

The background features a large, abstract circular graphic composed of numerous overlapping, semi-transparent blue segments of varying shades, from light sky blue to deep navy blue. These segments are arranged in a way that creates a sense of depth and movement, resembling a stylized gear or a complex digital interface. The overall effect is modern and technological.

Part IV

Safeguards and
Resettlement

Chapter 14

Environmental and Social Safeguards in India - A Critical Assessment

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Abstract. *This chapter describes the state of environmental and social safeguards in India, as applicable to development projects and activities. A theoretical framework and a brief historical background is provided to contextualize the contemporary situation. Though traditional human activities were for the most part environmentally sustainable, the development of technology and the growth of human population is putting increasing pressure on the natural environment. Skewed economic and social development, perhaps as a result of selective access to natural resources and technology, have also begun to show trends of inequity. This has resulted in human interventions that sometimes benefit the few at the cost of the many. In response, most countries have set up environmental and social safeguard regimes designed to assess the possible environmental and social impacts of human activities, to disallow those that are not viable, and to establish and monitor measures for minimizing and mitigating the adverse impacts of those judged to be viable. Unfortunately, in many countries—as, for example, in India—these measures have not been very effective because of vested interests both within and outside of the government, whose own objectives are better served by undermining, or rendering ineffective, all such safeguards.*

ENVIRONMENTAL SAFEGUARDS

Conceptual Framework

The proposition that most contemporary human activities disrupt the natural environment and its processes is widely accepted today. However, there is much dispute about which impacts are acceptable, and to what extent. The stress here is on *contemporary* human activities, as many argue that traditional rural and tribal societies lived in harmony with nature, and in some cases still do.

In India, two traditional groups that come to mind are the isolated tribes of the Jarawas and the Sentinelese, in the Andaman and Nicobar Islands. There is no evidence to believe that the presence of these groups has in any significant way degraded the ecosystem they inhabit. Apart from the fact that their numbers have been stable over many years, they reportedly have many rituals that ensure that they do not adversely affect their natural environment. One such ritual is the reported practice of hunting parties half-breaking a prominent branch in a prominent tree in the area where they have recently hunted a wild pig. This hanging branch serves as a warning to other hunters who might venture there, that a pig has been recently killed in the area, and therefore they should hunt elsewhere. In a few weeks, the half-broken branch dries up and falls to the ground, once again opening the area to other hunters.¹

Such practices of the Jarawas—and presumably of the Sentinelese, about whom much less is known—ensure that their footprint on nature is kept to a minimum and does not have a permanent adverse impact. However, most other rural communities in India cannot rightfully claim that their survival strategies are in harmony with nature. The conversion from hunting-gathering to shifting or settled agricultural practices alone has transformed natural ecosystems all over India.

Whether historical natural processes are the best, or the only, way forward is now a somewhat moot philosophical question. The time when the answer to this question would have been relevant has long since passed. However, the limits of change and manipulation of the natural environment, and the consequences of getting them wrong, are still very relevant.

Environmental Safeguards and the Government

Governments have the unenviable task of determining how much use and disturbance of nature is permissible, and how to meet the basic needs and growing aspirations of their people without overstepping these boundaries.

¹This story was told to me by Samir Acharya, founding president of the Society for Andaman and Nicobar Ecology (SANE) while I was holding hearings in Port Blair, as the Supreme Court of India appointed the commissioner for forests and related matters of the Andaman and Nicobar Islands (2000). Many such stories describing the conservation practices of tribal and indigenous people can be found in Bharucha (2016).

Most, perhaps all, governments have adopted policies whereby a certain proportion of the nation's area, representing various types of ecosystems, is conserved in its natural state. In India, these are the national parks, set up under the Wildlife Protection Act of 1972.

Other areas are classified such that only certain types of activities can be permitted there. In India these are identified as wildlife sanctuaries, reserved forests, conservation reserves, community reserves, notified ecologically sensitive areas and wetlands, and coastal zones, among other classifications: and they are protected under a host of laws and regulations. The proportion of area that a country protects in this way is mostly dependent on three factors: the richness and diversity of ecosystems and species found in the country, the demand for land and other natural resources for human use, and the way these are balanced against the political will of the government to conserve nature and to sustainably use natural resources. Unfortunately, most countries in the world seem to be struggling to get this balance right.

For the remaining areas, most countries have restrictions on the types of land or water use permitted and regulations concerning the extraction of resources, the destruction of natural habitats, and the release of effluents. These standards vary from country to country and from ecosystem to ecosystem, and are a function of the cost and availability of "green" technology; the levels of environmental awareness and activism among the populace; the commitment and ability of the government to ensure long-term sustainability of growth and development; and the inclination and ability of the nation to transfer its environmental costs onto others.

Evaluating Programs

In 1950, the government of India set up a Planning Commission modeled after the planning infrastructure in the then-USSR. As a part of the Planning Commission, a Programme Evaluation Organisation (PEO) was created to evaluate the various programs being undertaken by the government and supported by the Planning Commission. Over the last 60 years or so, many of the important programs of the government of India and the various state governments were evaluated by the PEO.² For many years, most of the evaluations focused on economic and social outcomes, and on cost and time efficiency. Gradually the scope of the evaluations expanded and new aspects were introduced, including environmental aspects. However, these evaluations were mostly *ex post facto*, or at best carried out midterm, and dealt with only a few specifically selected programs. They therefore were not adequate for assessing the social and environmental impacts of programs, projects, and activities in advance of their being initiated, nor for assessing their social and environmental viability. They did perform the important role of influencing the design and implementation of new and ongoing programs. Unfortunately, the Planning Commission, and along with it the PEO, were terminated in 2014.

² For details, see <http://planningcommission.gov.in/reports/peoreport/index.php?repts=peobody.htm>.

Regulating Use and Disturbance

Experience has shown that in matters related to the environment—because once damage is done, it might not be easily undone—it is not prudent to simply declare standards enforceable by law and hope that the deterrent effect of stringent penalties would adequately protect the environment. Therefore, most governments have adopted an environmental safeguards regime that requires projects and activities to be subject to prior assessment and clearance.

In India, the environmental safeguards regime was initiated in 1974 through an administrative order. In 1994, the requirement of prior environmental clearance for most projects was made legally binding under the Environmental Protection Act of 1986.

To appraise projects and recommend environmental clearance, various environmental appraisal committees (EACs) were set up at the national level under the Ministry of Environment and Forests,³ separately for different types of projects. These EACs were chaired, and had as members, independent experts from outside the government. Officials from various of the concerned departments were ex officio members. Though the EACs still function, in 2006 powers were delegated to the state governments to appraise and grant clearance for certain categories of projects, essentially the smaller and less problematic ones.

The basic process of carrying out appraisal, granting clearances, and monitoring compliance essentially involves an environmental impact statement being prepared by an expert body hired by the project proponents for that purpose. The regulating ministry has guidelines concerning the preparation of these impact statements. The statement is then appraised by the appropriate EAC of the ministry.

The EACs recommend to the ministry whether a proposed project or activity should be given environmental clearance, with or without certain conditions, or if it should be rejected. These recommendations are based on an examination of the impact assessment statement; other relevant documents and information; and discussions with experts and concerned stakeholders.

For most types of projects, there is also a statutory requirement to hold public hearings involving interested and affected members of the public. In these hearings, the public is given an opportunity to express its views on the possible impacts of the proposed project; the suitability of the proposed preventive and mitigative measures; and the consequent viability of the project. EACs also sometimes carry out field visits to monitor and verify the situation on the ground.

Based on the recommendation of the EAC, the ministry issues a clearance, a conditional clearance, or a rejection. Legally, since the EAC is only an advisory committee, the ministry is not bound by its recommendations.

³ The Ministry of Environment and Forests was renamed, in 2014, the Ministry of Environment, Forests and Climate Change (MoEF&CC). In order to avoid confusion, it is here consistently referred to as the environment ministry.

Apart from this environmental clearance, projects that have any liquid or gaseous effluents must also get clearances from the relevant pollution control boards. Where forestland is involved, either in the location or in the impact zone of the project or activity, a separate procedure for forest clearances is mandated, involving the Forest Advisory Committee. Where the project or activity is located in, or likely to impact, a wildlife protected area, or a protected species of fauna or flora, clearance is required from the National Board for Wildlife.

Once accorded, an environmental clearance can be suspended or revoked if the conditions for clearance are not complied with. Each project proponent is required to submit a report to the regional office of the environment ministry, under which it is located, every six months. The regional office has the responsibility of ensuring that the various conditions prescribed in the clearance are complied with. They are expected to do this based on these reports and on their own monitoring.

Major Challenges

On paper, India has a stringent and elaborate system of checks and balances with multiple authorities, professional bodies, committees, scientists and other professionals, and institutions, all of them identifying, appraising, assessing, and monitoring environmental impacts. However, internal contradictions within the government, and the machinations of external vested interests, have made this elaborate system ineffective, and often corrupt.

Internal contradictions within the government. The environmental safeguards regime, though initiated in the 1970s, was fully institutionalized only in the 1980s. At least in part, this institutionalization seemed to be the result of both direct and indirect international pressure, to which India had become susceptible.⁴ There was also growing domestic media and judicial pressure, and a vocal environmental movement. Countering these pressures were domestic economic imperatives, the push for short-term gains that is the bane of a five-year election cycle, and the consequent demand for a rapid expansion of industrial and commercial activity, and of infrastructure. Growing human populations and aspirations created pressure to convert natural habitats into agricultural lands and human habitations.

India's political strategy relating to environmental safeguards seems to have evolved out of these opposing pressures. The 1980s saw the emergence of strong environmental policies and laws, and an expansion of environmental institutional structures. But it also saw the emergence of a plethora of strategies that effectively negated the effects of these strengthened laws and institutions and allowed "business as usual" to continue. It allowed the Indian government and political leaders, even while they were showcasing to the country and to the world the progressive safeguard measures they had put

⁴For a more detailed discussion on this point, see Singh (2011).

into position, to simultaneously escape the adverse political consequences of a slowdown in economic growth, albeit a temporary one.

The process of undermining the environmental safeguards regime seems to have been spearheaded by four distinct yet interrelated strategies. Initially, there was a tendency to bypass or ignore the newly established regulatory regime. This, however, led to extensive litigation relating to various projects in which litigants challenged the legality of the government, ignoring the regulatory agencies that they themselves had statutorily created.⁵ A second, related strategy was to make sure that these regulatory agencies did the bidding of the government, and to refrain from setting up independent and objective regulatory agencies, despite orders from the Supreme Court of India to do so.⁶ The third strategy was to make even these “controlled” regulatory agencies functionally ineffective by starving them of resources and personnel; and the fourth was to roll back the safeguards themselves.

Vested interests. Apart from internal contradictions confronting the Indian establishment, almost from the start there were various vested interests opposed to the proper implementation of environmental safeguards. At least four such interest groups emerged.

Perhaps the most benign of these were those who saw many of the environmental safeguards, especially those seen as imposed by Western nations, as unnecessary and unfair, and an impediment to the urgent need for providing shelter, livelihood, and food to millions of impoverished Indians. To them, natural resources had to be made available, on a priority basis, in order to meet the immediate survival needs of the poor, and not be diverted or earmarked for long-term conservation imperatives, many of which seemed to them to be based on principles that were unproven, or inappropriately applied to Indian conditions.

While acknowledging the primacy of the needs of the poor, conservationists argued that there were enough resources in the country to meet everyone’s basic needs, while ensuring environmental sustainability. But to do this, the existing resources needed to be more equitably used and distributed. There was, according to them, no justification for compromising the future of the people of India, especially the poor, just because the government was not able, or willing, to redistribute resources, especially land, water, and forest resources, so that they could support the survival needs of the poor rather than the luxurious lifestyles of the rich.

The second, far less benign, interest group militating against environmental safeguards held that the safeguards inhibited national economic

⁵ Perhaps the two best cases from that period are those against the proposed Tehri Dam and the Narmada project. For details about the Tehri Dam controversy, see the Supreme Court of India 2003 judgment on *ND Jayal and Shekhar Singh vs Union of India and others*, <https://indiankanoon.org/doc/1875824/>; and Warrier (2016). For details on the controversy surrounding the Narmada dams, see, e.g., Peterson (2010).

⁶ *T.N. Godavarman Thirumulpad vs Union of India and Others*, 2011, <https://indiankanoon.org/doc/1725193/>.

growth and thereby prevented, or at least delayed, India's transformation into a world economic power. The fact that India is now among the fastest growing economies in the world has further reinforced this belief among many. This group ignored all concerns about the impact of an economy that was growing rapidly, but inequitably, on the poor and marginalized segments of the society. They also ignored the inevitability of a façade of rapid economic growth and expansion soon collapsing, if it was achieved in a manner that was not sustainable.

A third interest group that opposed the environmental safeguards regime, sometimes very aggressively, was comprised of the powerful lobby of Indian, foreign, and multinational corporations, who saw environmental restrictions as impediments to their growth and profitability. The efforts of the Indian government to attract foreign investment, recently spurred by the launch of the "make in India" campaign, has exacerbated this conflict. This interest group argued that the availability, in India, of cheap and plentiful skilled labor was not enough to attract foreign investment, and the deal needed to be "sweetened" with weakened environmental regulations.

The fourth, and perhaps the most pernicious, of the vested interests opposing the proper implementation of environmental safeguards are the rent seekers. Much money stands to be made, and is being made, by allowing the violation of environmental norms in exchange for hefty political "donations" and personal bribes. Many political parties, functionaries, bureaucrats, scientists, and other professionals, benefit from this system. Ironically, these interests are best served if there are, on paper, strong regulations and safeguards, but a systemic inability to ensure that the regulators do their jobs effectively and honestly.

The rent seekers also include public servants who are involved in granting contracts and clearing payments to builders and suppliers for government projects. These public servants seek, and often receive, pay-offs from the contractors who are hired to build the project, and from other suppliers. For this to happen, the projects have to be initiated and constructed, and therefore environmental and social safeguards have to be bypassed.

Safeguarding the interests of the "weaker." Apart from the above four vested interests, many countries around the world successfully transfer their own environmental costs onto other countries, both by dumping pollutants and by unsustainably exploiting their minerals and other natural resources. This represents another powerful vested interest that works against the safeguard regimes of victim countries.

The tendency to exploit the "weaker" by forcing them to absorb the environmental costs of the "stronger" does not occur only among countries, but also happens within countries. In India, the location of environmentally destructive activities (such as mines and dams), and of hazardous and polluting activities (such as chemical industries and coal-based power plants) is often influenced by the amount of economic and political clout held by the adversely affected communities. Certainly, the efficacy of the application of safeguards is profoundly influenced by the amount of political and economic power those likely to be adversely affected possess.

As a counterbalance to these interests and pressures, India is also host to strong environmental movements, a sympathetic media, and a supportive judiciary. Nevertheless, the combined interests that have rallied against the effective implementation of a strong regulatory regime seem to be winning, as described below.

Subversive Strategies

Bypassing or ignoring the regulatory agency. From the beginning, for reasons discussed above, the regulating ministries often came under pressure from other departments and ministries of the national government, from state governments, and even from the prime minister's office, to accelerate the process of environmental appraisal, and in some cases to grant undue environmental clearance to favored projects. In some cases, as will be discussed later, the concerned ministry succumbed to pressure. In others, they did not. In some of these latter cases, the central and state governments decided to ignore the regulating ministry and start work on the project before it had been granted environmental clearance and, in some cases, even before the environmental studies had been carried out.

These half-completed projects were then presented to the regulatory ministry as a *fait accompli*. The fact that much of the anticipated environmental damage had already occurred, and as such could not be prevented or minimized, even if the project had now been abandoned, strengthened the arguments in favor of granting it *ex post facto* clearance. The fact that a huge amount of public money had already been invested in the project created further moral and political pressure on the regulating ministry, despite the utter illegality and immorality of a project being initiated and half completed before the mandatory clearances were received.

In a few high-profile cases, the refusal of the regulatory ministry to grant clearance was overruled by the prime minister's office, and the regulatory ministry was directed to accord clearance. Perhaps the most famous example of this was the granting of environmental clearance, in 1987, to the Narmada Sagar and Sardar Sarovar dams, which were two of the largest dams on the Narmada River. Despite the environment ministry categorically stating that the projects were not yet ready for appraisal, let alone clearance, the prime minister's office overruled the ministry and directed that the projects be cleared, with a curious *pari passu* clause that mandated that studies and assessments be carried out concurrently with the construction. Following this logic, the projects would be ready for assessment only when they were fully constructed.

Many of the efforts to bypass or ignore the regulatory ministry were challenged in the courts of law and caused serious embarrassment to the government, and much adverse publicity. Perhaps because of this, there was a gradual shift to other strategies, as described below.

In 2013, there was a qualitative change in the efforts of the government to bypass the environment ministry. In January 2013, the government of India set up a Cabinet Committee on Investments (CCI) as a part of its

proposed National Investment Board.⁷ The CCI was designed and empowered to intervene in instances where different approval processes, particularly those related to the environment, were thought to be impeding the economic growth of the country. The CCI had the power to review decisions taken by ministries in which projects had been refused approval, or there had been “undue” delays. It was also empowered to direct statutory authorities to discharge functions and exercise powers under the relevant laws and regulations within the prescribed time frames, for “promoting investment and economic growth.”

