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OPERATIONAL GUIDANCE AND FRAMEWORKS
RELEVANT TO PLANNED RELOCATIONS CAUSED
BY NATURAL HAZARDS, ENVIRONMENTAL
CHANGE, AND CLIMATE CHANGE

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INTRODUCTION

Should persons be allowed to return to their homes after a natural disaster, when it is clear those places will be destroyed again in the next disaster? Should persons be moved preventively, if it is known that where they live is not safe? These and similar questions have been asked by governments and international actors with increasing frequency in recent years. From the Indian Ocean Tsunami, the earthquake in Haiti, the East Japan Earthquake and Tsunami, to Typhoon Haiyan in the Philippines, the debate about planned relocations has grown louder, particularly as the observed and predicted effects of climate change and other environmental changes threaten areas once deemed safe, making them too dangerous or uninhabitable.

Governments have the primary responsibility under international human rights law to protect their citizens. They are thus the main actors when it comes to planning, authorizing, and carrying out planned relocations. This means that international guidance on planned relocations should be formulated to support their efforts, acknowledging that such guidance may also be useful for other domestic, regional, and international actors involved in the process.

A broad range of international and regional frameworks with potential relevance to planned relocations already exists in a diverse array of documents spanning different subjects (such as internal displacement or development-induced displacement and resettlement). The question is the extent to which potential guidance on planned relocations could draw on these existing frameworks. And if so, which are the most relevant? What are the gaps that must be addressed?

This background paper seeks to address these questions by analyzing more than 30 international and regional frameworks for their possible relevance for developing guidance on planned relocations made necessary by disasters, environmental change and/or the effects of climate change. These frameworks relate to six interconnected themes:¹

- i) Internal and international displacement;
- ii) Disaster and climate-induced relocation;
- iii) Development-induced displacement and resettlement;
- iv) Evacuations;
- v) Evictions; and
- vi) Housing, land and property rights issues.

The first part of this paper is organized in sections, each corresponding to one of the six themes. Each section starts with an introduction and a discussion of the relevance of existing frameworks in each respective area to the issue of planned relocations. Then, each section introduces the frameworks that fall within the specific theme, highlighting the relevance of each document to the development of guidance on planned relocations

¹ This paper does not include an analysis of relocations in situations of armed conflict, which are guided by international humanitarian law.

caused by natural hazards or environmental change including the effects of climate change. As guidance documents are often similar, the first documents in each section are discussed in detail, while discussion of subsequent documents is limited only to those provisions that present issues not covered by the preceding documents.

Finally, the synthesis chapter draws from the frameworks in all six thematic areas. The chapter identifies 25 topics that should be addressed in any guidance on planned relocations. It also outlines lessons learned, discusses possible frictions among guidance documents, and explores some of the gaps and open questions that would need to be considered when developing guidance on planned relocations in the context of natural hazards or environmental change including the effects of climate change.

This paper must be read with a number of caveats. First, the author is not an expert in all the discussed fields, so there may be oversight of important points of relevance. As this is intended to be a working document, there is room for additions and amendments by experts. Second, given the breadth and length of many of the frameworks reviewed for the purposes of this paper, the discussion is necessarily very selective. Again, there may be gaps resulting from the author's aim to keep this paper to a reasonable length.

Before beginning the analysis, a quick word on definitions: based on the Washington D.C. pre-meeting from February 2015 this paper defines planned relocation as “a process in which persons or groups of persons move or are moved away from their homes, settled in a new location, and provided with the conditions for rebuilding their lives. Planned relocation is carried out under the jurisdiction of the state, takes place within national borders, and is undertaken in order to mitigate risk and impacts related to disasters, including the effects of climate change.

Planned relocation occurs in the context of three types of situations:

- (1) In anticipation of disasters, environmental change, and/or the effects of climate change;
- (2) As a response to disasters, environmental change, and/or the effects of climate change; and
- (3) As a consequence of measures related to climate change adaptation or disaster risk reduction measures.”²

Given the fact that different fields use different terminology, to stay true to the terms used in the frameworks discussed, particularly in the development-induced displacement and resettlement field, this paper will describe each document using the terminology it uses. For example, if a framework speaks of “resettlement”, for what in this paper is called “planned relocation”, this paper will use the term “resettlement” when referring directly to the text being discussed. Except when referring to these documents, this paper will use the definitions above and refer to anticipatory and reactive planned relocations.

² Elizabeth Ferris, et al. (February 13, 2015). *Relocations in the context of climate change - Pre-meeting: In search of a common understanding of terms*. Washington, DC: Brookings Institution, 2.

PART 1: ANALYSIS OF GUIDANCE DOCUMENTS AND FRAMEWORKS

1. Displacement

Planned relocations can take place within a country or across national borders; in at least some cases, those relocated against their will may be considered displaced persons. Thus, guidance and frameworks on displacement, both within countries and across international borders, are relevant.

This section introduces five documents that deal with different aspects of displacement:

- The United Nations (U.N.) Guiding Principles on Internal Displacement (“Guiding Principles”), which is the core, albeit a soft law international framework on displacement within national borders.
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons (“Kampala Convention”), a binding regional treaty on internal displacement.
- The Nansen Principles and the Nansen Initiative. The Nansen Principles consists of a set of ten overarching principles designed to shape and inform further action on addressing the linkages between climate change and mobility, both normatively and practically, and reflects a policy consensus among key stakeholders. The Nansen Initiative is a state-led, bottom-up consultative process intended to build consensus on the development of a protection agenda addressing the needs of people displaced across international borders in the context of disasters and the effects of climate change.
- The non-binding, expert-driven Peninsula Principles on Climate Displacement Within States (“Peninsula Principles”), which deal, in part, with planned relocations due to climate change.
- United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (“Pinheiro Principles”) are a set of 23 principles that were endorsed by the United Nations Sub-Commission on the Promotion and Protection of Human Rights and focus on housing and property restitution for displaced persons and refugees.

Relevance of guidance on displacement for the issue of planned relocations

The documents on displacement discussed in this section are drawn from international human rights law and have much to offer for the development of guidance on planned relocations. Important provisions that can be taken from this section are the strong condemnation of and criteria for arbitrary displacement, the affirmation of human rights of displaced persons, the primary responsibility of the state to protect the rights of

displaced persons within their territory and jurisdiction, the need for legal and policy frameworks, the need to protect vulnerable groups, the right to information, participation and consultation of displaced persons, as well as the principle of non-discrimination.³

1.1 U.N. Guiding Principles on Internal Displacement (1998)⁴

The Guiding Principles are the core, albeit soft law, international framework identifying the rights and guarantees relevant to the protection of internally displaced persons (IDPs). They extend to persons displaced by both man-made and natural disasters (which includes those displaced by the effects of climate change⁵). The Guiding Principles “reflect and are consistent with international human rights law and international humanitarian law and to a large extent thus codify and make explicit guarantees protecting internally displaced persons that are inherent in these bodies of law.”⁶

The Guiding Principles have served as a basis for developing further operational guidance, including the IASC Operational Guidelines for Protection of Persons in Situations of Natural Disasters (see 4.1) and the IASC Framework for Durable Solutions. The Guiding Principles have also served as the template for the development of regional instruments, including the Kampala Convention, discussed below in 1.2.

