In particular, it will consider how the *Guiding Principles* might be used to shape policy guidelines for the Representative of the Secretary-General, for UN agencies and offices, for governments and inter-governmental organizations, for international financial institutions, for non-governmental organizations, and for other relevant authorities, groups and persons.

Almost any discussion of internally displaced people—and especially one that considers prospects for international response—must turn inevitably to the matter of sovereignty and the extent to which a state permits or denies access to a displaced population. In the context of development-induced displacement, the very fact that states exercise an important measure of control over the displacement process offers both a unique opportunity for international involvement and a special challenge.

It may be useful to imagine the three main types of displacement defined in the *Guiding Principles*—disaster-induced displacement, development-induced displacement, and conflict-induced displacement—as situated at three points along a continuum. At one end, in the context of disaster-induced displacement, states generally are not only willing but interested in seeking outside aid and attention for victims of floods, famines, earthquakes and the like. At the opposite end of the spectrum, when conflict-induced displacement takes place, states tend to be quite restrictive—or at least highly selective—about who is to gain access to which displaced populations and for what purpose.

Development-induced displacement occupies a middle ground. On the one hand, states may welcome outside funding and technical assistance to launch development projects. At the outset, as development projects are being planned, the international community may have the opportunity to promote “best practice” models—including, first and foremost, the promotion of development models that avoid displacement altogether—and to play active roles as donors, partners, and monitors. On the other hand, once development projects are in operation and displacement has occurred—and especially if evidence exists of arbitrary treatment, impoverishment, or denial of rights—states may grow less open to outside advice or remedies. The challenge for the international community, therefore, is to find the mechanisms for effective international response when national action proves ineffective and considerable suffering results to the persons concerned.

In their study, *Masses in Flight*, Francis Deng and Roberta Cohen recommend “recasting sovereignty as a concept of responsibility, that is as an instrument for ensuring the protection and welfare of those under a state’s jurisdiction.”¹²² They suggest, furthermore, that a balance must be struck “between the principle of nonintervention in internal affairs and the equally compelling obligation to provide humanitarian assistance and promote observance of human rights.” Put in terms more directly relevant to development-induced displacement, for example, the state’s right of “eminent domain”—the power of a state to take private property for public use—needs to be balanced against a human being’s right to home and property. In this light, development can be the proper expression of a state’s responsibility to ensure the protection and welfare of its citizens. Where development leads to arbitrary displacement, injustice and impoverishment, the responsibility still falls primarily to the state to take corrective action. Where this cannot or will not be done, the international community must take steps to respond.

International Financial and Development Institutions

World Bank Group¹²³

As of 2000, about 300 development projects supported by the World Bank involved involuntary resettlement. These projects represented 20 percent of the World Bank’s portfolio and had “adversely affected” 2.6 million people (548,000 households) through physical or economic displacement as a result of land acquisition.¹²⁴ Although some critics would say this was 2.6 million too many, even the World Bank’s detractors generally credit the Bank as being the first major development agency to formulate a comprehensive policy on involuntary resettlement, at least for those projects with which it is involved.

Responding to criticism of what one report called “the devastating social impact of poorly planned population relocation,” the World Bank first took steps more than 20 years ago to make resettlement of relocated populations an integral rather than peripheral part of project planning and implementation.¹²⁵ In operational objectives first drafted in 1980 and updated periodically since then, the World Bank has emphasized that “involuntary resettlement may cause severe long-term hardship, impoverishment and environmental damage unless appropriate measures are carefully planned and carried out.”¹²⁶

Operational Policy on Involuntary Resettlement, OP4.12. In December 2001, following a lengthy process of review and internal consultation (as well as external consultations with selected borrower countries and NGOs), the World Bank published a revised *Operational Policy on Involuntary Resettlement, OP4.12*. The focus of the revisions, according to a memorandum from World Bank President James D. Wolfensohn, was on “removing ambiguities and taking lessons of implementation into account, without changing the key objectives and principles of the policy.”¹²⁷ The overall objectives of the Bank’s policy on involuntary resettlement are as follows:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative designs.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Displaced persons should be assisted in their efforts to improve the livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.¹²⁸

The operational policy covers “direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by a) the involuntary taking of land resulting in relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.”¹²⁹

A footnote accompanying this statement suggests that “indirect” impacts would not be covered, though “where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate...[these] impacts, particularly upon poor and vulnerable groups.” Another footnote defines “involuntary” as meaning “actions that may be taken without the displaced person’s informed consent or power of choice.”

To address the impacts outlined above, borrowers of World Bank funds are required to prepare a resettlement plan or resettlement policy framework that covers the following points:

Measures to ensure that the displaced persons are:

- informed about their options and rights pertaining to resettlement;
- consulted on, offered choices among, and provided with technically and economically feasible alternatives; and
- provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

If the impacts include physical relocation, measures to ensure that the displaced persons are:

- provided assistance (such as moving allowances) during relocation; and
- provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential,

locational advantages, and other factors is at least equivalent to the advantages of the old site.

Measures to ensure that the displaced persons are:

- offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
- provided with development assistance in addition to compensation measures...such as land preparation, credit facilities, training, or job opportunities.¹³⁰

While the World Bank argues that the new operational policies on involuntary resettlement merely clarify ambiguities and update practices but do not alter basic objectives and principles, critics from the NGO and academic communities say the new guidelines weaken and dilute Bank policy.

One charge points to the language in OP4.12 that “displaced persons should be assisted in their efforts to improve the livelihoods and standards of living or *at least to restore them*” [italics added]. This “restoration language,” according to the Center for International Environmental Law (CIEL), “creates too low a threshold, leads to stagnation and impoverishment, and increases social tension and resistance to Bank-financed projects.”¹³¹ Sociologist Downing commented that the restoration language “contradicts the policy’s other objective of providing sufficient investment resources to give the displaced an opportunity to share in project benefits... If a borrower opts to restore the displaced to their pre-displacement levels, the displaced cannot be beneficiaries of the project—since they are to be restored to a position before the development project.”¹³²

The CIEL letter also criticized the Bank for failing to address the issue of voluntary resettlement in its revised operational policies. World Bank-funded voluntary resettlement projects are held to lower standards of accountability, according to CIEL, although Bank operational policies have never given an adequate definition of the term. Along with a definition of involuntary, CIEL proposed that OP4.12 incorporate a definition of voluntary resettlement that more informal Bank documents already employ: “Resettlement is voluntary only when the affected people have the option to refuse resettlement, and they nevertheless resettle based on informed consent.”¹³³

“Providing standards on voluntary resettlement,” CIEL suggested, “will empower and encourage Bank staff to support voluntary resettlement, and would ensure basic disclosure of information, participation and supervision, all of which are likely to improve project quality and help facilitate the Bank’s resettlement objectives. It should be preferable to all parties to operate in a manner that includes voluntary agreements based on informed choice, and to evolve away from the contentious model of forcible evictions.”

Although *OP4.12* is now the World Bank's Operational Policy on Involuntary Resettlement, the Bank has committed to review this policy again no later than the fall of 2003 or January 2004.

Inspection Panel. In September 1993, the Board of Directors of the World Bank established an Inspection Panel “for the purpose of providing people directly and adversely affected by a Bank-financed project with an independent forum through which they can request the Bank to act in accordance with its own policies and procedures.”¹³⁴ The Panel consists of three Inspectors who are appointed by the Board for a five-year term and selected for “their integrity and their independence from the Bank's Management and their exposure to developmental issues and to living conditions in developing countries.”¹³⁵

The Inspection Panel is authorized to accept requests for inspection from any group of two or more people in the country where the project is located (or, in some cases, a designated foreign representative or members of the Board of Executives). The claim must be submitted in writing and must pertain to an actual or threatened adverse effect caused by “a failure by the Bank to follow its own operational policies and procedures during the design, appraisal, and/or implementation of a Bank financed project.”¹³⁶ Once a request has been received, the Panel will send a copy to Bank Management, which has 21 days to reply to the Panel showing evidence that it has complied or intends to comply with relevant Bank policies and procedures. Within 21 days of receiving Management's response, the Panel must make a recommendation to the Board of Directors as to whether the matter should be investigated. The Board then decides whether or not to accept the Panel's recommendation.

From October 1994 to June 2002, the Inspection Panel received 26 Requests for Inspection, of which 14 related to alleged violations of involuntary resettlement policies and procedures.¹³⁷ Of these 14 requests, the Panel recommended an investigation in seven cases and the Board approved an investigation into four of these seven requests. In four cases, the Panel recommended that no investigation was necessary (the Board approved all four of these recommendations); in two cases, recommendations are still pending; and one request was not registered because the loan already had closed.

