

July 2012

*Abandoning the Rights Protection Policies*

## **World Bank's New Financing Model Downplays Risks**

The 25-member executive board of the World Bank recently adopted a new financing instrument, the Programme for Results (PforR), referred to as Operational Policy, OP 9.00. As its name indicates, the Bank can now provide finance not to a specific investment project but to any blurry programme, for the purpose of achieving results (a so-called 'country programme' could potentially include hundreds of projects). A 5% cap from the Bank's overall lending portfolio will be used for PforR in its two- to three-year pilot. In fiscal year 2011, the World Bank group had a \$57 billion lending commitment; 5% of that would be \$2.8 billion.

In this instrument, the social and environmental standards that apply to investment loans have been abandoned; undermining decades of work putting in place a protection and accountability regime. Currently, applicable operational policies, Bank procedures, good practices

and operational directives listed in the Operational Manual are triggered in projects funded by the Bank.

What is extremely disappointing to a lot of people's movements and individuals whose efforts have contributed to significant progress in advancing standards that protect the environment and local communities, is that PforR does away with eight safeguard standards and 17 other important policies. These include policies for environmental assessment, natural habitats, indigenous peoples, safety of dams, involuntary resettlement, and others.

In the past, what made the Bank stand out among multilateral development banks were its strong safeguard policies that, over the years, have influenced other financial institutions, even countries, to adopt progressive policies. With the Bank abandoning key environmental and social safeguards, the pressure to uphold basic rights protection will weaken, with other

funding and development organizations feeling compelled to lower their own standards.

Communities that could be impacted by projects funded through a programme may not have the most fundamental information about the project - what the potential impacts could be, how and when consultations will take place, etc. Financing instruments like PforR and the use of financial intermediaries, where the Bank's safeguard policies are not applicable, and impacted communities do not have access to the Bank's grievance redressal mechanisms, will only serve to make the lives of the poor -- for whom the Bank is purportedly working more insecure.

**Source:** <http://infochangeindia.org/environment/analysis/world-banks-new-financing-model-downplays-risks.html>

*Driving Large-Scale Displacement of Farming Communities*

## **The Great African Land Grab**

For communities across Africa, land is more than just an economic asset. It is a source of life and an essential part of livelihoods, culture and identity. To others in the increasingly interconnected global marketplace for trade and finance, Africa's land looks very different. Foreign governments concerned and about future food supplies, agribusiness companies seeking production sites for bio-fuels, and assorted foreign investors and speculators, have joined the race to secure access to what, in their eyes, looks like the world's last great unexploited agricultural frontier: African farmland and water resources.

Recent years have seen a proliferation of large-scale land deals across the world, many of them concluded in secret and unreported. The most extensively

researched recent analysis puts the number of reported deals concluded worldwide between 2000 and 2011 at around 2,000, covering 203 million hectares. Africa accounted for 948 acquisitions covering 134 million hectares - an area larger than France, Germany and the United Kingdom combined.

As the most comprehensive survey on global land deal states: "The high level of interest in acquiring land in African appears to be driven by a perception that large tracts can be acquired from governments with little or no payment. There is a parallel perception that very high returns are on offer.

The rush to procure Africa's land involves a broad cast of characters, including government agencies and

sovereign wealth funds from China, Saudi Arabia and Qatar; private companies from India, South Korea, the United States and Europe; and assorted hedge fund and other investors.

For Africans, the benefits of large-scale land acquisitions are questionable. That is especially true for the many thousands of smallholder farmers who have been evicted from their land, sometimes by force, and typically with minimum compensation, to make way for foreign investors. In one recent case taken up by non-governmental organizations and communities in Uganda, the International Finance Corporation's ombudsman decided to investigate charges that 20,000 farmers in western Uganda were evicted with no compensation. In a landmark case, the

Ombudsman of the International Finance Corporation (IFC) is now investigating a complaint brought by Oxfam and the Uganda Land Alliance against an IFC

supported private equity funds. The fund invested in a company alleged to have forcibly displaced from land in Uganda to make way for pine and eucalypts

plantations.