The report from an expert meeting held in Sanremo on planned relocations in March 2014 indicates that most planned relocations are expected to occur within national borders.⁷ Therefore the Guiding Principles are applicable for forced in-country planned relocations. The Guiding Principles state that “[i]nternally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,”⁸ and they highlight that “[n]ational authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”⁹ The Guiding Principles state, in strong terms, that arbitrary displacement should be prohibited, and forcible eviction

³ The Guiding Principles and other documents introduce provisions that are parts of human rights law, such as the principle of non-discrimination and the need to protect vulnerable groups. The Guiding Principles spell out what human rights law provisions mean for displaced persons.

⁴ *The Guiding Principles*. (April 8, 2015). Washington, DC: Brookings-LSE Project on Internal Displacement. Retrieved from <http://www.brookings.edu/about/projects/idp/gp-page>.

⁵ While climate change is not explicitly mentioned in the Guiding Principles, expert opinion highlights their relevance for climate change displacement. See for example UNHCR. (2011). *Summary of Deliberations on Climate Change and Displacement*. Retrieved from <http://www.unhcr.org/4da2b5e19.pdf>.

⁶ Walter Kälin, “Guiding Principles on Internal Displacement: Annotations.” The Brookings-Bern Project on Internal Displacement and the American Society of International Law *Studies in Transnational Legal Policy* No. 38: Washington, DC, 2008, http://www.brookings.edu/~media/research/files/reports/2008/5/spring-guiding-principles/spring_guiding_principles.pdf.

⁷ UNHCR, Brookings Institution and Georgetown University, “Planned Relocations, Disasters and Climate Change: Consolidating Good Practices and Preparing for the Future.” Background Document Sanremo Consultation. March 12-14, 2014.

⁸ Guiding Principles, Principle 1.

⁹ *Ibid.*, Principle 3.

should only be allowed when governments have compelling reasons.¹⁰ The prohibition of arbitrary displacement and forcible evictions compels governments to have good reasons (e.g. to safeguard and protect lives) and a sound legal basis for relocating people. Just as IDPs have the right to settle elsewhere in their own country, people affected by planned relocations should also be allowed to pursue alternatives to settlement in planned relocation sites. The Guiding Principles also highlight the need to explore all feasible alternatives to displacement.¹¹ If not required by an immediate emergency situation, the free and informed consent of the affected population should be sought.¹² The Principles also highlight that States are under a “particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.”¹³

Places of relocation need to be safe as IDPs have the right “to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.”¹⁴ Authorities are also under an obligation to help resettled IDPs “recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.”¹⁵ Other important provisions address prohibitions against discrimination; the special protection that should be accorded to vulnerable persons; and the right to an adequate standard of living.¹⁶

1.2 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009)¹⁷

The Kampala Convention is the first legal framework on internal displacement that legally binds an entire region.¹⁸ It explicitly includes displacement from natural and man-made disasters, including climate change. The Kampala Convention is based on the Guiding Principles so many provisions are similar. Nevertheless, it raises four points that are especially relevant to planned relocations.

¹⁰ Ibid., Principle 6.

¹¹ Ibid., Principle 7.

¹² Ibid., Principle 7.

¹³ Ibid., Principle 9.

¹⁴ Ibid., Principle 15.

¹⁵ Ibid., Principle 29.

¹⁶ Ibid., Principles 1, 4 and 18.

¹⁷ African Union. (Oct. 22, 2009). *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention")*. Retrieved from <http://www.unhcr.org/4ae9bede9.html>.

¹⁸ The Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons from 2006 was the first sub-regional convention on internal displacement. See: <http://www.refworld.org/pdfid/52384fe44.pdf>.

First, Article 4 mentions that states shall devise early warning systems in areas of potential displacement and shall establish and implement disaster risk reduction strategies. In terms of planned relocations, this can be read as an obligation of the state to attempt risk reduction strategies before considering planned relocations.¹⁹

Second, it also notes that forced evacuations are arbitrary if they are not required for the safety and health of those affected. This is part of a general strict prohibition of arbitrary displacement.²⁰

Third, the Convention places special emphasis on the protection of property left behind by displaced persons. In Article 9, it urges states to protect the “individual, collective and cultural property left behind by displaced persons.” Highlighting the issue of collective and cultural property is particularly important here, as those types of property are often overlooked due to a tendency to focus on private property.²¹

Fourth, the Convention deals with compensation and reparations in an innovative manner. It asks states to establish legal frameworks that will provide just and fair compensation and other forms of reparations to IDPs for any damages incurred as the result of displacement (in accordance with international standards). It places a particular emphasis on the duty of states to make reparations in the context of natural disasters where governments fail to protect and assist IDPs. While the first provision is common, the Kampala Convention seems unique in its suggestion that states provide compensation when they fail to protect and assist IDPs in natural disasters.²²

While the Kampala Convention closely follows the Guiding Principles, its provisions on the prevention of displacement and the safeguard of collective and cultural property of displaced persons are highly relevant to the development of guidance on planned relocations.

1.3 Nansen Principles (2011)²³ and Nansen Initiative²⁴

While the previous frameworks only apply to internal displacement, the Nansen Principles and the Nansen Initiative place particular emphasis on cross-border displacement. The ten Nansen Principles are the outcome of the 2011 Nansen Conference on Climate Change and Displacement in the 21st Century. Their aim is “to guide responses to some of the urgent and complex challenges raised by displacement in the context of climate change and other environmental hazards.”²⁵ The Nansen

¹⁹ Kampala Convention, Article 4.

²⁰ Ibid., Article 4.

²¹ Ibid., Article 9.

²² Ibid., Article 12.

²³ Cicero, Norwegian Refugee Council, and Government of Norway. (2011). *The Nansen Principles: Climate Change and Displacement in the 21st Century*. Oslo: Norwegian Refugee Council. Retrieved from <http://www.unhcr.org/4ea969729.pdf>.

²⁴ The Nansen Initiative is a state-led, bottom-up consultative process intended to build consensus on the development of a protection agenda addressing the needs of people displaced across international borders in the context of disasters and the effects of climate change. For more information see: <http://www2.nanseninitiative.org/>.

²⁵ Nansen Principles, 5.

Principles are also relevant to cases of planned relocations, with the following points being of particular importance.

The Nansen Principles highlight the need for responses to be guided by fundamental principles of humanity, human dignity, human rights and international cooperation. They reiterate the primary responsibility of states, not only towards displaced persons, but also towards host communities. The development of legislation, policies and institutions, as well as the investment of adequate resources, is key in this regard.²⁶ In cases of limited state capacity, the Principles highlight the importance of regional frameworks and international cooperation in dealing with displacement-related problems caused by climate change and environmental change.

Principle X lays down some core considerations for planned relocations: “National and international policies and responses, including planned relocation, need to be implemented on the basis of non-discrimination, consent, empowerment, participation and partnerships with those directly affected, with due sensitivity to age, gender and diversity aspects. The voices of the displaced or those threatened with displacement, loss of home or livelihood must be heard and taken into account, without neglecting those who may choose to remain.”²⁷ It also highlights the particular problem of those who do not want to move, which is undoubtedly one of the more difficult issues when it comes to planned relocations in the context of natural hazards or environmental change, including the effects of climate change.