In two of the cases where the Board approved the Inspection Panel's recommendation for an investigation, the outcome was a termination of the Bank's involvement with the project. In the case of the Arun dam project in Nepal—the first request ever submitted to the Inspection Panel (October 1994)—the Bank decided to withdraw financing, following the Inspection Panel's investigation and report. In the latter half of 1999 and the first half of 2000, the Inspection Panel investigated the case of the Western Poverty Reduction Project in China's Qinghai Province. The request for investigation came from the International Campaign for Tibet (ICT), a US-based NGO acting on behalf of the affected people. The ICT claimed that the Tibetan and Mongolian peoples would suffer irreversible harm as a result of the plan to move nearly 60,000 Chinese farmers into the Haixi Tibetan and Mongolian Autonomous Prefecture.¹³⁸

The Panel's report on the Qinghai Project in April 2000 found that Bank Management had violated Operational Directive 4.30 on Involuntary Resettlement as well as several other important social and environmental policies, including the Indigenous Peoples' policy.¹³⁹ When the Board met to consider the Panel's report on July 8-9, 2000, it became apparent that a majority of the Board would not accept the action plan put forward by Bank Management to proceed with the project. Accordingly, the Chinese government withdrew the Qinghai project from Board consideration and announced that it would proceed with the controversial project with its own funds.

Human rights lawyer, Dana Clark, who is co-author of a forthcoming book on the Inspection Panel, argues that in cases where projects already are in implementation (unlike Nepal and China), "results have been more mixed."¹⁴⁰ The Panel's request for an investigation into the Itaparica Resettlement and Irrigation Project in Brazil was not approved by the Board; "the promised action plan," according to Clark, "has been a farce." In the case of the Yacyretá dam in Argentina and Paraguay—where, again, the Board rejected the Panel's recommendation for an investigation—Clark argues that "very little mitigation of harm has occurred despite numerous action plans and studies."

In India, the World Bank has loaned more than four billion dollars to the National Thermal Power Corporation (NTPC) in the Singrauli region, where as many as 300,000 people have been displaced in the last 40 years. Clark quotes one displaced woman saying the following:

It's a horrible situation, if a person is displaced. I know it very well. You are wandering here and there and have nothing to survive on, neither money nor anything else. In the NTPC area next door, the women have access to water. Here we have to struggle...They are sleeping in soft beds and we are dying. They are riding in vehicles, and we who have given away all our lands have to walk and trudge. Today we are suffering from so many illnesses, body aches and fever...I have to go around the resettlement colony to seek sustenance from my neighbors; I have to beg. If we don't get any support, how will we live? The stomach wants food.¹⁴¹

The Inspection Panel recommended an investigation into the NTPC Power Generation Project, which the Bank Board approved, though restricting it to a desk study in Washington, DC.

While calling the Inspection Panel "an important development in international law...and the governance of international institutions," Clark faults the World Bank for denying the Panel—and the claimants—any oversight authority with respect to the implementation of remedial measures. It is Management's responsibility to work out an action plan with the borrower and "there is little threat of Board interference with Management's course of action." Clark argues that "The lack of a system of redress is the key weakness in the Inspection Panel process and in the institutional architecture of the Bank."¹⁴²

Regional Development Banks

The *Asian Development Bank* formally adopted an involuntary resettlement policy in 1994. Like the World Bank policy on which it was modeled, it seeks to avoid involuntary resettlement, if possible, minimize displacement where it is unavoidable, and ensure that the displaced people receive adequate assistance to restore their living conditions to at least the pre-project levels. Since 1994, the ADB has financed 80 projects involving resettlement in 12 countries. Between 1994 and 1999, an average of about 120,000 people each year are affected by ADB-funded resettlement projects, 60 percent of whom are in China, followed by 17 percent in Vietnam, 12 percent in Bangladesh, 7 percent in Indonesia, and 2 percent in Cambodia. Transport projects accounted for 78 percent of all displacement with energy and water supply/irrigation projects each recording 9 percent of people relocated.¹⁴³

ADB implementation procedures require that an initial social assessment (ISA) be conducted for every development project-

*in order to identify the people who may be beneficially and adversely affected by the project. It should assess the stage of development of various sub-groups and their needs, demands, and absorptive capacity. It should also identify the institutions to be involved in the project and assess their capacities. The ISA should identify the key social dimensions aspects (such as involuntary resettlement, indigenous peoples, poverty reduction and women in development) that need to be addressed under the project.*¹⁴⁴

If the initial assessment identifies that resettlement is likely to be involved in the project, ADB policy requires that a resettlement plan is to be prepared. The plan should include a statement of objectives, policies and strategies and should cover the following essential elements:

- organizational responsibilities;
- community participation and integration with host populations;
- a socioeconomic survey;
- a legal framework, including mechanisms for resolution of conflicts and appeals procedures;
- identification of alternative sites and selection;
- valuation and compensation for lost assets;
- land ownership, tenure, acquisition, and transfer;
- access to training, employment, and credit;
- shelter, infrastructure, and social services;
- environmental protection and management; and
- implementation schedule monitoring and evaluation.¹⁴⁵

The Asian Development Bank also has an inspection function although, as of the end of 2002, its guidelines were under revision.

The *Inter-American Development Bank* first instituted operational guidelines for involuntary resettlement in 1991, with periodic updates in the past decade. The most recent articulation of operational policies, *OP-710 on Involuntary Resettlement*, tracks closely in most respects with World Bank and ADB guidelines, including an inspection function.¹⁴⁶ Two notable (and positive) differences in IDB guidelines are discussed as “certain contextual characteristics that will affect preparation of the resettlement components:”

- *Impoverishment Risk Analysis.* “When the baseline information indicates that a significant number of the persons to be resettled belong to marginal or low-income groups special consideration will be given to the risks of impoverishment to which they may be exposed as a result of resettlement, through i) loss of housing, land, access to common property or other rights to real property, due to lack of clear title, economic pressure or other factors; ii) loss of employment; iii) loss of access to means of production; iv) food insecurity, increased morbidity and mortality; v) disarticulation of social networks; and vi) loss of access to education.”
- *Indigenous Communities.* “The Bank will only support operations that involve the displacement of indigenous communities or other low income ethnic minority communities, if the Bank can ascertain that i) the resettlement component will result in direct benefits to the affected community relative to their prior situation; ii) customary rights will be fully recognized and fairly compensated; iii) compensation options will include land-based resettlement; and iv) the people affected have given their informed consent to the resettlement and compensation measures.”¹⁴⁷

The *African Development Bank* developed operational guidelines for involuntary resettlement in 1995, which draw extensively on World Bank directives. As of the end of 2002, these guidelines were under revision.

Organization for Economic Cooperation and Development

In December 1991, the OECD adopted a series of “good practices” guidelines relating to development aid and the environment.¹⁴⁸ Among these were its *Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects*, noting that “involuntary resettlement...may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.”¹⁴⁹ Resettlement planning, according OECD guidelines, should take into account the following basic policy considerations:

- Involuntary population displacement should be avoided or minimized whenever feasible by exploring all viable alternative project designs. In every case, the alternative to refrain from carrying out the project (the “non-action” alternative) should seriously be considered, and people’s needs and environmental protection must be given due weight in the decision-making process... Donor countries

should not support projects that cause population displacement unless they contain acceptable resettlement plans protecting the rights of affected groups.

- Displaced persons should be
 - enabled to reconstruct a land-based or employment-based productive existence;
 - compensated for their losses at replacement cost;
 - assisted with the move and during the transition period at the relocation site;
 - assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them.

- Participation by environmental agencies and community participation in planning and implementing resettlement is essential and should include women. Appropriate existing social and cultural institutions of resettlers and their hosts should be used.

- Host communities that accept resettlers should be involved in the planning process and assisted to overcome possible adverse socio-environmental consequences from the resettlement.

- Indigenous groups, ethnic minorities, and pastoralists who may have informal customary rights to the land or other resources taken for the project must be provided with adequate land, infrastructure and other compensation. The absence of legal title to land by such groups should not be a bar to compensation.

- Since women are to a great extent responsible for making the natural resource base productive...planning for relocations should consider their preferences and should address their specific needs and constraints.

- The implementation of the resettlement plan is to be effectively supervised...The plan should include provisions for the following:
 - organizational responsibilities;
 - a socio-economic survey;
 - community participation and integration with host populations;
 - a legal framework;
 - valuation and compensation for lost assets;
 - land acquisition and productive re-establishment;
 - access to training and employment;
 - shelter, infrastructure and social services;
 - environmental protection and management; and
 - implementation timetable, monitoring, and evaluation.

