

Architecture for a Standard on Forced Displacement and Resettlement: An Evidence-Based Approach

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(www.displacement.net)

The Challenge

In preparation for its 20th anniversary in 2020, the International Network on Displacement and Resettlement (INDR) will draw upon the comprehensive experience of its specialists to proactively write a new standard for forced population displacement and resettlement. INDR specialists have found that similar socio-cultural and economic processes and outcomes reappear in forced displacement, regardless of what induces it. Although each displacement is different, these observed and verified patterns provide core knowledge that may be tapped to further improve our understanding in avoiding, reducing, and mitigating forced displacement and resettlement (FDR) -related injustices suffered by displacees. This opens the option that a science-based, new standard can apply to resettlement due to development projects, socio-political conflict, climate change, and natural disasters. Without proactive and just standards, poverty and diminished well-being await those displaced down the road. The proposed INDR standard will offer evidence-based actions to minimize risks/harms stemming from forced displacement and resettlement and better the lives, livelihoods, and the human rights of those who must be resettled and/or rehabilitated. The INDR standard will be a science and evidence-based standard with linkages to documented cases supporting that standard. When uncertainty within the core knowledge does not support a clear course of action, we agree to define the issues and alternative options for dealing with them.

Potential Uses of the Standard

The new INDR standard will be based on core knowledge, as best it is currently known. This core knowledge is derived from science and seventy years of on-the-ground project experience. It will be designed to improve the plight of forcibly displaced peoples. It will be a stand-alone standard-- apart from those of existing international financial and human rights intermediaries. It is intended to be used as a reference point for those threatened by or undergoing a forced displacement, or in the immediate aftermath of disaster or conflict displacement or those working to educate and assist them by revealing what is and is not known about the potential outcomes of a relocation. It will address likely processes and outcomes that may have been insufficiently or incorrectly addressed or avoided in existing standards. Further, the standard will be used to complement any gaps in International Financial Institutions and national frameworks. Properly prepared, we anticipate this standard will be used by all engaged in displacement to nudge actions, including negotiations, more in the direction of meaningful outcomes for those facing forced displacement and resettlement.

¹ William Partridge partridgewilliam50@gmail.com is the INDR Chairperson, Drafting Committee on Standards, and Mohammad Zaman mqzaman.bc@gmail.com is the 2018 INDR Program Chair, Theodore Downing is the INDR President, president@displacement.net. We thank David Halmo, Carmen Garcia-Downing, Susanna Price, and Mohammad Zaman for insightful feedback on earlier versions. 8 Feb 2018 www.displacement.net

Methodology

INDR is developing a collaborative methodology to assist its specialists to apply their knowledge. The draft standard will be prepared during a 3-year period in at least three face-to-face international meetings and possible regional meetings, linked by intense, online working groups. Virtual communication has and will continue to play an important part in our work, permitting our members a cost-effective, collaborative tool.

We envision three phases, culminating in INDR's twentieth anniversary 2020 meeting. Members will construct the standard to be consistent with essential actionable core knowledge transferable to improving the futures of those displaced by megaprojects, socio-political conflict, climate change, and disasters (see Table 1). The core knowledge has and will be gleaned from seven decades of research and practice on forced displacements and involuntary resettlement, including the rich decades of on-the-ground experience of our specialists.

Phase I is underway. From 13-15 August 2018, INDR specialists will conduct a series of highly participatory workshops in Oaxaca, Mexico. In the fall of 2017, INDR formed a program committee, began recruitment of workshop facilitators/leaders, and prepared a workshop methodology.² Mexico's renowned Centro de Investigaciones e Estudios Superiores en Antropología Social (CIESAS) will co-host our meeting in its new hilltop facilities.

The objective of each Oaxaca workshop will be to 1) identify the likely elements of a standard, including specific questions that need to be addressed, 2) draft the terms of reference for white papers on each element, 3) organize Phase II working committees including team leaders, 4) recruit a legal and drafting team, and 5) select a site and program committee for the INDR 2019 workshop. INDR has received initial inquiries to hold this meeting in China.