**Link:** Africa Progress Report 2012 <http://www.africaprogresspanel.org/apr2012>

### *Preventing Displacement*

## **Cambodia Halts Land Sales**

Weeks ahead of nationwide municipal elections, the Cambodian government has temporarily suspended all land sales from June on. Prime Minister Hun Sen stated in May that there would be no more subsidies or tax breaks for investors. NGOs estimate that around five percent of the total area of Cambodia was licensed for commercial use

last year. The beneficiaries were mostly entrepreneurs with ties to the government. They caused a wave of evictions some imposed with force, and that has become a major political issue. In April, an environmental activist was killed while investigating illegal logging in connection with land concessions. Cambodia's cabinet

has also decided to review licenses granted in the past. Many of them, it is believed, were issued with a view to side-stepping the law on illegal logging.

**Source:** D+C Development and Cooperation, Vol 39 No 6 June 2012 (p 227)

### *Not Conducive to Economic Growth*

## **Joseph Stiglitz on Land Policy of West Bengal**

Kolkata 11 January 2012 Inaugurating a seminar on 'Economic Growth in West Bengal: Challenges and Priorities' organised by the Indian Statistical Institute (ISI), Kolkata, Mr Partha Chatterjee, commerce and industries minister observed, "It is often said that our land acquisition policy will hinder the industry. But we are a pro-people and pro-poor government. Fertile land will never be snatched from the farmers using police force."

According to Mr Chatterjee, there is no difficulty in the procurement of land because the government is 'behind' the private enterprises if they intend to buy land. But fertile lands used for agriculture

will never be compromised without proper compensation and rehabilitation package. "Once our land map is prepared, we will find out places having infertile lands and closed down factories to accommodate industries," said Mr Chatterjee.

On the other hand, the Nobel Laureate economist Prof Joseph Stiglitz observed, "The state must intervene in the process of land acquisition to facilitate the industries. This is more important when there are multiple owners. It is obvious that one of the owners will refuse to give his land and the project will come to a halt." This is not only the problem of any particular state or country, said Prof Stiglitz. Citing the

example of Columbia University he maintained: "The University too faced similar problems. We needed more space. But scarcity of land stopped the University from expanding. The issue was taken to the Supreme Court too." According to Prof Stiglitz, if the government does not act as the facilitator, acquisition of land becomes difficult and resultantly poses as an impediment for industry. The land acquisition policy of the new government in West Bengal cannot ensure economic growth, he maintained.

**Source:** The Statesman, Kolkata, 12 January 2012

## **CONFERENCES**

### *Current Challenges and New Approaches to Resettlement*

## **ADB India Round Table, New Delhi, 16 April 2012**

ADB India Resident Mission (INRM) held a Round Table on Current Challenges and Innovative Approaches to Resettlement at its Training Centre, New Delhi, on 16 April 2012. Organized as part of an in-house academic programme for experience and knowledge sharing, it was attended by ADB personnel in the Resident Mission Office in full strength. Safeguard specialists from ADB hqs in Manila also participated through videocon. Professor Michael M Cernea was invited to the Roundtable as the Chief Guest. Professor Hari Mohan Mathur was a special invitee on the occasion.

At the outset, Mr Ramesh C Swarankar, Safeguards Specialist, INRM, extended a warm welcome to Professor Michael M Cernea to the Round Table, on behalf of Mr Hun Kim, Country Director, INRM, who due to some unavoidable reasons could not be present. He also thanked the Round Table participants, and took the opportunity to present a synoptic view of ADB projects in India involving resettlement. This was followed by the opening remarks of Mr Narhari Rao, Deputy Country Director, INRM. Professor Hari Mohan Mathur then introduced Professor Michael Cernea, highlighting his role in creating a niche for

resettlement in the field of development.

In his keynote address, Professor Cernea spoke about the formidable challenges to resettlement policy and practice arising from globalization, and hoped that the proposed land acquisition and resettlement law in India would respond fairly to the concerns both of the farmers as well as the investors. This was crucial to resolving the many hurdles that ADB and other projects were currently facing in India. He also emphatically stated that there was need to move beyond compensation, because those who lose their livelihoods for the sake of development

must also benefit from the process.

A lively discussion session then followed. Participants asked many questions that were troubling them in their work in the field, and also made some valuable suggestions, especially on

reducing the incidence of displacement by efforts that took people's knowledge and concerns into consideration.

Finally, Ms Kavita Iyengar, Economist, INRM, thanked Professor Cernea for accepting the invitation to address the

Round Table, and expressed the hope that more such opportunities arise to have his guidance on some thorny issues of land acquisition and resettlement.