The OECD guidelines make clear that “as with other development projects, the primary responsibility for projects entailing involuntary resettlement rests with the government of the country in which the project is carried out.” Donors, however, do have a responsibility to mitigate both the size and the negative impacts of displacement. In this

respect, the guidelines urge donor agencies to support aid recipients through “a) assistance in designing and assessing resettlement policy, strategies, laws, regulations, and specific plans; b) financing technical assistance to strengthen the capacity of agencies responsible for resettlement; c) direct or indirect financing as appropriate of the investment costs of resettlement; and d) encouraging cooperative relations between the government and recipient countries and support for NGOs representing the resettled and indigenous populations.”¹⁵⁰

United Nations and Other International Organizations

Within the UN system, there are a number governmental bodies as well as of agencies and offices that could potentially deal with the issue of development-induced displacement although most, to date, have not yet undertaken substantial efforts in this regard. Some have mandates to serve IDPs, refugees and migrants; others have mandates that include human rights, humanitarian aid, and development. Some function as rapporteurs and advocates; others are operational organizations with field staff placed throughout the world. This discussion focuses on those agencies and offices that already are involved with the protection of and/or assistance to IDPs as well as those whose efforts could conceivably encompass development-displaced populations. What follows is intended as an indicative rather than exhaustive listing:

The Representative of the Secretary-General on IDPs

The RSG was appointed by the Secretary-General at the request of the UN Commission on Human Rights and is serviced by the Office of the High Commissioner for Human Rights. In his 1998 report to the Commission on Human Rights, the RSG submitted a compilation and analysis of legal norms relevant to the protection of internally displaced persons from arbitrary displacement. This analysis reiterates that “Forced removal from one’s home and home area and relocation to another area of the country may be based on legitimate grounds and undertaken in accordance with international law. In other cases, they may not be compatible with international law and will be arbitrary.”¹⁵¹ The report identified four different types of violations of international law:

- 1) *First, the eviction or displacement of persons is unlawful if it is based on grounds not permissible under international law. This aspect of the right not to be arbitrarily displaced implicitly derives from the rights to freedom of movement and residence, to the inviolability of the home and to housing.*
- 2) *Second, a violation might occur if minimum procedural guarantees are not complied with.*
- 3) *Third, the manner in which an eviction is carried out may violate other human rights such as personal liberty, freedom from torture, inhuman and degrading treatment or even the right to life.*

- 4) *Finally, the effects of evictions and displacement may have a negative impact on the enjoyment of other human rights, in which case the State is required to take measures to respond to the concerns that arise.*

This report formed the basis for the provisions in the *Guiding Principles* on protection against displacement. Recognizing that the capacity of the RSG is limited—the Representative is a voluntary position with few resources or staff at his disposal—at the same time, specific cases of development-induced displacement in which there are egregious human rights abuses and suffering could become part of his mandate.

The Internal Displacement Unit

A second IDP-focused body within the UN system is an even newer one—the IDP Unit set up in the Office for the Coordination of Humanitarian Affairs (OCHA) in 2002. Some of the events leading up to the creation of this office are instructive. In 1996, the Representative of the Secretary-General on Internally Displaced Persons, Francis Deng, concluded that the political will did not exist in the UN system or among its constituent members to create a new organization with a mandate to protect and assist IDPs. Nor did he deem it likely that any existing institution—such as the UN High Commissioner for Refugees—would assume global responsibility for internally displaced populations. Instead, he proposed a “collaborative arrangement” involving governments, UN agencies, international organizations, and international and local NGOs.¹⁵²

To support this collaborative framework, the Secretary-General designated the Emergency Relief Coordinator the focal point for internally displaced persons in 1994 and a UN Inter-Agency Standing Committee (IASC) Task Force on Internal Displacement was established to discuss cases of internal displacement in which the UN is involved. Its functions were later taken over by its parent body, the IASC Working Group. Among other things, in 1999, the IASC Working Group published a compendium of examples of field-based programs and initiatives on behalf of IDP populations around the world. To date the Working Group has not discussed any cases of development-induced displacement, confining its work to conflict-induced displacement and natural disasters.

In 2000, following criticisms by US Ambassador to the UN, Richard Holbrooke, that protection for IDPs remained inadequate and uneven, the UN created a Senior Inter-Agency Network on Internal Displacement, composed of the different UN agencies and NGO umbrella groups and chaired by a Special Coordinator on Internal Displacement. From 2000 to 2001, the Inter-Agency Network conducted five missions—to Eritrea and Ethiopia, Burundi, Angola, Afghanistan, and Colombia—and issued reports identifying relief and protection problems and making recommendations for action.

In March 2001, the Inter-Agency Network presented an interim report to UN Secretary-General Kofi Annan and to the IASC. Finding that the international response to IDPs was still plagued by inadequate protection and assistance, poor coordination among UN

agencies and international organizations, and donor fatigue, the Inter-Agency Network report proposed three steps for immediate action.¹⁵³

- The establishment of a dedicated IDP unit in the Office for the Coordination of Humanitarian Affairs (OCHA), staffed by personnel seconded from relevant agencies, and tasked with providing expertise, training and guidance to humanitarian agencies working with IDPs. The unit should also undertake systematic country reviews and develop inter-agency policy.
- The deployment of IDP field advisors at the country level and, on a case-by-case basis, to support the UN Humanitarian Coordinator/Resident Coordinator (or the Country Director/Representative of the Humanitarian Lead Agency) in that country.
- The establishment of a rapid funding capacity to fill gaps in assistance to IDPs.

By 2002, an Internal Displacement Unit had become fully functional. Housed within OCHA and staffed with IDP advisors seconded by IASC member agencies, the new IDP unit has a four-fold Mission Statement:

- Using the Guiding Principles as an overall framework, the Unit will identify and draw attention to gaps in the response to internal displacement, particularly protection, and upon its own initiative, or the request of involved actors, will seek to provide recommendations and guidance.
- The Unit will seek to bring increased attention and greater understanding to the needs of the displaced, especially women and children, by issuing reports, studies, and providing field-focused training.
- Recognizing sovereignty as a form of responsibility, the Unit will seek to use all fora to engage governments and non-state actors to provide access and physical security to the displaced.
- The Unit will call on UN agencies, intergovernmental and non-governmental organizations as well as the displaced themselves, to enhance their commitment and accountability to a credible institutional response to internal displacement.¹⁵⁴

In 2002 and 2003, the IDP Unit undertook missions to Indonesia, Sudan and other countries and initiated discussions with various protection-mandated UN agencies and international organizations to look at ways to strengthen the protection of IDPs on the ground and to promote further implementation of the *Guiding Principles*. While IDP Unit documents speak about concentrating efforts “on countries where conflict-induced displacement is most acute,” they also note the merit of “paying attention to all forms of displacement.”¹⁵⁵ As such—and particularly given that the *Guiding Principles* provide the IDP Unit’s “overall framework”—attention to development-induced displacement would be within the Unit’s mandate.

UN Human Rights Bodies

The UN Commission on Human Rights comprises 53 states meeting in annual session and constitutes the main UN organ in the field of development and implementation of human rights. The Commission also includes a Sub-Commission on the Promotion and Protection of Human Rights (prior to 1999, it was named the Sub-Commission on Prevention of Discrimination and Protection of Minorities), along with a variety of working groups and special rapporteurs. Unlike the Commission, which is a body of governments, the Sub-Commission is a body of experts. Governments and NGOs can bring protests and complaints to these bodies and also suggest new subjects for consideration including, for example, development-induced displacement. In addition, the Commission adopts annual resolutions on internally displaced persons which could potentially include reference to development-induced displacement. The Representative of the Secretary-General on Internally Displaced Persons reports to the Commission and as noted above, his reports could also begin to address serious cases of displacement caused by development projects.

In 2000, the Commission on Human Rights appointed a Special Rapporteur on Adequate Housing, Miloon Kothari of India, to serve a three-year term with a mandate to focus on adequate housing as a component of the right to an adequate standard of living. His 2003 report is expected to focus on two issues: women, land and housing rights, and evictions and other forms of displacement.¹⁵⁶

In 2001, the Commission on Human Rights appointed a Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People. The Special Rapporteur, Rodolpho Stavenhagen of Mexico, will serve for a period of three years with a mandate to gather information on violations of human rights and fundamental freedoms of indigenous populations and to make recommendations on measures to prevent and remedy these violations. Many of these recommendations could have direct relevance to populations displaced by development projects.

In a 1997 resolution, the Sub-Commission on Prevention of Discrimination and Protection of Minorities affirmed “the right of persons to be protected from forcible displacement and to remain in peace in their homes, on their own lands and in their own countries.”¹⁵⁷ Earlier that same year, the Sub-Commission convened a panel of experts in Geneva who issued a report, “The Practice of Forced Evictions: Comprehensive Human Rights Guidelines on Development-based Displacement.”¹⁵⁸ These guidelines noted that

when forced evictions are carried out, they can occur in a variety of contexts including but not limited to conflicts over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, land acquisition measures associated with urban renewal, housing renovation, city beautification programs, the clearing of land for agricultural purposes or macro-urban projects, unbridled speculation in land, and the holding of major international events such as the Olympic Games.

