

**Rights and Development-Induced Displacement: Is it a case of  
Risk Management or Social Protection?**

**Behrooz Morvaridi**

BCID Research Paper No.16

**Bradford Centre for International Development**

University of Bradford  
Bradford, BD7 1 DP  
United Kingdom

December 2006

## Introduction

At a theoretical level, there is scope to develop our understandings of displacement and resettlement and the relationship between local communities, civil society organizations and the state. Particularly relevant is the context and nature of efforts to rebuild livelihoods following displacement. Conceptually the current discourse broadly falls into two perspectives, reflecting work that has mainly been undertaken in relation to development and conflict-induced resettlement. The first is the managerialist perspective, which has as its central focus analysis of the need to manage the inadequacies and failings of resettlement by minimizing negative impacts. The second perspective is essentially critical of this mainstream approach. One of the main exponents of the managerialist approach is Cernea (2000), who has developed a resettlement planning and risk management model underpinned by support for development and the premise that it necessitates changes in social relations. Emphasis however is on formulating strategies that use compensation and impoverishment risks and reconstruction (CIRR) as the means to reconstruct or protect the livelihoods of those subject to resettlement. This approach, in one form or another, is reflected in guidance from the World Bank and other agencies such as the UN, EU and Asian Development Bank.

The policy premise underpinning CIRR methodology is that full payment of compensation at replacement cost for assets lost can achieve restitution of dispossessed assets and income sources. Evidence of resettlement projects based on CIRR indicate that mitigation measures have in fact failed to reverse the negative consequences of displacement resulting in some cases in extreme poverty, loss of livelihoods and violation of rights<sup>1</sup> (Mehta 2004,

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<sup>1</sup> The numbers of people who are forcibly displaced by development interventions across the world are staggering and empirical evidence from different locales suggests that they also suffer loss of livelihoods and assets (house, land, social network, jobs etc) and increased risk of impoverishment. In

Dwivedi 1999, Mahapatra 1999, Oliver–Smith 1991). Recognising that resettlement policies can fail to protect those at risk, Cernea and the World Bank have suggested the use of short-term social protection policies as part of risk mitigation strategies that reconstruct the livelihoods of those involuntarily resettled<sup>2</sup>. Within this policy paradigm, supporters of short-term social risk management, suggest that social protection could play a redistributive role to address market shortcomings (World Bank, 2001).

### The current policy paradigm: is it a framework for rights?

The mainstream agencies' conception of social protection diverges from the welfare policy associated with the 1970s and the social care model adopted by countries such as Sweden, that operate as a social contract at the national level and one through which the state provide goods and services to citizens to meet their basic rights entitlements such as free education for children, health services and social insurance. Within the neo-liberal policy domain, 'social protection' instruments tend to be valued as a plank of short-term risk management<sup>3</sup>. Protection is conceptualised within the limits of economic vulnerability and risk and in relation to income and consumption instability (Sabates–Wheeler and Waite 2003), resulting in selective public action that operates as social insurance and social assistance for the poor and vulnerable, at the times of crisis, such as when inflation rates are high or there is significant unemployment, or when there are other extraordinary external factors such as pandemic diseases e.g. HIV or natural disasters like

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India alone, more than twenty million people were displaced to facilitate development projects between 1950 and 1980 and the majorities (75%) have ended up worse off than before. In China, no less than 40-45 million people have been displaced over fifty years (1950-2000) and more than 1 million people are being displaced by the Three Gorges Dam

<sup>2</sup> This is in line with the World Bank's Involuntary Resettlement Policy OD 4.30 (1990), which was moderated in OD 4.20 (2001), which promotes analysis of risk and mitigation measures aimed at avoiding risk and/or minimise negative impacts, as a two phased process. The displacement phase, when the intrinsic risks that cause impoverishment become apparent is distinguished from the resettlement phase, when ways to eliminate or mitigate risks and negative impacts can be implemented. The first phase focuses on the process of displacement and the second phase covers the continuum of resettlement. The 'model' identifies eight risk components of displacement which could lead to impoverishments - landlessness, joblessness, homelessness, marginalisation, increased morbidity; food insecurity, loss of access to common property and social disarticulation see Cernea (2000).

<sup>3</sup> For different conceptions of social protection see Conway, de Haan and Norton (2002).

the Asian Tsunami. Thus in relation to displacement we find social protection categorized as a short-term policy response rather than a vehicle for securing rights, with vulnerability defined in economic terms. Cernea, one of the exponent of this approach, argues for 'economic of resettlement' that require both 'compensation resources and investment resources for financing resettlers' development. Broader speaking, it must articulate the full economic rationale and the tools for achieving the overall recovery and improvement of resettlers' (2003:19). Cernea reduces social relations to the economic language of 'assets' and 'capital' and does not consider issues of rights, entitlement, access, in an economic, political or social context or the wider distribution of resources of various kinds that impact on the individual's capacity to respond to vulnerability<sup>4</sup>.