This was widely seen as a strategy to gain political advantage in the forthcoming general elections of 2014. The mandate of this committee was essentially to bypass the environment ministry and other regulators, and to provide speedy, even almost automatic, clearances to proposed projects and activities that were pending with the ministry for more than three months, regardless of the fact that in many cases the required studies and assessments had not been completed and submitted by the project proponents. The CCI then proceeded to ensure environmental clearance to these projects without conducting any scientific appraisal, or even having access to any professional expertise (Press Information Bureau 2013). Going into the general elections of 2014, the Congress party claimed that it had granted environmental clearance to a large number of projects in the previous year.⁸

This was perhaps the most blatant and direct effort to bypass the environmental regulatory mechanisms and safeguards, obviously necessitated because the environment ministry was not fully compliant with the wishes of the government, despite being headed by a minister from the ruling party. It was also an unprecedented obfuscation of the responsibilities of various ministries and levels within the government.

Though there has been no other comparably blatant effort at bypassing the regulatory mechanism (and in effect dismantling it), the new government, which took office in 2014, has not shown greater concern for the environment than the previous one.

Compromising the scientific objectivity and integrity of the assessment process. Despite demands for an independent statutory body to appraise projects and activities, and to grant and monitor environmental clearances, this process continues to remain within the government. This is also despite the fact that in a ruling given in the case of Lafarge Umiam Mining Pvt. Ltd on July 6, 2011,⁹ the Supreme Court of India emphasized the need for such an independent regulator. In another judgment, in the case of T.N. Godavarma Thirumulpad, the Supreme Court further reiterated that the central

⁷ For details on the CCI, see http://cabsec.nic.in/writereaddata/cci/english/1_Upload_989.pdf.

⁸ See, e.g., Sharma (2013).

⁹ *T.N. Godavarma Thirumulpad vs Union of India and Others*, 2011, <https://indiankanoon.org/doc/1725193/>.

government was required to set up a regulator at the national level, which would have offices in all of the states; which could carry out an independent, objective, and transparent appraisal and approval of the projects for environmental clearances; and which could also monitor the implementation of the conditions laid down in the environmental clearances.¹⁰

The refusal to set up an independent regulatory mechanism was adversely commented upon by the Comptroller and Auditor General of India (CAG) in its report of 2016, which was prepared for submission to the President of India under Article 151 of the Constitution of India, to be presented to the Parliament:

A National Regulator to oversee the entire process of grant of Environmental Clearance and monitoring is yet to be appointed despite directions of the Hon'ble Supreme Court. Environmental Clearances were granted to the Project Proponents without checking the compliance of the conditions mentioned in the previous Environmental Clearances and recommendations of the Regional Office. (CAG 2016, viii–ix)

Unfortunately, a high-level committee set up by the new government in 2014 recommended against the setting up of an independent authority for granting environmental clearances, citing the very reasons that had made such an independent authority desirable, as arguments against its creation.

While all technical aspects of an application/proposal for clearance would be examined on merits by the NEMA, it was felt that the final approval or rejection powers should be retained by the MoEF&CC. This is because there may be many other factors, relating to relationship with neighbouring countries, need to address regional disparity issues, dealing with areas and regions with special problems and issues, and need to take national security issues into account etc. etc, which may singly or in combination add a further politico-economic-strategic dimension in the decision making process. (HLC 2014, 59)

Delegating powers to the state government. To make things worse, in 2006 a decision was taken by the government of India to delegate the power to grant environmental clearance for certain types of projects to the state governments.¹¹ This was a controversial decision for at least two reasons. First, there is a well-founded belief that state governments by and large are much less committed to implementing safeguards, especially environmental safeguards, than the central government is. It was this conviction that led the government of India, in 1980, to promulgate the Forest Conservation Act, which stipulates that no designated forestland can be diverted for non-forest use by the state government without prior clearance of the central

¹⁰ T.N. Godavarman *Thirumulpad vs Union of India and Others*, 2014, <http://courtnic.nic.in/supremecourt/temp/20219953612014p.txt>.

¹¹ For details, see <http://www.envfor.nic.in/legis/delegation.htm>.

government. Statistics suggest that subsequent to the enforcement of this law, the amount of forest land being diverted drastically shrank.

There are many reasons for the seeming indifference of state governments to environmental damage. Usually the performance of the political parties that are in power in a state is judged by its ability to enhance jobs and incomes, to provide basic services, and to distribute "freebies" and concessions. Environmental conservation, primarily because of its long-term returns, is usually not a significant factor affecting the re-electability of the ruling political party.

Also, state governments usually function in a more unified manner, in which the head of the state, the chief minister, invariably exercises total power and control over all departments. There is little scope for environmental departments within a state to oppose or even delay and modify projects and activities that are politically important and that have the full support of the chief minister.

Evaluating the Performance of Government-Controlled Regulatory Authorities

Ignoring violations of the law. The regulating agency is mandated, under the Environmental (Protection) Act of 1986, to: "direct (a) the closure, prohibition or regulation of any industry, operation or process; or (b) stoppage or regulation of the supply of electricity or water or any other service" for any violation of the conditions of environmental clearance.

However, despite this, and despite there being numerous such violations, the regulating ministry has rarely taken action against projects and project proponents that were in violation of the conditions of clearance. The CAG, as part of its sample assessment, identified numerous violations in the two years under review:

MoEF&CC had stipulated certain specific conditions in the EC either relating to sectors or to the project which were to be followed by PPs. It was observed that the monitoring agencies were not able to ensure compliance to the EC conditions. (CAG 2016, 69)

Furthermore:

...there was shortfall of 43 to 78 per cent (with reference to compliance reports of June 2015) in submission of half yearly compliance reports. Further, it was observed in audit that most of the PPs did not submit half yearly compliance reports timely and regularly and there was delay ranging from one month to 48 months in submission of the compliance reports. We noticed that the ROs did not issue reminders regularly for submission of compliance report to PPs. Also, no action was taken by the MoEF&CC against the PPs under the provisions of the Environment Protection Act, 1986 for non-submission of compliance report by PPs. (CAG 2016, 84)

The CAG went on to observe that despite numerous violations, no action was taken by the regulating ministry.

In reply to a Parliament question, the Ministry submitted (July 2016) that no penalty was imposed by the MoEF&CC for violating conditions of EC in the last two years. We observed that MoEF&CC did not have a compiled database of cases/projects received by it from the ROs where the violations were reported by ROs after their monitoring/inspection. Data register with year wise breakup of such cases was also not maintained. (CAG 2016, 88)

Ignoring the recommendations of the EACs. A popular strategy to undermine the environmental safeguards regime that evolved in the 1980s was for the environment ministry to overrule the recommendations of the EAC. The fact that the EAC was only an advisory body allowed the ministry to adopt this strategy.

Ordinarily, given that the EAC is appointed by the environment ministry, the final decision should have been in conformity with the recommendations of the EAC. Where the ministry had additional technical inputs or findings that were contrary to those of the EAC, these should have been sent back to the EAC for consideration and comment. However, this was not done, and usually the ministry gave no reasons for rejecting or modifying the recommendations of the EAC.

Perhaps the most well-known of such cases was that of the Tehri Dam in the Himalayas. At 260.5 meters, the Tehri Dam is the highest dam in India, and among the highest in the world. Located in the Himalayas in what is known to be one of the most seismically active zones in the world (Category V), the EAC had unanimously determined, in 1989, that the environmental impacts and the safety concerns related to the project were such that it was not ecologically viable. Despite this, the environment ministry proceeded to grant environmental clearance to the project and gave no reasons why it chose to overrule the EAC.¹²

Another high-profile case was the first of the coal-based superthermal power stations in India, at Kayamkullam, Kerala. This power station was located adjacent to the ecologically fragile creeks of the coastal region of the state of Kerala. In 1991, the EAC rejected the location because of its ecological fragility, and suggested alternate locations that were ecologically less sensitive, and economically and logistically preferable. However, allegedly because the initial site was within the political constituency of a powerful political leader, the environment ministry overruled the EAC and cleared the project, without giving any reasons.

¹² For further details, see the Supreme Court of India 2003 judgment on *ND Jayal and Shekhar Singh vs Union of India and others*, <https://indiankanoon.org/doc/1875824/>. Also see Narrain (2003), IRN (2002), and IUCN, https://portals.iucn.org/library/sites/library/files/resrecfiles/GA_18_REC_057_Tehri_Dam_Project_India.pdf.

In a similar case, a proposed coal-based thermal power station located adjacent to a crocodile sanctuary in Dholpur, in the Indian state of Rajasthan, was rejected by the EAC in 1992, but cleared by the ministry, again without giving any reasons. In this case also, the EAC recommended shifting the location to a less ecologically fragile area, but the suggestion was rejected, allegedly because the original location was within the political constituency of the then chief minister of the state.¹³

Fortunately, in all these cases the triumvirate of people's movements, a sympathetic media, and a supportive judiciary, helped. A case filed in the Supreme Court of India ensured that the environmental safeguards related to the Tehri project were strengthened.¹⁴ Unfortunately, the Supreme Court declined to take a view on the safety concerns, indicating, perhaps correctly, that this was less a legal issue than a technical one, for which they did not have the requisite expertise.

In both Kayamkullam and Dholpur, public and media pressure, and the threat of legal action, resulted in the projects being converted from being coal-based to naphtha-based and gas-based respectively, thereby reducing the adverse environmental impact on their surroundings.

Undermining the independence of the EACs. The EACs are functionally dominated by the chairperson, who is responsible for making all final decisions after considering the views and advice of the members of the committee, and of invited experts. Decisions in the EAC are not taken in a democratic manner, in which each member has a vote. This is in keeping with how most official committees function, with decisions made mostly by the senior-most functionary, and with other members operating more as advisers than as co-decision makers. Therefore, it is critical to ensure that the chairperson of an EAC is competent, independent, and of impeccable integrity.

The experience with EACs during the 1980s and early 1990s taught the environment ministry that overruling the EACs would attract much public and media criticism, and would give opponents a good legal basis to move the courts. Therefore, it quickly revised its strategy and started replacing the independent experts who had initially chaired the EACs, with retired civil servants, or others who were either sympathetic to the concerns of the project lobbies, or were pliable and could be pressured.

Compromising the independence of environmental consultants. The EACs were primarily dependent on the environmental impact statements provided to them by the project proponents. As these statements were prepared

¹³ The Kayamkulam and Dholpur projects were appraised in the early 1990s, before the web became functional in India. Therefore, documentation regarding these and other such projects is not available on the Internet. However, the author was the chairperson of the EAC that appraised both these projects and has a copy of all relevant documentation. A relatively recent publication that describes many other such cases is Chainani (2007).

¹⁴ For details, see Narrain (2003).

by consultants who were hired by the project proponents, there was always an inherent danger of conflicts of interest.

This situation was aggravated by the fact that the EAC had neither the resources nor the mandate to carry out fresh assessments, or even to empirically test some of the claims made in the environmental impact statements. At best, it could visit the site of the proposed project, make observations, and require additional studies to be done, or studies to be done again. However, usually these studies would be carried out by the same consultants. Occasionally there was a possibility of getting independent studies done, but only in high-profile projects.

The necessity of introducing a system in which the initial environment impact assessment could be carried out by a competent professional body that was independent of the project proponent, was stressed from time to time.¹⁵ It was suggested that a panel of consultants and professional institutions could be maintained by the environment ministry, or by the Planning Commission, which could commission them for the task and pay them from funds recovered from the project proponent. Unfortunately, these recommendations have never been accepted, and no reasons have been given for the failure to accept them.

Compromising the functional efficacy of the regulatory agency. Most projects and activities were granted conditional environmental clearance, in which the clearance was based on adherence to certain conditions, especially preventive or mitigative strategies. There were also various statutory standards that such activities and projects had to comply with.

The responsibility of monitoring these projects to ensure that they were complying with the conditions of clearance was assigned to the 10 regional offices of the regulating ministry. Unfortunately, these offices were very inadequately staffed, and continue to be so. As a result, there is hardly any monitoring of compliance of the conditions of clearance. According to the CAG:

There were only 15 scientists available for monitoring of Environmental Clearance conditions against sanctioned strength of 41. Regional Offices have not been delegated the powers to take action against the defaulting PPs and they had to report the violations of the Environmental Clearance conditions to the Ministry. (CAG 2016, 85)

24 State Pollution Control Boards/Union Territory Pollution Control Committees did not have in place sufficient infrastructure and manpower for monitoring despite having sufficient funds. (CAG 2016, 94)

As per the information provided by MoEF&CC and its ROs, a total 9,878 Category A projects and 12,657 Category B projects were to be monitored by the ROs which had been given ECs since the inception of the EIA process, following the notification of 1994. (CAG 2016, 85).

¹⁵ See, e.g., Singh and Banerji (2000) and Planning Commission (2007).

As per MoEF&CC norms (July 2015) each scientist was to monitor at least five projects per month. Therefore, minimum 60 projects were to be monitored every year by each scientist...it may be seen that MoEF&CC/ROs would not be able to monitor all projects under their jurisdiction even in a period of five years. (CAG 2016, 86-87)

Diluting standards. As described earlier, the initial strategy seemed to be to bypass or ignore the regulatory regime. This was followed by an effort to make the regulatory mechanism and the safeguards subservient to the whims of the government, and without any functional and scientific independence. The safeguards regime was also progressively made increasingly ineffective, so that it did not even have the ability to perform the required functions.

Essentially the dilution of the safeguards regime is being achieved by lowering the standards required; shortening the time available for conducting impact studies and assessments; and redefining the parameters that determine which projects qualify for prior assessment, and to what level, thereby excluding an increasing number of projects.

Commenting on the environmental impact assessment (EIA) notification and the amendments issued by the environment ministry, a joint committee of experts from the various Indian Institutes of Technology observed:

In exercise of the powers conferred by the Environmental Protection Act, 1986 (GoI, 1986) Government of India (GoI) on 27th January 1994 made it mandatory for expansion and modernization of existing projects to have prior environmental clearance (EC) (MoEF, 1994). Thirteen amendments were made to it during 1994 to 2005...and then, in 2006 principle notification was replaced with a new one. The initial notification is no longer in effect, but it is our opinion that in comparison with the principle notification, the new one is weak in some of the areas, at least. (IIT 2011, 15)

With the installation of the new government in 2014, there now seems to be an added focus on the fourth strategy, that of dilution of the safeguards themselves, and of the processes involved in implementing them.

Soon after taking charge, the new government set up at least two committees to examine the ways and means by which environmental regulations could be "rationalized." The first of these was constituted in August 2014, and submitted its report in November 2014 (HLC 2014).

This committee recommended, among other things:

...the identification of "no go" areas, which are in forest areas or inviolate zones—primarily with the criteria of over 70% canopy cover and "Protected Areas" which should not be disturbed except in exceptional circumstances, and that too only with the prior approval of the Union Cabinet. (HLC 2014, 11)

The disastrous implications of this recommendation can be judged by the fact that only about 3 percent of India's forests have canopy cover of over

70 percent (Forest Survey of India 2015). At present, all the legal forest area plus other areas that have tree cover (a total of nearly 30 percent) have legal restrictions on their diversion for nonforest uses. If the recommendations of the high-level committee are accepted, most of India's forested area, which in any case is well below the required 33 percent, would be opened up to industrial and other nonforestry uses.

Under the current regulatory regime, where forestland is allowed to be diverted for nonforest use, an equivalent area of nonforest land has to be brought under forest cover. In exceptional cases, compensatory afforestation can be permitted on degraded forestland where appropriate nonforest land is not available, and the overall forest cover of that state is at least 33 percent (the prescribed national minimum). This condition has ensured that the overall extent of forestland that either has tree cover, or has the legal protection that would allow regeneration of tree cover, does not decrease in the country.

Unfortunately, the high-level committee has recommended that this clause be dropped:

The Committee recommends that this condition that there must be at least 33% forest cover in a State before approval is given for CA on degraded forest land should be done away with. (HLC 2014, 36)

The high-level committee has also recommended that:

All the strategic border projects (border roads, fencing, Border Out Posts, floodlighting, surveillance infrastructure, power infrastructure) falling within 20 km. from the International Border, Line of Actual Control, Line of Control; and the projects in power sector and coal mining which are the growth engines for national economy may be given a fast-track treatment through special procedures. (HLC 2014, 57)

SOCIAL SAFEGUARDS

Unlike with environmental safeguards, until recently there were no social safeguards that were statutorily required for development projects and activities. For most large projects where human populations were being physically displaced, there was invariably a scheme or policy to manage the displacement and to minimize adverse consequences on the affected population. By and large, the focus of social safeguards was limited to the physical displacement of families and individuals.

When, in the mid-1970s, environmental appraisal processes were set into motion at the national level, along with various environmental parameters, human displacement was also mentioned. Therefore, while seeking environment clearance, projects also had to describe any human displacement that would take place, and lay out plans for rehabilitation. This became a precondition for getting environmental clearance, even though technically the regulation of human displacement did not come under the purview of the environment ministry.

It was only in 2007 that the government of India finally came out with the National Rehabilitation and Resettlement Policy.¹⁶ It took another six years for this policy to get a corresponding statute. In 2013 the Parliament finally enacted The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (known as the R&R law).¹⁷ This law, though not very strong, does provide a statutory basis for regulating the adverse social impacts of the acquisition of land for development purposes. The overall responsibility for enforcing this act lies with the national Ministry of Social Welfare.