Evictions, moreover, “constitute prima facie violations of a wide range of internationally recognized human rights and can only be carried out under exceptional circumstances and in full accordance with the present Guidelines and relevant provisions of international human rights law.”¹⁵⁹

Among specific preventative obligations, the guidelines on evictions listed the following:

- *The obligation of maximum effective protection.* States should secure by all appropriate means, including the provision of security of tenure, the maximum degree of effective protection against the practice of forced evictions for all persons under their jurisdiction. In this regard, special consideration should be given to the rights of indigenous peoples, children and women, particularly female-headed households and other vulnerable groups.
- *The obligation to prevent homelessness.* States should ensure that no persons, groups, or communities are rendered homeless or are exposed to the violation of any other human rights as a consequence of forced eviction.
- *The obligation to adopt appropriate measures of law and policy.* States should adopt appropriate legislation and policies to ensure the protection of individuals, groups and communities from forced eviction, having due regard to their best interests. States are encouraged to adopt constitutional provisions in this regard.
- *The obligation to explore all possible alternatives.* States should fully explore all possible alternatives to any act involving forced eviction. In this regard, all affected persons, including women, children, and indigenous peoples, shall have the right to full participation and consultation throughout the entire process and to propose any alternatives. In the event that agreement cannot be reached on the proposed alternative by the affected persons, groups and communities and the entity proposing the forced eviction in question, an independent body, such as a court of law, tribunal, or ombudsman, may be called upon.
- *The obligation to expropriate only as a last resort.* States should refrain, to the maximum possible extent, from compulsorily acquiring housing or land, unless such acts are legitimate and necessary.

If evictions are carried out, the guidelines spell out the rights of those affected, including the right to a fair hearing before a competent, impartial and independent court or tribunal, right to legal counsel and to effective legal remedies, and the right to compensation “for any losses of land or personal, real or other property or goods. Compensation should include land and access to common property and should not be restricted to cash payments.” Finally, the guidelines assert the “right to suitable resettlement which includes the right to alternative land or housing which is safe, secure, accessible, affordable and habitable.” Further criteria for resettlement include:

- Resettlement must ensure equal rights to women, children, and indigenous populations and other vulnerable groups, including the right to property ownership and access to resources.
- The actor proposing and/or carrying out the resettlement shall be required by law to pay any costs associated herewith.
- No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned... This applies equally to host communities at resettlement sites.
- The affected persons, groups or communities must provide their full and informed consent as regards the relocation site.
- Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved.¹⁶⁰

The Office of the UN High Commissioner for Human Rights (OHCHR), which services the Commission and the Sub-Commission, has been tasked with coordinating human rights promotion and protection activities throughout the UN system. OHCHR also services the mandates of the Representative of the Secretary-General on Internally Displaced Persons, the Rapporteur on Indigenous People and the Rapporteur on Adequate Housing. As mentioned above, these three mandates can collect and receive information via the Office of the High Commissioner for Human Rights on development-induced displacement.

It also bears noting that one of the three branches of the OHCHR is the Research and Right to Development Branch, whose core functions include:¹⁶¹

- a. Supporting intergovernmental groups of experts on the preparation of the strategy for the right to development;
- b. Assisting in the analysis of the voluntary reports by States to the High Commissioner on the progress and steps taken for the realization of the right to development and on obstacles encountered;
- c. Carrying out research projects on the right to development and preparing substantive outputs for submission to the General Assembly, the Commission on Human Rights and treaty bodies;
- d. Assisting in the substantive preparation of advisory service projects and educational material on the right to development.

It would appear that both in focus and in function, this branch of OHCHR could readily integrate issues of development-induced displacement.

World Food Program

Although internally displaced people are one of WFP's main beneficiary groups, most of those targeted have been persons affected by conflict and natural disaster. In 1998, about one quarter of all WFP food aid went to IDPs. The Rome-based food agency's Emergency Operations assisted more than 14 million people displaced by conflict and sudden natural disasters while its Protracted Relief and Recovery Operations targeted 5 million IDPs, for a total of 19 million people.¹⁶² Following a review of its experiences with IDPs, WFP identified five issues that it deemed most important:¹⁶³

- *The importance of understanding the particular needs of IDPs in different situations and the special concerns of displaced women.* Distinct IDP needs are particularly evident during the initial displacement and the resettlement/return phases and, with respect to protection, during all stages of displacement.... IDP needs are influenced by: the causes of displacement (conflict/natural disaster/development); the phases of displacement; previous livelihood strategies; new coping mechanisms; location in urban or rural areas; and the length and number of times they have been displaced.
- *Targeting of food assistance on the basis of food insecurity.* The essential condition for the provision of WFP food is the food insecurity of displaced people. Displacement does not automatically make a person food-insecure but it can be a major factor either causing or contributing to food insecurity. While IDPs do have particular needs, it is not appropriate to target them specifically as a group for food assistance.... When displacement is accompanied by ethnic tension, it is preferable not to distinguish between IDPs and other conflict-affected people.
- *Complementary inputs are essential for the effective use of food and promoting self-reliance.* The essential needs of IDPs go beyond food.... Other inputs required by IDPs include safe drinking water, shelter, health, sanitation, agricultural inputs, education and income-generating activities.
- *Assistance-protection linkages require greater attention.* Protection covers the prevention of physical violence against IDPs as well as ensuring respect for their rights. More systematic promotion is needed of the broad rights of the displaced and other vulnerable population groups, through joint statements with partner agencies on humanitarian principles; advocating for access to food and related inputs, freedom of movement and property rights; and reporting when rights are abused.
- *Assisting and protecting the internally displaced, especially during recovery, reintegration, and resettlement, requires effective collaboration with partners.* While the displaced often face some of the most difficult and hazardous situations, their care is often insufficient because of gaps in the division of responsibilities. Much work remains in ensuring a more predictable delineation

of responsibilities for IDP assistance and protection among the humanitarian actors, and between these actors and development agencies.

In terms of policy implications, WFP has committed itself to greater collaboration and inter-agency coordination at the inter-agency and national levels to enhance assistance and protection for IDPs and address food and security among those populations. Specifically, WFP has offered logistical and operational services on behalf of the internally displaced; it has committed to strengthening the capacity of national and NGO partners working with IDP populations through training, capacity building and even direct funding; and it has promised to continue to contribute to the global IDP knowledge base and to promote the sharing of ideas and information.¹⁶⁴

UN Development Program

With 132 country offices, UNDP is the UN's principal provider of development technical assistance, advocacy and grant support. UNDP provides expertise in a number of areas, including democratic governance, poverty reduction, energy and environment, peace-building and disaster mitigation, HIV/AIDS, and information and communications technology. In each country office, the UNDP Resident Representative normally also serves as the coordinator of development activities for the UN system as a whole. In post-conflict situations in many countries, UNDP in particular has become increasingly involved in programs involving the resettlement and reintegration of internally displaced populations. Its role with IDPs also extends to emergency situations, where the Resident Representative normally serves as the Resident Coordinator of the entire UN system. In this capacity, Resident Representatives have "the function of coordinating assistance to the internally displaced, in close cooperation with Governments, local representatives of donor countries and the United Nations agencies in the field."¹⁶⁵ UNDP work often intersects with human rights issues. For example, it publishes the *Human Development Report*, which ranks every country each year on such things as per-capita income, literacy, life expectancy and respect for women's rights.¹⁶⁶ As part of its Country Cooperation Framework, it has been active in several countries in supporting OHCHR's efforts to establish and/or strengthen national institutions to promote and protect human rights.¹⁶⁷

UN-Habitat

The United Nations Center for Human Settlements, established in 1978, was elevated to full program status as of January 2002 and renamed the UN Human Settlements Program (UN-Habitat). Since 1996, UN-Habitat has been monitoring and evaluating the implementation of the Habitat Agenda, formulated at the Second UN Conference on Human Settlements (Habitat II) held in Istanbul, Turkey in 1996. The twin goals of the Habitat Agenda are "adequate shelter for all" and "sustainable human settlements development in an urbanizing world."¹⁶⁸ Another goal is to support the *Declaration on Cities and Other Human Settlements in the New Millennium* adopted by the General Assembly in May 2001, which targets improving the lives of at least 100 million slum dwellers by 2020. UN-Habitat also provides technical assistance to countries and cities in

the areas of urban governance, housing, environmental management, disaster mitigation, post-conflict rehabilitation, urban safety, water management and poverty reduction.

To help realize the goals of the Habitat Agenda, a Housing Policy Section was created in 1999 with a focus on three areas: housing policies and programs, housing rights, and building materials and construction technologies. UN-Habitat's main partners in this are, among others, OHCHR, the UN Special Rapporteur on Adequate Housing, and the Center on Housing Rights and Evictions (COHRE).¹⁶⁹

UN Children's Fund

First created in 1946, UNICEF works in more than 162 countries to advocate for the protection of children's rights, to help meet their basic needs, and to help them reach their full potential. UNICEF devotes special attention to the protection of the world's most vulnerable and disadvantaged children—"victims of war, disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities."¹⁷⁰ In May 2002, world leaders gathered in Canada to reaffirm commitments to create a "World Fit for Children." In their Plan of Action, conference participants pledged to make "every effort to eliminate discrimination against children, whether rooted in the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." Participants noted that "indigenous children, children belonging to minorities and vulnerable groups, are disproportionately disadvantaged in many countries due to all forms of discrimination."