Integrating elements of social policy into resettlement risk models based on compensation, finance and mitigation may offer a remedy to some of the symptoms of inequality that impact on displacement. However, this reflects a limited understanding of social protection, which is aimed at tackling only transient poverty, and not one that would generate an effective policy to deliver rights and to reduce poverty in the long run for forced migrants. Short-term protection measures are not geared towards providing solutions for underlying structural causes that shape inequality and conflict at the micro-level. In practice, many of the factors that perpetuate the poverty and exclusion of displaced people and impinge on the actualisation of rights are in fact 'external' to individual projects and are structural in origin, such as lack of recognition of ethnic minorities, local social institutions, uneven patterns of land distribution etc. In social risk management 'the crucial issue of how poverty is created and reproduced is lost. Namely the failure to understand that poverty does not emerge because of exclusion but because of poor people's 'differential incorporation' into economic and political processes' Bush, 2004:23). What this means for the implementation of resettlement, is that, risk is inadequately conceptualized and managed in CIRRR Mode. The

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<sup>4</sup> Cernea is critical of cash compensation on its own and argues for additional measures such as development-oriented investments as a supplemental means over and above compensation resources to match the policy goals in resettlement.

rate of risk is likely to increase in displacement settings where there are contested issues that have historical origin and that are already a source of conflict and economic or social tension, although Cernea's model tends not to include conflict assessment criteria into mitigation measures and risk reversal strategies.

The need to penetrate the causes of poverty and exclusion when planning and delivering displacement policies is very apparent in the case of the Ilisu Dam in South East Anatolia, Turkey, which will displace an estimated 61,000 people<sup>5</sup>. The Resettlement Plan of Action (RAP) of the Ilisu dam estimates that the dam, which involves the flooding of large areas including the historic town of Hasankeyf, will affect 184 villages (Export Credits Guarantee Department, 1999, Consortia For Ilisu, 2000). The policy adopted by the Turkish Government to manage displacement reflects the CIRR model with elements of social policy<sup>6</sup>. However, it is limited in the extent to which it reflects an understanding of complex structural issues, which are likely to impede the project's implementation, such as local land disputes and problems in proving land tenure, as well as issues around the recognition of Kurdish ethnic identity, culture and social institutions. The Planners do not make reference to the fact that there is a high percentage of ethnic minorities in the region. The majority of the population of the dam area is of Kurdish origin with their own particular cultural and social institutions. Ethnicity is not a specific social factor associated with relative poverty in the area, but it is a factor in terms of social inclusion, that is the ways in which people may be denied full participation in society and full effective civil, economical, political and social rights (Morvaridi, 2004)

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<sup>5</sup> The Ilisu dam, is one of 22 dams to be constructed along the Euphrates and Tigris river basin under the South East Anatolia Project (GAP). 12 of the GAP dams have so far been completed, and these have displaced more than 350,000 people, the majority of whom are of Kurdish origin.

<sup>6</sup> The Turkish resettlement programme offers three options for resettlement based on expropriation and compensation: Self-resettlement - people independently resettle following receipt of monetary compensation for assets lost (in the case of Ilisu each household get on average \$25,000 depending on the value of their house, land and other resources); Government-assisted resettlement - a package that includes new housing and land in an urban or rural designated receiving area (financed through expropriation compensation and loans as necessary) and assistance in restoring the pre-resettlement income (average household resettlement cost and compensation estimated to \$35,000 (2000 prices); and Government credit-assisted resettlement – a package that allows people to keep their expropriation compensation and also have access to a mortgage loan (ECGD, 1999).

Furthermore, the impact of the conflict between the state and the local Kurdish population has a direct bearing on the accurate assessment of expropriation and compensation of displaced people. This is compounded by divisive power relations in the area that reflect the structure of landholdings and result in conflicts such as forced land confiscation, family feuds over land and disputes between landlords and small property owners<sup>7</sup>. Claims are not uncommon, for example, that rich landlords have unlawfully taken land from nearby villages and refuse to restore it to the rightful owners who cannot then prove ownership. Many of these issues reflect limited individual agency - high social inequality perpetuated by a skewed distribution of land and resources; traditional social institutions, some of which are gender related; problematic land tenure and property rights and insecure proof of ownership (title deeds), all of which conspire to create exclusion and conflict<sup>8</sup>. Concern over human rights violations are also directly linked to the Turkish bureaucracy's systematic denial of the political, social and civil freedoms of the indigenous Kurdish population, which have only relaxed a little in recent years. *In practice Kurds' are excluded (their ethnicity is not recognized) from full citizenship, as defined by rights to participate in decision-making in social, economic, cultural and political life.*

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<sup>7</sup> Unequal distribution of assets in the area represents historical 'political settlement' and the domination of the institution of landlords known locally as Aga (landlord). These landlords perpetuate traditional kinship/tribal relations through patterns of common patrilineal descent and control through loyalty ties that impact on social and political relations and institutions. Tribal ties are highly influential in all spheres of life from political behavior to marriages and family structures. In the Ilisu area there are a number of villages where only one or relatively few families (Aga) possess all cultivated land, with the ownership of families extending beyond the boundaries of one village alone.