Perhaps any R&R law can be assessed on the basis of at least four tests:

- Does it discourage forced displacement?
- Does it comprehensively define affected families/displaced persons?
- Does it provide for a just and humane compensation package and process?
- Does it provide for effective implementation?

Discouraging Forced Displacement

India's R&R law stipulates that forced displacement can only be done when it is in the public interest. It defines the public interest as including security concerns, infrastructure projects, the resettlement of project-affected persons, housing for specified disadvantaged groups, and the resettling of disaster-affected populations. It further stipulates that the social costs should be justified based on a prior social impact assessment (SIA). However, it does not establish any norms to guide or regulate the conduct of an SIA, and it exempts irrigation projects where an EIA is being conducted from also conducting an SIA.

The law bans the acquisition of multicropped irrigated lands, except as a last resort, though it exempts linear projects from this prohibition. It also stipulates that acquisition must be for the least displacing alternative, and of the minimum required area. Private companies can acquire land only if at least 80 percent of the affected families consent to it. The law does not make it mandatory to do either an accumulative impact assessment in an area, or on a community or an SIA of the overall development model and its components.

¹⁶ Copy available at <http://www.dolr.nic.in/NRRP2007.pdf>. For a critique of the draft policy, see Singh (2006).

¹⁷ Copy accessible at <http://lawmin.nic.in/ld/P-ACT/2013/The%20Right%20to%20Fair%20Compensation%20and%20Transparency%20in%20Land%20Acquisition,%20Rehabilitation%20and%20Resettlement%20Act,%202013.pdf>.

Defining Affected Families and Displaced Persons

The law defines an affected family as one whose land or other immovable property has been acquired. Members of scheduled tribes and other forest dwellers who are losing forest rights are also classified as affected families. It includes as displaced persons those residing in the area being acquired even though they might not own any land or property, and those whose primary source of livelihood will be affected. It includes the landless, tenants, sharecroppers, artisans, agricultural laborers, usufruct rights holders, gatherers of forest products, fishers, hunters, and boatmen and women—provided they have been involved in these activities for at least three years prior to the acquisition.

Adult unmarried daughters and sons, widows, divorcees, and women deserted by their families who are residing in the affected area, are considered separate families. The law includes dependent minor sisters and brothers in its definition of family.

Providing a Just and Humane Compensation Package

Though various types of compensation are provided under the law, the major problem is that the law does not mandate that land must be given in exchange for land. This means that when poor farmers are displaced, they are not provided with other land where they can again take up farming. Though they are financially compensated, the expectation, if indeed there is any, that they could then use this money to buy equivalent or an even greater amount of land of equal or better quality, is not well founded.

Bitter and long experience has shown that land prices shoot up in areas where there is a sudden demand for land from displaced farmers, making it impossible for them to replace the land that they have lost, let alone improve on it. Also, most poor farmers have no experience of handling large sums of money, and are either cheated out of it, or spend it on immediate needs and wants rather than saving it to replace their productive assets. This leaves the farmers with no option but to go into some other profession, for which they are not trained, and are often not suited.

Effective Implementation

As with environmental safeguards, there are powerful interests opposed to the establishment and effective implementation of a progressive R&R regime. These include, in the main, the corporate lobby that sees its profits being eaten away when huge expenses have to be made to provide relief and rehabilitation for displaced populations. It also includes ministries and departments of the government, especially those charged with infrastructure development, who find it difficult to justify the overall economic benefits of the project (the cost/benefit ratio), if the costs of relief and rehabilitation are high.

There is also often unresolved tension within host communities, who are forced to share their resources with resettled populations. This is aggravated when populations are relocated in distant, or culturally antagonistic, locations. All of these factors have combined to inhibit the proper design and implementation of an effective social safeguard regime in India.

The R&R law does not, unfortunately, envisage an independent and statutory appellate body and monitoring authority to ensure that the process of rehabilitation is fairly and properly executed. This responsibility lies with the government which in most cases is neither willing nor able to carry out this function.

Though the law was enacted in 2013, the almost identical policy statement has been in force since 2007. Unfortunately, initial assessments reveal poor implementation. This can be seen from the observations of the CAG, which has surmised that “in over 80% of the projects sampled, the R&R conditions required to be followed were not specified in the environment clearance, despite there being a statutory requirement to do so” (CAG 2016, 60).

Unfortunately, the R&R law does not make the provisions of the law binding, as a fundamental right under the Constitution, nor does it make individual entitlements of project-affected people legally binding through contracts. Nor are officials charged with the responsibility of implementing provisions of the law made personally liable for any violations. The R&R law is somewhat unique among laws Indian laws, in the sense that it mandates no punishment or penalty for any functionary involved in infractions of the law: in fact, the only penalties envisaged are for members of the public who might knowingly supply false information to the authorities,

FUTURE DIRECTIONS

One lesson that emerges from the experiences described in this chapter is that for environmental and social safeguards to be effectively implemented, there is a critical need for regulators who are functionally, administratively, and financially independent of the government.

The experience of the past 40 years or so has also demonstrated that unless there is constant pressure from people’s groups and movements, supported by a sympathetic media and a sensitive judiciary, the executive on its own is unlikely to pay much attention to either of these two sets of safeguards.¹⁸

It is also critical, in order for both the independent regulators and for people’s movements to have increased credibility and impact, that there be periodic independent assessments by constitutional and statutory authorities in the assessment of the CAG. Assessments by independent scientific institutions, and by people’s organizations would also be invaluable, so that the findings of all of these can be linked back to the initial appraisals of both ongoing and completed programs and activities, and can also be used to ensure that future ones are better designed and implemented.

¹⁸For a detailed set of recommendations relating to implementation of environmental safeguards, for which there is now experience of over 40 years, see Planning Commission (2007), 7–12. Though somewhat dated, most of the recommendations therein are still relevant today.

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Chapter 15

The Imperfect Use of the Past in Resettlement

Inga-Lill Aronsson

Abstract. *This chapter discusses the use of the past in the implementation, knowledge production, and evaluation of resettlement projects. It argues that heritage and memories are neglected resources, and necessary analytical elements of the sociocultural dimensions of resettled societies. Sociocultural dimensions are the tangible and intangible resources that constitute everyday routine culture, supported and molded by the social relations, memories, heritage, and emotions that are attached to the landscape and environment. These dimensions are the least studied and the least understood in resettlement. It is further argued that the present resettlement models are insufficient to grasp the longitudinal consequences of resettlement. A consideration of heritage and memory would improve the model. The use of the past from a longitudinal perspective is explored through the ethnography of the Zimápán resettlement project.*

“Every society is a battlefield between its own past and its future”
—Eric Wolf (1959, 106)

The focus of the special session on resettlement at the International Development Evaluation Association (IDEAS) Bangkok conference in 2015 was to “look back to shape the future.” This is both a theoretical and a practical challenge, as has been well documented, and has been expressed as “lessons learned” in resettlement literature and policy reports. Resettlement is not the only field that struggles with how best to accept the past. For peace work, it is of pivotal importance to recognize the past, as it is expressed in collective memories and traumas, in the process of reconciliation. Cultural heritage is another field whose theoretical focus and professional praxis is the past. The idea of a past to be used for present and future needs is also captured in the expression “learning from history.” Its lack of success is well known, and these endeavors have failed to implement the old advice of “do no harm” reintroduced in this context by Anderson (1999). In development forced displacement and resettlement (DFDR), the difficulties are visible in the implementation, where dissonance prevails between the stakeholders.

As demonstrated from the 1950s on, DFDR projects are difficult to design, implement, assess, monitor, and evaluate, as the literature convincingly shows. Most recently, Smyth et al. (2015) have once again brought this to our attention, in their article outlining five “big’ issues” for livelihood restoration that echoes requests of an urgent need to mitigate the negative consequences of resettlement. At the IDEAS conference, this ongoing problem was channeled into the resettlement evaluation thematic group led by Susan Tamondong.

This chapter addresses the special challenges attributed to the socio-cultural dimensions of resettlement, which are “soft,” “fuzzy,” and difficult to discern, identify, and handle during implementation, using the present project models. They are related to economic recovery, but how and why they are is less known. Foremost, they are interconnected with the past routine cultures of society that the project is attempting to rebuild as a joint enterprise. International specialists have comparative and wider knowledge of DFDR, while local experts have in-depth knowledge about their life-world. These are the realms that knowledge production and the ensuing evaluation consist of.

Sociocultural dimensions are meant to include the tangible and intangible resources that constitute people’s everyday, routine culture, which is supported and molded by the social relations, memories, heritage, and emotions that are attached to the landscape and the built environment. These resources are the peoples’ livelihood and life-worlds, and they are governed by “heritage as life-values” (Josefsson and Aronsson 2016) and “heritage as ambivalent” (Aronsson 2013). They are conveyed and framed by both spatial and temporal orders. They are both material and immaterial—they are concrete, visible, and durable as well as fuzzy and subtle, but they can be observed, recognized, and studied. There is nothing mystical, metaphysical, or esoteric about them. When a society is displaced and resettled, it “falls apart from within” (Aronsson 2002), and these are the orders that have to be reconstructed and reconstituted. These sociocultural dimensions are not static and cannot be frozen in time to easily fit a compensation matrix or an evaluation scheme.

THE PAST IN RESETTLEMENT

To explore the use of the past in resettlement, I will share my deep ethnographic knowledge of the Zimapán resettlement project in Mexico, which was executed 20 years ago. I have lived through this resettlement together with the people in the valley, whose landscape and society was inundated by the Zimapán hydroelectric dam in 1994. I returned there in 2013, and have had regular contact with the people. I have never been part of any executive power structure that has shaped my data. My perspective is longitudinal, with an emphasis on the reconstruction of society, and I explore the topic from an interdisciplinary perspective. The ethnographic context is pivotal, and I have tried to understand how and why certain choices and decisions were made, using the lens of heritage, collective memories, and collective traumas. This has triggered questions about what kind of knowledge was produced during the negotiations between the main stakeholders, and what bearing this knowledge had on the longitudinal results of the resettlement project.

Complex sociocultural data are the building blocks of society, and they frame knowledge production as well as the rebuilding of the resettled society. These building blocks are fluid, intangible, and embedded in a material world. How can we ethnographically describe these sociocultural building blocks, which are embedded in the cultural heritage of a resettled society undergoing rapid, induced change? What are the challenges for evaluation? These are the questions that are discussed here. The combination of theoretical concepts I have drawn on emanates from my background in anthropology and resettlement, humanitarian action, and cultural heritage.

THE ZIMAPÁN SCENARIO

The villages of La Vega, Vista Hermosa, and Rancho Nuevo in the Ejido Vista Hermosa, in the state of Querétaro in Mexico, were involuntarily resettled in the 1990s because of the building of the Zimapán hydroelectric dam. The reservoir is located on the border of Querétaro and Hidalgo: the dam wall is 203 meters high and 80 meters wide, and was built in a 400-meter deep canyon where the San Juan and Tula rivers join the Moctezuma. The reservoir covers 22 square kilometers and has two arms, each 12 kilometers long. One stretches up the Tula River and the other follows the San Juan River. The water level is calculated to be 180 meters at the highest point, and the dam was estimated to run at full capacity in 1998 in order to pay off the investments. However, this was not the case, according to local informants in July 2013, because of a lack of rain. They reported that they could see rain on the other side of the mountain range as usual, but when the clouds approached the reservoir side, they dissolved. During my fieldwork, I noticed a gap of an estimated 20 meters between the water surface and the indicated full-water level of the reservoir.

Traditionally, the people in the valley lived between two spheres of cultural heritage. Hidalgo is known for its Otomi heritage, but on the Querétaro side, the picture is less clear. The identity of the valley people is a mixture of Otomi, Spanish, and *mestizo* cultural heritage, but also with a claim to

Chichimecas heritage. The kinship ties to Hidalgo were extensive. Spanish was spoken, but with Otomi and Nahuatl words used for everyday, routine culture. The elderly generation spoke Otomi at home, but seldom in public. In 1994, I asked the villagers about their identity, and they said that they could not be Otomi because “we have forgotten how to speak this language” (Aronsson 2002). Instead, they identified themselves as “mountaineers” and “*ejidatarios*.”¹

Their livelihood was based on agriculture, combined with seasonal migration work in the United States. Religiously, they were divided: but Catholics and Seventh Day Adventists lived side by side, and were roughly distributed between Rancho Nuevo (Adventists), Vista Hermosa (mixed), and La Vega (Catholic).

The number of resettled people varies from 2,152 (in 1991) to 2,452 (in 1996).² Counting people in a resettlement project is difficult, because no community is spatially closed: family constitutions and homesteads are only stable at certain points in time.

In Zimapán, the gates of the dam were closed on November 27, 1993, at five o'clock in the morning, without prior notice. This was an emergency measure no one had wanted. The people had refused to move, and after countless negotiations, there was no other recourse than to close the gates and let the water fill the valley. Some families still refused to go: the water rose, and there were no roads, no drinking water, and no electricity. The animals were dying or fleeing. The remaining families were forced to move when the water level rose. A lifestyle had come to an end, and something new had to begin.

BELLA VISTA DEL RÍO

The valley people chose to move to the nearby semidesert plateau, Mesa de León, within the boundaries of the *ejido*, where they still had some rain-fed land. The new village of Bella Vista del Río consists of the three former villages, with each village demarcated, and clearly divided by wide concrete avenues. When the new village was built, it became a hybrid urban enclave within a rural environment. There was a strong economic contrast between the receiving homesteads and the new village.

Twenty years later, in 2013, the border between the new village and the plateau had become blurred. The resettlement had transformed the settlements and the previously simple and nonpermanent homesteads on the plateau. The old houses had been enlarged, and new houses had been added along the main road, and new houses encroached on the plateau's remaining *ejido* land. The spatial order of the plateau had thus changed, and was consolidated by the material manifestation of permanent houses. In addition,

¹ An *ejidatario* is a member of a collective agricultural community established after the Mexican revolutions.

² Data are from unpublished reports by the Comisión Federal de Electricidad (CFE) in 1991 and 1996.

new enterprises had been established. There was a hotel, restaurants, car mechanics, hardware stores, information technology shops, butchers, mobile food trucks, and typical small *tiendas*, and the old church had been improved. All of this indicates an economic upswing.

In the new village, which is still encircled by a high fence, I was told by the resettled people that the people on the plateau had gained, at their expense. To understand this statement one must know the history of the place. Before the resettlement, the valley had functioned as a node in the region: and the people who lived on the plateau were landless squatters who had arrived, one family after another. The *ejidatarios* had allowed them to build nonpermanent houses, each one surrounded by a small garden, and as long as they themselves did not need the land, they allowed the landless occupants to have small herds of goats. There was no water on the plateau: therefore, the squatters were allowed to come down to the valley to fetch water once a week, to wash their cars and clothes, and swim in the river (which “belonged” to the valley people). They also received or exchanged products such as prickly pears, for the fruit and vegetables that grew in the valley, with its three to four harvests a year of corn, beans, tomatoes, and thousands of fruit trees. The valley people had a high socioeconomic status, which was directly linked to the richness of the valley.

The resettlement changed all of this: the former valley people lost status and reputation, while the former squatters on the plateau gained status, and became more self-assured. Tough negotiations followed between the valley people and the former squatters, who did not want to leave their houses and lots. They came to an agreement, and the people stayed. By 2013, some families from the new village had also moved to the plateau.

The decision to place the new village on the semidesert plateau was a joint one, decided with a majority vote. The villagers had the option of moving down to the town of Ezequiel Montes, which was closer to the planned restitution of their inundated farmland, but that option was rejected for several reasons. The main argument was that they wanted to keep their villages, with its social matrix of landless people and landowners, intact: this is in line with anthropological theories on social coherence and solidarity. Later on, the landowners rejected the restitution farmland, and instead accepted large cash compensation (Aronsson 2002). The Comisión Federal de Electricidad resettlement team had argued against cash compensation, but in vain. A few years later, many of the families had lost their money due to unwise investment and consumption.

The village soon became known as the “women’s village” because the men had left for the United States to find work. The migration cycle had thereby changed from that of the 1990s, when the men had migrated in harmony with the agricultural cycles. After the resettlement, they stayed in the United States much longer, and finally they did not return at all. By 2013, more than 1,000 people had left, including entire families and single women.

The name Bella Vista del Río means “beautiful view of the river,” but there are no signs of the former river. Names, places, and landscapes in Mexico (and elsewhere) are usually coherent: they support narratives and function as social memories. In this case, however, there is a cognitive

dissonance between the name and its environment. My interpretation of this is that the only thing left for the people now was a cognitive category of a beloved landscape, which was etched into their minds and bodies. They felt they needed to bring this with them, but if so, it was an unconscious process on the deepest level of collective memories. I have formulated this earlier as:

Consequently, naming was a strategy aimed at reconstructing and upholding a socio-cultural continuity. People brought with them the mindscape of the valley, loaded with emotion, and transformed it into names. This may also have been the beginning of a process of enculturation into the new life in the new village... (Aronsson 2002)

Further research is needed to see how this process of enculturation is formulated and expressed. In 2016, Bella Vista del Río can be followed on YouTube, Facebook, Twitter, Instagram, and other social media, and is well integrated into the global communication network. It is mainly the younger generation that is connected. The Google street-view camera car team has also visited the new village. As my task here is to analyze a cultural transformation, this could be highlighted as something extraordinary, but I am hesitant to do so. It would be a form of “exoticizing” the village based on an outsider’s stereotypical view of rural peasant society. The Internet and social media would inevitably have found their way down to the valley with time. It is the speed and the profoundness of the changes that creates a dissonance between the generations and between families that stands out. Any resettled society will be exposed to this kind of dissonance, and there is less need to problematize modernity as such than to figure out how to get the pieces to fit together: because in 2013, there was a general feeling that the new village was in a state of disharmony.