Phase II begins at the close of Oaxaca 2018, with a year long preparation of draft white papers coordinated by INDR working groups for its 2019 meetings. Working groups of volunteer senior and junior specialists will be established to prepare invited these papers for analysis in phase two. The papers focus on transferable knowledge, lessons, and practices. The membership and invited guests will act as a committee of the whole for discussion, critique, and revision.

INDR 2019 will produce an annotated outline of the proposed INDR international resettlement standard. The revisions of the 2019 white papers will become the evidence base for the new standards. It is anticipated that, unlike other standards, the INDR standard will be hyperlinked and updated to ongoing research, evaluations, and reports. Finally, unlike others, it will incorporate a measure of the relative certainty (most likely scaled) of its positions based on collective assessments (the methodology for which remains to be established). An updated draft standard will be kept online and updated with new knowledge. Another product of Phase II will also involve the formation of a drafting committee to write the initial draft, and carry out consultations.

² Mohammad Zaman agreed to serve as Program Chair and William Partridge will be Chair of the Drafting Committee on Standards. Kai Schmidt and Susanna Price and others have joined the program committee. They are actively recruiting other members. A relatively inexpensive venue was selected following a December 2017 visit to Oaxaca by Board members Bill Partridge, Sue Tamondong, Carmen Garcia-Downing, Salomon Nahmad-Sitton and President Theodore Downing.

Table 1. Phases of INDR Forced Displacement and Resettlement Standard Design		
INDR Standards Construction Phases		
	Where/When Format	Format and Activity
Preparation	Online and small meetings	
Phase I 2018 INDR Scoping & Design Workshop	13-15 August 2018 Oaxaca, Mexico	Workshops on elements that must be part of a standard
Between meetings	Online and small meetings preparing documents and communicating in small working groups.	
Phase II 2019 Drafting Workshop	Summer or early fall China? Sweden? Or?	White paper critiques and initial draft outline of statements.
Between meetings	Online and small meetings preparing documents and communicating in small working groups.	
Phase III 2020 Launch of First Draft Sessions	To be selected.	Consultation and outreach
Post 2020 meetings	Online and small meetings	

Phase III's venue is undecided. It will involve the release of the first draft of the new standard for review, debate and consideration of potential revisions. We anticipate 1) invitations to other stakeholders such as international financial intermediaries, multilateral government organizations, academics and other practitioners working with displaced people to discuss the initial draft in light of their own policies and practices and 2) formation of working group established to incorporate suggestions and to continue the consultation process until the draft can be finalized.

The Oaxaca 2018 Workshops

INDR 2018 is planned to be a highly participatory series of workshops and roundtables which will address the state of our knowledge to identify the potential elements of this new, evidenced-based standard on forced displacement and resettlement. Each workshop will have an invited facilitator/moderator who will invite 5 minute statements with handouts from 2 panelists and then open discussion to all participants attending the workshop. Facilitators will ensure the panelists present a statement of no more than 5 minutes at a time regarding (a) what are the existing standards, (b) what has

been the experience with these, and (c) what questions on this issue should be included in the terms of reference for the white papers. Facilitators will then open discussion to the floor for all participants to voice positions and suggestions. To encourage full participation, facilitators will rigorously ensure that no speaker from the panel or from the floor speaks for more than 5 minutes and an opportunity for real time, written electronic interventions for will also be provided

Each workshop will have a scribe or recorder who will take notes on the discussion and the specific recommendations that emerge, presenting these for review and feedback in plenary session at the conclusion of the Oaxaca meeting. Participants who have laptops or cell phones will be encouraged to share real comments that will be date stamped and folded into the record.

We are soliciting proposals for workshops and/or suggestions for proposed workshops (Annexes 1 and 2). The program committee may negotiate combinations of workshop proposals in the interest of parsimony. Thus far, over a dozen workshops (Annex 2) have been suggested (*NOTE: the order does not indicate priority*) along with a first cut at questions that might be addressed. Members are invited to organize or participate in one that is suggested or to suggest an additional one which addresses what you feel are core issues that should be covered in a new standard. Borrowing and improving elements from existing standards is expected.