<sup>8</sup> Displaced persons from previous Turkish dam project have mostly resettled (80%) in large urban conurbations such as Istanbul, Izmir, Diyarbakir and Andana where they experience immense difficulties and receive virtually no support from the government. The World Commission on Dams (2000) cites evidence that in many dam cases affected people have not benefited from the dams, but instead have continued to be plagued by negative social and environmental impacts, that have contributed to their impoverishment. Many of these are policy related and have been ignored by project developers. These include inadequate compensation or no compensation in cases of insecure land tenure, real inequalities in compensation and, more fundamentally, violation of people's freedom of choice. The Commission notes that: "only those affected people with legal titles were compensated for the loss of their lands and livelihoods. With such criteria for eligibility, indigenous peoples and ethnic minorities suffer disproportionately as they may lack citizenship, tenancy, or land tenure papers" (WCD, 2000: 105).

The objectives of the Ilisu dam are to increase available electricity power in a rapidly growing country and to reduce regional inequality and specifically poverty in South-East Anatolia. However, it is questionable whether these could be achieved while structural inequalities are not being addressed through a national development policy paradigm, which is driven by economic growth and a desire to catch-up with other European nations. Could it be that it is within the wider national strategy and policy framework that a rights based approach to development would need to act as a driver for change, rather than as a function of a displacement programme? Is the challenge not how to integrate rights into impact assessments or risk models, but rather how to ensure that the rights agenda is a driver for development policy and its macro/micro interface?

Emerging critiques highlight a range of problematic assumptions that underpin the risk model, in particular the limited recognition of the influence of local norms, institutions and practices, including faith on civil society (Hann, 1996). The critical perspective questions the legitimacy of the risk model, raising concerns around fundamental political issues, such as rights and governance. This approach considers that the problem of prevailing risk based policies is that they treat displaced persons and communities as passive and unresponsive agents who are not able to exercise generative power to control their own lives and this reinforces their subordinate position in wider hierarchical political, economic and social power relationships (Kabeer, 2000). The potential of displaced people to transform their lives and to be productive through their own agency is constrained by barriers to 'self-reliance' such as lack of material resources, political power, and structural constraints like poverty and an oppressive political state. As it operates, the bureaucratic system within which displacement is managed and the legislative definitions and practices that it adopts tend to exclude local people and communities in the process of resettlement and hence deny them rights to protect their economic and social well being.

The risk model tends to be based on a functionalist assumption that if certain risks are removed, poverty would be reduced and security would prevail. As

we have seen in the case of the Ilisu dam, risks tend to be structural in origin and reflect a series of rights abuses, such as lack of recognition of ethnic minorities, uneven patterns of land distribution and lack of political participation. And yet policy approaches to the management of displacement continue to promote short-term social protection measures, rather than policies that promote an understanding of the political economy of reform and set social protection within a national policy framework (Morvaridi, forthcoming). Barrientos, Hulme, & Shepherd (2005), in a critique of short-term solutions to poverty, persuasively suggest that social protection has both short-term and long-term roles to play in poverty reduction. In the long term, social protection assists people “to conserve and accumulate assets and to transform their socio-economic relationships so that they are not constrained from seizing opportunities by bonding or clientelism” (ibid:9) and also provides social assistance in cases where people are dependent on others, because of age, infirmity or disability. Thus social protection is the social contract at the national level through which the state provide goods and services to citizens to meet their basic rights entitlements such as access to education for children, health services and social insurance. Social protection tends to be framed in relation to citizenship, although human rights are universal and apply to all, including non-citizens - refugees, migrants, minority or indigenous groups that may be denied full citizenship, or women who may have lesser rights in both statutory and customary law, for example in relation to land ownership or inheritance. Any approach that is limited to citizenship will be inadequate to deliver social protection for all unless the granting of citizenship is also ‘human rights-based’. This requires the engagement of a diversity of agents in programmes that protect forced migrants rights and suggests that extending responsibility beyond the state is useful, but so long as the responsibility of the agents involved and the extent of their decision-making independence are clearly defined with state as a leading actor.