Principle IX highlights the need for a more consistent and coherent approach for persons displaced externally. As noted earlier, while most planned relocations are expected to occur within countries, there is the distinct possibility that relocations across international borders may become necessary in the future (particularly in the case of small island states).²⁸

Based on Nansen Principle IX, the Nansen Initiative was initiated in 2012 as a state-led, bottom-up consultative process intended to build consensus on the development of a protection agenda addressing the needs of people displaced across international borders by natural hazards, including the effects of climate change.²⁹ The Initiative has already held several regional consultations³⁰ and a number of recommendations have come out of those, some of which are also of relevance for the issue of planned relocations. Detailing all the recommendations is beyond the scope of this paper, but some highly relevant ones are highlighted below.

²⁶ Ibid., 5.

²⁷ Ibid., 5.

²⁸ The situation of persons displaced across borders by natural hazards and environmental change including the effects of climate change is particularly difficult as such people do not fall within the purview of the 1951 Convention relating to the Status of Refugees. For a more detailed discussion see McAdam, Jane. (May 2011). *Climate Change Displacement and International Law: Complementary Protection Standards*. In *UNHCR Legal and Protection Policy Research Series PPLA/2011/03*. Retrieved from <http://www.unhcr.org/4dff16e99.html>.

²⁹ See: <http://www.nanseninitiative.org/>.

³⁰ For more details see: <http://www.nanseninitiative.org/consultations>.

The outcome document of the Pacific consultation³¹ not only calls for a strengthening of the resilience of communities, but also recommends that communities at risk of relocation, as well as those communities that will be asked to host displaced persons, be prepared for this possibility through education and consultation. Another recommendation urges states to “take measures such as land audits, demarcation of uncontested boundaries and community land mapping to facilitate the identification of land when people need to be temporarily or permanently moved, within their own country or abroad.”³²

A major issue that comes to the fore in all the Nansen Initiative documents is that of migration as adaptation. For example, in the outcome document of the consultation in the Horn of Africa,³³ the authors remark that states must “[g]ive priority to allowing people affected by environmental stress to move in a regular manner and in safety and dignity, with full respect of their rights.”³⁴ By offering people opportunities for migration, would states be able to prevent or minimize the need for planned relocations? If so, does guidance on planned relocations also need to take into account the issue of ‘voluntary’ migration?

The Nansen Principles and the Nansen Initiative bring a number of interesting points to the discussion. The Principles are not primarily focused on planned relocations and are rather general, which makes them helpful in identifying a number of issues that should be discussed in any guidance on planned relocations, such as non-discrimination, consent, and participation. The Principles and Initiative also bring to the fore the issue of cross-border relocations and note that as an adaptive strategy, migration may be an alternative to planned relocations.

1.4 Peninsula Principles on Climate Displacement within States (2013)³⁵

A 2013 expert meeting in Red Hill in Victoria, Australia³⁶ resulted in the creation of a set of non-binding principles on climate displacement within states, called the Peninsula Principles. The Principles are based on the understanding that affected communities have the leading role in outlining their future needs with regard to the threat of climate displacement. The document aims to provide a comprehensive framework, based on principles of international law, human rights obligations, and good practices for

³¹ Nansen Initiative and SPREP PROE. (2013). *Conclusions: Nansen Initiative Pacific Regional Consultation, 24 May 2013 Rarotonga, Cook Islands*. Retrieved from <http://www2.nanseninitiative.org/pacific-consultations-intergovernmental>.

³² Ibid., 2.

³³ Nansen Initiative, Norwegian Refugee Council and Government of Kenya. (2014). *Natural Hazards, Climate Change, and Cross-Border Displacement in the Greater Horn of Africa: Protecting people on the move - Conclusions: Nansen Initiative Regional Consultation, Nairobi, Kenya 21-23 May 2014*. Retrieved from <http://www2.nanseninitiative.org/pacific-consultations-civil-society-2>.

³⁴ Ibid., 5.

³⁵ Displacement Solutions. (2013). *Peninsula Principles on Climate Displacement Within States 19 August 2013*. Retrieved from <http://displacementsolutions.org/wp-content/uploads/FINAL-Peninsula-Principles-FINAL.pdf>.

³⁶ Red Hill is located on a peninsula.

addressing internal displacement caused by climate change. The Principles refer to the Guiding Principles and follow them in many provisions, such as the obligation of states to avoid conditions that might lead to displacement.³⁷

According to the Principles, states should provide adaptation assistance so that communities can stay in their current residences as long as possible. Furthermore, states should incorporate displacement prevention, assistance, and protection into their laws and policies, with a particular focus on prevention.³⁸

Principles 9-11 are pertinent as they focus directly on planned relocations. Principle 9, dealing with risk management, suggests that states “model likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons.”³⁹ States should also integrate relocation rights, procedures and mechanisms within national laws and policies. Principle 9 further suggests that States should develop “institutional frameworks, procedures and mechanisms with the participation of individuals, households and communities that (i) identify indicators that will, with as much precision as possible, classify where, at what point in time, and relevant to whom, relocation will be required as a means of providing durable solutions to those affected; (ii) require and facilitate governmental technical assistance and funding; and (iii) outline steps individuals, households and communities can take prior to climate displacement in order to receive such technical assistance and financial support.”⁴⁰

Principle 10 deals with consultation and consent. It notes that priority should be given to requests by affected communities and that relocation without consent should only take place under exceptional circumstances. It then addresses livelihood issues, noting that there should be equity in basic services between displaced persons and host communities. Further, the principle highlights the necessity of a master relocation plan that should include matters such as:

- i. Land acquisition;
- ii. Community preferences;
- iii. Transitional shelter and permanent housing;
- iv. The preservation of existing social and cultural institutions and places of climate displaced persons;
- v. Access to public services;
- vi. Support needed during the transitional period;
- vii. Family and community cohesion;
- viii. Concerns of the host community;
- ix. Monitoring mechanisms; and

³⁷ Ibid., Principle 5.

³⁸ Ibid., Principle 7.

³⁹ Ibid., Principle 9.

⁴⁰ Ibid., Principle 9.

x. Grievance procedures and effective remedies.⁴¹

Principle 11 deals with land use issues. It suggests the creation of a “National Climate Land Bank” to assure the sufficient availability of land for relocations. Further, relocation sites should be safe from natural and man-made disaster and climate risks. States should provide wide-ranging information about land use policies relevant to possible relocation sites. They should also provide easily accessible information on changes in land use due to climate change, as well as other information pertinent to the case of planned relocations, such as relocation options, compensation, and adaptation and mitigation options taken to prevent displacement. Finally, states should provide assurances that “housing, land, property and livelihood rights will be met for all climate displaced persons, including those who have informal land rights, customary land rights, occupancy rights or rights of customary usage and assurances that such rights are ongoing.”⁴² Here, rights to traditional lands and waters should be guaranteed or similarly replicated.

The Peninsula Principles are an important attempt at devising guidance on climate change displacement and thus are highly relevant to the project of developing guidance on planned relocations. Specifically, principles 9-11 provide some detailed guidance on aspects of planned relocations and could form a starting template for developing guidance on the issue. In terms of content and the insights, the Peninsula Principles underscore that relocation planning is part of risk management and that relocation requires meticulous planning. Further, the Principles rightly highlight that appropriately addressing land and livelihood issues is essential for the medium-to-long-term success of planned relocations. The Principles also emphasize that creative solutions are needed for those who do not hold formal land titles, as well as for tenants.

1.5 The Pinheiro Principles (2005)⁴³ and the Handbook on Housing and Property Restitution for Refugees and Displaced Persons (2007)⁴⁴

The Pinheiro Principles, also called the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, are a set of 23 principles that were endorsed by the United Nations Sub-Commission on the Promotion and Protection of Human Rights on 11 August 2005. The Principles seek to provide policy guidance on how to ensure the right to housing and property restitution in practice. They also provide

⁴¹ Ibid., Principle 10.