In the plan of action to protect children against abuse, exploitation and violence, conference participants committed to

- Adopt and implement policies for the prevention, protection, rehabilitation and reintegration, as appropriate, of children living in disadvantaged social situations and who are at risk, including orphans, abandoned children, children of migrant workers, children working and/or living on the street, children living in extreme poverty, and ensure their access to education, health and social services as appropriate.
- Provide protection and assistance to refugees and internally displaced persons, the majority of whom are women and children, in accordance with international law, including international humanitarian law.¹⁷¹

United Nations High Commissioner for Refugees

Mandated by the UN General Assembly in 1951 to lead and coordinate international action on behalf of refugees, UNHCR has sought to ensure that everyone has the right to seek asylum and find safe refuge in another state and to return home voluntarily. The agency's principal clientele, in other words, are people outside their country who are unable or unwilling to return due to a well-founded fear of persecution for reasons of

race, religion, nationality, membership of a particular social group or political opinion.¹⁷² However, UNHCR's Executive Committee and the UN General Assembly have also authorized the refugee organization to use its "good offices" to serve other vulnerable populations, including people who are stateless or whose nationality is disputed and, in some circumstances, internally displaced persons.¹⁷³ In fact, UNHCR has been aiding various IDP populations for nearly half of its 50 years; of the 20 million people assisted by UNHCR in 2002, 6.3 million were IDPs.

In March 2000, noting the continued lack of protection and assistance for large numbers of internally displaced people as well as a renewed international interest in finding solutions, UNHCR drafted a position paper on its role with the internally displaced.¹⁷⁴ Among the key points of the paper were:

- UNHCR has an interest in the protection and welfare of persons who have been displaced by persecution, situations of general violence, conflict or massive violations of human rights, because of their similarity to refugees in terms of the causes and consequences of their displacement and their humanitarian needs.
- This interest places upon UNHCR a responsibility to:
 - advocate on behalf of the internally displaced;
 - mobilize support for them;
 - strengthen its capacity to respond to their problems; and
 - take the lead to protect and assist them in certain situations.
- UNHCR's involvement in a specific operation will require:
 - a request or authorization from the Secretary-General or a competent principal organ of the UN;
 - consent of the state concerned and, where applicable, other entities in a conflict;
 - access to the affected population;
 - adequate security for staff of UNHCR and implementing partners;
 - clear lines of responsibility and accountability with the ability to intervene directly on protection matters; and
 - adequate resources and capacity.
- Recognizing the fundamental importance of cooperation and collaboration..., UNHCR will work closely with the Emergency Relief Coordinator [Office for the Coordination of Humanitarian Affairs] and relevant organizations and actors to promote a common understanding of the roles and responsibilities of the organizations concerned, and to improve the mechanism for allocating responsibilities.

Though it has committed to "greater engagement" with the internally displaced and to greater cooperation with an array of other organizations and actors, UNHCR has insisted that such engagement must remain "within the parameters of its principles and pre-

requisites for operational involvement.” In terms of possible involvement with development-displaced populations, the UNHCR position seems fairly clear that this could only happen if such populations had been displaced by persecution, general violence, conflict, or massive violations of human rights; in other words, if it involved “those, who, had they crossed an international frontier, would have had a claim to international protection.”¹⁷⁵

Although UNHCR may not have operational involvement with populations displaced by development projects, it does have a mandate to promote the safe, dignified and voluntary return of refugees and to ensure that repatriation is a durable solution. In 2000, UNHCR commissioned a study by Scott Leckie, a recognized expert in the field of housing rights. In an introduction to the study, Erika Feller, UNHCR’s Director of International Protection, wrote: “Our purpose was to see whether and how this right [to housing] should be reflected in the formulation of doctrine and policy and in the design and implementation of operations and programmes of repatriation. The clear conclusion is that it must.”¹⁷⁶

Feller cited two key conclusions from the study. The first is that “in most circumstances, conditions of safe and dignified return will not and cannot be met without adequate safeguards designed to protect the rights of housing and property restitution of returnees.” The second conclusion is that “if housing is to be properly treated as an issue of human rights, then all housing-related policies and practices of UNHCR must *per se*, be treated as issues of refugee protection.”¹⁷⁷ Feller writes: “This conclusion reinforces the view that UNHCR’s programmes and operations must always be informed and guided by protection principles that are derived from human rights standards. This is fully consistent with the UN Secretary-General Kofi Annan’s UN Programme for Reform of 1997 that called for a common effort to integrate human rights into the heart of all the UN’s work.”¹⁷⁸

International Committee of the Red Cross

Founded in 1863, the ICRC has a presence in over 80 countries, acting “to help all victims of war and internal violence, attempting to ensure implementation of humanitarian rules restricting armed violence.”¹⁷⁹ In the field, ICRC performs a variety of tasks, which include providing protection and assistance to civilian populations, conducting health-related activities, visiting prisoners of war and security detainees, and restoring contact between family members separated by war. ICRC has been an active participant in the development and promotion of the *Guiding Principles*. As one ICRC legal expert noted, “When faced with a situation of internal displacement in an armed conflict, the ICRC invokes the principles and rules of humanitarian law. The *Guiding Principles* could nonetheless serve a useful purpose in contexts where humanitarian law does not make provision for certain needs.”¹⁸⁰ Within ICRC’s mandate to protect “all victims...of internal violence,” at least some victims of development-induced displacement—those in Burma and in Sudan, for example—might benefit from ICRC’s focus on aid and protection for civilian populations, with special attention to women and children.

International Organization for Migration

Established in 1951, IOM helps governments and civil society through rapid humanitarian responses to sudden migration flows; post-emergency return and reintegration programs; facilitation of labour migration; training and capacity-building of officials; measures to counter trafficking in persons; migration medical and public health programs; and research related to migration management and other services for migrants. In May 2000, IOM Director General Brunson McKinley stated that “The human rights of migrants deserve greater attention. Trafficked migrants are routinely exploited, mistreated or even killed. Migrant workers often find themselves without protection or recourse, either from their own governments or in the country where they are working. IOM is dedicated to assisting migrants in distress.”¹⁸¹ To IOM, migrants include both those who migrate internally and internationally. The organization has been actively engaged worldwide in helping persons displaced by conflict to return and resettle by providing transport and reintegration assistance.

National Institutions

In September 2000, an International Colloquy on the Guiding Principles on Internal Displacement was jointly convened by the Representative of the Secretary-General on Internally Displaced Persons and the government of Austria. The report of this colloquy, which was attended by more than 50 participants from different regions of the world, concluded that

*While international and regional supervisory bodies can and should be encouraged to play an important role in response to situations of internal displacement and in promoting and implementing the Guiding Principles, it was emphasized throughout the Colloquy that such efforts should fundamentally be subsidiary and supplementary to efforts at the national level. This is in line with the general approach of the Guiding Principles, which seeks to reinforce state responsibility in situations of internal displacement. In this regard, it was observed that there has been a tremendous growth of national institutions such as ombudspersons and national human rights commissions, albeit with different degrees of separation from their governments. The importance of working with these various institutions was considered an important means by which to promote the adoption of national legislation incorporating the standards contained in the Guiding Principles.*¹⁸²

Since 1993, the Office of the UN High Commissioner for Human Rights has been providing technical and other support for countries that are setting up national human rights commissions. Consistent with principles endorsed by the UN Commission on Human Rights, national commissions are intended to operate independently of government while enjoying the necessary resources and infrastructure to function effectively.¹⁸³

The report from the International Colloquy noted that “considerable scope exists for making use of the Guiding Principles in the four areas of work typical to national [human rights] commissions: investigating individual complaints; monitoring government compliance with treaty obligations; providing advice to government officials and legislators on draft legislation; and engaging in raising awareness and human rights education, especially among national and local authorities, the police and military.”¹⁸⁴ In a study subsequently undertaken on national commissions, human rights lawyer Mario Gomez identified a number of activities that national human rights commissions are well positioned to carry out in regard to internal displacement.¹⁸⁵ These have been edited slightly to focus on activities relevant to development-induced displacement:

- Monitor access to the displaced and their ability to receive basic supplies such as food and medicine.
- Visit camps and other places where the displaced are located to obtain accurate assessments of the conditions under which they live.
- Conduct broader field surveys on a periodic basis, which would include gathering information on how the displaced populations are interacting with the local population, the state of basic services in those areas, etc.
- Receive complaints and mediate or adjudicate them.
- Go to court where necessary to enforce recommendations, especially where the commission makes a finding that rights have been violated.
- Assist policymakers in framing policy that takes into account the rights and needs of the displaced.
- Develop legislation beneficial to the displaced, based on the *Guiding Principles on Internal Displacement*.
- Engage with the relevant government institutions responsible for providing assistance and protection to the displaced.
- Provide a conduit for displaced populations and humanitarian organizations to dialogue with governments and state institutions.
- Begin to develop a human rights capacity within state institutions, especially a capacity to respond to IDP rights and a sensitivity to their needs.
- Engage with multilateral donors such as the World Bank and the regional development banks to ensure that resources are channeled to the displaced.
- Undertake educational activities based on the standards contained in the *Guiding Principles*.