A broader vision for social protection than that incorporated into the risk policy paradigm, therefore could be opportune to secure the social, economic, political and civil rights of forced migrants.



## **The Synergy of Social Protection and Human Rights**

There has been relatively little discussion about how social protection could provide a framework for securing rights for forced migrants. However, there is a direct interface between the concepts of rights and social protection, the salient point being Article 25.1 of the Universal Declaration of Human Rights states that 'Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing and medical and necessary social services, and the rights to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control'. These values form the basic principle of rights that is to say the idea that human beings are fundamentally equal. Social protection, as a means to deliver this equality, tends to be framed in relation to equal status, equal concern and equal opportunity for all.

Basically the rights of displaced people tend to be articulated in four different ways. The first is global obligation and inducement to secure rights, framed by the UN Universal Declaration of Human Rights of 1948, which Sen refers to as the 'recognition route' (2004). This establishes fundamental human rights in the context of forced displacement (in Article 14) and suggests an ethical dimension to rights rather than a purely legislative institutionalisation.

The second route to articulate rights is through the legislative route and the application of 'human rights laws' that give legal force to certain rights in the UN declarations as basic human rights. These tend to be enacted by individual states and reinforced by social protection policies, or through associations such as the Convention on the Status of Refugees (1951) and its

1967 protocol, which defined refugee rights and the legal obligation of the state to protect them. For development induced displacement or IDPs in general, there is no such protection based on legal obligation. The need for a framework of international protection law and Universal Human Rights Conventions<sup>9</sup> for border-crossing refugees is essentially because they have no state to protect them, whereas the status of the internally displaced is defined and protected by the legal frameworks of their own nation. A distinction is commonly made between refugees and the internally displaced based on legislative frameworks, masking the similarities of experience that they may share as forced migrants. This implies that a social protection framework could apply to settings of refugees, addressing many of the commonalities around impoverishment and vulnerability that Internally Displaced Persons (IDPs) share with refugees.

Unlike the protection accorded in statute to refugees, the United Nations (1998) 'Guiding Principles on Internal Displacement' contains only recommendations (Deng and Choen, 1998) in respect of the protection of the rights and entitlements of those involuntarily displaced due to development projects or conflict situations. It places no legal obligations on states to protect IDPs, as their protection framework is that determined by the state for its own citizens. It is not possible in the case of IDPs for the international regime to provide 'protection' in the sense that this term is normally understood. The UN Charter does not permit the UN to intervene in matters that are essentially within the domestic jurisdiction of any state, other than in special circumstances in which the UN resolves to place peacekeepers or peace

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<sup>9</sup> Legislative frameworks (international laws, human rights laws, legislations, conventions and treaties) embrace protection for refugees, setting their protection within the framework of the Universal Declaration of Human Rights (1948). Under international protection regimes and international law states are obligated to protect non-citizens and those residing within their national borders, including refugees. In the context of the duality of the state versus the individual, a refugee is perceived to be an "unprotected alien", that neither has the diplomatic protection accorded by states to nationals when abroad, nor do they have benefit from internal protection in their country of origin (Fortin, 2001). This lack of protection has driven the need to establish a substitute system of protection, based on the manner in which a refugee is defined. Thus the concept of 'international protection' is used to denote protection that is directly accorded to individuals and groups by international agencies based on international conventions and international laws of human rights. This is the crux of the distinction between refugees and IDP, whose status, even if they flee their homes for the same reasons as refugees, is defined and protected by the legal frameworks of their own nation.

enforcers in a state. Thus, the protection offered to IDPs by way of the international community is limited to what might more commonly be termed humanitarian 'assistance', which does not constitute 'intervention', and this again tends to be short-term. There is an inherent conflict here with the idea of global obligations and universal declarations to secure rights, as it is often the state that has responsibility for the protection of IDPs that is a cause of the civil conflict that they seek protection from. The way in which states are obligated as a result of the human rights framework is more specific, with individuals clearly viewed as 'rights-holders' and states as 'duty-bearers'. Such an approach puts at the centre of the analysis risks directly caused by the state (e.g. torture, corruption, discriminatory access to services), and the preventative, mitigating or promotional actions that can be taken to respond to various forms of risks whether directly provided or enabled by the state. Part of the issue is that the legislative definitions of entitlements and rights adopted by states and the bureaucratic systems within which forced migrants are supported tend to work against the most marginal local people, minorities and women.

Many experiences of internal displacement occur in situations of armed conflict and civic war or where there is social injustice and unequal political freedoms. In the Ilisu dam area, during a long period of conflict between the Turkish state and the ethnic Kurdish population, more than 30,000 people were killed and over 3,000 villages were vacated resulting in the displacement of more than 2 million people<sup>10</sup> (Yavus, 2001). Those who moved, both as a result of conflict as well development projects, to major urban conurbations have suffered impoverishment, living in squalid conditions, with little prospect of employment in a country where neo-liberal and structural adjustment policies have resulted in cuts in state public expenditure.