THE PLACE OF HERITAGE IN RESETTLEMENT

Heritage has never been applied to resettlement, except in its narrowest sense of archaeological sites. A working definition of heritage is that heritage is about using the past as a resource for present needs. Consequently, a selection of the past is singled out, elevated, and labeled “heritage” in an institutionalized setting. This selection also includes “difficult” or “dark” heritage that has been translated into popular tourist sites.³ Within this field of “difficult” heritage, there are various types, such as dissonant, unwanted, and “uninherited” heritage. The terms dissonant and unwanted heritage refer to contested heritage. Uninherited heritage is heritage that exists but that does not seem to have any value. A dissonant heritage carries the burden of history, the mistakes and atrocities that at any time can burst open again, and cause open conflict: it is always present beneath a calm surface. Both

³Numerous sites of dark and difficult heritage have become tourist hot spots, e.g., Dachau concentration camp in Germany, Terror Haza in Budapest, and the site of the destroyed Buddha statues in Afghanistan.

low-intensive and long-lasting conflicts are examples of this. I have discussed the heritage concept elsewhere and have accepted its ambivalence, but also its omnipresence (Aronsson 2013; Josefsson and Aronsson 2016). Hence, heritage is grounded in both space and time: and this is fundamental to our understanding of the resettlement process.

The power of heritage is that it connects us to the past and makes us believe that there are existential, “God-given” values that can help us return to and restore lost values and collective memories from the past. These urges to reconcile with the past and make it comprehensible are so strong that people who have been forced to migrate due to armed conflicts try to recreate their past, sometimes in a way that denies reality. An example of this is Palestinian families living in refugee camps in Lebanon, who have kept the house keys to their long-gone homes in occupied Palestinian territory. The key is a materialized memory made sacred. The past has been frozen in time and made sacred, and is therefore beyond renegotiation and reconstruction. There are qualitative differences between a refugee setting and a DFDR displaced community, but I assume, despite the lack of ethnographic evidence from longitudinal resettlement research, that making selected elements sacred also takes place in the latter.

The link between prevalent resettlement theories (Cernea 1997; Downing and Garcia-Downing 2009; Scudder and Colson 1982), and heritage would thus lie in a processual view of a past that would offer a framework for the understanding of social disarticulation; and a reconstruction of routine culture with reference to collective memory and collective trauma as signifying practices. Evaluation practices would gain by learning to use these highly qualitative dimensions in resettlement projects.

The Intricate Use of the Past

As in the case of the Palestinian refugees who hold onto their house keys—frozen in time, sacred, and beyond reconstruction—it can be assumed that people in DFDR projects suffer from similar dissonances that hamper them in the reinvention of new routine cultures, and thereby influence the process of transformation. In Zimapán, the different types of heritage (dissonant, unwanted, and uninherited) were all at play in the reconstruction and reinvention processes before, during, and after the physical displacement of the people.

Different types of heritage always coexist in a society, but the difference lies in the intensity of the selection process evoked by the resettlement. Under normal circumstances the selection process is slow and well marked: this house, tree, site, bridge, temple, and ritual. In DFDR projects, the resettled people have to make these decisions and selections, not only for singular objects, places, and traditions, but also for all their heritages and memories, in an all-embracing enterprise, during a very short time period (in Zimapán, four years). This is of course riddled with conflict, which adds an additional dimension to the displacement and resettlement process.

A particular heritage always belongs to someone, which implies that someone else will be disinherited. The selection of the past always signifies a

power dimension. The disinheritance of a particular group may be short-term, and a mistake in the process of selection, but it may also be long term, widespread, intentional, important, and obvious (Ashword and Tunbridge 1996). Whoever has the power to legitimize the selection is crucial when a particular place, monument, tradition, and/or memory is elevated and made into heritage. The process usually goes hand in hand with the institutionalizing of a particular heritage. The status, legitimization, elevation, and use of the past as a resource may lead to *dissonant* heritage, which is a vital part of being assigned the status of heritage (Smith 2006). Who is doing the interpretation, and how it is received by the people, is also decisive (Ashword and Tunbridge 1996).

There is a built-in tension associated with the creation and definition of the values, meanings, and symbols of a particular heritage. In Zimapán, the resettlement triggered several processes associated with this array of different heritages: some of them were contested, others were accepted, but none were harmless. The resettlement also triggered a political turnover, with the political power being transferred from the smallest, oldest, Catholic village La Vega, to the biggest, newest, Adventist village Rancho Nuevo. This power struggle was deeply anchored in history.

Politics and Legacy

La Vega claimed to be the oldest settlement in the valley and the bearer of a heritage going back centuries. The villagers tied this legacy to the Otomi identity, the Catholic religion, and their economy. The people insisted that they originated from the Otomi town Tecozautla in Hidalgo, the traditional marketplace of the valley. They had settled in the valley because of their kinship with the Otomi families across the river in Hidalgo. They had built a cable car that carried goods, people, and animals across the river, and had sustained a walking path to the market in Tecozautla, which was used by all. In the valley, they controlled the water through a small irrigation dam behind the village, which was occasionally used as a weapon in conflicts with the other villages. A spatial analysis reveals that in the past, La Vega was at the front of the valley; they were thus the gatekeepers and guardians of the valley.

The political *ejidal* structure confirms this. La Vega had upheld the office as *ejidal* president in the majority of the mandate periods (9 out of 12), since the official foundation of the *ejido* in 1937 (Aronsson 2002). This legacy was broken with the resettlement, when the *ejidal* president was shot and killed during project implementation. This human tragedy is forever documented in “The Ballad of Zimapán,” which was written and performed by the La Vega brothers (Aronsson 2002, 285). From here on, La Vega began to withdraw from the negotiations, and the power was transferred to Rancho Nuevo.

In the negotiations, La Vega was depicted as the most “traditional” of the three villages, while Rancho Nuevo became the “progressive” one. Somehow this generated the idea that Rancho Nuevo was better able to cope with the resettlement and future needs. This impression influenced the negotiations and informed the design and idea of the new village.

From a heritage point of view, however, La Vega was the traditional village. For one thing, in contrast to the other two villages, it had never changed its name. Place names are not random, and they are ethnographic evidence of an unbroken continuity with the past. Furthermore, this sense of continuity was combined with a strong identification with the landscape, in accordance with Wolf's "bundle of relationships" and Ingold's "unfolding fields of relationship" (Ingold 2000; Wolf 1959, 106). Although all three villages paid deep attention to the landscape, there was something that made La Vega claim that their land was more productive than that of the others, and that therefore they were entitled to more compensation. This claim can be seen as an economic argument, but it might also be part of a feeling of alienation in the resettlement process that stressed "progress" without consideration of a more comprehensive understanding of the past.

In the new village, the La Vega sector seems to have reinvented (or never lost) the routine cultures of the valley to a greater extent than the other sectors. Only time will tell, but after 20 years there are signs that La Vega has found a way forward by balancing new and old structures, a way that promotes a reestablishment of routine culture that is "calmer" and more adapted to the past routine cultures that existed down in the valley. The spatial reinvention of the section confirms this—there are *milpas* with all kinds of vegetables, prickly pear, fruit trees, and animal corrals in conjunction with the houses. The spatial analysis also reveals an adaptation of scale: the school with a well-kept garden (La Vega had the first school in the valley), and a small church. The built environment is in harmony with the size of the village, and lacks the grandeur of the rest of the new village. Furthermore, there are no high walls surrounding the houses, and they are not as massive as in the other sections; the people can see and talk to their neighbors from their porches.

This familiar *ambiente* has been consolidated by the fact that the new village extends beyond the La Vega sector, where the villagers build their own houses, streets, paths, and gardens. Everyday activities were familiar, and included such mundane tasks as the burning of garbage, the hanging of laundry, chatting with the neighbors over the fence, parking the car, and attending to the animals. These routine cultural activities have created a familiar sound and olfactory landscape. The silence and desertedness that dominated the other sections of the new village are absent.

One tentative interpretation is that the other two villages, Rancho Nuevo and Vista Hermosa, have become too different from their past, and thereby have lost viable elements for repairing and consolidating themselves to the same extent that La Vega has done.

The focus of the negotiations was, thus, not the past, but the future, which was accentuated by the fact that the power to legitimize the past was put in the hands of Rancho Nuevo, whose past had been driven by radical change, revolution, and the liberation from the hacienda in the valley, and the adoption of a new religion, Seventh Day Adventism. A low-intensive power struggle had always existed between La Vega and Rancho Nuevo, with Vista Hermosa functioning as the mediator.

A resettlement triggers and reinforces the existing sociocultural elements that rest deeply in the spatial and temporal orders manifested in

heritage and memories. Along these lines, the political turnover reconnected to intricate past sociopolitical structures, and directed Rancho Nuevo into a position—and maybe a perceived right as well—to define and interpret the past for the present and future needs, which culminated in the strains of the resettlement. The struggle between La Vega and Rancho Nuevo was therefore more than a struggle over political and economic resources. It was a struggle about the right to define the future by the use of the past, which was articulated in the sociocultural dimensions of the society. The resettlement “unfolded” the past. To reduce it to a struggle over resources is to diminish its potential. This could have been used as a creative force in the rebuilding of the society: the ethnography was there, but it was neither seen nor used. An opportunity was lost.

The Devil as Heritage

Heritage is always present, even if the society denies its past, because the process of remembering is also a process of forgetting. In other words, part of remembering the past is selecting which memories to forget. This creates not only a *dissonant heritage*, but also an *unwanted heritage* and an *uninherited heritage* (Grydehøj 2010). In the valley, there were all kinds of heritages. Here I will briefly discuss “the heritage of the devil.”

In Mexico, the devil is frequently mentioned in the ethnography of resettlement (Barabas and Bartolomé 1973). The devil is also a recurrent theme in South America: it is associated with the fetishization of evil, and is seen as a mediator in conflicting views on the objectification of the human condition (Taussig 1980).

According to local tradition, the Devil lived in the canyon that bears his name, and his body constituted the symbolic landscape of the valley. The dam wall was built in his canyon, and that disturbed him deeply. When the construction of the tunnels in the mountain began—the “opening up” of the mountain—he appeared before the dam workers in the shape of a huge woman dressed in black in 1989 and said that the mountains were his children (Aronsson 2002, 158).

The Devil’s body symbolically constituted the natural and cultural landscape in the valley by lying down outstretched in the valley in a northeast to southwest direction, with his head as the village La Vega to the southwest, his stomach as the village Vista Hermosa (in the middle), and his legs as the village Rancho Nuevo to the northeast. His feet faced his canyon.

In the new village, the Devil reappeared in the village’s symbolic spatial outline, but with one crucial difference. Instead of lying outstretched, he is now in a fetal position. The spatial order corresponds to the positions in the valley: the head is the La Vega sector, the stomach is the Vista Hermosa sector, and the legs are the Rancho Nuevo sector, but now the Devil is cringing. This was brought to my attention in a spontaneous discussion that took place in the new village. The story was told accompanied by big smiles, as if the people were distancing themselves from this information. Surprised, I asked what they meant by this, and I was told that even the Devil had to give in to the World Bank. The symbolic representation was hence not questioned

per se: the important thing was seen as, rather, the change in the Devil's body posture. Is this ethnographic evidence of a transformed and reinvented expression of a diminished routine culture? Or is it just another esoteric ethnographic anecdote? In any case, what makes it conspicuous is that it is a dissonant and unwanted heritage made visible, and maybe in the future it will be an uninherited heritage as well, present in the collective memory of the resettled society.

The Villages' Spatial Orders as Heritage

In this project, the World Bank recommended that the resettled villages should be lifted up and placed in the same spatial order as they were in the original village outline. For Bella Vista del Río, the placing of the three villages was preceded by tough negotiations between the villagers without the involvement of other actors. The negotiations resulted in a spatial order that placed Rancho Nuevo and Vista Hermosa closest to the main road and the main entrance. La Vega was placed at the back of the village, farthest away from the main road. The village sections were thus placed in accordance with the valley's spatial outline as it appeared at project start.

The past tells us, however, that La Vega had once been the gatekeeper of the valley, located at the front, facing Hidalgo, before it was spatially turned around in favor of Rancho Nuevo in the 1960s. This happened when the new road was built to Cadereyta in Querétaro. Rancho Nuevo had promoted the road, and La Vega had argued against it, and refused to collaborate. The road was built with state money and labor from the valley, and it entered the valley in Rancho Nuevo, which therefore moved into the front position, while La Vega was demoted to the back. This was the spatial order that was recreated in the new village.

Twenty years after the resettlement, the pieces of the new village do not seem to fit together harmoniously, echoing an early ethnographic observation I had made. In 1994 I saw a truck parked in the new village in the La Vega sector. A motto painted on the truck stated, "My village is in agony" (Aronsson 2002, 195). A message like this makes it clear that any "lesson learned" policy has failed utterly in this situation.

The Ballad of Zimapán as Intangible Heritage

Another example of heritage that appeared during the resettlement was "The Ballad of Zimapán." The heritage of a place is maintained and reproduced across the generations through stories, songs, and poetry. In "The Ballad of Zimapán," which was composed and performed by the La Vega brothers in 1994, the collective trauma of the society has been documented forever. The ballad consists of nine verses that describe the agony of having to leave the valley of *Ejido* Vista Hermosa, the feeling of being betrayed, and the anger of being targeted by the state, forced to move, and be "developed" in Ezequiel Montes, a town located closer to the main national culture and the majority society. The ballad was attainable for analysis during the implementation, but it was not used. It was not even considered to be of importance for the

understanding of the cultural response to the displacement. In 2013, a follow-up video, *Dueto C.V. Bella Vista del Río*, was available on YouTube.⁴

Both the ballad and the statement painted on the truck are cultural expressions of a collective trauma that these villages experienced and lived through. This goes beyond individual pain, depression, and memory, and has made its way to a higher level of abstraction. This pain belongs to the collective memories of the community, and its heritage. The collective trauma and the feeling of victimization go hand in hand.

LOST AGRICULTURAL LAND AND NOTIONS OF FREEDOM

As mentioned earlier, the new village was built on the plateau with the argument that the villages wanted to preserve their social cohesion, and not separate the landowners and the landless. The *ejidatarios* rejected the replacement land located closest to the town Ezequiel Montes. This was a majority decision taken at a general assembly. In 2013 the reasons for the rejection had been reformulated, and the matter of social cohesion was no longer mentioned. The new statements were: “they wanted their freedom,” “their independence,” “they were used to dealing with their own stuff,” “it is too crowded,” and “it is too close to the municipal authorities.” But these arguments mirror the arguments of the conflict about the road in the 1960s. The citizens of La Vega insisted then that “they did not want the law of the municipality to enter the valley” (Aronsson 2002, 77).

These arguments could be attributed to the place-attachment model, but I find that they rather express underlying existential themes, such as a hesitation to come too close to the national society with its values, lifestyle, and demands from authorities. There is a perceived ontological distance between the valley and the national culture that is connected to a long-term strategy of retaining a heritage, collective memories, experiences, and notions of freedom that go far back in history. In 2013, other voices were heard, claiming that it might have been a mistake not to accept the replacement land.

CONCERNS ABOUT MEMORY AND SACRALIZATION

In DFDR projects different types of heritages and memories are at play in the reconstruction and reinvention processes. An understanding of the past is needed for a reinvention of routine culture, but at the same time a sacralization of the past could block its transformation through generations. The structures at play, heritages and memories, are not passive, but active, agents that either impede or speed up the reinvention and reconstruction processes. I suspect that people in DFDR projects live for years with a dissonant, unwanted, and uninherited heritage that they are forced to make livable and adapt to a new life-world. They have to learn to forget to remember, and

⁴ <https://www.youtube.com/watch?v=yIOA-9uwsCO>.

remember to forget, while they fight for their livelihood. They have to learn how to practice selective forgetfulness for the benefit of their community.

The Zimapán resettlement shows that the creative forces of society and the components of reinvention are connected to these intersubjective memories, but more research is needed to exploit its full potential for policy and evaluation. For example, Misztal, with reference to Halbwachs, points out that memory is a community issue that is embedded in societal values rather than merely a psychological function of cognitive capacities (Halbwachs 1941/1992; Misztal 2005). This line of thought entails that memories have a stabilizing effect on societies because of their normative and calming functions; memories give people a sense of meaning and place in the world (Schwartz 2000).