⁴² Ibid., Principle 11.

⁴³ Center of Housing Rights and Evictions. (2005) *The Pinheiro Principles, United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons*. Retrieved from <http://www.cohre.org/news/documents/the-pinheiro-principles>.

⁴⁴ FAO et al. (2007.) *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the ‘Pinheiro Principles’*. Retrieved from http://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf.

guidance on the implementation of restitution laws, programs, and policies based on existing international human rights, humanitarian, refugee and national standards.⁴⁵

The Principles state that all refugees and IDPs are entitled to restitution and if not possible (as in the case of planned relocations) “to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.”⁴⁶

In the case of planned relocations in the context of disasters, environmental change and/or the effects of climate change, persons will not be able to stay in their homes or places of habitual residence and restitution will not be a likely option. In that case, the Principles highlight that all displaced persons have a right to compensation. Principle 21 states that “[a]ll refugees and displaced persons have the right to full and effective compensation as an integral component of the restitution process. Compensation may be monetary or in kind. States shall, in order to comply with the principle of restorative justice, ensure that the remedy of compensation is only used when the remedy of restitution is not factually possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution [...]”⁴⁷ Principle 21 also notes that states should ensure, as a rule, that restitution should only be deemed factually impossible in “exceptional circumstances, namely when housing, land and/or property is destroyed or when it no longer exists, as determined by an independent, impartial tribunal.”⁴⁸

Principles 3 and 4 highlight issues of non-discrimination and gender equality. Principle 5 articulates the right to be protected from displacement. Principle 7 deals with the peaceful enjoyment of possessions and notes that “States shall only subordinate the use and enjoyment of possessions in the public interest and subject to the conditions provided for by law and by the general principles of international law. Whenever possible, the ‘interest of society’ should be read restrictively, so as to mean only a temporary or limited interference with the right to peaceful enjoyment of possessions.”⁴⁹ Principle 8 affirms the right to adequate housing and Principle 9, freedom of movement. Principle 10 discusses the right to voluntary return. Principles 11-20 deal in detail with legal and practical questions related to restitution of property as well as with the rights of secondary occupants.

⁴⁵ The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights and Serious Violations of International Humanitarian Law (2005) give a definition of restitution, which states that “(r)estitution should, whenever possible, restore the victim to the original situation before the gross violations of human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship; return to one’s place of residence, restoration of employment and return of property.” See FAO et al. (2007). *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the ‘Pinheiro Principles’*. Retrieved from http://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf, 24.

⁴⁶ Center of Housing Rights and Evictions. (2005). *The Pinheiro Principles, United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons*. Retrieved from <http://www.cohre.org/news/documents/the-pinheiro-principles>. Principle 2.1, 9.

⁴⁷ *Ibid.*, Principle 21.1, 19.

⁴⁸ *Ibid.*, Principle 21.2, 19.

⁴⁹ *Ibid.*, 7.1, 11.

The Handbook on Housing and Property Restitution for Refugees and Displaced Person seeks to provide practical guidance to the Pinheiro Principles. Much of the discussion in the handbook is not of relevance to planned relocations, but a number of important points are raised. For example, the Handbook notes that in some situations, where return may be impossible due to potential threats, a person with a restitution right may still wish to exercise their right over their property without physically returning there.⁵⁰ This raises the question whether persons who are relocated in the context of disasters, environmental change, and/or the effects of climate change would still hold rights over the properties that they have left behind. This, in turn, highlights the need for a legal resolution that can address the status of land and property that has been left behind. This may take the form of legal transfer to the state in return for compensation and relocation assistance.

The Handbook also addresses the issue of missing property documents or the lack of state records on property, which might lead to difficulties in determining restitutions. The Handbook suggests that taking information and recording property holdings at the time of processing those to be relocated could be helpful for later restitution purposes (of course the data would need to be verified at a later stage by the relevant institution/actor).⁵¹ Given that in situations of natural disasters property records often are lost, this suggestion might also be of interest in terms of planned relocations.

While restitution of land and property will be impossible in cases of planned relocations, the Pinheiro Principles raise a number of relevant issues. One important suggestion is the need to have an independent impartial tribunal make the final decision as to whether land is inhabitable or not. This may be particularly useful in contexts where there is mistrust between affected communities and relevant authorities. The Principles also provide important guidance on the question of compensation and on property rights issues.

⁵⁰FAO, NRC, OCHA, UNHCR, UN-HABITAT and OHCHR. (2007) *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles'*. Retrieved from http://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf, 56.

⁵¹ *Ibid.*, 76.

2. Planned Relocations in the Context of Natural Hazards and Disasters

While there are a number of documents on displacement that directly engage with the issue of planned relocations, there is limited extant guidance that directly focuses on the issue of planned relocations caused by natural hazards and disasters. This section looks at three documents:

- The Global Facility for Disaster Reduction and Recovery's Resettlement Guide for Populations at Risk of Disaster ("Resettlement Guide").⁵² This is the only document that has been developed to focus on preventive resettlement.⁵³
- Safer Homes, Safer Communities: A Handbook for Reconstructing after Natural Disasters ("Reconstruction Handbook")⁵⁴, published by the World Bank, looks at post-disaster reconstruction and includes a section on reactive relocation.
- The Housing, Land and Property Guidance Note on Relocations ("Guidance Note")⁵⁵ was developed after Typhoon Haiyan hit the Philippines. To our knowledge, it is the only document that focuses exclusively on reactive relocations.

Relevance of the discussed frameworks for planned relocations

The documents discussed in this section have been specifically developed for cases of planned relocations caused by disasters, environmental change, and/or the effects of climate change. This paper discusses some of their strengths and the question of whether they could be used as templates for developing guidance on planned relocations.

Overall, the guidance documents on planned relocations caused by natural hazards and disasters bring many important points to the discussion. Aside from the issues introduced above, they highlight many of the same topics addressed in the displacement literature discussed in section 1 (e.g. the importance of planning, participation of communities, need for sufficient expertise and funding, etc.), but are more detailed and more specifically oriented to the topic of planned relocation. Nevertheless, none of the documents comprehensively addresses planned relocations caused by disasters, environmental change, and/or the effects of climate change. Rather, they focus either on anticipatory relocation or reactive relocation and in addition

⁵² Elena Correa, Fernando Ramírez, and Haris Sanahuja. (2011). *Populations at Risk of Disaster: A Resettlement Guide*. Washington D.C.: GFDRR.

⁵³ The term preventive resettlement used in this document is used in similar fashion as the term anticipatory planned relocation that is used in this guideline.

⁵⁴ Jha, Abhas K. et al. (2010). *Safer Homes, Stronger Communities: A Handbook for Reconstructing after Natural Disasters*. Washington D.C.: World Bank. Retrieved from <https://openknowledge.worldbank.org/handle/10986/2409>.

⁵⁵ Global Shelter Cluster. (March 2014). *Guidance Note on Relocations for Shelter Partners*. Retrieved from <https://www.sheltercluster.org/sites/default/files/docs/Relocation%20-%20HLP%20Guidance%20Note%20for%20Shelter%20Partners.pdf>.

only focus on sudden-onset hazards. Nonetheless, while these documents may not provide direct templates for a guidance document on planned relocations, many of the issues discussed in the documents (particularly 2.1 and 2.2) should be at the core of any guidance on planned relocations.