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<sup>10</sup> As a consequence of violent and armed confrontation between the Kurdish Workers Party (PKK) and the state, most of the region has been under Regional State of Emergency Governance (OHAL) since 1980 and as such is not governed by the Constitutional Court but is subject to a stricter legal and administrative rule. Since the arrest of their leader in 1999, the PKK has changed its political demand for an independent Kurdish state to Kurdish identity, political participation and human rights. Despite this, much of the area remains under emergency rule

We cannot therefore ignore the third context within which rights are articulated, which is through the relationship between the sovereign state and the individual. The most important actor in the provision of rights and social protection is the state, as the welfare rights and protection of individuals and society remain within the jurisdiction and political power of the nation state. In its simplest form, protection of internally displaced people becomes an extension of the existing policy framework. Since the 1980s states, ostensibly at least, have not operated independently however and this leads us to question whether the state can be the sole agent of justice and development. The concept of the state as the 'primary agent of justice' referred to in Human Rights Declaration 1948 and Article 3.1 of the Declaration of Right to Development (1986) requires explanation: 'States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development' (UN, 1986). Several studies suggest that it is no longer appropriate to attribute effective and legitimate power solely to states, as increasingly responsibility is devolved to a variety of local and non-state actors, (such as NGO's, the private sector etc) in particular where states are weak, unjust or unwilling to act (Kuper, 2005). The multiplicity of actors involved in displacement and resettlement supports the view that it is no longer clear who the agents of justice are and who has the responsibility to protect the rights of the individual, and in particular the poorest and most vulnerable. Social justice scholars, who promote a responsibility approach to human rights for global justice, have recently argued for the need to deconstruct the Declaration of Human Rights 1948 and 1951 Convention on the grounds that it is unworkable because it is based on the state being the only agent responsible to bear rights. This no longer seems appropriate in the globalised world that we live in where a multiplicity of agents, institutions and agencies seek to provide the administration necessary to protect and nurture human rights (O'Neill 2001, Pogge 2002). In reconstructing the Declaration, it is argued that the state needs to be involved in partnerships with other agents such as non-government organizations, global institutions and the private sector to deliver rights and social protection.

This requires less government and more governance. A multi-agency approach through which public bodies, voluntary organisations and informal networks assist communities, households, private companies and individuals to manage and overcome risks and vulnerabilities is perhaps a necessary response to globalisation. Such an approach to deliver rights focuses on less government and more governance or dispersed governance, based on multi level networks and partnerships. The engagement of a diversity of agents in programmes that protect forced migrants rights suggests that extending responsibility beyond the state is useful, but so long as the responsibility of the agents involved and the extent of their decision-making independence are clearly defined<sup>11</sup>. The critical concept here is partnership and how it can enhance capacity.

In the case of resettlement associated with development projects, such as dams, the private sector tends to regard displacement and resettlement as the responsibility of the state. The private sector does not operate social programmes for poverty reduction and responsible management of resources to address wider inequalities. However, an increasing awareness of the need for the private sector to promote corporate social responsibility becomes evident when we look at the environmental, social and economic costs of resettlement in the case of the Ilisu dam, private companies involvement in the project and their subsequent withdrawal.

In 1997 the Government, through the Agency for State Hydraulic Works (DSI) invited Sulzer Hydro of Switzerland to lead a consortium, which involved BalfourBeatty (UK and USA), Impregilo (Italy), Skanska (Sweden), ABB Power Generation, Sulzer Hydro (Switzerland and Austria) and the Turkish companies, NuroI, Kiska and Tekfen, to build the power plant at Ilisu. Contractors in the consortium approached Export Credit Agencies (ECA) of their own countries to underwrite support for their involvement in the project, as financial guarantors against the risk of non-payment (Export Credit Agency

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<sup>11</sup> In most European states local networks of public, private voluntary/charitable providers are now charged with meeting the basic needs of forced migrants and provide a classic example of the complex patterns of devolved governance that characterise the dispersed state.

UK, 1999). A social impact assessment report, sponsored by ECGD, concluded that the Ilisu Dam project faced challenging and complex development issues that could not be tackled at the project level alone – such as structural poverty and gender and ethnic discrimination. A need to address these at wider policy level was identified; otherwise risks to social and human rights would not be adequately mitigated at project level. This required political commitment to ensuring that the project was fully inclusive and allowed all local people to benefit from the project in the long-term.