Whether or not you will come to INDR Oaxaca 2018, we ask your help as an early “co-designer” of the standard in this initial stage. Suggest possible issue clusters for workshops/roundtables, facilitators, panelists, and questions. And please score your interest. Self-nominations are encouraged. The program committee will use the responses to assure workshops and roundtables align with your knowledge and the overall tasks of crafting a new standard. Email your response to INDR18@displacement.net

Potential clusters might include for example, valuation and compensation, stakeholders engagement, assistance to those who receive no compensation, grievance mechanisms, national framework and policies, impact assessment. You are encouraged to suggest possible facilitators and panelists.

Annex 1. Survey of Suggested Workshops for INDR 2018

Please fill out with your suggestions and indicate your likely participation in working on the new standard. DUE 5 MARCH 2018. Self-nominations are encouraged.

Proposed by: _____ Your email: _____

Please email your response to INDR18@displacement.net

1. Likelihood you will attend Oaxaca 2018 from 13-15 August 2018? _____
 2. Likelihood you will participate on-line or future electronic conferences? _____
Rate: Definitely/Likely/Hoping/Unlikely/Uncertain
-

1. Clusters of Issues about? _____.

Your personal interest? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Questions to be addressed:

2. Clusters of Issues about? _____.

Your personal interest? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Questions to be addressed:

3. Clusters of Issues about? _____.

Your personal interest? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Questions to be addressed:

2. Clusters of Issues about? _____.

Your personal interest? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Questions to be addressed:

INDR ENCOURAGES YOU TO ALSO MODIFY SUGGESTIONS IN ANNEX 2.

Annex 2. Examples of Issue Clusters for Oaxaca 2018 Workshop/Roundtables - modify or suggest others?

*****PLEASE HELP: COMPLETE BY 5 MARCH 2018**

Please email your response to INDR18@displacement.net

EVEN IF YOU MAY NOT ATTEND ***

Formulation of Objectives for Resettlement of Displaced Populations.

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: What objectives best lead to displaced persons having opportunities to choose among alternatives for establishing new communities and livelihoods to replace those destroyed by displacement? If multiple objectives, which are prioritized?

Avoidance and Minimization of Population Displacement.

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: How can the location of the project causing displacement be changed to enhance overall benefits by eliminating or reducing human, economic, and cultural costs of resettlement? How can the engineering design of the project causing displacement be changed to enhance overall benefits by eliminating or reducing human, economic, and cultural costs of resettlement? Can the project causing displacement be rejected or stopped if the real costs of resettlement outweigh the expected benefits. If displacement is caused by disasters and socio-political conflicts, how to assess impacts and develop framework for mitigation, assistance and rehabilitation?

Stakeholders Consultation for Participatory Planning and Implementation:

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: What can be a methodology to ensure free, prior and informed participation of displaced people in the involuntary resettlement process? About what? With whom? When? Can a negotiations table be set up with affected people, authorities, and financial intermediaries to establish a resettlement policy framework (in the almost universal absence of such statutes in most countries)? Can that negotiations table be for the life of the project to permit parties to adapt policies and programs to emergent, unanticipated conditions?

Planning Resettlement: RAPs and Policy Frameworks

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: What are the components of the project causing population displacement? What are areas of project direct influence including communities and groups threatened with displacement and resettlement and areas of indirect influence including potential host populations? How to engage affected communities in the identification of persons likely to be displaced and reach consensus on eligibility criteria for cash compensation (the property owners) vs. resettlement assistance? Can the valuation method for determining cash compensation and valuation method for resettlement assistance (land, housing, employment, subsistence allowance, transportation allowance, etc.) be negotiated?

Quality of Professional Work and Design.

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: How to staff a resettlement program design team including a social scientist as team leader, with specialists in engineering, social development, health services, education, and relevant production sector(s) (i.e. fisheries, agriculture, retail business, job training, etc.) as needed? How to ensure staff have adequate qualifications and in the case of large scale, complex, and/or contentious projects, direct experience with resettlement? How to ensure that social/resettlement issues are central in project design? Can we insist on appointment of an experienced, professionally recognized, resettlement specialist as part of the team? Can affected people participate in design studies, and if so, how? What would be a time-bound production schedule and budget for delivery of design studies?

The Social Organization of Forced Displacement.