### *A World Bank South Asia Regional Initiative*

## **Management of Resettlement and Benefit Sharing in Infrastructure Projects**

The management of land acquisition, resettlement, rehabilitation (MLARR) and benefit sharing in infrastructure development is critically important. The South Asia region can boast of many good practice examples in policy development, training and capacity building in KLARR, but efforts to share and learn from these experiences has been minimal.

To facilitate the sharing of good practices, the World Bank has recently organized several regional initiatives. The first regional workshop on Management of Land Acquisition, Resettlement, Rehabilitation (MLARR) and Benefit

Sharing in Infrastructure Development in South Asia was held in Nagarkot, Nepal, 12-14 December 2011. The objective was to create a regional network of national centers of excellence. More than 15 participants from Afghanistan, Bangladesh, Nepal and Pakistan, and also from China attended.

Another workshop followed, held this time in Kathmandu, 18-19 January 2012. This was designed to share lessons learnt on how to manage resettlement better and incorporate benefit-sharing mechanisms in infrastructure projects. Over 100 professionals from the region and from

China, Turkey and Lao PDR participated. Among them were senior government officials, academicians, project staff, civil society members as well as representatives from ADB, DfID and the Bank hqs. Sixteen case studies on benefit-sharing covering policy development, operational practice, institutional development, monitoring and evaluation were presented.

Participants lauded the role of the World Bank in organizing the workshop and hoped that it would continue such efforts for the benefit of South Asia region.

## **BOOK REVIEW**

### **The Politics of Protection: The Limits of Humanitarian Action**

By Elizabeth G Ferris Washington DC: The Brookings Institution, 2011

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Conflicts and disasters are more common and affecting more people now than ever before. Millions are fleeing from their homes to escape persecution and pain, inevitable in such situations. In the new, unfamiliar place they end up worse off, suffering most traumatic experiences, and where even for their bare survival they depend on help. The effort of the international humanitarian community in assisting and protecting people affected by conflicts and disasters is the subject of this fascinating book.

Most of those involved in humanitarian work generally see their role simply as rushing relief supplies and deploying medical personnel to wherever they may be needed. However, for Elizabeth Ferris, the author of this brilliant book, 'the essence of the humanitarian enterprise is protection'. Protection is concerned with the real life-and-death issues: 'taking action to stop refugees from being pushed back across borders, civilians from being massacred by vigilantes or insurgents, and women being raped by marauding gangs and providing support to desperate people

who use desperate measures to try to find safety in distant lands.' Its key concern is the protection of vulnerable groups.

Protection has now acquired a new prominence on the agenda of the international humanitarian community. Policies, manuals, guidelines and monitoring indicators are being churned out incessantly, with protection becoming a part of mainstream practice. This has also emerged as a popular subject for discussion in conferences, as also with the authors of books, journal articles, and so on. But the indiscriminate use of protection in all kinds of activities from preventing violence by terrorists groups to protecting women from being raped is robbing it of its distinctive meaning. This is becoming worrisome, especially to the author of this book, a strong protection protagonist.

Ferris provides in her inimitable manner an excellent overview of the humanitarian enterprise. The book, covering every aspect of humanitarian work, is divided into ten chapters, each dealing comprehensively with diverse topics: international law, human rights,

humanitarian assistance, the role of UN and NGOs, global governance, humanitarian dilemmas, natural disasters, financing issues, challenges facing humanitarian actors, and finally observations and conclusions. The chapters on humanitarian principles and international law, the UN and NGOs in humanitarian operations, and global governance, in particular, provide information on many new developments and are highly illuminating.

The author provides a brief history of protection, describing how protection as a concept emerged from international humanitarian law, refugee law, and human rights law. The human rights law emerged later in the aftermath of Second World War. The lawyers in these three specialist fields of international refugee law, humanitarian law and human rights law dominated the 1980s. But all these laws, international standards and peacekeepers were found to be insufficient to protect people on the ground. These failed to prevent ethnic conflicts in Bosnia, Rwanda, and Somalia, for example. In the 1990s, protection thus emerged as a reaction to the failure of the



international community to prevent widespread bloodshed. Both human rights and protection are areas of wide concern today, and as she points out, 'many use the term "protection" as shorthand for 'a person's basic human rights'.