In DFDR projects, a focus on memories could, however, be both sensitive and dangerous. I am concerned that if the “wrong” memories are triggered, we might end up with a very complicated resettlement, with a sacralization and freezing of the past, similar to what displaced people in conflict zones experience. Furthermore, efforts to mitigate this might even create a state of mind that would be part of this “freezing” and dwelling in the past and a sense of victimization. The victimization syndrome has been a problem for a long time in resettlement.

Finally, I encountered methodological problems in the field when I tried to ethnographically document memories in Bella Vista del Rio in 2013. I did not seem to be able to formulate the right questions: and people did not relate to my question, “What do you remember from the past in the valley?” However, a breakthrough moment came early one morning in a villager’s kitchen, when I was told that when they talked about the valley and their past life, they “cried and remembered the food, fruit, vegetables, smells and sound, all down there.”⁵ These are sensory memories, bodily experiences, and emotions felt and explained in a holistic view of the past. I realized that the cognitive approach I had been using was insufficient. I concluded that the use of a phenomenological methodology is more suitable in approaching the memory complex. This would challenge any evaluation scheme for resettlement, because the data that is produced with such a methodology is qualitative.

KNOWLEDGE PRODUCTION AND EVALUATION

During implementation, a complicated kind of knowledge production is generated between the local people and the implementing company. The quality of this knowledge governs the outcome, and badly implemented projects have severe consequences, as can be seen by studying the World Bank Inspection Panel (which had 106 cases in 2016).⁶ I have argued elsewhere that DFDR projects are so complex that they have similarities to art installations, and

⁵L.C. Bella Vista del Rio, personal communication, July 2013.

⁶The World Bank Inspection Panel, <http://ewebapps.worldbank.org/apps/ip/Pages/AllPanelCases.aspx>.

performances that result in ad hoc solutions (Aronsson 1992). de Wet has also observed this complexity, but relates it to the capacity of the stakeholders to create a “moral space” for meaningful communication (de Wet 2009, 86). In a similar vein, Hermans, El-Masry, and Sadek (2002) discuss participation by stressing the pedagogical aspects of communication. My objection to these approaches is that knowledge production in resettlement must never be reduced to a pedagogical training exercise between more or less rational agents. There are aspects of the pedagogical methods that need improvement, but that is not all that is needed. We need to recognize how the past is embodied in material objects and expressed in the intangible narratives that determine the knowledge product that is to be executed and evaluated. The past has to be critically evaluated and reflected upon during implementation, as well as in its evaluation.

In Zimapan, during the implementation the main stakeholders became engaged in a ritual dance that had less to do with solving the project’s everyday problems than with the upholding of self-defined positions. The stakeholders were locked into past structures and positions that regulated their behavior and attitudes. The behavior became routine, and the understanding and competencies became self-generating categories, similar to performative rituals that influence praxis, resulting in the standards (policy) not informing and shaping praxis. Standard policy guidelines and praxis had failed to build a problem-solving platform for the purpose of generating operationally useful knowledge for all stakeholders. The knowledge was there, but policy and praxis did not interlock.

Knowledge is not only linked to power: first and foremost it has an ability to make itself “true” (Foucault 1977, 27). For resettlement implementation and evaluation, this is relevant, because all classification schemes (understood as spatial-temporal segmentations of the world) have a tendency to become “true” and taken for granted with time. They become standards.

The knowledge produced during resettlement is always categorized and put into boxes to become operational entities. The problem arises when a knowledge category becomes “true” without any consideration of its potential value for the project. The principle must be that in a participatory-informed project all knowledge (both local and expert) must be scrutinized and assessed from a systematic perspective. The romanticizing of local knowledge, based on a relativistic view of culture, can be devastating. Equally devastating is blind faith in blueprint knowledge, based on a classification scheme that has become “true in itself.” Instead of either of these, all knowledge produced must prove its solution value regardless of whose knowledge it might be. The challenge is in dealing with contradictory knowledge, and finding ways to identify, analyze, and address it.

In the goal-free evaluation method, power and self-generating categories are in focus, because it is assumed that if an external evaluator “intentionally avoids knowledge of and reference to the program’s stated or official goals and objectives” neutrality could be upheld (Youker, Ingraham, and Bayer 2014). The evaluator moves backward in the project to discern the effects of the implementation without any informed knowledge about the project goals. Goal-free evaluation is mainly associated with qualitative

data collection methods, a multilayered approach, and evaluation indicators. However, in DFDR projects the stakes are high, and when the project moves forward, everything is intensified: there is therefore a risk that these soft life-skills indicators may be set aside in favor of the material and compensatory aspects crucial for livelihood.

Participatory methodologies aim to incorporate local knowledge and empower local people. This requires that the locals be trained in participatory methods, and that they build their capacity. Participatory evaluations have shown, however, that there is a clear division in the tasks and responsibilities: program staff design evaluation and data analysis, while local participants collect the ethnographic data.

The intricacy of DFDR projects inevitably leads to complexity theory and its application for evaluation. Briefly, complexity theory is not one single, coherent body of thought, but rather consists of bundles of interacting stakeholders, objects, and processes bound together by interest or functions. These interactions are nonlinear, open to feedback, and difficult to predict. Because of their uncertainty and nonlinearity, complex social systems are difficult to evaluate, and there is no consensus in the research literature about what can be useful for their evaluation (Walton 2014).

A final observation from the praxis in Zimapán involves the monitoring team. With time, their reports came to evince strong similarities with the implementer's reports. In fact, it became almost impossible to see the difference between a monitoring report and a management one. The World Bank conclusion was that the team was young and inexperienced, and therefore could not uphold their position in the face of the management of the Comisión Federal de Electricidad (World Bank 1997). From my everyday experiences with the team, I think this had to do with their lack of trust in their own knowledge. Much of this knowledge belongs to the "soft" socio-cultural dimensions, and thus did not fit the matrix—the expected (or "true") knowledge categories. Most of this tacit knowledge was related to the past and how to live a good life, but it did not find its way into any of the reports, whether they were management, monitoring, or evaluation reports. There was no appropriate language, no classification schemes that could be used, and these observations were therefore left aside. If we add to this complexity the knowledge that "open-ended, non-fixed, non-politicized collective memory is good for cooperative relationship" (Misztal 2005), we are faced with an even more complex system, which nevertheless might be a step closer to introducing the use of the past in resettlement—although it will undoubtedly still be an imperfect use of the past.

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Chapter 16

Evaluating the Benefits and Costs of Resettlement Projects - A Case Study in the Philippines

Marife M. Ballesteros

Abstract. *The efficiency and impact of two types of resettlement modes undertaken by the Philippine National Housing Authority are compared. Production efficiency was measured from the cost/benefit ratio (CBR) of the present value of the total project cost and estimated housing rental values of specific resettlement projects developed from 2004 to 2011. The socioeconomic impact analysis involved a small sample of households, matched based on household characteristics using propensity matching. Results show that the use of government resources in in-city developments is more efficient: for in-city projects the government spends from ₱0.62–₱0.76 for every peso of housing benefit; for off-city projects, the benefit is an estimated CBR of ₱1.72. The study noted that the initial gains of off-city resettlements—lower investment and administrative costs, and the provision of a house-and-lot package to affected families—are erased by compromises on the quality and sustainability of resettlement sites. The household income of resettled families is lower, and participation in the schooling of children is also lower in off-city sites. The government must prioritize in-city resettlement through longer-term planning, and consider alternative in-city housing options*

for affected families. It should also review policies on off-city resettlements, specifically the selection of sites and the extent of involvement of the community in resettlement planning.

The rapid pace of urbanization in the Philippines has led to housing challenges that are visibly manifested in poor housing conditions. In 2015, it was estimated that about 18 percent of the total population was living in blighted conditions. Poor housing is most evident in cities, specifically the capital city of metropolitan Manila, which is home to about 2 million slum dwellers. This condition is as much the result of unplanned urban growth as it is of low income levels. In general, the country lacks integrated urban planning, and there is poor coordination between spatial and structural transformation in cities (World Bank 2016). A result of this unplanned growth is haphazard land development, during which the illegal occupation and conversion into residential settlements of land for public use is commonly observed. Over time, there has been a proliferation of these illegal residential settlements (also known as “informal settlements”), and an increase in the number of families occupying them.

This condition has constrained the government to build the critical infrastructure needed for effective and efficient urban services. Metro Manila was among the world’s top 20 most populous megacities in 2015, but despite rapid urbanization, the city has not benefited much in terms of economic growth and poverty reduction, compared to other Asian countries (World Bank 2016). The city has poor connectivity with peripheral towns and cities, and even within Metro Manila there are areas outside of the main transit routes, or areas not linked to citywide social services and infrastructure.

In the last two decades, the Philippine government has put into action an infrastructure plan to address these inefficiencies. In particular, the plan identified expressways, railroads, and a flood control system as the major infrastructure projects for the expanding Metro Manila region. These projects are expected to involve massive relocation and urban renewal in some parts of the city: involuntary resettlements thus are unavoidable.

The Philippine policy and institutional framework for dealing with involuntary resettlement provides for humane procedures for relocation and resettlement. Affected communities are engaged in a consultative process that covers housing options, government resources, livelihood support, and the protection of vulnerable persons. However, resettlement action plans have been primarily focused on providing housing, and often have failed to account for the loss of incomes and the social networks of households. Oftentimes, the government tends to look at resettlement in terms of short-term results: that is, how to move out affected families and provide them with permanent homes in the shortest time and at the least expense. This action tends to favor off-city resettlement, given the tedious process of searching for adequate land to fit the large number of affected families, and the limited availability of low-priced land in the city. Moreover, providing affected families with their own houses and lots seems to present a better picture than housing them in urban, multistory buildings.

However, the lower initial cost and house-and-lot package in off-city resettlements do not necessarily result in a cost-effective government investment compared to the cost of in-city projects. Off-city projects can be counterproductive, since the displacement of families has an impact on their livelihoods and other economic opportunities, as well as on their social networks and psychological well-being, their access to basic services, and their opportunities for skills development. In other words, the initial gains from off-city resettlement projects can have adverse effects on families' overall welfare.

In cases where off-city resettlement cannot be avoided, the provision of adequate basic infrastructure in the resettlement area must be ensured prior to relocation. Resettlement sites should also at least be in municipalities identified as subregional or provincial urban centers, and not in rural municipalities where economic opportunities are scarce. The inadequate basic infrastructure and lack of opportunities for jobs and livelihood is the main problem for off-city resettlements in the country: many of the involuntarily displaced people end up returning to the city after their resettlement.

This study provides a quantitative methodology for assessing the benefits and costs of resettlement projects that are implemented by the national government. Specifically, it compares two resettlement modes—in-city and off-city—and determines which mode provides the greater efficiency and the best social and economic outcomes.

The analysis considers resettlement projects of the National Housing Authority (NHA), the central government agency in the Philippines mandated to undertake housing production for families in the lowest 30 percent of income. The NHA is the lead agency in the resettlement of families affected by infrastructure projects of the national government: between 2003 and 2012, it has carried out massive resettlement of families for the proposed construction of the North and South Rail infrastructure project, which will link Metro Manila to peripheral towns and cities. This period has also coincided with the resettlement of families living along riverbanks, to address the flooding problem in Metro Manila.

The first section of this chapter provides an overview of NHA resettlement modalities and processes during this period. The second section presents the methodology used to evaluate the efficiency and impact of NHA off-city and in-city resettlement projects. The following section discusses the results of the efficiency and welfare analysis, comparing in-city and off-city projects. The final section presents conclusions and provides recommendations.

RESETTLEMENT MODALITY: PROCESS AND PROCEDURES¹

The NHA classifies resettlement projects into either in-city or off-city projects. In-city projects refer to resettlement sites that are developed in the same city or municipality where the affected families reside. Off-city projects refer to resettlement sites outside of the original settlement. Off-city resettlement

¹This section draws on Ballesteros and Egana (2013).

areas are usually in distant locations, about 40–50 kilometers from the original settlement.

In off-site settlements, individual houses and lots can be provided, due to the availability of large areas of contiguous low-priced land. Resettlement sites within Metro Manila are smaller plots that entail the construction of multistory housing, with a higher density population. Multistory development also requires higher investment and maintenance costs, which means a higher per-unit cost of housing, and is usually unaffordable for most families residing in informal settlements. Under the North and South Rail Project, affected families in Metro Manila were mostly resettled outside of the city.

The success of a resettlement project is to a large extent dependent on how well it is implemented. The NHA adheres to a humane approach to resettlement. It carries out the resettlement process in several phases, during which social preparation is the central activity. Social preparation involves identifying beneficiaries and resettlement sites, and mobilizing resources. Affected families are organized, and the community goes through a capacity-building process in order to establish the social, organizational, and institutional norms and mechanisms that will enable resettled families to cope with their relocation, and encourage them to work together in partnership with concerned institutions and stakeholders. This activity covers two phases of the NHA's resettlement work program. It is the most critical stage in the resettlement process, since it involves the buy-in of both the community and the proposed resettlement sites, the involvement of several stakeholders, and the creation of committees and subcommittees at the level of the local government and the community. It also requires the longest time, because the NHA has to formalize agreements with both the sending and receiving local government units (LGUs), the community, and the developer. While this entire phase is programmed to be accomplished within three to six months for 1,000 affected families, delays often occur, due to the number of stakeholders involved in the preparatory work. There can also be prolonged resistance, or disagreements among the affected families. Often a longer consultation period is needed in order to resolve collective action and/or coordination problems with the government and other entities.

The NHA primarily applies the developer-constructed approach to resettlement projects.² Under this approach, the NHA partners with private developers to undertake the development of resettlement sites and the construction of housing, based on standards of socialized housing.³ The NHA

² An alternative approach is the housing material loan, which is an incremental housing approach whereby NHA provides the developed site with core housing (i.e., a box house), and beneficiaries take charge of housing improvements based on their affordability level. Although this approach has been observed to have better outcomes, it is not popular with the NHA: the agency finds it tedious both administratively and physically, since it has to be concerned with the process of material acquisition and housing construction as well (Ballesteros and Egana 2013).

³ Socialized housing refers to housing projects for the underprivileged and homeless, following the national law *Batas Pambansa 220* on subdivision development

accredits the developer, who then provides a list of proposed resettlement sites, with approved development permits and locational clearance, and the pricing of the housing units.⁴ This approach is administratively less costly to the NHA, since the agency does not have to engage in land banking, and simply contracts the private developer to supply the developed site and housing units. On the other hand, there is incentive for the private developer to engage in the project because of the captive market. The developer does not have to look for buyers for each unit, since the entire development is being purchased by the NHA for the beneficiaries of its resettlement program. The private developer can also use the resettlement project for compliance with the Balanced Housing Development Act, which requires developers of proposed subdivision projects to develop an area of socialized housing equivalent to 20 percent of the total area, or the total cost, of proposed projects.⁵

Upon accreditation by the NHA, the developer offers the community the site, and schedules site visits for community officers. The community officers have to formally endorse the project to the Local Inter Agency Committee (LIAC), which in turn endorses the project to the NHA.⁶ The endorsement from the community, and the recommendation of the LIAC, enables the NHA to finance and purchase the housing units for each community member from the selected developer.

It is important to note that the community can select only projects offered by NHA-accredited developers, which in most cases might just be a choice of two sites from one developer, or two sites from two different developers. Moreover, although the NHA provides the criteria on site suitability for resettlement projects, the endorsement of the LGU, based on the approved subdivision plan and locational clearance, is sufficient for the NHA. However, the approved subdivision plan considers only the land use and environmental

standards and price ceilings, as determined by the Housing and Urban Development Coordinating Council and the National Economic Development Authority. During the period in review, the price ceiling for socialized housing was set at ₱400,000 per housing unit, which is usually applied in highly urbanized areas. In towns and municipalities, the NHA sets a lower price as determined by its board.

⁴ The development permit and locational clearance are certifications issued by the LGU that certify a specific site for residential use and suitable for residential subdivision development.

⁵ Urban Development and Housing Act (RA 279 of 1990). The developer may partner with other developers to invest in these projects.

⁶ The LIAC is formed at the start of the resettlement process. The members consist of representatives from the sending LGUs, local nongovernmental organizations, and representatives of national government offices (e.g., the Department of Interior and Local Government, the Housing and Urban Development and Coordinating Council, the Department of Social Welfare and Development, the Department of Environment and Natural Resources, the Department of Public Works and Highways, the NHA, the National Poverty Commission, the Metro Manila Commission, and the Presidential Commission for the Urban Poor). The LIAC is chaired by the local housing board representative and cochaired by the NHA.

suitability of the site: it does not include the socioeconomic feasibility of the area, such as conditions of employment (e.g., distance to employment centers); access to schools, markets, and tertiary hospitals; or distance of the site to energized sources of water and power. The NHA argues that social services (e.g., schools, health centers, etc.) can be provided over time, and that the concerned national agencies should include the construction of social facilities for resettlement sites in their respective budgets. As to basic utilities such as water and power, the NHA simply requires the selected developer to provide shallow wells and power generators in areas that are far from energized sources.