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: Other standards imagined overall impact of a forced displacement could be determined by comparing the losses and reparation status of displaced peoples and societies before and after displacement. Is this method, widely used in other development-induced displacement standards, sufficient to estimate losses and processes and avoid injustices?

Negotiations in the Forced Displacement Process.

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issue/Questions to consider: Laws, regulations, and standards define who, when and what is negotiable. The displacement process also involves thousands of negotiations as powerful forces rearrange the lives and livelihoods of weaker parties, the displaced, ostensibly for a variety of reasons (development, disaster mitigation, conflict reduction, etc.). Experience shows that the outcomes of failed negotiations may render those displaced seriously harmed. What type of assistance do people undergoing displacement need to be empowered to negotiate in order to avoid injustice?

Compensation

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: Most attention in forced displacement focuses on compensation. To what extent does a standard pre-define who is and is not eligible for compensation? For what losses? How are losses that are not easily calculable considered? And for how long? Might benefit sharing and other actions be significant or cause new problems for the displaced? What happens to those, often the majority of those displaced, who receive no compensation?

Participatory Scoping of Socio-Economic Impacts Producing Displacement.

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: When to define the settlement pattern, demographics, social organization of economic production systems, and cultural baseline of the affected population necessary for design of culturally desirable development alternatives? When should the census/inventory of affected households and properties be carried out and by whom? Is there need for a special vulnerability analysis to identify

PAPS requiring special assistance due to structural social exclusion because of poverty, ethnicity, illiteracy, language, religion, age/disability, single motherhood, or other factors? How can PAPS review and approve the accuracy of the baseline studies and the census/inventory of affected households/properties of those to be physically displaced and census of those to be economically displaced or participate directly in carrying them out?

New Livelihoods and Economic Production System(s).

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: Who will review/approve technical designs derived from design studies of development alternatives formulated in collaboration with key PAPS, including special assistance to the vulnerable? Who will conduct economic, social, and cultural analyses of suggested development alternatives demonstrating viability, feasibility of execution, cultural compatibility, etc?. How will these be presented to PAPS in a form and language understandable to them and establish a broad consensus among PAPS? How to devise a mechanism or procedure by which PAPS select the development alternative that best meets their abilities and aspirations? How to devise a procedure for achieving broad consensus among PAPS on resettlement housing and infrastructure alternatives? When and who will review/approve technical designs of delivery facilities for public services including education, health care, sanitation, transportation, potable water, electricity, etc.?

Managing and Budgeting Forced Displacements and Resettlements

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: What should be the time-bound implementation schedules for contracting/executing each of the development alternatives, resettlement housing, infrastructure, commons areas, and public services delivery facilities? What are the criteria for staffing the implementing agency, including senior management, technical staff, social workers, quality control inspectors, office personnel and logistical staff, etc. either now in place or to specify future staffing plans and staff training plans? What is a suitable design for an internal monitoring, reporting, accountability system whereby management is systematically informed on progress in implementation of RAP components, performance of staff responsible for implementation, performance of contractors, and well-being of PAPS throughout the resettlement process? How to design a grievance redress mechanism through which claims and complaints by project-affected persons are to be registered, investigated in the field, and resolutions negotiated, including the mechanism for appeal to an impartial third party? How to decide whether to link it to pre-existing legal appeals mechanisms? How to ensure a monthly implementation budget including personnel salaries, equipment, materials and supplies for each activity of the implementation schedule together with an annual financing plan?

Independent Monitoring and Evaluations of Displacement and Resettlement

Your personal interest in this issue cluster? (1 to 5, with 5 being high) _____

Suggested facilitator? _____ email _____

Suggested panelists? _____ email _____

_____ email _____

Issues/Questions to consider: Should an independent social science research entity experienced in resettlement measure outcomes for PAPs or should this be a management function? Who and how to design a management information system? What would be considered successful or favorable outcomes of the implementation of the resettlement operation and when should these be measured? What are a few key sensitive indicators that would serve as an early warning of negative outcomes or indicate emergent favorable outcomes and how are these to be measured periodically in the field? Should PAPs participate directly in carrying out the monitoring of outcomes? How to disseminate draft findings to stakeholders in a form and language understandable to them? How to ensure that follow up remedial or corrective actions are taken?