

## Development-induced displacement

Infrastructural development projects carried out by states, often with the assistance of the international community, frequently result in the displacement of peoples from homes that stand in the way of dams, highways, or other large-scale construction projects. New standards are emerging for states to address the displacement consequences of development.

### Scope of the displacement caused by development projects

While an estimated 25 million people are displaced worldwide by conflict, the number of people uprooted by development projects is thought to be much higher. 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. 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 metres) each year had displaced four million people. Urban and transportation infrastructure projects accounted for six million more displaced each year.

Ongoing industrialisation, electrification and urbanisation processes are likely to increase, rather than reduce, the number of programmes causing involuntary population displacement. Causes or categories of development-induced displacement include the following: water supply (dams, reservoirs, irrigation); urban infrastructure; transportation (roads, highway, canals); energy (mining, power plants, oil exploration and extraction, pipelines); agriculture expansion; parks and forest reserves; and population redistribution schemes.

### Impact of development projects

Michael Cernea, a sociologist, who has researched development-induced displacement and resettlement for the World Bank, points out that being forcibly ousted from one's land and habitat carries with it the risk of becoming poorer than before displacement, since a significant portion of people displaced do not receive compensation for their lost assets, and effective assistance to re-establish themselves productively. Cernea has identified eight interlinked potential risks intrinsic to displacement<sup>1</sup>.

1. Landlessness: Expropriation of land removes the main foundation upon which people's productive systems, commercial activities, and livelihoods are constructed.
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.
3. Homelessness. Loss of shelter tends to be only temporary for many people being resettled; 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.

<sup>1</sup> 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)

4. **Marginalisation.** Marginalisation 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 marginalisation is often accompanied by social and psychological marginalisation.
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.** Displacement-induced social stress and psychological trauma, the use of unsafe water supply and improvised sewage systems, increase vulnerability to epidemics and chronic diarrhoea, dysentery, or particularly parasitic and vector-borne diseases such as malaria and schistosomiasis.
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.** Displacement causes a profound unravelling of existing patterns of social organisation. This unravelling occurs at many levels. When people are forcibly moved, production systems, life-sustaining informal networks, trade linkages, etc are dismantled.

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, such as loss of property without fair compensation, or violence from security forces or risks of communal violence in resettlement areas.

## Indigenous people and other minorities disproportionately affected

Studies on the social impact of development projects suggest that indigenous people and ethnic minorities are disproportionately affected. Coming from politically marginalised and disadvantaged strata of society, these groups often end up neglected and impoverished.

In India, the Adivasi or tribal people, although only representing eight percent of the total population, make up 40-50 percent of the displaced. In Nepal, indigenous groups displaced by a dam on the Kaligandaki river have lost their land and livelihood and have reportedly been inadequately compensated. The livelihood of an estimated 35,000 indigenous Ibaloi people is threatened by the construction of the San Roque Dam in the Philippines. Mon, Karen and Tavoyans in Burma are probably among the worst off, displaced by large infrastructure projects and subject to forced labour and abuses by the military.

## Human rights Law and development-induced displacement<sup>2</sup>

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 realised.” The heart of the problem is that people displaced by development projects are generally seen as a necessary sacrifice on the road to development. The dominant perspective is thus that the positive aspects of development projects, the public interest, outweigh the negative ones, the displacement or sacrifice of a few.

<sup>2</sup> Adapted from W. Courtland Robinson, Risks and Rights; the Causes, Consequences and Challenges of Development-Induced Displacement, Brookings Institutions-SAIS Project on Internal Displacement, May 2003.

However, a change in paradigm has emerged in recent years with more emphasis on human rights and social justice. These rights include:

**Right to Participation.** The affected communities must be able to participate in different levels of decision-making, from the local (project), state (programme), national and international levels. The right to participation is well grounded in the International Bill of Human Rights (for instance, ICCPR, art. 25). More specifically, the 1991 International Labour Organisation 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.

**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, provides for "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. 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 many linkages between protection of human rights and protection of the environment have long been recognised. The 1972 United Nations Conference on the Human Environment declared that "man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights--even the right to life itself".

**Rights of Vulnerable Groups.** While development projects may create vulnerability through impoverishment, they disproportionately affect groups that are vulnerable to begin with, particularly indigenous peoples 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. 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 noted in a report to the World Commission on Dams, "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."<sup>3</sup>

## Development induced-displacement in the Guiding Principles

### *Development as a cause of internal displacement*

The IDP definition in the Guiding Principles does not specifically mention development projects as a possible cause of displacement, the words "in particular" introducing the listed examples of

<sup>3</sup> Balakrishnan Rajapogal, 2000, Human Rights and Development (World Commission on Dams, Thematic Review V. 4, Working Paper.

causes indicate that this list is not exhaustive. It can be argued that development projects, such as the construction of hydroelectric dams, leaving communities without adequate resettlement and compensation, could be considered a "human-made disaster" and a human rights violation, and therefore that those displaced fall within the definition in the Guiding Principles.

Furthermore, Guiding Principle 6 explicitly covers development-induced displacement by restating the prohibition of displacement in cases of large-scale development projects "which are not justified by compelling and overriding interests".

As noted by Walter Kälin, one of the drafters of the Guiding Principles, development projects can contribute significantly to the realisation of human rights, and therefore such displacement is not prohibited. Rather, the Guiding Principles ensure 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"<sup>4</sup>. The words "compelling" indicate the notion of proportionality whereas the word "overriding" demands the balancing of public and private interests.

Principle 6 does not mean that persons displaced by justifiable and lawful projects are not internally displaced. In fact, the Guiding Principles describe anyone as an internally displaced person who is coerced to leave his or her habitual residence, regardless of whether the displacement was illegal or not.