After social preparation is completed and the approval of the site has been obtained from community officers and LIAC, the relocation of affected families follows. The relocation phase starts when the NHA, the community officers, and the developer have signed contract agreements. This phase involves preparatory work such as a period of dismantling structures at the evacuated sights, and preparation for staging areas if needed. In most cases, the site has been prepared prior to relocation, except for the individual power and water connections, which are usually provided at a later period. Upon completion of the preparatory activities, the actual relocation usually takes about a month for 1,000 beneficiaries (an average relocation rate of 50 families per day). Weather conditions can slow down the process. There are relocation guidelines that must be followed. The NHA and representatives from the Philippine Commission on Human Rights, and the Presidential Commission for the Urban Poor ensure that relocations are undertaken within the legal guidelines. The NHA takes the lead in relocation activities, with support from the sending LGU. The sending LGU also provides financial assistance of not less than ₱1,000 per family. Some sending LGUs, especially in more prosperous cities, provide additional compensation, such as a week's supply of groceries and/or the extension of health privileges to their former constituents for a period of one year. At the resettlement site, the relocated families are received by the NHA local office, and the assigned community representatives.

The post-relocation phase starts with the termination of the relocation operation, and turnover of the evacuated sites to the concerned government agency—usually the Department of Public Works and Highways, or the Philippine National Construction Corporation, or the Philippine National railways. The developer has to also turn the resettlement project over to the NHA and the community. The resettlement process is deemed completed at this stage.

Once a site has been approved for resettlement, the developer is only responsible for the site development, and for the construction of core housing. The developer is not responsible for the construction of community facilities, or for the installation of water and power services to individual households.⁷ In off-site areas that are far from energized sources of water and power, developers are only required to provide bulk water facilities

⁷ Utility companies usually require 90 percent occupancy of subdivisions prior to connections.

sourced from shallow wells, and from generators for power supply. These facilities have to be maintained by the community and the NHA upon turnover of the resettlement project. While shallow wells and generators are considered stopgap or temporary measures, the community may have to wait several months or even more than a year before they can be connected to the local water or power systems. Meanwhile, these resettlement areas have to bear the higher cost, and less effective water and power systems, compared to households that have access to the local water districts and power lines.

Table 16.1 shows the status of in-city and off-city resettlement sites for the affected families of the North and South Rail Project. Upon relocation, in-city resettlement sites are provided with basic infrastructure facilities and improved houses made of strong materials. In off-city resettlement sites, although all affected families are provided with a house and a lot, and with better subdivision roads and houses made of stronger materials, basic services—that is, water and power—are not fully available upon relocation. In some completed sites, access to water and power are rationed, and are only available at specific times. There are also cases when some of the shallow wells are not operational, due to water potability. The NHA has not been able to readily address this situation, due to the high cost of energizing the sites, the limited budget of the agency, and the low income levels of families in the resettlement site. The installation of additional generators and water pumps would require a higher subsidy per family. On top of this subsidy, the NHA has to subsidize the maintenance of these machines. The sites may eventually be further improved, but these improvements depend on the availability of funds from the NHA, or grants from local politicians or external funders.

The NHA has established an estate management office in each of the resettlement areas, but their duties are mainly focused on loan collection and monitoring.⁸ The NHA considers the resettlement program as a cost-recoverable program in which beneficiaries share in the cost of the development by paying for the cost of housing unit and lot over time. The site development cost is part of the government subsidy, while the cost of housing, including the lot, is a loan to each family that is paid for on a monthly basis over a period of 30 years. NHA collection performance, however, has historically been low, with an average collection rate of only 30 percent. This is one reason why the NHA has not been able to disengage from resettlement sites, as these sites remain assets of the agency unless they are fully paid for by the community. Moreover, the NHA has not been able to turn over the common areas of resettlement sites to the host LGUs. LGUs usually treat these sites as NHA properties, and are not keen to take on the responsibility for maintenance of common areas and utilities. There are several reasons why this is so: one, LGUs usually do not generate real property taxes from these areas; two, there could be development problems, such as landslides, maintenance of

⁸ The NHA's monitoring and evaluation system is limited to occupancy and collection performance of resettled families. There are no systematic records on whether the resettled families have left the area or whether the housing has been transferred or sold to current occupants.

TABLE 16.1 Summary status of resettlement projects for affected families in Metro Manila, North and South Rail Infrastructure Program (as of 2016)

Resettlement site	Land area (hectares)	No. of developed sites	Lots generated	No. of occupant families	Sites completed		Status of power and water connection in completed sites 6 months after relocation
					No.	% of developed sites	
All	798.33	45	113,357	106,869	30	71.0	
Metro Manila	85.09	6	13,313	12,941	6	100.0	
Bulacan (off-site)	181.61	14	27,497	27,236	10	71.0	Two sites with no local power and water connection; two sites with no local water connection; water supply from shallow wells, but not all are functional; in some completed sites, there are portions with no water connection, affecting some 1,853 households
Pampanga (off-site)	203.70	6	13,198	12,903	6	100.0	In some completed sites, 600 households with no local power and water connection
Laguna (off-site)	181.92	9	35,402	32,091	4	44.0	In some completed sites, some shallow wells are not functional; others rely on commercial water distributor
Cavite (off-site)	24.25	2	4,117	3,861	1	50.0	Some shallow wells not functional
Rizal (off-site)	121.76	8	19,830	17,837	5	63.0	Some completed sites have bulk metering

SOURCE: NHA North South Rail Project Report 2014; focus group discussions.

NOTE: Developed sites are sites turned over by developers to the NHA, and considered ready for relocation. Completed sites are developed sites that have been turned over to beneficiary households; land development and housing construction is completed, and households have local power and water connection.

water and power systems, and weak community ownership of the area; three, some off-site resettlement sites are located in fourth or fifth-class municipalities that do not have enough funds to support the social services needed by the communities and the new settlers in the short to medium term, and therefore the LGUs require continued support from the NHA.

METHODOLOGY

The study used both efficiency and welfare measures to compare the two resettlement modes—in-city and off-city—that were undertaken by the NHA in cases of involuntary resettlement in Metro Manila.

To measure the efficiency of government investments for in-city and off-city resettlement projects, cost/benefit ratios (CBRs) were derived, based on estimated present values of the total costs of housing provision and the expected returns on the investment. This method captures the production efficiency in the use of government resources (Olsen 2000). The cost data were obtained from NHA records that include data on production, financing, and maintenance costs of specific in-city and off-city projects. The benefits were derived from the estimated value of market rents of housing in the location. The analysis assumes that the housing investment has a useful life of 30 years.⁹

In addition to comparing efficiency, the human welfare effects of in-city and off-city resettlement projects were also measured, using small-sample analysis of affected families. The data were obtained from the socioeconomic survey funded through the Social Impact Monitoring Project of the World Bank in 2010. The surveyed families were resettled families who had previously been living along the waterways of the Tullahan and Pasig Rivers, and were victims of Typhoon Ondoy (Typhoon Ketsana) in 2009. These families were initially moved to evacuation centers after their houses were washed out by the typhoon. The NHA, with assistance from the local housing board, selected from the list of evacuated families those who would be resettled in NHA resettlement sites in-city or off-city.

A total of 180 sample households was surveyed in the two sites; 100 households in the off-site resettlement in the province of Laguna (about 65 kilometers from Metro Manila), and 80 households that were resettled in a site in Pasig City, in the eastern part of Metro Manila. The 180 sample households were matched using household characteristics that were not affected by the resettlement project (e.g., age and educational level of the head of household, average household size before resettlement, etc.). The propensity-score matching performed on the sample households resulted in 163 matched households. Regression analysis on the matched households was used to determine differences in pre-identified outcome variables such as

⁹ Socialized housing, given the type of building materials used, has a lower useful life than regular housing, which is estimated to have a useful life of between 50 and 70 years.

monthly household income and expenditures, school attendance of children, health status, and the employment of women.

COMPARISON OF IN-CITY AND OFF-CITY RESETTLEMENT: EFFICIENCY AND WELFARE IMPACT

Production Efficiency of Resettlement Projects

Table 16.2 compares production efficiency in the use of government resources for in-city and off-city resettlement projects. The cost components include both the investment costs and the operating and maintenance costs (including interest subsidies) that the NHA or the government incurs in the management of the resettlement site. Note that under the resettlement program, the NHA purchases the developed lots and housing from developers, and the beneficiaries amortize to the NHA the purchase price of the house and lot unit at a subsidized interest rate for a maximum period of 30 years. The benefit or return on the investment is the estimated imputed rents of the housing over a period of 30 years.

Based on recent NHA resettlement projects for Metro Manila, the cost of housing in off-city sites is only about ₱348,000 per unit compared to ₱917,640 per unit for in-city projects. The cost difference is due to the higher land prices and higher construction costs for multistory buildings for in-city projects. On the other hand, while off-city projects have lower land prices, these projects incur additional costs for the construction of community facilities. Controlling for size of resettlement and period of construction, resettlement sites in Metro Manila actually incur lower expenditures for community facilities, since schools, health centers, and livelihood infrastructures (e.g., markets) are already existing in the area, and are accessible to the community. Moreover, the community can readily connect to the local water and power districts, since the site is within the energized area. The households also remain constituents of the same city or municipality: thus they are already known by the LGU and are included as recipients of local services.

For off-site settlements, the total project development cost is lower, but this advantage is erased by additional investments in both physical and social infrastructures. Aside from government subsidies on the house-and-lot packages, resettled families are also given a housing subsidy that includes the utilities' expenses for installing power and water in the area, either by the provision of shallow wells or power generators, or as advance payment to utility companies to facilitate individual household connections.¹⁰ In addition, resettled families are provided with a livelihood subsidy in the form of physical infrastructure and skills training programs. The infrastructure to support livelihoods includes capital outlays for the construction of livelihood facilities such as livelihood centers, tricycles, jeepneys, transport sheds, and/or market

¹⁰ Deep wells are installed in areas that are not yet served by existing local water systems, and generators are provided for temporary power utilities.

TABLE 16.2 Cost/benefit ratio: selected NHA resettlement projects

Cost item	Manila: in-city (multistory)	Caloocan: in-city (H&L)	Trece, Cavite: off-city (H&L)
Total project cost/unit	917,640	203,346	146,942
H+L cost/unit	841,667	172,107	113,183
School building (for 1,000 units; 15 classrooms, 3-story)	—	23,000	23,000
Total investment cost	917,640	226,346	169,942
Other costs			
Interest subsidy on interest-free housing loan component, PV 30 years	151,974	34,715	34,715
O&M, 5% of investment cost for multistory; 1% for H&L, PV 30 years, 8%	9,176	2,263	1,699
PV O&M	516,530	25,482	19,132
MOOE and PS of school = P14,09/year, PV 30 years, 8%		15,862	15,862
Livelihood program, noninfrastructure (one time)		3,000	3,000
Total interest and operating subsidy	668,504	79,059	72,709
Total cost, PV	1,586,144	305,405	242,651
Market rent, PV 30 years; 8%	2,081,667	493,667	141,392
CBR: total cost/market rent	0.76	0.62	1.72
CBR: total investment cost/market rent	0.44	0.46	1.20
CBR: total cost/market rent (assumes gov't owns land at end of 30-year period)	0.47	0.32	0.81

NOTE: Costs are in P per unit or household; H&L = house and lot; MOE = maintenance and operational expenses; O&M = operating and maintenance; PS = personnel services; PV = present value. Investment costs for different construction years adjusted for comparability based on inflation. Market rent is based on average rental rates from the 2009 Family Income and Expenditure Survey and rental rate index of 0.08 in Metro Manila and 0.04 in provinces. Land values increase using regional consumer price index.

talipapa centers.¹¹ On the other hand, for skills training, the NHA allocates about ₱3,000 per beneficiary household to link the resettled communities to skills training, job placement, scholarship programs, and livelihood-based projects, including credit or loan assistance from other national government agencies. However, the NHA does not monitor whether these trainings and facilitation activities result in actual employment or livelihood.

In terms of benefits, while off-city projects are designed as house-and-lot packages, the value of the housing units measured in terms of housing rental value is much less than the in-city housing, especially since the sites are often located in third or fourth income-class municipalities.

The results of the CBR analysis show that in-city developments, specifically resettlements in Metro Manila, are more cost-effective. It costs the government less than one peso (between ₱0.76 and ₱0.62) to produce one peso of housing benefits in Metro Manila. In off-city sites, the cost exceeds the benefit, based on a CBR of ₱1.72. This implies that in the long term, the return on investment is negative. The benefit is higher for in-city housing because of the higher economic value of the property after development. Off-city locations have a lower rental value, because these sites are usually outside the city or town centers, and in lower-income municipalities. The cost effectiveness of the projects is thus affected by the economic potential of the area as well as the value that beneficiaries attach to the resettlement housing.

Considering that after the 30-year lifespan of the housing unit, the NHA usually retains the land, given the low loan repayment performance of beneficiaries, the value of the retained asset becomes part of the benefit from the investment. Land values are assumed to increase over time, thus the CBR is lower when the value of the land is considered.

The Socioeconomic Impact of In-City versus Off-City Resettlement

The results of the welfare analysis show that off-city relocation distances people from livelihood, and pushes them into poverty. The income of the off-city relocated households is lower by about ₱3,000 after adjusting for cost-of-living differences (table 16.3). The reduced expenditure on basic needs (food, water, electricity) of households in off-city resettlement implies deepening food insecurity, and could be a coping mechanism to deal with a reduction in income and a change in the nature of employment.

On the other hand, health expenditures appear to have increased, although the result is not statistically significant. The lower transportation costs may reflect changes in employment. While there is no significant difference in the proportion of employed households, there are significantly more women employed in the off-city relocation sites. This change indicates that women may have taken on domestic jobs, or livelihood projects (e.g.,

¹¹ These are informal wet markets housed on temporary structures made of mixed materials (wood and salvage materials).

TABLE 16.3 Results of socioeconomic analysis (based on small-sample analysis)

Variable	Off-city	In-city	Difference (off-city-in-city)	p value	Significance
Average monthly household income	7,456.4586	10,602.9494	-3,146.4908	0.000	***
Average household expenditure	5,882.0586	9,972.5556	-4,090.4971	0.000	***
Average household savings	1,574.4000	630.3937	944.0063	0.224	n.s
Average household expenditure: food	3,336.4924	5,064.2564	-1,727.7641	0.000	***
Average household expenditure: transportation	709.2988	793.3841	-84.0852	0.530	n.s
Average household expenditure: water	206.4023	332.3209	-125.9186	0.000	***
Average household expenditure: electricity	387.6078	705.6084	-318.0006	0.000	***
Average household expenditure: medicine	202.2216	125.1561	77.0655	0.324	n.s
Proportion of household members (age 6-22) attending school	0.2758	0.3482	-0.0724	0.038	**
Proportion of employed household members	0.3716	0.3312	0.0403	0.185	n.s
Proportion of employed household members: men	0.4728	0.5537	-0.0808	0.158	n.s
Proportion of employed household members: women	0.3415	0.2248	0.1167	0.028	**

SOURCE: Socioeconomic Survey of Resettled Families Social Impact Monitoring Project, World Bank.

NOTE: n.s. = not significant; *** significant at alpha = 1%; ** significant at alpha = 5%; * significant at alpha = 10%. Adjusted for cost-of-living differences using the Consumer Price Index. All expenditure values are in P. Used propensity matching to come up with comparable households; sample size = 163 matched households.

sari-sari stores), while the men are still looking for jobs in nearby areas. There are cases where the employed family member rents space in other informal settlements in the city and goes home to the family only during weekends or holidays.

A disruption in education was also noted in the off-city sites. The proportion of school-age children (6–22 years old) has dropped, despite the construction of new schools in the area. One possible explanation is that the new schools may not adequately serve the students, since the resettlement schools are considered satellite classes of regular Department of Education employees, and there are several cases of a reported absence of teachers in the area. It may take time for the Department of Education to hire additional teachers for these new schools, and given the already high student/teacher ratio in the public schools, the additional load for teachers further compromises the quality of education. The results also indicate dissipation in community social capital, from high community involvement to lower interest in participating.

This has also been observed in the case of health centers. A community volunteer usually stays in these clinics, mainly to dispense over-the-counter medicines.

CONCLUSIONS AND RECOMMENDATIONS

Both off-city and in-city resettlements are meant to improve the housing conditions of resettled families, and both should be welfare-enhancing. However, this study has shown that badly planned off-city resettlements are costly, and actually reduce the well-being of resettled families. Compared to in-city resettlement, government resources are not used efficiently in off-city resettlement. In the long term, the government may even have to spend more for off-city resettlement, since the resource requirements in terms of social and physical infrastructures tend to rise exponentially the greater the distance to the relocation site from the original site, or from the city proper. Moreover, the adverse impact on welfare refers not only to reduced income, but also to lower participation of school-age children in schooling, and increases the responsibility of women to earn needed income for the family.

Off-city resettlements are often hastily undertaken, and are located in marginalized areas, far from livelihood and employment facilities. While affected families are provided with houses and lots, there are compromises in the quality of the developments. These areas are also far from sources of water and power; thus resettlement sites are often deficient in basic services. In other words, the objective of expediency rather than efficiency and effectiveness has dominated the choice in the construction of these resettlement sites, and has adversely affected the welfare of resettled families in off-city sites.

A policy that advocates for in-city resettlement is far superior to off-city resettlement. The initial investment is high, but the socioeconomic outcomes are better. Problems of poor maintenance of multistory housing can be addressed through better estate management, while land costs can be minimized through lease arrangements or rental housing options. Income-based

subsidies for the costs of the housing units should also be explored by the government.