The Ilisu dam project provides a good example of how different routes to articulating rights converge. The involvement of international consortia and national credit agencies allowed for conditions to be set for credit funding approval linked to rights. These include for example a need to address property rights and land tenure issues, provide for customary rights to land, ensure citizen rights and a participation strategy that involved all stakeholders in decision-making. To ensure that property rights and land tenure issues were identified, a cadastral survey was required that detailed land ownership in anticipation of compensation, recognised inequalities in access to land by gender and established processes to mediate conflict. Due processes were required for the accurate assessment of compensation for customary land rights based on uses of postural land (by all groups), even though the existing constitutional law does not recognise pastoral land as a property of community.

International guidelines recommend that any legal steps considered necessary to ensure the effective implementation of resettlement activities under a project should include a process for recognizing claims of rights to land that derive from customary law and traditional usage (see OECD Guidelines and the World Bank OP 4.30). For the purposes of the allocation of compensation, international guidelines treat formal and customary rights to land or other resources equally. This is particularly important in the context of women in Turkey who do not inherit land or have formal rights to land due to social custom and rarely make a legal challenge to this exclusion. Although women are eligible for compensation, in reality the majority will not receive any. Because the average household size is over 7 in the region, the

Resettlement Action Plan survey concludes that 82% of women are 'housewives' dedicated to domestic work and childrearing (DSI, 2000). However it is well documented, and reported elsewhere, that women in this region provide the most active rural labour force in the villages, and are involved in farm labour, livestock management and gardening. Despite this, few women own resources such as land, and most are only eligible for compensation therefore as housewives.

A Consultation/Participation strategy was requested that ensured local people (both the displaced and host communities) could contribute to the decision-making and planning process. Perhaps most importantly of all, funding conditions insisted that social exclusion was addressed and that the rights of ethnic minorities, including social and cultural institutions and social networks, were reflected in the planning process. This is particularly important given the context of social and political conflict and human rights concerns of Kurdish people in the region.

In November 2001, Balfour Beatty pulled out of the Ilisu project on the grounds that the Turkish authorities had made limited progress in relation to the above conditions including social and environmental impacts of the project (Balfour Beatty Press Release, November 2001)<sup>12</sup>. The World Commission on Dams provides guidance on how projects such as Ilisu already in the "pipeline" can produce improved outcomes and meet the Commission's core values. This requires systematic, open and participatory reviews of projects, such as Ilisu, and the political will to accommodate changes considered necessary to meet international best practice, including adequate resourcing.

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<sup>12</sup> The transnational network, civil society groups and associations claimed a victory, which according to Friends of the Earth in a press communiqué was: "a tremendous win for campaigners against a disastrous dam project. Balfour Beatty's very welcome decision to drop out of the project shows the power of shareholder pressure and publicity campaigns by groups like Friends of the Earth and the Ilisu Dam Campaign. The story of the Ilisu Dam project shows the need for laws which require British companies to adopt clear ethical and environmental standards in their work abroad as well as at home. Certainly, backing such an export credit should never even be considered in cases which involve such obvious environmental destruction and abuse of human rights." (Friends of the Earth Press Release, November 2001).

Balfour Beatty withdrew from the Ilisu consortium over concerns around the Turkish state agencies' capacity to fulfill the ECA's funding conditions and in a timely fashion that did not add to project costs given the bureaucratic machinery. This decision was also influenced by a very public campaign by civil society organisations that objected to the human rights issues associated with the displacement programme, in particular abuses of the Kurdish minority, and the lack participation of affected people in the planning process.

### **Civil Society, Rights and Displacement**

This brings us to the fourth route through which the rights of the displaced are articulated - the advocacy or 'agitation route', the involvement of individuals and groups and civil society organisations calling for the protection of the rights of forced migrants. Over the past three decades an increasing number and diversity of transnational organizations, including local and international NGOs, frame protest within a rights context. Struggle for social and economic rights that are inclusive and participatory underpins much of the growing opposition to displacement typified by transnational networks; whose protests represent new sources of agency in the form of activists with human rights based objectives. There is a growing opposition to projects that involve forced displacement and do not promote rights to social and economic development that is inclusive and participatory (see Morvaridi, 2004). This is typified by the protest of transnational networks that comprise activists with environmental, ecological, feminist and human rights based objectives. These new sources of agency challenge the state, the private sector and development actors to operate within an institutional environment that creates inclusive opportunities that empower all displaced people, including the poor and the marginalized, to shape and mediate their entitlements and social, economic, cultural and political rights. In so doing they in fact challenge the wider national and regional development policy context and in particular governments' policies towards civil society