2.1 Populations at Risk of Disaster: A Resettlement Guide (2011)⁵⁶

This Resettlement Guide was developed by the Global Facility for Disaster Reduction and Recovery and is based on the World Bank's longstanding experience with involuntary planned resettlement,⁵⁷ as well as its experience with preventive resettlement in Latin America.⁵⁸ The basic premises of the Resettlement Guide are that resettlement as a preventive measure should be incorporated into comprehensive risk reduction strategies in order to be effective, and that the objective of preventive resettlement is to protect the lives and assets of persons at risk. The guide also emphasizes the need to improve, or at least restore, the living conditions of those who have been resettled.⁵⁹ The Guide is very detailed and provides step-by-step suggestions for the preparation stages of preventive resettlement.

The guide first discusses the possible impacts of the resettlement process on three groups of actors: the displaced persons, the persons left behind, and host communities. This is followed by a discussion of the objectives of the resettlement process. The Guide notes that resettlement is a complex process, comprising a variety of dimensions: physical, legal, economic, social, cultural, psychological, environmental, political-administrative, and territorial, each with different attributes.⁶⁰ Then, it discusses three stages of the resettlement planning process: the preparation stage, the analytical stage, and the planning stage. The preparation stage has the following objectives:

- “To define the entity in charge of planning and implementing the resettlement program;
- To define the implementation approach;
- To form the work team;

⁵⁶ Elena Correa, Fernando Ramírez, Haris Sanahuja. (2011). *Populations at Risk of Disaster: A Resettlement Guide*. Washington D.C.: GFDRR. Retrieved from http://www.gfdr.org/sites/gfdr.org/files/publication/resettlement_guide_150.pdf.

⁵⁷ The World Bank defines this as follows: “Involuntary Resettlement refers to two distinct but related processes. Displacement is a process by which development projects cause people to lose land or other assets, or access to resources. This may result in physical dislocation, loss of income, or other adverse impacts. Resettlement or rehabilitation is a process by which those adversely affected are assisted in their efforts to improve, or at least to restore, their incomes and living standards.” See: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTINVRES/0,,contentMDK:20480221~menuPK:1242368~pagePK:148956~piPK:216618~theSitePK:410235,00.html>.

⁵⁸ Correa, Elena (ed.). (2011). *Preventive Resettlement of Populations at Risk of Disaster: Experiences from Latin America*. Washington, D.C: The World Bank Group. Retrieved from http://www.gfdr.org/sites/gfdr/files/publication/preventive_resettlement_LAC_experiencesDS150.pdf.

⁵⁹ *Ibid.*, x.

⁶⁰ *Ibid.*, 55.

- To define participating entities and inter-institutional coordination mechanisms;
- To design information management systems;
- To design information mechanisms and establish two-way communication channels;
- To design the system for handling complaints and claims;
- To design dispute resolution mechanisms;
- To design transparency and accountability mechanisms;
- To prepare the timetable for the analysis and planning stage; and
- To prepare the budget for the analysis and planning stage.”⁶¹

The second stage is the analytical stage and has the following objectives:

- “To inform the community of the studies to be conducted during the analytical stage;
- To establish two-way communication channels;
- To analyze the current situation of the population to be resettled (via census, socioeconomic study, tenure study, and inventory of structures);
- To analyze and assess the impacts of displacement;
- To classify the population by type of impact;
- To define the resettlement objectives;
- To select the resettlement alternatives;
- To identify and assess the impacts of displacement of neighbors on the population that will continue living at the site, and to define measures to address these impacts; and
- To establish the potential uses of the at-risk areas after the population has been moved.”⁶²

The third stage is the planning stage, where the resettlement plan is formulated. In this section, the Guide discusses both collective and individual resettlement and notes that there are significant differences. The planning stage has the following objectives:

- “To formulate and reach agreement on the resettlement program with the communities and stakeholders involved;
- To design the contingency program for emergency response;
- To design the program to mitigate impacts for populations that will continue living at the site;
- To design the rehabilitation program for the at-risk recovered land;
- To incorporate complaint, claim, and dispute resolution mechanisms;
- To design the supervision, monitoring, and evaluation system; and
- To determine the costs, sources of financing, and timeline of each program.”⁶³

As demonstrated above, the Resettlement Guide introduces a detailed template for the planning stages of anticipatory relocations and therefore has a lot to offer. In particular, five points can be highlighted. First, preventive resettlement should be part of a

⁶¹ Ibid., 56.

⁶² Ibid., 69.

⁶³ Ibid., 99.

participatory risk management policy⁶⁴ and should not be undertaken without such a policy. Second, preventive resettlement requires clear institutional mandates and within those mandates it requires a long and thorough planning process. Third, the planning process should be as participatory and transparent as possible. Fourth, resettlement impacts a number of groups apart from the displaced persons and all those stakeholders need to be considered and included in the planning process. Fifth, there is a need to consider aspects that, at first, may not be directly related to relocation processes, such as contingency plans in case a disaster hits the at-risk area before relocation has taken place. The detailed objectives of each stage that have been presented above may serve as a checklist for the development of a guidance document, as well as serve as an enticement to the reader to inquire in more detail about each step.

One caveat is that the document does not provide any further guidance on the actual relocation process and post-relocation issues, which should be included in any guidance on planned relocations. It is also too detailed to be used in its entirety in a concise guidance document. Rather, it might be better incorporated in a handbook on planned relocations. There are also questions as to how the document's approach may need to be adapted for reactive relocation cases.

2.2 Safer Homes, Stronger Communities: A Handbook for Reconstructing after Natural Disasters (2010)⁶⁵

This Handbook was developed by the World Bank to assist decision-makers and planners of large-scale post-disaster reconstruction programs in making decisions about how to reconstruct housing and communities after natural disasters. Among the wide range of issues discussed in the Handbook, is a chapter on relocations. Due to the nature of the document, it is not designed as a comprehensive framework, but rather highlights a number of issues that are important to consider when relocating people after a disaster. The Handbook first discusses the key decisions that need to be made in deciding on the necessity of relocation, the plan for relocation, and which agencies should be involved in that decision-making process. The Handbook notes that the lead disaster agency, reconstruction agency, and local government should be the main institutions involved in the process. The Handbook highlights that laws and policies that already deal with resettling people might be easily adjusted to relocations following disasters. This, according to the document, is essential in guaranteeing consistency in assistance schemes throughout different sectors.⁶⁶ The Handbook highlights that it is often the poor who live in disaster-prone areas and urges caution for the relocation of such a population because “[f]or people with marginal incomes, even minor additional

⁶⁴ The document highlights that if risk management plans are formulated without participation by groups they may impact, they will not be feasible from a social and political standpoint and therefore argues for participatory risk management policies (Correa, Ramírez, and Sanahuja, *Resettlement Guide*, p. 38).

⁶⁵ Jha, Abhas K. et al. (2010). *Safer Homes, Stronger Communities: A Handbook for Reconstructing after Natural Disasters*. Washington D.C.: World Bank. Retrieved from <https://openknowledge.worldbank.org/handle/10986/2409>.

⁶⁶ *Ibid.*, 78.

costs of rent, utilities, or transportation that might result from living in a safer location may be unaffordable.”⁶⁷ Nonetheless, relocation may be necessary at times if there are no other alternatives available.

