

XV International Congress of Anthropological and Ethnological Sciences

“Symposium on Involuntary Displacement and Sustainable Livelihood Restoration: Good Practices and Learning from Mistakes”

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Symposium Statement: Sustainable Resettlement and Rehabilitation

As a result of discussion among the Symposium participants, we wish to share these ideas with a wider audience, as a potential basis for future meetings and symposia.

A. Framework

Resettlement takes place in a multi-layered framework that is guided by policies and laws that have a bearing upon the ultimate outcomes for people dispossessed or displaced. This framework will impact upon the way Resettlement Plans may be developed for individual projects, and also act to reinforce or undermine such plans and the outcomes for people affected. Resettlement policies adopted by development agencies such as World Bank, ADB and others, are implemented within the context of this overall framework. Increasingly, the link between poverty reduction goals and good resettlement planning and effective implementation is being made explicit at all levels.

We recognize a range of opportunities to enhance the articulation of objectives, based on sound resettlement principles, at all levels.

1. International Policy and Law

Whilst international law gives nations the right to acquire land and to compensate and resettle people within their own boundaries, international treaties and conventions provide general principles that set certain rights that need to be addressed in the treatment of people so affected. These include international conventions on human rights, on the right to live free from poverty and free from oppression, and on the right to shelter.

2. National Law

Nations may have their own policy standards that set core principles that apply when land is acquired or cleared and when people are dispossessed or displaced. Certain countries have, through incremental changes, been enhancing laws and decrees on land acquisition to address problems in impoverishment that have emerged through past practices. Sri Lanka Cabinet recently approved a Policy on Involuntary Resettlement, a landmark decision that sets new standards for Sri Lanka in compensation at replacement cost, rehabilitation and consultation, and opens the possibility for other nations to reach a similar standard.

Laws that encompass eminent domain and other regulatory measures to acquire land generally form the basis for compensation. Such laws may fall short in articulating measures to ensure compensation is sufficient to replace lost assets and to rehabilitate all people affected, thus impoverishment may result. Such laws may not place any special requirements for consultation with those affected, or for measures to improve the status of the poorest and most vulnerable people affected.

3. State/Provincial Level

In certain countries states or provinces may have powers to set their own policy and regulations that govern land acquisition and resettlement, presenting opportunities for regional enhancement within the country. For example, several states in India have taken such steps.

4. Sector Level.

Some sectors, for example in infrastructure sectors (transport, power, etc) that result in frequent land acquisition and displacement, may have sector level policies and guidelines that set standards for fair treatment of those dispossessed and displaced. Such guidelines hold similar opportunities for setting enhanced standards.

B. Bridging the Gap between Policy and Practice

Laws and regulations are applied through an institutional framework that may lack formal means for regulation of resettlement issues. The capacity of institutions to implement the laws that apply is uneven. We encounter frequent gaps between policy and practice that negatively affect people displaced and dispossessed.

Similarly, among development institutions, the understanding and commitment necessary to implementing policy principles may be uneven.

There is a need to build awareness on the part of the resettlement implementers, to strengthen their commitment and capacity to reflect the full spirit of the resettlement policy objectives in implementation.

Effective monitoring and evaluation is also essential, in order to provide feedback to project management on progress in resettlement. Monitoring and evaluation should be undertaken both internally and independently, with participation of those affected, with the full support of the project implementers, with a commitment to learn lessons that may guide project progress and also inform future good practice.

We recognize that there are opportunities among development, regulating and implementing agencies to ensure that core policy principles are addressed, together with development of “checks and balances” such as independent monitoring and evaluation processes.

C. What are the Good Practices and Lessons Learned?

Social science researchers have extensively documented resettlement effects and impacts from past cases. Documenting the “bad news” or negative effects led to formulation of certain key policy statements, in an effort not to repeat past mistakes. For example, World Bank’s current resettlement policy arose from such work, and has had wide influence in setting core principles in a range of agencies, including IFC, Asian Development Bank, and OECD countries. In certain sectors key reports may be influencing the way resettlement proceeds, for example, the World Commission on Dams Report for reservoir projects.