The protest movement is typically a weapon of the weak and marginal who are excluded from mainstream civil society, but who seek to challenge, change or influence public policies and international protection regimes. In short protest is a strategy employed by those who are relatively powerless within the existing social and political structure to secure their own protection and social and economic rights. Effectively forced migrants have been actively involved in demanding entitlements and rights for social protection. A number of large dam projects in India, China and Brazil have been subjected to challenge by civil society organisations for the rights of resettled people to protection of their livelihoods and identity. The Ilisu dam project has been faced with considerable resistance from local and transnational lobby groups who have adopted a rights framework as a basis for claiming social justice. Where local protest actions are largely ignored by state institutions or actively contained or suppressed leaving local movements politically weak, it is increasingly common for alternative communicative structures and international networks to provide the fora through which their concerns can be presented. The key contentious issues that formed the focus of the transnational campaign networks against the Ilisu dam fit broadly into two groups – human rights concerns around resettlement and in particular impacts on the Kurdish population and negative environmental impacts of the dam (river pollution, spread of disease, violation of UN Convention on the Non-Navigational Uses of Transboundary Watercourses). Local concerns over the politics of identity, place and displacement feed into the wider Kurdish ethnic question, and the social networks of the established Kurdish diaspora and Kurdish Human Rights movements based in Europe provided a transnational network through which local protests could scale up their actions and in so doing challenge the limits of national boundaries and local restrictions. The priority of Kurdish organizations is the protection of human rights and the rights of all to development within the Kurdish regions<sup>13</sup>. More generic

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<sup>13</sup> Different tactics and activities utilized to target national governments and private companies and intergovernmental institutions. These activities range from letter campaigns to senior government personnel (Prime Ministers, MPs), parliamentary select committee reports, lobbying of private companies including shareholders, organizing concerts and involving the mainstream media. More than 180 items on the Ilisu dam were published in mainstream newspapers globally from 1999 to 2000, a sample of which are shown in Table 3. The themes and titles of these articles reflect the activities of the campaigners of the transnational network that highlighted the deficiencies and failings of the Turkish

concerns over displacement and environmental issues are global issues that many International NGO's and individuals express commitment to challenge. A network of campaigners and NGOs lobbied against the dam, citing contentions around human rights, and social and environmental problems, in order to secure local people's rights to development. Some of the key organizations and actors that were part of transnational networks are Friends of the Earth, Amnesty International.

### **Political Will – the Key to Rights and Social Protection**

The extent to which different routes to articulating rights are effective depends in reality, on the interpretation that states place on rights and the extent of the political will to provide protection. The use of social protection as a short-term targeted interventionist policy to address crises or market failings reflects the domination of the neo-liberal policy domain. Neo-liberal market policies encourage states to restructure the economy in the direction of a reduction in state intervention. Each new economic measure effectively results in a cut back in public expenditure, reducing the state's capacity to coordinate national economic and social protection programmes. Used in the context of development programmes, we find that social protection suggests a rather broad framework for covering a wide range of programmes and instruments to address long-term, in preference to alternatives short-term systems such as social security, social insurance or safety nets (Sabates–Wheeler and Waite 2003). Within this context we find displacement policy frameworks that fail to protect the rights of the internally displaced, because they are viewed as “problems, victims and recipients of charity” (Mehta: 2003:3) that require short-term responses, rather than individuals with rights and entitlements. This is particularly the case when social protection instruments that are provided (e.g. targeted cash transfers or social funds, compensation) are based on charity, rather than social justice and equal rights and entitlements. Social protection can however work to protect the displaced where states are

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government's development model and policy to tackle contentious issues (as discussed above) in order to pressurize western companies and governments associated with the project into withdrawing their support.

committed to providing the necessary grounds to take public action ‘in response to levels of vulnerability, risk, and deprivation which are deemed socially unacceptable within a given polity or society’ (Conway, de Haan et al. 2000). Social protection in Europe, for example, has been promoted through ‘welfarism’.

In both developed and developing countries, a wide range of stakeholders, programmes and institutions, and instruments, are engaged in the provision of social protection through both formal policies (social insurance programmes, health and education) and informal means (social networks and intra-household support). That increasingly governments are devolving responsibility for the provision of forced migrants’ welfare to an array of public and private organizations at both regional and local levels, does not necessarily reflect greater commitment to protection for forced migrants. In most cases it reflects attempts to contain the amount of welfare accessible to them, with the voluntary/informal sector essentially left to ‘pick up the pieces’. The notion of governance allows for a free market approach to welfare reform to be considered as ‘good’ governance rather than retrenchment (Hewitt de Alcántara, 1998). Thus it complements neo-liberal economic programmes that make it difficult for governments to expand their intervention or economically to support welfare measures while having to comply with adjustments or conditional lending.