In cases where off-city resettlements are inevitable, the government must improve the choice of resettlement sites, and explore an incremental housing strategy in which the households and communities are more involved in the construction of the housing and in community development.

The results of this case study have revealed policy shortfalls, and also how the policy—and compliance with the policy—needs to be strengthened. This study also highlights the need for an inclusive urbanization process, so that negative externalities can be minimized and the marginalized people are not made to suffer the impacts of development.

There is also much to learn from a social impact assessment of resettlement projects, specifically how households, and/or the community and the government, can undertake the reconstruction process in such a way as to restore economic and social well-being. The NHA has resettled more than 100,000 families in infrastructure development projects in the last 10 years alone. Involuntary resettlements are expected to continue under the current administration's accelerated infrastructure spending in the medium term.

This case study supports other, qualitative studies that were undertaken to assess the socioeconomic conditions of households in various NHA resettlement sites. Impact evaluation of housing programs in the country has been constrained by data limitations: thus, many of the assessments of resettlement housing have dealt mostly with implementation issues, activities, and inputs. The current approach provides more rigorous analysis of resettlement impact. While it was based on small-sample estimates, the methodology can be applied to larger samples for more robust results.

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Chapter 17

Livelihoods in Development Displacement - A Reality Check from the Evaluation Record in Asia

Susanna Price

Abstract. *Development, widely considered a solution to long-term population displacement, can paradoxically create more displacement. This chapter explores this paradox through the lens of evaluation studies. Early evaluation studies identified a gap between country laws, which positioned development displacement and resettlement as a subset of property and expropriation laws, and international policy, which centralized livelihood measures, living standards, and outcomes for people affected. The chapter explores the international policy conceptualization of livelihoods as embedded in a sociocultural context, requiring strategies to recreate livelihoods, monitoring and evaluation (M&E) and their results in terms of livelihood outcomes. It compares international policy perspective and evaluation outcomes with selected evolving Asian country safeguard systems, to examine the extent to which livelihoods are addressed and evaluated. The gap between international and national standards is narrowing, but livelihood measures form the weakest point in many laws concerning land takings. Differences in time frames, focus, mandates, and resources in project preparation and implementation reflect these divergent objectives. Methods for assessing livelihood*

risk, planning livelihood support, and for M&E of livelihood outcomes, are rare in country frameworks. Some approaches that may provide a way forward in building the knowledge base on livelihood success and sustainability through evaluation at the country level are presented.

Globally, the number of people forcibly displaced due to conflicts and disasters has escalated to record-breaking levels and protracted time frames, renewing the pressing call for longer-term solutions that foster sustainable livelihood creation. Some experts expect that development may offer such a solution to forced displacement (UNDP 2013). The question is, will development itself swell the number of displaced people lacking livelihoods, and thus only add to the problem?

This chapter approaches this question by first reviewing the case being made for livelihood creation to mitigate the costs of displacement generally. It then explores livelihoods in development displacement more specifically, through the lens of the evaluation record, to understand the key elements shaping livelihood loss and potential reconstruction. Evaluations find that people affected by development may lose their income and livelihoods along with their housing, or independently of housing. The case for considering livelihood as an essential and critical requirement in longer-term solutions to displacement is examined. The chapter also examines the impact that country laws, procedures, practices, and capabilities for land taking and transfer—that is, the “country framework” or “country system”—have on development displacement outcomes, and on livelihoods in particular.

This analysis serves to highlight a gap, identified at the earliest stages by international resettlement specialists, between international policy and borrower country frameworks. Lost income and livelihoods in particular fell into the gap. The World Bank’s policy was based on an understanding of the often complex sociological processes through which displacement could damage incomes and livelihoods, and living standards generally, through which livelihoods could, eventually, be recreated. In contrast, in 1991 the World Bank’s general counsel found that, among borrowers, legal issues in resettlement were treated as a subset of property and expropriation law, that basically aimed to clear land for development purposes in return for cash payments to recognized owners (World Bank 1994). In these circumstances the actions and recordkeeping focused on transfer and status of the land rather than the Resettlement Plan, its livelihood measures, and its socioeconomic outcomes for land losers. Noting that cash would not suffice to prevent impoverishment where land and labor markets and safety nets, were undeveloped, and where compensation funds risked diversion, siphoning off, or delay, the World Bank recommended “policy reform” and other actions to address the gap and, in effect to bring the people affected into sharper focus (World Bank 1994). In other words, project proponents would be encouraged to move beyond cash compensation to take responsibility for regenerated income flows, livelihoods, and living standards among people dispossessed by the developer’s own projects (World Bank 2004).

This gap is still very evident. International lender policies assign, in various circumstances, responsibility to the governments that expropriate or restrict access to land involuntarily; to “clients” implementing and operating the project (IFC 2012); or to the borrower, defined as the “recipient of Bank financing for an investment project, and any other entity responsible for the implementation of the project” (World Bank 2017, 3). Human rights standards require “competent authorities” to ensure that anyone forcibly displaced by development has access to livelihood (UNHRC 2007).

By centralizing a livelihood objective, international lenders such as the World Bank and the International Finance Corporation (IFC), raise the question of socioeconomic rehabilitation, which may require a deeper understanding of sociocultural patterns of community interactions in relationship to land and resources. This entails assessing risks and impacts for various categories of affected people who may use land and other assets differently, and, in consultation with all stakeholders, developing income and livelihood options that meet social and economic parameters. It may mean detailed assessment of loss of income; and strategies to replace or to cost the reestablishment of working agricultural and commercial enterprises. It may mean matching skill sets, diagnosing training needs, and mobilizing social security or welfare provisions. It may mean formalizing and costing time-bound measures and plans; and monitoring outcomes for people’s livelihoods and lives.

Conversely, payment of compensation in cash can seem a simpler and easier option that absolves project sponsors of responsibility for any further remediation, and readily hands the decision on the use of compensation to project-affected people, who may opt to replace the lost asset, if they can; look for alternative income sources; consume the proceeds; mix several of these options; or do something else. That strategy assigns the livelihood risks that arise in displacement squarely to the affected people. It also raises the possibility of misdirection; siphoning off or delay of cash compensation funds intended for affected people; and hardship among people affected where countries lack social welfare. Many officials among borrowers in Asia nonetheless express a preference for this approach.

This chapter will explore the dynamics at work in some of the differing expectations around this central theme, and offer a perspective based on evaluation studies, discussions and interviews conducted over many years. International standards, whether originating from a focus on human rights or on international lending policies on involuntary resettlement, recognize the importance of the country role in policy implementation. Across Asia, country laws, procedures, and practices for land takings are changing. Is there now greater recognition of the importance of livelihoods in crafting sustainable solutions for long-term displacement? The chapter explores this question and concludes with some relevant recommendations.

THE CASE FOR ADDRESSING LIVELIHOODS IN DEVELOPMENT DISPLACEMENT

On a conceptual level, the case for addressing livelihoods in the context of forced displacement is multifaceted. The 193 countries of the United Nations

(UN) General Assembly adopted the UN's 2030 Sustainable Development Goals (SDGs) in 2015. This has revived the attention given to sustainable livelihoods, which “resonate” with all 17 of the SDGs, and underpin the realization of the SDG targets, particularly those that aim to end poverty and hunger; achieve sustainable growth; reduce inequalities; promote decent work for all; and use the earth's resources in a sustainable manner (Biggs et al. 2015). The SDGs encompass all countries, both developed and developing, and include developing a plan for monitoring and evaluation (M&E) with indicators that work at the regional, national, global, and thematic levels: and evaluation plans that must include social, environmental, and economic indicators. These factors raise the stakes for a globally adopted and evaluated development plan, and they have brought renewed attention to the approaches for developing sustainable livelihoods (Biggs et al. 2015).

The SDGs foresee population displacement as a major risk to achieving sustainable development—and this has implications for livelihoods. As population displacement arising from conflicts and disasters breaks records and becomes more protracted, the challenge of finding longer-term solutions intensifies. Livelihood creation may be viewed as an essential component of longer-term solutions, especially for those displaced who have the least negotiating power and the fewest skills to access “new” economic opportunities. The United Nations Development Programme (UNDP) estimates that, globally, more than 200 million people are unemployed, with 74 million young people aged 15–24 looking for work. Some 600 million new jobs will be needed in the coming decade, without which UNDP expects the risk of further destabilization and intensification of population displacement. UNDP's resilience-based development approach, for example, builds livelihoods for both displaced people and their hosts (UNDP 2013). The SDGs present development both as a means of preventing further displacement by diminishing its drivers, and as a solution to protracted displacement, by turning short-term refugee costs into longer-term gains; lowering the costs of migration; and increasing the contribution of migrants to their host countries or communities through building livelihoods (UNDP 2013).

Development, which is the intended solution to displacement, paradoxically creates more displacement—at least 15 million displaced persons each year (IDMC 2016). Building infrastructure, for example, has social and environmental impacts and externalities that, if not properly managed, can result in unmitigated displacement that further disrupts livelihoods. This chapter explores this paradox through the lens of evaluation studies and of emerging new directions in laws, regulations, and procedures on compulsory acquisition.

LIVELIHOODS IN DEVELOPMENT DISPLACEMENT: SOME THOUGHTS FROM EVALUATIONS

The involuntary resettlement policies of international financial institutions place livelihoods at the center of resettlement objectives, defining livelihoods broadly, for example, as “the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and

bartering” (IFC 2012, 1). The World Bank definition, as set out in the new Environmental and Social Framework, is similar (World Bank 2017).

Livelihood replacement or recreation can be complex. For example, based on significant project experience, the IFC prefers providing replacement land where livelihoods are land-based, or where land is collectively owned (IFC 2012); and access to alternative resources where livelihoods are resource-based, together with resources for their preparation and development. Those people losing income from lost or damaged commercial activities may be eligible for compensation for reestablishing the commercial activities elsewhere; compensation for lost net income during the period of transition, replacement land, and for the costs for relocating and re-establishing plant, equipment, and other items (IFC 2012). These efforts may entail, in addition to replacement or replacement-rate compensation for income-generating assets and income loss, measures to reestablish investment and development assistance such as the land preparation, credit facilities, training, or job opportunities needed to enable affected people to improve their living standards, income-earning capacity, and production levels; or at least to maintain them at preproject levels.

Lenders may require “gap analyses,” which record any differences between their own policy positions and the country frameworks, together with the supplementary gap-filling measures that lenders may agree on with borrowers in each project case. Livelihood gaps reflect the difference between international policies and country laws and standards on land takings (World Bank 2014). Engaging with these income and livelihood issues raises questions on the availability of resources and time for planning; for identifying those specifically at risk of losing income and livelihoods; for assessing the compensation amounts due in different circumstances; for canvassing feasible livelihood-supporting options and opportunities or social welfare possibilities, in close consultation with affected people; and for monitoring and evaluating impoverishment risks and livelihood outcomes.

Development displacement is conducted in a very specific context and time frame, with legal, valuation, financing, consultation, disclosure, and appeals dimensions. An early, internationally financed resettlement evaluation found that favorable country policy and legal frameworks, together with sufficient financing, capable institutions, and local involvement, were the foundation of successful livelihood restoration, which from the beginning was held to underpin successful resettlement (World Bank 1994). An Asian Development Bank evaluation in 2000 found similar results, and also recommended more attention to livelihood risk assessment and restoration, together with stronger M&E of outcomes. A subsequent evaluation by the World Bank confirmed the importance of livelihood reconstruction: a careful assessment of impacts found that more people lost income and livelihood than were physically displaced from their housing for the sampled World Bank Group projects.¹

¹ An evaluation of operations over the period fiscal 1999–2008 found that 41 percent of people affected were physically displaced; the rest faced impacts on livelihoods (IEG 2011).

While evaluations generally have confirmed the importance of conducive country frameworks, it has been difficult to foster such frameworks. Successive evaluations found that international involuntary resettlement policies, when applied in loan financing, offer better risk assessment and more comprehensive corresponding mitigation plans to address income and livelihood loss than do country frameworks generally. International policies offer fairer compensation and other assistance for nontitled landowners; and broaden monetary compensation to include loss of income and measures that aim to restore livelihoods taking account of sociocultural context (ADB 2000; IEG 2011; World Bank 1994, 2014). However, the extent to which these additions in planning are carried through into implementation, and reflected in monitoring and management depends at least partly upon the level of congruence in borrower frameworks, and more generally, borrower commitment to these ideas.

In densely populated Bangladesh, for example, land is a particularly critical asset in social and cultural as well as economic terms. Even though land in Bangladesh is not only a means of livelihood but also “a sign of social power, pride, status, security and happiness” (Al Atahar 2013, 306) the government has not approved a national resettlement policy that would recognize and address the wider implications of the substantial losses that are experienced when land is acquired for development purposes, including loss of livelihood, and its interrelationship with these wider social variables. In 2016 the country’s Ministry of Lands approved a new Land Acquisition Act, but it does little to address the wider concerns of landowners and land users, beyond speeding up the acquisition steps and raising compensation levels, typically paid in cash with no additional assistance (Zaman and Khatun 2017). India, in contrast, has made a significant effort to address resettlement, rehabilitation, and livelihood issues in its new law, as discussed below.

It is worth pausing to recap the underlying legal powers in forced development displacement. Legal instruments for land expropriation or transfer have power to trigger the displacement. If upfront negotiations fail between willing buyer and willing seller, or are deemed inappropriate, it is the state’s exercise of eminent domain or compulsory acquisition that provides a legal foundation for it to expropriate, in the public interest, the property of individuals for development purposes. This overrides, in most cases, their constitutional rights to property, whether it is their “property” by legally verified ownership, or by use rights. Most country constitutions allow expropriation, or compulsory acquisition, upon payment of “just terms,” “equitable compensation,” or a similar phrase, to citizens for the loss of their property. If, rather than acquiring the land the project simply restricts access to it, or activity upon it, as with a power transmission line with tower footings, or a fragile environmental area that is being protected, other laws, regulations, and guidelines may apply. The law and any associated regulations generally determine who is eligible for compensation and other assistance, and for which kinds of losses. As a subset of property and expropriation law, without a livelihood or rehabilitation objective, in most cases these laws fail to recognize the full extent of losses and what might be required to address them.

Several countries have requested that financiers allow them to use their own country safeguards rather than financier policies. Early signs are that these country safeguard analyses focus closely on the wording of legal instruments for compulsory acquisition, and their application in practice. Other parameters also deserve careful attention in such assessments. These include time frame and planning cycle constraints, valuation methods, and grievance and appeals mechanisms that provide a fair outcome, as explored in the following sections. These parameters are discussed sequentially in what follows.

Time Frame and Planning Cycle Constraints

Development displacement accompanies the project-planning cycles of feasibility, design, appraisal, approval, and implementation. If resettlement planning is required, it is situated in a specific, and often a very tight time frame. While scoping and socioeconomic surveys can and must begin earlier, compensation and resettlement plans often cannot be finalized until completion of the detailed technical design that will allow the assessment of impacts, through a census and asset inventory. The risks to livelihood must be assessed quickly, and those at risk of losing income and livelihoods must have choices put before them. Compensation must then be delivered before construction begins, forestalling arbitrary eviction without compensation. This tight time frame favors quick cash payments. It presents a challenge for livelihood measures, which may involve longer-term activities such as training, project employment, production, business development, and various forms of social assistance. This time dimension has been little noted or explored in international financier evaluation studies. Nor have the variations in planning cycles between countries and sectors received much attention.

Valuation Methodology—Replacement Costs, Including Social Costs

The valuation methodology determines the ultimate value of compensation offered. Country laws, which had used lower asset tax values, and various administrative formulas, with lesser compensation rates for less certain categories of land holdings, are now moving in some cases to independently set market rates. International practice uses replacement rate, which adds to the market rate the additional real costs to people affected by involuntary acquisition, such as administrative and transaction costs and relevant moving and transfer costs (Pearce 1999). If the payment is delayed, inflation may erode the potential for the compensation to replace lost assets.

Replacement of losses is the overall principle that international financiers advocate for—and also that replacement land must be offered to land-dependent rural producers. There are some very important questions to consider here. Is fair-market appraisal used as a basis for asset valuation? Is the highest and best price regularly used, based on accurate data? In addition, are out-of-pocket expenses covered? And how are nontangibles valued?

The loss of land may represent not only lost assets and income, but also the loss of security for old age and disability, and loss of the locus of social networks. Land is often an essential element in the formation of households, social and cultural systems, and psychological well-being. Replacing land with cash or short-term work may destroy these systems, and with it prospects for sustainable livelihoods (Cernea 2008; Downing and Garcia Downing 2009).

The full social costs of displacement to affected people may only become apparent well after displacement as households, communities, and their production systems begin to unravel. These costs may include the loss of hard-to-quantify social networks that reflect and sustain communities, and offer both economic and social benefits, including health care, informal support, marketing networks, reciprocal labor exchanges, and backup in hard times. They also include the loss of any nonpriced social and cultural assets, such as commonly owned forests, water bodies, and grasslands, which provide communities with sacred sites and ritual objects, food, grazing land, fuel, medicines, and salable items. Land may also represent the only source of security in old age or infirmity. It may encapsulate and represent an unquantifiable but fundamental sense of belonging and identity that underpins psychological well-being. The loss of production systems and other assets may start unraveling the cohesion of households, neighborhoods, and communities—the social characteristics that underpin the inter- and intra-household agreements that in turn underpin livelihoods (Downing and Garcia-Downing 2009; Lam 2015). In short, in losing their tangible assets, in addition to income, households may lose essential subsistence, insurance, social support, and their place-based identity.