Such developments are a heartening reminder that policy changes are possible, leading to better project implementation, even though we recognise both that there is a long way to go, as we continue efforts to bridge the gap between policy and practice.

We recognize new opportunities to learn lessons that will inform future good practice in resettlement, paying special attention to the relative perspectives of a range of actors in the social fields.

Key lessons learned to date include the following:

- Avoid social disarticulation, taking account of the specific losses, and the social organizational forms of those affected, including key differences among them that will affect their entitlements, such as land ownership and usage status
- Address the need for both economic and social rehabilitation
- Include special measures for the poor and vulnerable to do more than just restore them to pre-project vulnerability - take special measures to improve their bargaining position and consequent social and economic conditions
- Make people displaced and dispossessed partners in development, for example, through participative planning strategies, sharing project benefits and through making them shareholders in the development itself

We believe that, learning from the mistakes of the past, there are certain good practices emerging, and that it is increasingly possible to talk about “good news” in resettlement.

Yet, fundamental to establishing lessons learned is the need to ask: from whose perspective are we judging what is “good practice?” This requires reflective research methods that, whilst taking account of the discourse and social fields in which actors act, also are grounded in the reality of the need to improve the specific outcomes for those displaced and dispossessed.

The Symposium members believe there is a need for more research to learn lessons, about both good and bad practice, from case studies using research methods with the following features:

- Taking a holistic approach addressing social, cultural, religious, psychological, economic and resource issues
- Using approaches that are inclusive and fully grounded in analysis of social field of key stakeholders, reflecting diverse perspectives on resettlement process and outcomes
- Utilizing Risk and Reconstruction model to identify risks and strategies to overcome them
- Building on awareness of the multi-layered framework in which resettlement takes place
- Building on awareness of the realities of planning, financing and implementing resettlement
- Employing comparative research methods to draw out the lessons learned that may inform both good and bad practice.

D. A Code Of Ethics for Resettlement Practitioners.

Adopting a code of ethics for resettlement practitioners would set out the responsibilities and obligations of those working in resettlement planning and implementation from various perspectives:

- Articulate shared goals and common understandings on approaches
- Set standards for conduct among practitioners
- Provide a benchmark against which practitioners may be judged “accountable” for outcomes

We recognize new opportunities for Resettlement Practitioners to develop a Code of Ethics, and to further explore the possible links with accountability.

E. Continued “Harmonization” is Highly Desirable.

Continued Harmonization among development agencies working on resettlement will help to maintain positive momentum towards:

- co-ordination to help achieve enhanced resettlement policy standards
- streamlined and simplified safeguard implementation procedures that include resettlement.

Through “Harmonization”, development agencies can seek out opportunities to share scarce resources for supporting international symposia and meetings that will form an essential communication link between academics, agency staff, policy makers, implementers, independent evaluators, together with people affected.

We recognize opportunities among development agencies to share experience and foster increased levels of resettlement policy and capacity, through Harmonization that encompasses dialogue and demonstration effects.

F. Making Explicit the Links between Poverty Reduction and Resettlement.

Some resettlement policies (ADB’s for example) articulate a basic intention to assist the poor and vulnerable, and to improve their status, that goes beyond mere restoration of the pre-project economic and social base. It is important to focus attention on such objectives. It is also important to keep emphasising the risks of impoverishment in dispossession and displacement, and to keep highlighting the need to address this issue fully in resettlement planning and implementation. In this context, it is important to recognise that poverty has more than just an income dimension.

This raises the possibility of using poverty reduction policies and mandates to reinforce resettlement objectives. It raises the possibility of accessing poverty reduction resources, including personnel and funds to augment the resources available for resettlement planning and implementation. For example, development agencies often have special donor funds dedicated to developing innovative pilot approaches to poverty reduction that may have catalytic replication effects. Such funds may be tapped to develop innovative approaches to:

- address the impoverishment risks in displacement
- improving, rather than simply restoring, the economic and social bases of those affected who are poor and vulnerable.

We recognize opportunities to explore all possible means to increase the level of awareness of the impoverishment risks in displacement and to pilot new approaches to addressing such risks. We also recognise that there is a clear case to enhance the social and economic base of those affected who are poor and vulnerable, and this may be tackled initially through pilot approaches to establish good practice.