While focusing on the many actors who are involved in assisting and protecting civilians, the author quotes from a study that concludes: 'most people survive and do so without assistance from external parties'. She agrees with this widely held view that in emergencies, such as earthquake, it is essentially the initial local effort that saves most of the lives. Subsequently, other actors arrive on the scene (governments, UN, NGOs, and others, even celebrities) and share in the task to provide further relief and resettlement assistance.

Traditionally, victims of disasters are provided urgently needed basic relief supplies, such as food and medicine, but the 2004 Indian Ocean tsunami experience brought to the fore the need for their protection as well. Even in the face of this tragedy, widespread human rights abuses were reported in providing relief and long-term assistance. The international humanitarian community is now of the view that those affected by floods, earthquakes, and volcanic eruptions also deserve protection by the humanitarian community the same way as the people rendered as refugees due to conflicts. The author also sees climate change related displacement as a major future challenge for the international humanitarian community.

The task of delivering humanitarian assistance is becoming complex and a challenging one. It is getting more difficult, risky and politicized. Well-meaning humanitarian workers increasingly face a danger to their lives. In fact, they have been attacked in many places just for doing their duty of protecting innocent civilians from being massacred. Governments and even non-state actors often prevent humanitarian aid from reaching its intended recipients for their own reasons. This happens because in some countries international humanitarian aid is seen as a cover for the designs of Western nations to promote activities that have no resemblance to the proclaimed lofty international humanitarian principles.

The author notes that consensus that humanitarian actors should be allowed to function freely because they are independent and impartial has changed,

particularly in parts of the Islamic world, where much humanitarian work is focused. She seems inclined to agree: 'as a social scientist, I have recognized from the beginning of my engagement in humanitarian efforts that the international response to the victims of war and disaster depends more on politics than on altruism' (p. xvii).

The conclusion of this study is that while the role of humanitarian agencies in protecting people affected by conflicts and disasters is vital, that is not a panacea for all their sufferings. Instead, it is important that international community holds political leaders and leaders of armed groups accountable for protecting their own people. The author argues that there is a limit to what humanitarian protection can do and it is important to recognize this limitation. More needs to be done by actors other than the international community to ensure the effective physical protection of civilians.

Ferris's book is focused on issues surrounding humanitarian aid for victims of conflicts and disasters. The kind of international humanitarian resources presently available to assist and protect these victims does not exist for those displaced by development, though they also undergo comparable horrendous experiences. They also lose their lands, homes, jobs, social networks and cultural moorings, to name a few of their precious possessions a set of processes which Michael Cernea has conceptualized and described it as a model of 'the risks of impoverishment'. Human rights abuses abound in their situation as well. It would thus seem unfair to treat victims of development differently. Often, even national efforts also fail them. Governments are generally hesitant to adopt resettlement policies to protect displaced people, and where they exist, to implement them firmly.

The fact is that there is much that the planners of development-induced displacement can learn from the international humanitarian experience. Similarly, humanitarian actors involved in managing conflicts and disasters can also learn much from social policies and programmes for managing displacement from development. This approach to resettlement involves much advance planning - including initial social impact assessment, compensation, relocation, resettlement and development - has many useful lessons. It must however be admitted that the resettlement planners of

development-induced displacement are helped by the fact that displacement in their case can be foreseen much before it occurs, which is not the case with conflicts or natural disasters. For example, if an earthquake hits an area the first priority is obviously to rush relief and to save the lives that are in grave danger. This doesn't permit the humanitarian actors the luxury of time required for meticulous planning of long-term resettlement assistance and development. Still, what they can learn is to go beyond short-termism in rebuilding the lives of survivors, as the resettlement planners must do for those affected by development projects.

The author's own personal experiences with humanitarian work beginning since 1985, and years of research work supported by an incredibly extensive review of the existing literature have gone into the writing of this book on such a highly sensitive issue. This book will be particularly useful for students pursuing courses on conflicts, refugees, human rights, disasters and also development displacements. Indeed, this is an outstanding contribution to the literature on one of the most challenging tasks confronting the international humanitarian community today.

**RESETTLEMENT News** published twice a year in January and July reports on current operational, research and capacity building work in resettlement from around the world. The aim is to disseminate practical experience, information and ideas among those working for resettlement agencies, development research centres, and management training institutes. It is published by the Resettlement News Network - an informal network of individuals with a concern for the fate of people who are forced to relocate due to development projects.

*The submission of material relating to any aspect of development-induced resettlement is welcomed, and should be addressed to the Editor:*

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