In 1996, the Sri Lankan Parliament passed legislation establishing a permanent Human Rights Commission. In 2000, the Commission decided to focus on the status of three vulnerable groups: women, persons with disabilities, and internally displaced persons. The Sri Lankan Human Rights Commission engaged three NGOs to collaborate in an IDP study, which commenced in April 2001 and was released in August 2001. Since that time, Commission members have been undergoing training to prepare for IDP-related activities. At the same time, in May 2001, Sri Lanka adopted a National Policy on Involuntary Resettlement, an initiative that was supported by the Asian Development Bank.¹⁸⁶ Other national human rights commissions in Asia have also begun to focus on cases of internal displacement and could include development-induced displacement in their work.

Non-Governmental Organizations

Non-governmental organizations (NGOs)—or private voluntary organizations (PVOs), as they may prefer to call themselves—are far too numerous and too multi-faceted to encompass in any brief discussion. UNDP's *Human Development Report 2002* documented more than 37,000 international NGOs in 2000, while a 1996 survey found more than one million non-profit organizations in India alone, and another 210,000 in Brazil.¹⁸⁷ More than 2,000 NGOs world-wide have consultative status with the UN's Economic and Social Council (ECOSOC), which was established by the UN Charter as the principal organ under the authority of the General Assembly, to promote a) higher standards of living, full employment, and conditions of economic and social progress and development; b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.¹⁸⁸

Even within the field of internal displacement, NGOs come in many forms, ranging from international to regional to local, and play many roles, ranging from public information and advocacy to the operation of relief and development programs. In the arena of public information and advocacy, two organizations—the US Committee for Refugees and the Norwegian Refugee Council's Global IDP Project—have played leading roles in documenting IDP population numbers and needs around the world. It is also fair to say that both organizations have placed primary emphasis, at least thus far, on populations displaced by conflict and persecution (although the January 2002 issue of the *Forced Migration Review*, a joint publication of the Oxford Refugee Studies Centre and the Norwegian Refugee Council/Global IDP Project, includes six articles on the dilemmas posed by development-induced displacement).¹⁸⁹

Among the NGOs focused more exclusively on development-induced displacement is the previously mentioned Centre on Housing Rights and Evictions (COHRE), which counted more than 14 million victims of forced evictions worldwide in 1999. COHRE has published numerous reports on forced evictions and, in 1997, the COHRE director served as rapporteur to the Expert Seminar on Forced Evictions convened by the OHCHR.

It also should be noted that NGOs at the national level, especially in Asia, have been increasingly focusing on development-induced displacement, among these the Asian Forum for Human Rights and Development and the Asian Cultural Forum on Development.

In November 2000, the World Commission on Dams published a 404-page report, *Dams and Development: A New Framework for Decision-making*, which represented the culmination of a two-year independent review of the development effectiveness of large dams.¹⁹⁰ Within an approach to development that incorporates both a “recognition of rights” and an “assessment of risks,” the World Commission presented seven strategic priorities for decision-making: gaining public acceptance, comprehensive options assessment, addressing existing dams, sustaining rivers and livelihoods, recognizing entitlements and sharing benefits, ensuring compliance, and sharing rivers for peace, development and security.¹⁹¹ WCD recommendations have been endorsed by a variety of NGOs, including Environmental Defense and the International Rivers Network, as well as by the UN Environment Program, the World Health Organization, the US Export-Import Bank and a number of private corporations, including the Swedish construction firm, Skanska.¹⁹²

Private Sector

In 1997, according to the UN Conference on Trade and Development, the top 100 multinational corporations in the world employed 6 million people in their foreign affiliates, held \$1.8 trillion in foreign assets, and sold products valued at \$2.1 trillion in foreign markets.¹⁹³ The rising levels of private foreign investment in developing countries, argues Patricia Feeney of Oxfam Great Britain, has led some governments to justify reductions in bilateral and multilateral aid commitments. Private corporations, moreover, often receive significant amounts of public money to finance construction of large infrastructure projects, but “there is a lack of clarity on the part of donor and recipient governments about the extent to which companies awarded international contracts are required to fully adhere to official aid guidelines and procedures. Nowhere is this more apparent than in projects involving involuntary displacement and resettlement.”¹⁹⁴

Operational guidelines for involuntary resettlement—such as those adopted by the World Bank or OECD—require detailed resettlement plans and commitments to ensure that displacement is avoided or minimized, that standards of living are improved or at least restored to previous levels, and that affected populations are consulted and informed. Citing the principle of “attribution,” the International Law Commission has argued that private entities who take on the core functions of governments are subject to the same duties as the government. Thus, “when a state contracts out to private companies the design, implementation or monitoring of projects involving involuntary resettlement, a case can be made that these companies then acquire responsibilities for ensuring compliance with the relevant international human rights standards and development policies and procedures.”¹⁹⁵

Feeney offers the example of the Ilisu Dam in Turkey, where a private British company, Balfour Beatty, sought \$200 million in export credit guarantees from the UK's Export Credit Guarantee Department "despite the absence of any government scrutiny of the resettlement plans and despite the fact that the company is being investigated for alleged bribery in connection with the Lesotho Highlands Water Project. International guidelines for resettlement are not being observed. Consultation with the local population and civic authorities has been limited or non-existent."¹⁹⁶ In late 2001, in the face of growing international criticism and having failed a key environmental assessment earlier in the year, Balfour Beatty pulled out of the Ilisu Dam project.¹⁹⁷

Some corporations have chosen to be proactive rather than reactive in the face of growing international scrutiny and lawsuits, as earlier noted. In Indonesia, the British oil company, British Petroleum, has invested \$600 million in the *Tangguh* venture, a natural gas processing plant in West Papua province. As part of this investment, BP is helping to move 500 or so residents of the village of Tanahmerah on the coast to an inland location they have selected and will help to build. A founding member of the UN's Global Compact on corporate responsibility and one of seven US and British oil and mining companies to sign a set of voluntary principles on security and human rights, BP hopes to secure its business investment by promoting local development and social programs. "Most people would agree that BP has good intentions," said Diarmid O'Sullivan of the International Crisis Group. "The question is how far good intentions will get you in an inherently complex and unstable situation in Papua."¹⁹⁸

In promoting more informed and responsible corporate behavior in projects involving development-induced displacement, many of the standards and guidelines that are evolving in the area of corporate behavior and human rights would seem to apply. These include voluntary codes of conduct, the Global Sullivan Principles on Social Responsibility, the UN Global Compact on business and human rights, international labor standards as codified by the International Labor Organization and others, the Global Reporting Initiative organized by the Coalition for Environmentally Responsible Economies, and draft principles being drawn up by the UN Working Group on Activities of Transnational Corporations on Human Rights.¹⁹⁹

APPLYING THE GUIDING PRINCIPLES

The *Guiding Principles* were the first guidelines developed within the context of human rights and humanitarian law to address internal displacement and development-induced displacement. As Walter Kälin writes, "Large-scale development projects can contribute significantly to the realization of human rights. Such projects might, however, lead to involuntary displacement and resettlement." The language of the *Guiding Principles*

*ensures that development cannot be used as an argument to disguise discrimination or any other human rights violation by stressing that development-related displacement is permissible only when compelling and overriding public interests justify this measure, that is, when the requirements of necessity and proportionality are met.*²⁰⁰

This final section will first review the *Guiding Principles* and then offer several recommendations for how the Representative of the Secretary-General, UN and international agencies, governments and non-governmental organizations, international financial institutions, private corporations, and others might further promote the use of the Guiding Principles in shaping a response to development-induced displacement.

The Guiding Principles

The *Guiding Principles* are divided into five sections that establish, sequentially: general principles; principles relating to protection from displacement; principles relating to protection during displacement; principles relating to humanitarian assistance; and principles relating to return, resettlement and reintegration. In examining how the international community has responded or might respond to development-induced displacement, it seems appropriate to collapse these five sections into two: protection *from* displacement; and protection, assistance, and reintegration *following* displacement.

Protection from Displacement

The *Guiding Principles* assert that, before any decisions are made, the authorities should explore all feasible alternatives in order to avoid displacement altogether. Only where public interest is both compelling and overriding—that is, as Kālin put it, when the requirements of “necessity and proportionality” are met—then individual rights can be abridged. Otherwise, the displacement may be deemed arbitrary and contrary to international law.

Principle 6, which asserts that every human being has the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, is included in Section II of the *Guiding Principles: Principles Relating to Protection from Displacement*. This section continues with Principle 7, which focuses on proper treatment by the authorities when displacement does occur.

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

- a. A specific decision shall be taken by a State authority empowered by law to order such measures;
- b. Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
- c. The free and informed consent of those to be displaced shall be sought;
- d. The authorities concerned shall endeavor to involve those affected, particularly women, in the planning and management of their relocation;
- e. Law enforcement measures, where required, shall be carried out by competent legal authorities; and
- f. The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Also in Section II on protection against displacement, Principle 8 asserts that “Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.” Principle 9, noted previously, asserts that states have a particular obligation to protect against the displacement of “indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.”