Consultation, Disclosure, Grievance Redress, and Appeals

Disclosure of critical information to the people affected, and the establishment of grievance redress mechanisms help to set a fair process, in which dispossessed people have access to information and can, without prejudice, lodge an appeal and expect to have it heard fairly and in a reasonable time frame. In these respects, development displacement takes place rather differently than most other forms of displacement—and with care, the mitigation strategies can be built in ahead of the act of displacement.

HOW ARE LIVELIHOODS ADDRESSED IN NATIONAL FRAMEWORKS OR SYSTEMS FOR EXPROPRIATION?

The rapidly developing Asian region features several significant new laws concerning land acquisition. This legislation increasingly reflects independent asset valuation, social analysis or social impact assessment (SIA), consultation opportunities with affected people, and negotiation as a basis for compensation. Most Asian countries now allow project-affected people to challenge land acquisition procedures in court—if they can afford to challenge. In addition to physical assets, many countries now recognize and compensate for loss of economic activity and improvements on land. At least three countries

(Cambodia, India, and Indonesia) offer land-for-land replacement options, but none of them require that the replacement land be ready for cultivation. India, Indonesia, and Vietnam offer relocation allowances where relocation is necessary (Tagliarino 2017).

India's 2013 law, The Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act (LARR),² replaced the Land Acquisition Act of 1894, which was based on the state's power of eminent domain. As signaled in its title, where it applies, the LARR accepts the proposition that land acquisition may threaten livelihoods; and that in such cases, livelihood rehabilitation strategies are necessary. It recognizes that "affected families" include those without title to land, who nonetheless have depended on the land for their primary livelihood for the preceding three years. Nontitled people losing livelihoods may benefit from livelihood reconstruction through increased compensation rates, SIA, and consent from the people affected. LARR includes consultative planning, negotiation, and grievance redress. The LARR is part of a broader legal framework of rights and guarantees that increase its legitimacy in protecting affected people (Mariotti 2015). India is the only Asian country with a legal requirement to minimize displacement by exploring alternatives. It has constituted a group of experts with social science expertise, to review SIAs and alternative project designs that would minimize displacement.

Indonesia recently introduced a landmark Law on Land Acquisition for Development Purposes in the Public Interest (Law 2/2012), which became effective in 2014 after the issuance of implementing regulations. The law replaces a series of presidential decrees and other regulations that generally required only the payment of lesser or no compensation to those land users without formal title; and calculated compensation starting at lower rates, based on tax value. Law 2/2012 introduces the concept of independent market appraisal for lost assets, requiring "reasonable and fair compensation" that covers land, assets on land, structures, plants, other objects relating to land, and other nonphysical appraisable losses, including loss of jobs, businesses, the costs of changing location or profession, and the loss of value in remaining assets. While not an explicit requirement, this could equal replacement cost. The law allows compensation to be paid as cash, replacement land, resettlement, shareholding, or other forms agreed upon between the parties (Article 36).

There is no mention of livelihoods in the law. In cases where the affected household is selecting the resettlement option, this may include livelihood assistance under a related law of 2011. Generally it is unclear how Law 2/2012 will deal with audit rules that require depreciation to be deducted from asset compensation; or with budgeting regulations that do not allow "double counting" in the form of additional livelihood measures on top of compensation. Law 2/2012 does include a greater opportunity for affected people to seek consultation, negotiation of compensation, and redress of

² The text of the LARR can be found here: [http://www.prsindia.org/uploads/media/Land%20and%20R%20and%20R/LARR%20\(2nd%20A\)%20Bill,%202015.pdf](http://www.prsindia.org/uploads/media/Land%20and%20R%20and%20R/LARR%20(2nd%20A)%20Bill,%202015.pdf).

grievances; and these mechanisms may offer opportunities to counter earlier regulations that in effect limited livelihood assistance.

Vietnam's new Constitution (2014) and Land Law No 43 (2013) strengthen legal protections for people affected by development displacement, with provisions to identify them, inform them, and consult with them prior to any acquisition; to recognize certain customary land-tenure rights; to recognize and compensate for loss of economic activity on land; to provide replacement land as a compensation option; to compensate before possession; and to pay a relocation allowance when people must relocate.

In 2102, Cambodia introduced a Law on Land Expropriation that strengthens information and consultation requirements, allows compensation for loss of economic activity, and encourages land-for-land compensation, but does not require that replacement land to be ready for cultivation. Sri Lanka introduced an authoritative but nonbinding National Involuntary Resettlement Policy in 2001, a Compensation Policy in 2008, and several gazette notifications under the Land Acquisition Act of 1950, the latest of which (2013) which applies very selectively, mainly to certain transport projects; brings compensation payments to replacement rates; and significantly boosts consultation and negotiation possibilities for people losing land.

The Kyrgyz Republic, like some other Central Asian republics, has transformed its legal and regulatory framework to allow privately owned land for its citizens. However, the legal basis for compulsory acquisition lacks clarity, and there is little commitment to consultation with the people affected in practice, or to the development of livelihood programs.

China has introduced measures in the reservoir sector that address livelihoods (Cernea 2016), and has several other laws and regulations that provide some assistance for livelihood that covers expropriation in certain circumstances. It still lacks an overall, transparent and consistent law on land acquisition that covers all sectors; unambiguously sets a livelihood objective; and requires a resettlement plan and SIA as a basis for developing livelihood options.

While a complete analysis is beyond the scope of this chapter, there are positive examples of the movement toward fairer, more consultative, and more transparent land acquisition laws and regulations across Asia. However, the legal requirements generally stop short of statements in law that define livelihood standards; propose risk assessment tools and methods to determine when livelihoods are at risk; formulate income and livelihood measures in meaningful consultation with those affected; mobilize the necessary expertise, management capacity, and financing; and establish requirements to evaluate whether livelihood objectives have been achieved. The laws do not take the additional step of recognizing the rationale for livelihood measures: the unquantifiable social costs, opportunities foregone during downtime, and the transition and reconstruction costs that so often accrue for people along the way.

Nationally ratified human rights conventions, declarations, and treaties would, if applied in tangible ways within the process of planning and managing resettlement, strengthen consultations and protection for a range of vulnerable groups.

NEGOTIATING FOR LIVELIHOODS

Many new laws and regulations offer increased scope for negotiation, even within the context of compulsory acquisition. Does the negotiation process hold something that would foster income and livelihood choices for people affected? This section briefly explores this possibility.

Negotiation may take place around choices within a framework for involuntary land acquisition, or entirely outside the existing framework, as an agreement negotiated between a willing buyer and a willing seller, in the form of a market transaction. The former type of negotiation is subject to the applicable national legal framework, which has the legal power to involuntarily displace people, even while offering them an opportunity to negotiate on some elements.

Most Asian countries require such negotiation: the exceptions are Bangladesh, Taiwan, and Thailand (Tagliarino 2017); and Sri Lanka, except for selected projects named in the 2013 Gazette. Most reports indicate that such negotiations revolve around the level of cash compensation in terms of the assets recognized, and the level of compensation offered, with little scope for negotiation on the reconstruction of livelihood opportunities.

Even within this involuntary framework, however, the laws increasingly provide opportunities for negotiation. Among Asian countries, Indonesia, for example, in its new Land Acquisition Law of 2/2012 (Articles 34, 37, and 38), introduced a specific requirement for negotiation of compensation between the land administrator and the “entitled parties,” with the express intention that the acquisition is not carried out entirely under duress. Before the possibility of expropriation for development in the public interest, for example, Law 2/2012 requires the government to consider other options, including buying land under a “willing buyer-willing seller” transaction. If the land parcel is less than five hectares, Presidential Regulation 40 of 2014 permits the acquiring agency to negotiate directly with the land user in the form of sale-purchase land exchange, or other means agreed on by the parties. Beyond this, however, the law envisages a negotiation with affected people with regard to compensation options, including money, replacement land, resettlement, shareholding, or other forms of compensation, as agreed between the parties (Article 36). All of these options hold possibilities for restoring livelihoods, but nothing is explicitly spelled out.

The second type of negotiation takes land transactions into the market arena, which may be shrouded by commercial in-confidence concerns. There are some indications that private sector models can be more flexible, expansive, and responsive to the articulated concerns of affected people when compared to models applied by government agencies. Private developers can work outside the government planning, project cycle, and budgeting systems that may limit the options available for government projects, particularly where livelihood measures are not mandated by law. For example, a private oil and gas project developer in Indonesia provided a resettlement plan for the affected communities. The plan was considerably more generous than a comparable government-funded project would have been (Price 2015). The plan articulated a resettlement-with-development objective that was higher

than either the international or national standards in place at the time. It also required a high level of public scrutiny and disclosure, and strong corporate commitment.

Negotiating directly with affected people as an integral part of a framework for land acquisition, compensation, and involuntary resettlement increases the transparency of the process, possibly leading to fewer complaints (Tagliarino 2017). However, a “willing buyer, willing seller” arrangement might not necessarily mean a level playing field between buyer and seller that will result in a fair outcome. Rather, it can signal the influence of asymmetries in power and information. It may reflect a loss of entitlements to fair treatment designed to forestall the impoverishment of affected people, in favor of a nebulous system of negotiated rules and remedies that in effect do away with entitlements altogether (Bugalski 2016).

Private developers and proponents may simply rely on government to clear the land with no questions asked; or to waive any requirements for environmental and social safeguards, including even basic compensation. This has been the case with certain notorious mining ventures, such as the Freeport mine in Indonesian Papua; or, more recently, in agriculture, as in some of the Cambodian Economic Land Concessions. Asymmetries in status, resources, power, and information are key features of interactions between the negotiating parties. If developers have financing from international banks with involuntary resettlement policies, or have signed onto voluntary agreements such as the Equator Principles, this may offer additional protection to the affected people. However, land deals negotiated between unequal parties may still result in divided and disempowered land-owning groups, and their resulting marginalization and impoverishment, even where both international and human rights standards are respected (Narula 2013). New guides are being written with the aim of informing and supporting small landholders faced with the daunting prospect of negotiations with powerful, well-resourced developers who often have government backing (e.g., a community guide to negotiation issued by Inclusive Development 2016).

RECOMMENDATIONS FOR ENHANCING LIVELIHOODS IN DEVELOPMENT DISPLACEMENT

...in order to have continued relevance and application, livelihoods perspectives must address more searchingly and concretely questions across ...four themes:...knowledge, politics, scale and dynamics. These are challenging agendas, both intellectually and practically. For those convinced that livelihoods perspectives must remain central to development, this is a wake-up call. The vibrant and energetic “community of practice” of the late 1990s has taken its eye off the ball. A certain complacency, fuelled by generous funding flows, a comfortable localism and organisational inertia has meant that some of the big, emerging issues of rapid globalisation, disruptive environmental change and fundamental shifts in rural economies have not been addressed. Innovative thinking and practical experimentation has not yet reshaped livelihood perspectives to meet these challenges in radically new ways. (Scoones 2009)

Changing laws and practices are creating new ways of addressing losses in incomes and livelihoods across Asia. Some recommendations are presented below.

- Include explicit livelihood objectives in the country's property and expropriation legal instruments, or introduce a new law that recognizes the need for livelihood rehabilitation, as India has done; as well as supporting guidelines and procedures.
- Mobilize resources and capacities to address livelihood objectives through the development of appropriate management mandates, staffing skills, and feasibility assessments and arrangements.
- Develop definitions and diagnostic tools and strategies to assess quickly and effectively whether livelihoods are at risk among the people affected.
- Test principles, valuation methods, and forms of compensation and other assistance that may help rebuild livelihoods. For example:
 - The *value to the owner compensation principle*, which is made up of market value together with other losses suffered by the claimant; and
 - Payment of other *consequential financial losses*, such as the cost of finding alternative accommodations; extra costs for living in a new district; fees for discharging mortgages; temporary business losses pending removal; loss of business goodwill; and the costs of notifying customers and clients about the removal, and other related losses.
- Recognize the principle that it *is an interest in land* that is actually acquired: this comes close to recognizing nontitled people.
- Proactively test baseline socioeconomic surveys as a basis for subsequent M&E, by project sponsors, developing effective feedback links to enhance livelihood program outcomes.
- Test more sensitive needs assessments as a basis for developing for livelihood programs, taking into account the needs and priorities of different groups.
- Research the question of which types of compensation contribute more effectively to restore lost income and livelihoods.
- Explore and test a wider range of feasible livelihood options. For example:
 - Benefit sharing, such as in-kind assistance, project employment, and related on-the-job training, direct revenue sharing, development funds, links with employers' and government programs and equity sharing.
 - Other options include assistance for business development, access to credit and other services, and other forms of training and skills development. These forms of assistance may be reasonably and readily deployed by the average project sponsor or proponent, whether in the public or private sector, although

without proper needs assessments, targeting, and monitoring of results, or without the support of experienced livelihood practitioners, the measures offered to affected people may be poorly utilized and quickly abandoned.

- Certain other options require the waiving of local taxes and preferential rates for financing livelihood reconstruction. This requires concurrence with revenue-raising bodies that might be outside the land acquisition framework. Finally, putting into place social safety nets through pensions, project insurance, contingency funds, vulnerability support schemes, and/or project special funds may be a logical way to proceed, but may also raise practical problems of specifically targeting the affected people. Safety nets usually operate through national-level coordination, again necessitating concurrence from national-level agencies.
- Consider accessing land on a lease basis so that the land is not lost in perpetuity to the original owners.
- Build the knowledge base of what works effectively and how, through the development of M&E methods of measuring livelihood outcomes.
- Share results from the development displacement experience with livelihood programs more generally.

CONCLUSION

This chapter argues that finding livelihood solutions is an urgent matter as development, conflict, disasters, and, increasingly, environmental change displace ever more people around the globe. Of all these forms of displacement, development displacement has a long track record in addressing livelihood issues, and in prioritizing international policies and standards of livelihood improvement, or at least restoration. The earliest evaluation of involuntary resettlement highlighted the sociocultural context of livelihoods and the links between livelihood restoration and the overall objective of poverty reduction (World Bank 1994). Despite its importance, however, livelihood outcomes have routinely suffered not just from the absence of systematic data and analysis, but also from lack of visibility in the form of articulated objectives in legal instrument, and methods for assessing losses. This has meant a corresponding lack of resources for planning, monitoring, and evaluation of livelihood options; a lack of sufficient time allocated to planning cycles for significant and meaningful consultation on a wide range of choices as a basis for preparing livelihood programs; and deficiencies in asset valuation methods for addressing loss of income and the reconstruction of livelihoods.

Compensation at replacement cost forms a critical basis of the overall strategy to rebuild livelihoods in international policy formulations: but resettlement specialists have found that more is required if livelihoods are severely affected. While there is increasing congruence between international and national standards in legal and regulatory instruments, livelihood measures form the weakest point in many national laws concerning land acquisition.

Whereas the livelihood objective is central to international resettlement standards, it barely appears, if at all, in most of the recent national legal and regulatory initiatives.

Yet even where internationally financed projects include livelihood measures in resettlement plans, or as stand-alone livelihood restoration plans, there is no guarantee of their outcomes. This aspect of policy application merits a major rethinking in terms of rationale, legal formulations, financing, management, and application. It could benefit, for example, from a reexamination of methods for identifying the affected people who are most at risk and will need livelihood support, and meaningfully consulting with them on a range of feasible livelihood options. It could also benefit from a comparative assessment of valuing and compensating for lost assets and incomes as a basis for livelihood reconstruction, and the management arrangements under which these decisions are made. Similarly, a comparison of livelihood outcomes from the application of country laws that recognize and address the livelihood imperative, such as in India, compared with outcomes when country laws do not engage directly with livelihoods, could be illuminating. Is it possible to address these issues through negotiations with the people affected? Do these negotiations offer better livelihood protections, or simply reinforce existing patterns of social exclusion?

International involuntary resettlement policies offer much in terms of methods and procedures for defining livelihood scope and standards; in identifying those at risk of losing livelihoods; in formulating livelihood measures in close consultation with those at risk; in setting forth time-bound, costed plans for identifying management arrangements; in addressing the socioeconomics of recovery for livelihoods at risk; and in methods for measuring, monitoring, and evaluating outcomes. They also offer possibilities for a safeguard on negotiated settlements. Innovative country practices are now adding to the body of knowledge on these matters, reflecting better understanding of the underlying sociological parameters supporting livelihoods in many contexts. International human rights norms and standards can serve as additional tests of public interest through project hearings, while the concept of consent offers a different approach to defending livelihoods at risk. For land-dependent communities with little negotiating power, dismantling productive rural livelihoods may be a step too far, especially under legal and regulatory frameworks that do not recognize the need for livelihood reconstruction. Development may represent a strategy for longer-term solutions to loss of livelihood, but only if livelihood objectives are explicitly named in laws and negotiation procedures; addressed through specific risk identification methods; supported by a range of feasible and consultatively developed livelihood strategies; underpinned by fair legal and grievance mechanisms that are accessible to all those affected; and independently monitored and evaluated to ensure good outcomes.

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