
II. Workshops

A. National Workshops

National workshops were held in each participating country to promote deeper understanding among stakeholders of issues involving involuntary resettlement, to validate the findings of the country studies, and to learn from project implementation experience.

1. Cambodia

The workshop was held in Phnom Penh on 30 August 2005. Participants included government officials, donor agency representatives, APs, nongovernment organization (NGO) representatives, and journalists. Two case studies were presented and issues relating to resettlement planning, implementation, monitoring, and evaluation were discussed. International consultants presented a paper on asset valuation outlining approaches that other countries adopted, to pay fair compensation for acquired land. At the end of the workshop, the following observations were made:

- (i) Involuntary resettlement is a new experience in Cambodia and the Highway 1 Project is the first project that required adoption of ADB's involuntary resettlement policy.
- (ii) Cambodia does not have the necessary human resources to plan and implement resettlement.
- (iii) Cambodia does not have a legal framework for land acquisition and resettlement and the recent draft resettlement policy prepared with ADB technical assistance should be reviewed and adopted. The Royal Government of Cambodia is committed to developing a resettlement policy and looks forward to continued ADB support for this effort.
- (iv) The current institutional structure for resettlement where the Inter-ministerial Resettlement Committee (IRC) deals with all aspects of resettlement needs to be changed to assign planning and implementation responsibilities to EAs.

2. India

The national workshop was held in New Delhi on 26 August 2005 and was designed to promote better understanding among stakeholders—planners of resettlement, implementing agencies, and APs—of involuntary resettlement issues, particularly resettlement implementation issues and how to make resettlement experience of project-affected persons a development opportunity for them. The findings of the country study, including the case studies, were discussed in this context together with the lessons learned. The draft of the Resettlement Handbook was also presented and discussed. The workshop's main focus was on land acquisition, compensation, income restoration, and assistance to non-titleholders. It was concluded that:

- (i) land acquisition plans should be better prepared to avoid subsequent additional acquisitions during highway construction,
- (ii) compensation for assets should be paid at replacement value,
- (iii) non-titleholders should be given special assistance to restore their livelihoods, and
- (iv) income restoration should be improved through better planning and allocation of adequate resources.

3. People's Republic of China

The national workshop was held in Beijing on 16 and 17 August 2005 and was attended by officials of government ministries and departments, ADB officers and representatives, and international and national professionals. The following conclusions were reached at the workshop:

- (i) With the rapid growth of the PRC economy, the social security of APs becomes a development issue as important as urbanization and industrialization.
- (ii) The outputs of the RETA will be used for policy development, and to examine risks in

- resettlement. Possible risks in different areas and sectors must be investigated; important tools to control these risks are also required.
- (iii) Different groups face different risks. Thus, appropriate resettlement modes should be adapted to these varying conditions.
 - (iv) In resettlement, there is no demand analysis and no tracking of resettlement strategies, such as training and employment, to ensure that the trained people can be employed continuously. Therefore, analyzing in more detail the social and economic status of different groups and finding sustainable ways for resettlement are necessary.
 - (v) The current compensation standard is very low and insufficient. It is necessary to determine how to pay compensation for land, and calculate the value of lost properties in a proper way.
 - (vi) How to define “public purpose” is also an important topic for discussion.
 - (vii) Farmers face very high risks in land acquisition. Vulnerable groups are often affected. The issue needs rethinking to make appropriate suggestions that are suited to the current situation in the PRC.

B. Regional Workshop

The regional workshop under the RETA was held at the ADB headquarters in Manila on 8 and 9 December 2005. There were more than 60 participants from Cambodia, the PRC, and India as well as various bilateral, multilateral institutions, and NGOs. These participants were representatives of participating national agencies, national consultants, NGOs, bilateral and multilateral donors agencies with interest and expertise on managing involuntary resettlement risks in development projects. In addition were specialist international consultants in resettlement risk management and asset valuation. In his keynote address, Dr. Walter Kalin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, called for a rights-based approach to resettlement to ensure that people’s basic needs are met. He pointed out that the main guiding principle should be that justifiable and compelling reasons exist for displacement for public purpose (Appendix).

Country papers were presented from the three RETA countries. In Cambodia, involuntary resettlement

experience is quite recent and the legal and policy frameworks are being developed. In India, land acquisition and compensation are based on two key pieces of legislation, the Land Acquisition Act (LAA) and the National Highways Act (applicable to the national highway sector). In 2003, the government announced the National Policy on Resettlement and Rehabilitation (NPRR),³ which for the first time formally recognized the need to assist people affected by involuntary resettlement. However, there is a need to reconcile the provisions of NPRR with those of the LAA. Two key findings on highway projects in India were that: (i) Income restoration strategies need improvements in both planning and implementation. Adequate resources should also be provided for this purpose. (ii) Gender aspects do not receive adequate attention. The PRC exerted serious efforts over the last 7 years to study land acquisition and land management, with a view to strengthening the Land Administration Law, to provide greater support to affected people. A notable recent initiative has been Decree 28, approved in 2004, which improves procedures for transparency, public consultation and measures for providing adequate compensation to ensure that affected people are able to restore their livelihoods. The main challenges in the PRC were identified as: (i) rationalizing development needs to protect farmlands and livelihoods, (ii) clearly defining “public purpose” and limiting the current practice of using “eminent domain” to acquire land for private development, (iii) ensuring that compensation is sufficient to restore livelihoods, and (iv) improving transparency and strengthening people’s participation in planning and implementing resettlement.

Professor Michael Cernea suggested that resettlement practice should shift from mitigation to reestablishing the economic resource base of APs. He called for a development approach to resettlement, with adequate funding for essential investments needed to address potential risks to affected people.

Dr. Ping Li pointed out that there were structural problems with the approach to compensation and valuation methods in all three RETA countries. He presented several options for valuing assets so that APs receive replacement value. The main basis of his proposal is the “willingness to accept” principle where APs have the option of a negotiated settlement agreeable to both parties.

³ The National Policy on Resettlement and Rehabilitation for Project-Affected Families, 2003, was superseded by the National Policy on Rehabilitation and Resettlement issued by the Union Cabinet in 2007.