In both planning and implementing development projects, then, the *Guiding Principles* maintain that it is incumbent on the authorities first to explore all feasible alternatives to avoid displacement altogether. Where it cannot be avoided, development-induced displacement should be minimized along with its adverse consequences. The authorities, moreover, must demonstrate that such displacement is justified by compelling and overriding public interest. In all instances, displacement should not threaten life, dignity, liberty or security and it should be effected in conditions of adequate shelter, safety, nutrition and health.

In situations other than during the emergency phases of disaster or armed conflict—and this would include most but certainly not all instances of development-induced displacement—the displacement must be lawfully mandated and carried out; it must seek the free and fully informed consent of those affected, as well as their active participation; it must guarantee compensation and relocation, where applicable; and it must be subject to the right of judicial review and effective remedy. Finally, the authorities must take special care to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and others with special attachment to their lands.

Protection, Assistance and Reintegration Following Displacement

In the event that displacement cannot be avoided, *Guiding Principles* 10 through 27 address issues of protection and assistance during the period of special vulnerability when people are moved out of their homes and familiar surroundings. The principles focus on the physical safety and security of individuals; on family rights; on economic and social rights; on civil, political, and other rights; and finally, on the provision of humanitarian

assistance. Some of these principles pertain more specifically to situations of conflict and severe human rights abuse but none are irrelevant to development-induced displacement.

The principles of protection and assistance during displacement cover the internally displaced person's right to life; to protection from attacks and other acts of violence; the right to dignity and integrity of person; to protection from inhuman and degrading treatment; to protection from arbitrary arrest, detention or internment; to protection from forcible recruitment into hostilities; the right to freedom of movement in and out of camps and other settlements; the right to asylum or to seek safety in another part of the country; to protection from forcible return to or resettlement in places where life, safety, liberty or health would be at risk; the right to information about relatives (including those missing or deceased); the right to maintain family units; the right to an adequate standard of living; the right to essential food and water, basic shelter and housing, appropriate clothing, and essential medical services; the right to legal recognition; to protection from being arbitrarily deprived of property and possessions; the right to freedom of thought, belief, and expression; the right to seek employment; the right to associate freely; the right to vote; and the right to an education (with full and equal participation of women and girls).²⁰¹

The *Guiding Principles* also assert that “the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities” but that “international humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced.” Humanitarian aid, moreover, shall be provided impartially and without discrimination; it shall not be diverted for political or military reasons; those engaged in humanitarian aid shall not be impeded in their work or be the object of attack or other acts of violence.

In the *Guiding Principles*, the final section sets out principles relating to return, resettlement and reintegration. One key difference between displacement that is development-induced and displacements that are either conflict-induced or disaster-induced is that in the case of conflict- and disaster-induced displacement, movement is frequently sudden, largely unanticipated and involves temporary (though often long-term) displacement into a camp or settlement. This displacement phase may be followed by return to one's place of origin or by resettlement and reintegration in a new location, or it may continue as a prolonged dislocation. The movement is transitory and, it is to be hoped, circular, bringing people back to where they started out.

Development-induced displacement, on the other hand, is a planned activity to move people from their homes and resettle them in a new location. Resettlement and reintegration, thus, should be anticipated prior to displacement and should be considered as an integral part of the displacement process.

CONCLUSIONS AND RECOMMENDATIONS

The inclusion of development-induced displacement within the *Guiding Principles* definition poses several clear challenges, both to the Representative of the Secretary-

General and to the many UN and international agencies, governments, and non-governmental organizations concerned with the IDP problem.

First, the number of people worldwide that should be counted as IDPs under the *Guiding Principles* framework will add at least 10 million or more people per year to the existing estimates of conflict-induced displaced persons. Some would say that this only adds more people to a system responding inadequately at best to the current number of 20 to 25 million victims of conflict-induced displacement.

Second, in addition to diluting the limited aid and attention available, one observer has suggested that the inclusion of development-induced displacement in the *Guiding Principles* “will lead to a loss of coherence in the protection regime.... Development projects can be so varied in terms of causes and number of people affected that it would be difficult to apply these Principles in every situation.”²⁰²

Third, “there would be resistance from governments if [development-induced displacement] were included in the definition of IDPs. States may consider that their inclusion would give considerable scope to the international community to find pretexts to interfere in their domestic affairs.”²⁰³ Saha, an Indian government official, recommends deleting development-induced displacement from the *Guiding Principles* definition but even those who favor inclusion acknowledge it could render access even more problematic. States generally are quite willing to grant access to assist victims of natural disaster and, at least when it serves their purpose, may permit aid to victims of conflict-induced displacement. But, “governments naturally fight harder to maintain the concept of national sovereignty when the perpetrator of displacement is the state itself.”²⁰⁴

As a cause of displacement, it must be said that development is different. Some disasters may be inevitable just as some conflicts may be necessary but no one would view them as a good in and of themselves. Development, on the other hand, is seen as a right to which all people should have access. But just as people have a right to development, they have a right to be protected from development’s negative effects, including arbitrary eviction and the loss of economic, social, civil and political rights. When displacement does occur as a result of development—even and especially before it occurs—international guidelines and evolving international norms affirm that its goal is to improve lives and livelihoods and require that it should be a transparent and participatory process.

What is needed, as suggested by the World Commission on Dams, is that “an approach based on ‘recognition of rights’ and ‘assessment of risks’...be developed as a tool for future planning and decision making.”²⁰⁵ Applied to development-induced displacement within the framework of the *Guiding Principles*, such an approach would bring new populations under the purview of the Representative of the Secretary-General on Internally Displaced Persons. Rather than dilute aid and attention or render protection for IDPs more incoherent, the inclusion of development-induced displacement could draw upon a potentially wider network of institutional resources and a broader array of rights and make for a more coordinated response to internal displacement.

Finally, because development-induced displacement involves a plan and a process, it offers a significant opportunity for prevention. The potential benefits are two-fold: First, if the Representative of the Secretary-General or the IDP Unit “were to get involved in cases of planned forced evictions, the preventative capacity of the position would surely be greatly enhanced.”²⁰⁶ Second, access is likely to be more negotiable in the planning phase when a state may be soliciting outside technical and financial support for a development project and the focus still is on avoiding or minimizing the displacement that might result.

As the examples from the case studies bear out, development-induced displacement is complex and multi-faceted but where human rights are abridged and threats to an adequate standard of living are engendered, the international community must respond. Following are several steps that could be taken to promote a more effective and comprehensive response by the international community, one that incorporates both a “recognition of rights” and an “assessment of risks” in development-induced displacement:

First, national governments, in fundamental ways, are key to any efforts that might reduce overall development-induced displacement and mitigate its risks. Therefore:

- Governments should become familiar with the *Guiding Principles* and the provisions that are applicable to development projects.
- Governments should examine and incorporate these Principles as well as World Bank and OECD guidelines into their own policies and laws.
- Governments should be encouraged to adopt their own National Action Plans on Human Rights that include provisions for prevention and protection against arbitrary displacement due to development.

Second, the Representative of the Secretary-General and the IDP Unit should organize a consultation with UN and international organizations (including the operational agencies—UNDP, WFP, UNHCR, UNICEF, ICRC, etc—and the various expert bodies, special rapporteurs and working groups serviced by the UN High Commissioner for Human Rights), lending institutions (including the World Bank and regional development banks), donor countries (including the OECD), NGOs, and selected private corporations to harmonize operational guidelines for development projects that may involve displacement. The starting point for discussions should be Principle 7.1 of the *Guiding Principles*:

Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

If displacement cannot be avoided, the operational guidelines should spell out minimum procedural guarantees to ensure that displacement is carried out in a manner consistent with international human rights and humanitarian law and with a view to analyzing potential impacts (social, economic, cultural, environmental, etc.), minimizing impoverishment risks and maximizing reconstruction potentials.

Third, the Representative of the Secretary-General should commission a report by a panel of experts to examine and clarify the language of the *Guiding Principles*, in particular the meaning of the words “large-scale” and “not justified by compelling and overriding public interests” which describe when development-induced displacement is to be considered arbitrary. This should be done as part of the effort to harmonize international guidelines on development projects that may involve displacement.

Fourth, the Representative of the Secretary-General together with the IDP Unit and the Inter-Agency Standing Committee should establish operational guidelines and codes of conduct for field-based agencies working on development projects that involve (or could potentially involve) displacement. The *Handbook for Applying the Guiding Principles on Internal Displacement*, for example, has recommended a number of steps that agencies can take to protect, assist, and reintegrate internally displaced persons. Among those that may be particularly relevant to development-induced displacement are:

- *Assist representatives of (potential) displaced communities to assess conditions* in potential areas of resettlement by supporting visits and by visiting areas of potential resettlement to independently assess conditions.
- *Convene consultations with leaders of (potential) displaced groups* prior to resettlement, ensuring representation of women and all important segments of the displaced community to ensure that resettlement is fully informed.
- *Convene consultations among leaders of (potential) displaced communities, local authorities, and international organizations* involved with resettlement to ensure that the move will be conducted with safety and dignity.
- *Identify and help eliminate potential conflicts* between communities by convening consultations between internally displaced persons and populations residing in areas of resettlement, considering the needs of the resident as well as relocated populations in program design and taking steps to prevent stigmatization or resentment.
- *Disseminate information about the rights of displaced persons* during displacement to displaced persons and to relevant authorities.
- *Advocate with authorities* for the protection of the rights of internally displaced persons and provide support to local non-governmental organizations or other groups advocating for their rights.