The document then highlights a number of reasons why relocations have been unsuccessful: the inadequacy of new sites; distance from livelihoods and social networks; socio-culturally inappropriate settlement layouts; lack of community participation; and under-budgeting of relocation funds. The handbook then points out a number of criteria that make relocation more likely to be successful:

- Affected communities participate in critical relocation and implementation decisions;
- Livelihoods are not site-specific and therefore are not disrupted;
- Water, public transport, health services, markets, and schools are accessible and affordable;
- People are able to bring with them items of high emotional, spiritual, or cultural value (religious objects, salvaged building parts, statuary or other local landmarks);
- People belonging to the same community are resettled together at a new site;
- Emotional, spiritual, and cultural attachment to the old site is not excessively high;
- Housing designs, settlement layouts, natural habitat, and community facilities conform to a community’s way of life;
- Social, environmental, and hazard risk assessments confirm that risk cannot be mitigated in the old location, while the community can be assured of the suitability of the relocation site;
- Communication with target groups is frequent and transparent, and mechanisms to resolve grievances are effective; and
- Relocation and assistance in mitigating its economic impacts are adequately funded over a reasonable period of time.⁶⁸

The Handbook then references frameworks for development-induced displacement and resettlement, addresses the issue of compensation (see section 3 of this paper), points out risks and challenges, and concludes with a number of recommendations. The recommendations probably come closest to guidance principles for relocations. The recommendations start by urging governments to avoid relocation if at all possible. They then suggest participatory assessment of the environmental, social, and economic risks of relocation. The authors make the important point that governments should not only avoid relocation as part of their own housing programs, but should also regulate relocation in the reconstruction projects of non-governmental agencies. Communities

⁶⁷ Ibid., 79.

⁶⁸ Ibid., 80.

should be involved in the decision-making process, for example, by forming a community relocation committee. Agencies should engage relocation specialists to design plans. Further, arrangements for public services at the relocation site must be made in advance, with the feasibility of such services already demonstrated during the planning of the project. The Handbook further suggests that governments should make plans for the relocation of individual and collective cultural properties. Relocation impacts on the host community should be assessed and mitigated, while for the relocated community, the return to the previous settlement site should be prevented. The final recommendation highlights the need to be conservative when estimating the time a relocation program will take, as well as costs.⁶⁹

The Handbook discusses a number of highly relevant issues for developing guidance on planned relocations. The discussions on when and why relocations are successful or unsuccessful identifies many issues that need to be included in guidance on planned relocations in the context of disasters, environmental change, and/or the effects of climate change. In addition, the recommendations presented in the document may be suitable as templates on specific provisions to be included in a guidance document. The Handbook's drawbacks are that it discusses the issue of planned relocations in a somewhat unstructured manner and only focuses on reactive relocations.

2.3 Housing Land and Property (HLP) Guidance Note on Relocation (2014)⁷⁰

The only guidance exclusively focusing on reactive relocation is fairly recent, and very context-specific, as it was developed by the Global Shelter Cluster after Typhoon Haiyan hit the Philippines. The Guidance Note is arranged along a checklist considering the following eight questions:

1. Is the relocation voluntary?⁷¹
2. Where relocation is voluntary, is it necessary?
3. Where relocation is not voluntary, are national and international standards on forced eviction met?
4. Is the relocation site adequate?⁷²
5. Is shelter at the relocation site adequate?
6. Are adequate water, sanitation, hygiene and other facilities at the relocation site?
7. Has the community to be relocated, as well as the host community received adequate information, and have both communities been adequately consulted?

⁶⁹ Ibid., 83.

⁷⁰ Global Shelter Cluster. (March 2014). *Guidance Note on Relocations for Shelter Partners*. Retrieved from <https://www.sheltercluster.org/sites/default/files/docs/Relocation%20-%20HLP%20Guidance%20Note%20for%20Shelter%20Partners.pdf>.

⁷¹ The document describes voluntary as being: "Provided for by law; Necessary and solely implemented to protect the lives and health of the affected population; and only imposed where the risks to lives and health could not be mitigated by other adaptation or less intrusive protective measures." Global Shelter Cluster. *Guidance Note on Relocations for Shelter Partners*, 2.

⁷² The document quotes provisions of the Urban Housing and Development Act of the Philippines here.

8. Has non-discrimination and the rights of the most vulnerable persons been ensured throughout the relocation process?⁷³

The document emphasizes that the standards and guidelines developed apply to “all relocations, whether voluntary or forced, transitional or permanent.”⁷⁴ The Guidance Note does not develop any new principles to be followed, but provides an interesting blend of extant law and policies, highlighting international guidance such as the IASC Operational Guidelines and the Sphere standards, as well as existing Philippines laws and policies that are applicable to relocations. It is clearly developed for direct use in the field and the checklist idea makes the document easy to follow. Issues related to property and livelihoods, however, are not discussed in the Guidance Note.

The Guidance Note is of relatively limited value for developing guidance on planned relocations, but its checklist might be useful as it highlights some important areas, such as the adequacy of relocation sites and shelter, that should be discussed in any guidance framework on planned relocations. Given its format, the Guidance Note may be of greater value to technical experts working on reactively planned relocations and could therefore be useful as a template for developing a more hands-on guidance that is adapted to the local context.

⁷³ Global Shelter Cluster. *Guidance Note on Relocations for Shelter Partners*, 2-9.

⁷⁴ *Ibid.*, 4.

3. Development-Induced Displacement and Resettlement

This section looks at documents from the development-induced displacement and resettlement (DIDR) field. The documents reviewed are:

- The Organization for Economic Cooperation and Development (OECD) Guidelines on Aid and Environment (Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects) (“OECD Guidelines”) have been endorsed by ministers of OECD countries in 1991 and provide guidance for policy-makers and practitioners on a range of issues, including involuntary displacement and resettlement.
- The World Bank (WB) Operational Policy 4.12 - Involuntary Resettlement (OP 4.12) is an important safeguards policy aimed at preventing the risk of impoverishment, and is one of the standard frameworks in the DIDR literature. The World Bank Sourcebook on Involuntary Resettlement provides more detailed interpretation of OP 4.12.
- The International Financial Corporation (IFC): Performance Standard No. 5: Land Acquisition and Resettlement (“Performance Standard”), Guidance Note 5: Land Acquisition and Resettlement (“Guidance Note”) and Handbook for Preparing a Resettlement Plan (“Handbook”) lay down the standards that IFC clients need to comply with to be eligible for project funding. It is probably the most detailed guidance in the DIDR sector.
- The Asian Development Bank (ADB) Involuntary Resettlement Safeguards (“Resettlement Safeguards”) and Asian Development Bank Handbook on Resettlement (“Handbook”) lays down the resettlement safeguards of the ADB.
- The Inter-American Development Bank (IADB) OP-710: Involuntary Resettlement Policy (“OP-710”) is the IADB’s safeguards policy and the Guideline for Resettlement Plans provides detailed guidance on the development of a resettlement plan.
- The African Development Bank (AfDB) Involuntary Resettlement Policy (“Involuntary Resettlement Policy”) is the safeguard policy for DIDR of the AfDB.
- The European Investment Bank (EIB): Environmental and Social Standards and Environmental and Social Handbook (“Environmental and Social Standards and Handbook”) is the safeguard policy of the EIB. It uses very strong human rights language in comparison with the other DIDR documents.
- The Report of the World Commission of Dams: Dams and Development (“Report”) is the outcome document of an expert commission that aimed to assess resettlement from large dams. It sheds important light on the failures of planned resettlement initiatives in the context of dam construction.
- The Australian Agency for International Development (AusAID): Guideline on Integrating Displacement and Resettlement Safeguards (“Guideline”) and Displacement and Resettlement of People in Development Activities highlight issues related to resettlement from the perspective of a donor government that might fund projects in the context of DIDR.

