

WCD Thematic Review 1.3

Displacement, Resettlement, Rehabilitation, Reparation and Development

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Prepared for WCD by:

Leopoldo Jose Bartolome and others

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World Commission on Dams Secretariat
P.O. Box 16002, Vlaeberg, Cape Town 8018, South Africa
Phone: 27 21 426 4000 Fax: 27 21 426 0036.
Website: <http://www.dams.org> E-mail: info@dams.org

This is a working paper prepared for the World Commission on Dams as part of its information gathering activities. The views, conclusions, and recommendations contained in the working paper are not to be taken to represent the views of the Commission

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World Commission on Dams
5th Floor, Hycastle House
58 Loop Street
PO Box 16002
Vlaeberg, Cape Town
8018, SOUTH AFRICA
Telephone: +27 21 426 4000
Fax: +27 21 426 0036
Email: info@dams.org
<http://www.dams.org>

Executive summary

The objectives of this Thematic Review were to review recent practices relating to displacement, resettlement, rehabilitation and development of people negatively affected by the construction of dams, in order to locate¹ the global experiences in dam induced displacement and understand the socio-political context of displacement and resettlement. Further, the assessment focuses on how legal and regulatory instruments facilitating displacement and involuntary resettlement have performed in safeguarding the rights of affected people. This review then identifies the essential principles of good practices that would constitute a 'successful', displacement, resettlement, rehabilitation and development program. A framework to facilitate a process of negotiation between State and the displaced people and legal instruments and remedial action necessary to ensure accountability on part of governments and facilitating agencies for accomplishing negotiated resettlement goals are presented.

Some of the key findings emerging from the paper are:

Generally, displacement as a result of acquisition is legally sanctioned while there is no legal framework that governs the process of displacement itself: the land acquisition law protects the sanctity of what causes displacement (i.e., the dam) but not the displaced. In the absence of legal safeguards to ensure accountability on the part of the State, resettlement and rehabilitation (R&R) entitlements promised often by executive order have rarely been implemented in its entirety covering all affected people

For the dams funded by multilateral development institutions the nature and extent of compliance of 'mutually' agreed criteria and guidelines have been mixed. Frequently, monitoring missions were either inconsistent in their appraisal of compliance standards or accepted undue delays and deviations.

A theme common in almost all countries is that funds for R&R program were inadequate. Underfinancing or outright abandonment have been the most common problems in most R&R programs. There is evidence to show that organizations with legislative sanction provided with adequate funds and human resources have done well in implementing a well-defined and clearly operationalised resettlement and rehabilitation program.

The concept of programming resettlement as development programme mode is gaining currency though practice is limited. 'Good practices' in this respect are those that (a) focus on means of livelihood rather than on assets; (b) assume an inclusive relationship between people and assets; and (c) admit of a negotiated definition of 'just' compensation. The record indicates that in those cases in which compensation packages were negotiated with PAPs and other stakeholders, the process has resulted in better outcomes for the resettlement process as a whole. Even when, for whatever reason, the negotiated form of compensation proves not to be the most appropriate or effective option, PAPs tend to feel more satisfied, as a result of the negotiation process, as attested by the Zimapan resettlement program in Mexico.

¹ Experiences therefore are at the heart of this exercise. The WCD sought to bring together experiences from around the world through:

- Regional consultations in South and South East Asia, Latin America and Africa in addition to NGO Consultations in Europe and elsewhere.
 - Submissions on DRRRD from various stakeholders concerned
 - Country reports from Argentina, China, India, Mexico and a report on the African experience and
- This paper attempts to synthesize the experiences and learning emerging from all of the above processes in the light of the aforementioned objectives.

There is an inverse relationship between scale of displacement and extent of achieving successful resettlement outcomes even in countries with best policy, institutional capacity and political commitment to do proper resettlement. There are a few good examples of minimising displacement

Generally, participation of the affected people has been superficial or treated as unimportant by those responsible for the project. Real participation implies the capacity to influence or even modify decisions. Good practices from Brazil, Canada and other countries offer significant learning value for the WCD have emerged from the case studies and submission to the WCD.

In several countries, the indigenous and tribal peoples displaced by large dams seem to have experienced higher level of landlessness, unemployment, indebtedness and hunger. The studies have also documented adverse impact of displacement on women and children. Only situations where loss of land and access to natural resources were replaced with sustainable resources women had opportunities to recover their social and economic worth and respect.

Some of the specific dominant themes emerging from displacement literature are:

- The displaced and affected people rarely received complete and authentic information on the dam project, nature and extent of displacement and other negative impacts, and R&R provisions
- Absence of baseline surveys, inability to determine number of people displaced and affected. The displaced and affected people normally did not have any role in generation of baseline information, development of resettlement plans or its implementation and monitoring.
- Traumatic forced and delayed relocation; denial of development opportunity for years, and often decades due to long displacement process
- Problems (related to infrastructure, relationship with host communities, etc.) in resettlement sites
- Loss of livelihood of people living in downstream not properly assessed and compensated.

The paper concludes that a 'successful' resettlement with development is a fundamental commitment and responsibility of the State. No development project can result in complete alienation of the rights, customary and legal, of people through payment of a one-time compensation or facilitated relocation. On the contrary the process must result in the creation of new rights that will render people direct beneficiaries of the development project. Just as displacement is not an inevitable consequence of infrastructure development resettlement need not necessarily result in impoverishment. Central to positive resettlement and rehabilitation will be the empowering of people particularly the economically and socially marginalised as a result of both the process and outcomes of resettlement with development.