#### *Protection of victims of development projects*

Although the Guiding Principles were not written to address all specific issues of development-induced displacement, they are nonetheless relevant and applicable to situations of displacement caused by development projects. In this regard, the Guiding Principles are largely in line with the World Bank guidelines relating to involuntary resettlement and other related policy documents developed by regional development banks and other institutions. Principles highlighted below are of particular importance to the protection in situations of displacement caused by development projects.

Principle 7: Proper treatment of IDPs by the authorities when displacement does occur, in particular in situations other than armed conflicts.

- 7.1 All efforts should be made to avoid, and minimise displacement and its adverse effects

#### **World Bank: Operational Directive 4.30 – Involuntary Resettlement**

"Involuntary resettlement should be avoided or minimised where feasible, exploring all viable alternative project designs. For example, realignment of roads or reductions in dam height may significantly reduce resettlement needs."

#### **Organisation for Economic Cooperation and Development: Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects**

"Involuntary population displacement should be avoided or minimised 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."

<sup>4</sup> Walter Kälin, 2000, Guiding Principles on Internal Displacement: Annotations, Studies in Transnational Legal Policy, No. 32 (Washington, DC: The American Society of International Law and the Brookings Project on Internal Displacement).

- 7-2: Minimum conditions to be met: proper accommodation, satisfactory conditions of safety, nutrition, health and hygiene, and protection from family break-up
- 7-3: In situations other than during emergency phases of disaster or armed conflicts (which would include instances of development-induced displacement), the Guiding Principles provide additional procedural safeguards and guarantees:
  - 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
  - It must be subject to the right of judicial review and effective remedy.

Principle 9: Authorities must take special care to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and others with special attachment to their lands

Also particularly relevant are:

- Principle 18: IDPs have a right to an adequate standard of living.
- Principle 28: Authorities are responsible for facilitating the durable resettlement and integration of IDPs,
- Principle 29: Upon resettlement, IDPs shall not be discriminated against, in particular with regard to access to public services and participation in public affairs; the authorities are responsible for ensuring that IDPs receive appropriate compensation for lost properties.

## Resources

*World Bank Group*

<http://www.worldbank.org/resettlement>

In 1990, the World Bank developed guidelines to protect those displaced by development projects. The basic principle of the World Bank's Involuntary Resettlement Policy is that the displaced should enjoy some of the benefits of the project and their standards of living be improved or at least not degraded. See **Operational Policy on Involuntary Resettlement, OP 4.12:**

<http://wbIn0018.worldbank.org/Institutional/Manuals/OpManual.nsf/toc2/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>

*Asian Development Bank*

<http://www.adb.org/Resettlement/default.asp>

The Asian Development Bank formally adopted an involuntary resettlement policy in 1994. Like the World Bank policy on which it was modelled, it seeks to avoid involuntary resettlement, if possible, to minimise 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. A review mechanism (called the Accountability Mechanism) was also created in 1995 to address concerns of persons affected by ADP-assisted projects. See **ADB's Policy on Involuntary Resettlement:**

[http://www.adb.org/Documents/Policies/Involuntary\\_Resettlement/involuntary\\_resettlement.pdf](http://www.adb.org/Documents/Policies/Involuntary_Resettlement/involuntary_resettlement.pdf)

*Inter-American Development Bank*

[http://www.iadb.org/sds/IND/site\\_41\\_e.htm](http://www.iadb.org/sds/IND/site_41_e.htm)

Special page on involuntary resettlement. See, in particular, **Involuntary Resettlement in IDB Projects: Principles and Guidelines (1999):**



<http://www.iadb.org/sds/doc/Ind%2DADeruytterePGIRPE.PDF>

*African Development Bank*

**Involuntary Resettlement Policy**, November 2003

[http://www.afdb.org/pls/portal/docs/PAGE/ADB\\_ADMIN\\_PG/DOCUMENTS/ENVIRO\\_NMENTALANDSOCIALASSESSMENTS/INVOLUNTARY%20RESETTLEMENT%20POLICY.PDF](http://www.afdb.org/pls/portal/docs/PAGE/ADB_ADMIN_PG/DOCUMENTS/ENVIRO_NMENTALANDSOCIALASSESSMENTS/INVOLUNTARY%20RESETTLEMENT%20POLICY.PDF)

*Organisation for Economic Cooperation and Development (OECD)*

**Guidelines on Aid and Environment No. 3, Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects**

<http://www.oecd.org/dataoecd/37/27/1887708.pdf>

*United Nations*

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". 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**":

<http://daccessdds.un.org/doc/UNDOC/GEN/G97/129/72/PDF/G9712972.pdf?OpenElement>

*Other reports and resources*

W. Courtland Robinson, **Risks and Rights: the Causes, Consequences, and Challenges of Development-Induced Displacement, An Occasional Paper**, The Brookings Institutions-SAIS Project on Internal Displacement, May 2003

<http://www.brookings.edu/fp/projects/idp/articles/didreport.htm>

The Brookings-SAIS Project on Internal Displacement, **Summary Report of the Conference on Development-Induced Displacement**, Washington D.C., 5 December 2002

<http://www.brookings.edu/fp/projects/idp/conferences/DIDConf.pdf>

**Dilemmas of Development-Induced Displacement**, The Forced Migration Review, Issue no. 12, January 2002

<http://www.fmreview.org/FMRpdfs/FMR12/fmr12full.pdf>

Contains a critical review of the World Bank resettlement policy, by Theodor E. Downing.

International Network on Displacement and Resettlement (INDR): [www.displacement.net](http://www.displacement.net)

The Centre on Housing Rights and Evictions (COHRE): [www.cohre.org](http://www.cohre.org)

The World Commission on Dams: <http://www.dams.org/>