Clarke (2004:37) argues, however, that the concept of the ‘dispersed state’ induces fragmentation in ‘service provision, multiplying the number of agents and agencies involved, increasing the number of (micro) decision-making settings and generating new problems of coordination, regulation and scrutiny. A further problem with a multi-agency approach is that where weak states lack the capabilities to be the primary agents of justice, there are rarely other local agents or agencies that have the ‘missing capabilities’. More importantly, the delivery of rights is dependent on the political will to enforce them and this continues to operate at a national level. A critical element of social protection is that public policy expands or enhances the individual’s agency as constructed by their social position ‘in

relation to wider forms of stratification and social relations of power' (Lister, 2004). Within the policy paradigm, there is therefore a challenge to states to address structural factors that cause exclusion and poverty and restrict the individual's agency to actively shape and contribute to the betterment of his or her own life and economic development (Sen, 1999). Delivery of social protection is complex but what we are seeing is a more distinctive social protection agenda articulated through a wide range of stakeholders. That social protection is considered to have the potential to be a more enduring interventionist policy to address poverty and secure rights is clear from recent work on protection, which is for this reason differentiated from earlier work (Barrientos, Hulme, & Shepherd 2005, Devereux, 2004, Conway, de Haan and Norton, 2002, Hall and Midgley, 2004).

In both developed and developing countries, host communities are often resistant to the full integration of displacees. One of the strongest opposing arguments to social protection for forced migrants is that as a form of income distribution, social protection unfairly redistributes wealth and opportunities (jobs, housing, benefits) from the active working population to those who are unemployed or poor. In the absence of social protection policies in developing countries, providing jobs or land to people just because they have been displaced is problematic for host societies that are also likely to experience high unemployment, poor health infrastructure and poverty. There also appears to be political incompatibility between the activities of the large development donor agencies, committed to conditionality and expenditure-reducing development policy, and commitment to a framework of social protection that is long-term and costly. It is within this context that the concept of protection for forced migrants is highly contentious and is much discussed within the policy discourse (Harrell - Bond, 1986, Crisp, 1999, Chimni, 2001, Fortin, 2001, Castles 2003, Mehta, 2003, Gibney, 2004). This brings us back to the fundamental issue that implementing social protection and rights-based development is not always simply a lack of financial and administrative capacity, as Hickey points out in a discussion of social protection in Africa but "it is the lack of a political contract for social protection between states and

citizens around issues of social protection that constitutes arguably the largest barrier' (2005: 25).

Many of the injustices encountered by forced migrants suggest that there is an institutional denial of their basic rights, but does it necessarily follow that a social protection framework would deliver rights and contribute to rights-based development? As Harrell Bond suggests – “it’s simply not this straightforward, for who is actually responsible for upholding rights?” (2002:76). While northern states have the capacity to offer social protection measures to deliver rights (even if they choose not to), developing countries tend to be less well placed. Poverty Reduction Programmes (PRSPs) aimed at achieving social protection for the vulnerable and the poor in over 70 developing countries have not addressed the problems faced by those involuntarily displaced (Marcus, and Wilkinson, 2004). The main focus and priority of PRSPs is income poverty, while other deprivation concerns linked to forced migrants (gender inequality, rights, nutrition etc) are ignored or treated as secondary (Conway and de Hann, 2002: 26). In a similar vein, the Millennium Declaration makes only one reference in passing to forced migrants as vulnerable populations, requesting that states ‘strengthen international cooperation, ...to help all displaced persons to return voluntarily to their homes, in safety and dignity, and to be smoothly reintegrated into their societies’ (UN 2005).

## **Conclusion**

This paper has set out with the premise that good research should inform policy to the betterment of displaced persons. The challenge is arriving at a conceptual and policy paradigm that has the potential to increase the agency of the uprooted. Social protection offers a conceptual and policy paradigm that has the potential to increase the agency of displaced people, rather than reproduce the constraints upon them, and to blur the dualism between relief and development, thus departing from short-term protection measures. In the context of globalisation, we need to factor in the engagement of a diversity of agents in programmes that protect forced migrants rights, which suggests the

need to reconfigure where the delivery of rights rests. The critical concept here is one of partnership and how it can be used to enhance capacity but its potential as a poverty reducing strategy is dependent on the state, as the primary agent for the protection and enforcement of both individual and collective rights. Social protection places responsibility on the state to enhance the individual's agency to actively shape his or her own life and therefore challenges structural factors that cause exclusion. This is not reflected in current policy approaches to the management of displacement, which focus on short-term risk management as part of individual projects, rather than an approach that promotes an understanding of the political economy of reform and strengthens social protection within the policy framework. That many of the contentions associated with forced displacement are structural or political in origin should drive us to consider a rights-based approach within the wider national strategy and policy framework. However, the political context is likely to have the most significant bearing on the implementation, success and sustainability of social protection – and issues of development more broadly.

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