Guidelines on development-induced displacement and resettlement (DIDR) are of particular relevance for the issue of planned relocations in the context of disasters, environmental change, and/or the effects of climate change as they are based on a large wealth of real-life experience in resettling millions of persons because of development projects. These guidelines aim to prevent and address the many negative consequences that have beleaguered resettled communities as a result of many of these projects. These consequences are described and discussed in detail by Michael Cernea's Impoverishment Risk and Reconstruction (IRR) model, which identifies the common risks of such displacement as landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property, and social disintegration.⁷⁵

Most of the guidelines on DIDR have been developed by multilateral development banks, and apply specifically to projects funded by those banks. In addition, international organizations such as the Organization of Economic Development (OECD) and countries such as Australia have developed guidelines that apply particularly to projects funded by development aid. Additionally, issue-specific guidance documents exist, with the report of the World Commission on Dams as a primary example. Often, guidelines are coupled with more detailed guidance in the form of handbooks. In this section, this paper addresses documents from nine organizations. As many documents in this area have similar provisions, the first documents will be discussed in more detail, while later documents will only be highlighted where specific provisions are relevant to planned relocations but were not discussed earlier, or were addressed in a different manner.⁷⁶

Relevance of DIDR guidance for planned relocations

Planned relocations in the context of disasters, environmental change, and/or the effects of climate change will likely show a number of similarities with resettlement from development projects. Accordingly, the guidance on DIDR has a lot to offer for any guidance developed for planned relocations. There is no reason to believe that persons relocated because of disasters, environmental change, and/or the effects of climate change will not face the risk of impoverishment so well described by the DIDR literature. Persons affected by planned relocations will likely face many of the same issues as persons resettled because of development projects. Such issues are likely to include questions of compensation; access to land, employment and livelihoods; and relations with host communities, among many others.

⁷⁵ Cernea, M. (2000). Risks, Safeguards, and Reconstruction: A Model for Population Displacement and Resettlement. In M. Cernea and C. McDowell (eds.), *Risks and Reconstruction: Experiences of Resettlers and Refugees* Washington, D.C.: The World Bank Group.

⁷⁶ While the main provisions in those guidance documents are fairly consistent, there are nonetheless significant differences in detail. While slightly outdated, as several actors have since updated their safeguard policies (for example the Asian Development Bank for which this study was compiled), a comparative matrix developed in 2005 by Joanna Levitt at the International Accountability Project provides a good overview of some of the dissimilarities in DIDR guidelines and frameworks (available at http://accproject.live.radicaldesigns.org/downloads/adb_companalysis.pdf).

The advantage of guidance on DIDR is that, in many cases, it is very detailed and specifically oriented toward planning the resettlement process. The DIDR literature also shows that resettlement is a long process and if attempted at the last minute, or in a short timeframe, puts relocated people at risk. Some issues that are very useful for guidance on planned relocations are the detailed discussions of planning, compensation, environmental impact assessments and protection from secondary hazards, minimum standards for relocation sites, and discussion on monitoring and evaluation.

Nevertheless, there are significant differences between DIDR and planned relocations in the context of disasters, environmental change, and/or the effects of climate change. Often, DIDR projects are undertaken by private entities (in many cases for profit even if they are in the public interest) and the costs of resettlement are usually included within the overall project. Meanwhile, planned relocations are most likely conducted by state authorities, with, in general, the safety and wellbeing of populations being a dominant consideration. Given that planned relocations in the context of disasters, environmental change, and climate change are not likely to be parts of development projects, there is a likelihood that funds will be scarcer for planned relocations than for DIDR projects. Additionally, there is usually less time to plan reactive relocations, as compared to development or infrastructure projects. Furthermore, disasters, environmental change, and/or the effects of climate change may have strong effects on the property market, making relocation options difficult to find, particularly in close proximity to the original homes of affected persons. Affected communities might also be dispersed by displacement, making community involvement and consultation more difficult than in most DIDR cases. Further, contrary to DIDR, the land that is left behind after planned relocations is intended to be left vacant as it is too risky for habitation (assuming that the relocation occurred to keep people safe and in accordance with the law). This means that it may be possible for the population to return, which needs to be prevented by authorities.⁷⁷

3.1 OECD Guidelines on Aid and Environment (Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects) (1991)⁷⁸

The OECD Guidelines on Aid and Environment (also called Guidelines No. 3) aim at ensuring populations displaced by a development project receive benefits from the changes and are re-established on a sound productive basis. These Guidelines discuss the basic elements that should be considered in preparing a resettlement action plan,

⁷⁷ For detailed discussions on some of these issues see UNHCR, et al. (March 12-14, 2014). *Planned Relocations, Disasters and Climate Change: Consolidating Good Practices and Planning for the Future. Report. Sanremo, Italy, March 12-14, 2014*, Retrieved from <http://www.brookings.edu/~media/research/files/papers/2014/03/14-planned-relocations-climate-change/planned-relocations-disasters-and-climate-change-report-march-2014.pdf>.

⁷⁸ OECD. *Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects: Guidelines on Aid and Environment No. 3*. 1991, <http://www.oecd.org/dac/environment-development/1887708.pdf>.

including community involvement, the role of donors, and effective planning and implementation. The OECD endorsed the Guidelines in 1991.

The Guidelines highlight that resettlement planning provides the opportunity to mitigate adverse impacts and create development opportunities for affected persons. They also note that, if possible, resettlement should be avoided and alternatives considered. All involuntary resettlements should be conceived as development programs. Displaced persons should be:

- i) “Enabled to reconstruct a land-based or employment-based productive existence;
- ii) Compensated for their losses at replacement cost;
- iii) Assisted with the move and during the transition period at the relocation site; and
- iv) Assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them.”⁷⁹

The OECD Guidelines highlight the need for consultation and involvement of both resettled persons and host communities in the resettlement process, as well as the need to address issues of land and property rights, particularly for indigenous groups, ethnic minorities, and pastoralists. Planning for relocation should particularly consider the preferences of women, and should address their specific needs and constraints.

The document emphasizes the necessity of developing a comprehensive resettlement plan. It indicates that the advance identification of several possible relocation sites is of utmost importance. For rural resettlers, “land for land” approaches should be used, while for urban resettlers, the new site should ensure comparable access to employment, infrastructure, service and production opportunities.⁸⁰

The Annex discusses important elements of a resettlement plan:

- i) Organizational responsibilities;
- ii) Socio-economic survey;
- iii) Community participation and integration with host population;⁸¹
- iv) Legal framework;
- v) Compensation of lost assets;
- vi) Land acquisition and productive re-establishment;
- vii) Access to employment and training;
- viii) Environmental protection and management (The guidelines highlight the importance of environmental impact assessments of the resettlement process both in rural and urban resettlement); and

⁷⁹ Ibid., 8.

⁸⁰ Ibid., 9.