- *Establish monitoring and reporting systems* that document violations of the rights guaranteed to internally displaced persons.
- *Design programs* that enable families to stay together.
- *Protect the right to an adequate standard of living* by ensuring that basic needs for food, water, health care, sanitation, shelter and clothing are met and that these minimum standards are incorporated into international and national policy and legal standards.
- *Promote economic opportunities* by designing and implementing programs to enable internally displaced persons to earn an income.
- *Support access to education for displaced children*, including their enrollment in local schools and, where possible, promote higher education and skills training for adolescents and adults.
- *Support* steps to guarantee property rights and resolve property disputes concerning internally displaced persons.
- *Promote the civil rights* of internally displaced persons through advocacy, outreach, training programs, and capacity building for local NGOs.
- *Design assistance and protection measures to ensure impartiality*, ensuring that neither displaced nor host populations are discriminated against in program design.
- *Support, technically and financially, attempts by cognizant authorities to fulfill their responsibilities* to the internally displaced.²⁰⁷

Fifth, the Inter-Agency Standing Committee should update its 1999 compendium of field-based programs and initiatives on behalf of IDP populations around the world, to include responses to development-induced displacement.²⁰⁸

Sixth, the Representative of the Secretary-General and the IDP Unit should consider conducting field missions to countries where development-induced displacement is especially problematic and/or large-scale. These could include, among others, Sudan, Burma, Indonesia, China and India.

Seventh, the Representative of the Secretary-General and the IDP Unit, in conjunction with relevant NGOs and research institutions, should conduct a global survey of development-induced displacement assessing among other things, its scope and impacts; ways to avoid development-induced displacement in the future; the extent to which development-induced displacement has disproportionate impacts on vulnerable populations; and the tools available for displaced persons to defend their rights and

interests. This survey should be supplemented by in-depth case studies that incorporate an “assessment of risks/recognition of rights” approach to the analysis.

It was stated at the outset but bears repeating: Development-induced displacement is problematic at best, even when a state has the best interests of the entire population at heart. The effects can be catastrophic when such displacement occurs in the midst of conflict and human rights abuse, or when a state deliberately or arbitrarily targets some of its people to bear a disproportionate share of the costs of development and denies them a proper share of the benefits. Development is a right but it also carries risks to human life, livelihood, and dignity that must be avoided if it is to deserve the name.

ENDNOTES

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- ² Balakrishnan Rajagopal, August 9, 2002, "The Violence of Development," *Washington Post*.
- ³ Jan Knippers Black, 1999, *Development in Theory and Practice: Paradigms and Paradoxes* (Boulder, Colorado: Westview Press), p. 1.
- ⁴ Statement by Richard C. Holbrooke, US Permanent Representative to the United Nations, "Promoting Peace and Security: Humanitarian Assistance to Refugees in Africa," Security Council, January 13, 2000 (excerpted in US Committee for Refugees, 2000, *World Refugee Survey 2000*).
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- ⁷ United Nations, 1999, *Guiding Principles on Internal Displacement* (New York: Office for the Coordination of Humanitarian Affairs).
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- ¹³ Shi Guoqing and Chen Shaojun, *China Resettlement Policies and Practices* (Nanjing: National Research Center for Resettlement (www.chinaresettlement.com)).
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- ¹⁵ *Ibid.*
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- ¹⁸ Nicholas Van Hear, 1998, *New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities* (Seattle: University of Washington Press).
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- ²¹ UNHCR, 2002, *Refugees by Numbers 2002 Edition* (www.unhcr.ch).
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- ³¹ See Lance Clark, 1989, “Internal Refugees—The Hidden Half.” In *World Refugee Survey—1988 in Review* (Washington, DC: US Committee for Refugees). Clark wrote: “Internal refugees, as the term is used in this article, are a subgroup of the larger category of internally displaced persons. Such internal displacement is caused by a range of factors, such as civil strife, armed conflict, environmental disasters, forcible relocation by the government, and major economic change.”
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³⁶ *Ibid*, p. 213.

³⁷ Michael Cernea, 1995, “Social Integration and Population Displacement.” In *International Social Science Journal*, 143/1.

³⁸ See Eftihia Voutira and Barbara Harrell-Bond, 2000, “‘Successful’ Refugee Resettlement: Are Past Experiences Relevant?” In M. Cernea and C. McDowell (eds) *Risks and Reconstruction: Experiences of Resettlers and Refugees* (Washington, DC: World Bank).

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⁴⁰ Cernea, “Bridging the Research Divide: Studying Development Oustees.”

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⁴² Arundhati Roy, 1999, *The Cost of Living* (London: Flamingo), p. 19.

⁴³ Center on Housing Rights and Evictions, 2002, *Forced Evictions: Violations of Human Rights*, Global Survey on Forced Evictions No. 8 (Geneva: COHRE), p. 9.

⁴⁴ Michael Cernea, 1999, “Why Economic Analysis is Essential to Resettlement: A Sociologist’s View.” In Michael Cernea (ed) *The Economics of Involuntary Resettlement: Questions and Challenges* (Washington, DC: World Bank).

⁴⁵ Michael Cernea, 1996, “Bridging the Research Divide: Studying Development Oustees.” In Tim Allen (ed), *In Search of Cool Ground: War, Flight and Homecoming in Northeast Africa* (London: United Nations Research Institute for Social Development, Africa World Press and James Currey). The term “oustees” he notes, “is borrowed from the Indian literature on involuntary population displacement, where it is commonly used to describe people forcibly ‘ousted’ from their habitat through government intervention, generally for the purpose of some development-required change in land or water use.”

⁴⁶ Cernea, “Why Economic Analysis is Essential to Resettlement: A Sociologist’s View.”

⁴⁷ Descriptions of the first seven risk factors are drawn from Michael Cernea, 2000, “Risks, Safeguards and Reconstruction.” The description of the eighth risk, social disintegration, is from Michael Cernea, 1996, *Public Policy Responses to Development-Induced Population Displacements* (Washington, DC: World Bank Reprint Series: Number 479). In later writings, Cernea has used the term “social disarticulation” in place of “social disintegration.” Assuming that the two are effectively synonymous, this report prefers “social disintegration” as more immediately accessible.

⁴⁸ Robert Muggah, 2000, “Through the Developmentalist’s Looking Glass: Conflict-Induced Displacement and Involuntary Resettlement in Colombia.” In *Journal of Refugee Studies* 13(2): 133-164. See also Theodore E. Downing, 2002, *Avoiding New Poverty: Mining-Induced Displacement and Resettlement* (International Institute for Environment and Development), p. 3.

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⁵⁰ Balakrishnan Rajagopal, 2000, *Human Rights and Development* (World Commission on Dams, Thematic Review V.4, Working Paper). Although Rajagopal’s discussion focuses on dams, the human rights challenges apply in other types of development-induced displacement.

⁵¹ UN General Assembly, 1996, *Declaration on the Right to Development* (A/RES/41/128).

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⁵³ Fact Sheet No. 2 (Rev.1), *The International Bill of Human Rights* (www.unhchr.ch).

⁵⁴ Cited in Sarah C. Aird, 2001, “China’s Three Gorges: The Impact of Dam Construction on Emerging Human Rights,” *Human Rights Brief* 24, Winter 2001. For ILO Convention 169 see <http://ilolex.ilo.ch>

⁵⁵ Rajagopal, *Human Rights and Development*, p. 10.

⁵⁶ Aird, “China’s Three Gorges.”

⁵⁷ *Ibid.*

⁵⁸ Rajagopal, *Human Rights and Development*, p. 11.

⁵⁹ Dana L. Clark, 2002, “The World Bank and Human Rights: The Need for Greater Accountability.” In *Harvard Human Rights Journal* 15, Spring 2002, p. 220.

⁶⁰ World Commission on Dams, 2000, *Dams and Development*, p. 104.

⁶¹ *Ibid.*

⁶² Leopoldo José Bartolomé et. al., 2000, “Displacement, Resettlement, Rehabilitation, Reparation and Development,” WCD Thematic Review 1.3 (Cape Town, South Africa: World Commission on Dams Secretariat), p. iii.

⁶³ Martin Stein, 1998, “The Three Gorges: The Unexamined Toll of Development-induced Displacement.” In *Forced Migration Review*, January-April 1998, p. 7.

⁶⁴ *Ibid.*, p. 8.

- ⁶⁵ R. Fuggle and W.T. Smith (Hydrosult Canada Inc. and Agrodev Canada Inc.), 2000, *Large Dams in Water and Energy Resource Development in the People's Republic of China (PRC). Annex 2: The Three Gorges Project on the Yangtze River*. A Working Paper prepared for the World Commission on Dams.
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Appendix

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