⁸¹ Under this point, the authorities highlight that “the cultural and psychological acceptability of a resettlement plan can be increased by moving people in groups, reducing dispersion, sustaining existing patterns of group organization, and retaining access to cultural property (temples, pilgrimage centres, etc.), if necessary, through the relocation of that property.” OECD. (1992). Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects: Guidelines on Aid and Environment No. 3. Paris: OECD.

ix) Implementation timetables, monitoring, and evaluation.⁸²

The Guidelines provide a good entry point into the guidance literature on DIDR. Particularly relevant is their strong assertion that any resettlement project should be designed as a development project.

3.2 World Bank Operational Policy (OP) 4.12 - Involuntary Resettlement and World Bank Sourcebook on Involuntary Resettlement (2001)⁸³

OP 4.12 provides operational safeguards against the risk of impoverishment from Bank-assisted development projects. It starts by pointing out that involuntary resettlement should be prevented if feasible and if not, should, at the very least, be minimized. If resettlement can't be avoided it should be executed as a sustainable development program. Displaced persons should be assisted in improving their standard of living, or at least in restoring it to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.⁸⁴ The OP requires borrowers to prepare a resettlement plan or resettlement policy framework that includes elements of information, consultation, and compensation covering replacement costs for affected persons. The affected populations should be consulted about resettlement options. The resettlement project should provide assistance with relocation, and provide housing and agricultural land. If necessary, the project should also provide support after displacement for the transition period, development assistance such as land preparation, training, credit facilities, and job opportunities.⁸⁵ Overall, preference should be given for land-based resettlement strategies for displaced persons whose livelihoods are land-based. In other cases cash-based compensation may be adequate.⁸⁶ Existing social and cultural institutions of resettlers and any host communities should be preserved. Resettlers' preferences with regard to relocating in their pre-existing communities and groups should be honored.⁸⁷

⁸² OECD. (1992). *Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects: Guidelines on Aid and Environment No. 3*. Paris: OECD, 10-11.

⁸³ The World Bank Group. (2004). *OP. 4.12 – Involuntary Resettlement*. Retrieved from <http://go.worldbank.org/GM0OEIY580>. See also Cernea M. and B. Ferris. (Nov. 24, 2014). *Is the World Bank Retreating from Protecting People Displaced by its Policies?* Washington, DC: The Brookings Institution. Retrieved from <http://www.brookings.edu/blogs/up-front/posts/2014/11/24-safeguards-displacement-ferris>.

The World Bank Group (2004) *Involuntary resettlement sourcebook - planning and implementation in development projects*. Washington, D.C.: The World Bank Group. Retrieved from <http://documents.worldbank.org/curated/en/2004/01/5159399/involuntary-resettlement-sourcebook-planning-implementation-development-projects-vol-1-2>. Note that at the time of writing, there is considerable discussion around the possible weakening of the Bank's safeguards policies. For example, see Ferris and Cernea. (Nov. 24, 2014). *Is the World Bank Retreating from Protecting People Displaced by its Policies?* Washington, DC: The Brookings Institution. Retrieved from <http://www.brookings.edu/blogs/up-front/posts/2014/11/24-safeguards-displacement-ferris>.

⁸⁵ OP 4.12, §7.

⁸⁶ OP 4.12, §12.

⁸⁷ OP 4.12, §14.

Particular attention should be paid to “the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.”⁸⁸ The OP additionally highlights the complexity of resettling indigenous peoples, which might have significant adverse impacts on their identity and cultural survival. Therefore, relevant actors should consider all possible alternative project designs that avoid displacement of such peoples.⁸⁹

The OP also addresses the issue of eligibility for assistance, which should be based on consultation with the affected population. The OP outlines clear criteria for eligibility and the establishment of grievance procedures. Resettlers can be categorized into three groups, those with formal land titles, those with informal land rights, and those with no recognizable legal right or claim to the land they live on. The first two groups are entitled to compensation for their land, while the third group is eligible for resettlement assistance, as well as other assistance necessary to fulfill the policy, so long as the resettlers resided in the project area before a certain cut-off date. All three groups are entitled to compensation for loss of assets other than land.⁹⁰ The resettlement plan should also include adequate monitoring and evaluation.

OP 4.12 clearly is an important safeguards policy aimed at preventing the risk of impoverishment, and is one of the standard frameworks in the DIDR literature. It highlights major issues including participation, information, consultation, and questions of compensation. It also places particular emphasis on the rights of vulnerable groups, specifically indigenous peoples. All of these are issues that should be addressed in any guidance on planned relocations.

⁸⁸ OP 4.12, §8.

⁸⁹ OP 4.12, §10.

⁹⁰ OP 4. 12, §17.

3.3 International Financial Corporation (IFC). Performance Standard No. 5 Land Acquisition and Resettlement (2012);⁹¹ Guidance Note 5 Land Acquisition and Resettlement (2012);⁹² and Handbook for Preparing a Resettlement Plan (2002)⁹³

Performance Standard No. 5 is part of the IFC's⁹⁴ environmental and social performance standards, which define its clients' responsibilities for managing their environmental and social risks. The Standard defines involuntary resettlement as both physical displacement (relocation) and economic displacement (loss of income or livelihood). Resettlement is involuntary if affected persons cannot refuse the acquisition of their land. The document highlights the fact that governments often play important roles in land acquisition and in the relocation process.⁹⁵ The document follows with a range of provisions that largely mirror ones seen in OP. 4.12, discussed above.

Given the distinction between physical and economic displacement, the Performance Standard requires the development of either a resettlement action plan or a livelihood restoration plan. The Standard further highlights that it may be necessary to commission an external completion audit of the resettlement action plan or livelihood restoration plan to ascertain that all obligations have been met before the end of the project.⁹⁶

The Guidance Note⁹⁷ elaborates the points made in the Performance Standard in greater detail. It starts by referencing Cernea's IRR Model, stating that proper resettlement can minimize risks associated with DIDR. The Note also refers to the Guiding Principles (1.1) as applicable (particularly in cases where there has been conflict-displacement before the resettlement project). An interesting provision notes the necessity of accounting for the compensation of seasonal natural resource users such as herders, fishing families, hunters, and gatherers who may have interdependent

⁹¹ International Financial Corporation. (January 1, 2012). *Performance Standard No. 5: Land Acquisition and Involuntary Resettlement*. Retrieved from http://www.ifc.org/wps/wcm/connect/3d82c70049a79073b82cfaa8c6a8312a/PS5_English_2012.pdf?MOD=AJPERES.

⁹² International Financial Cooperation. (2012). *Environmental and Social Performance Standards and Guidance Notes*. Retrieved from <http://www.ifc.org/performancestandards>.

⁹³ International Financial Cooperation. (March 2002). *Handbook for Preparing a Resettlement Action Plan*. Washington D.C.: The World Bank Group. Retrieved from <http://www.ifc.org/wps/wcm/connect/22ad720048855b25880cda6a6515bb18/ResettlementHandbook.PDF?MOD=AJPERES>.

⁹⁴ The International Financial Corporation (IFC) is an entity within the World Bank Group that deals with the private sector.

⁹⁵ International Financial Corporation. (January 1, 2012). *Performance Standard No. 5: Land Acquisition and Involuntary Resettlement* Retrieved from http://www.ifc.org/wps/wcm/connect/3d82c70049a79073b82cfaa8c6a8312a/PS5_English_2012.pdf?MOD=AJPERES.

⁹⁶ *Ibid.*, 4.

⁹⁷ International Financial Corporation. (January 1, 2012). *Performance Standard No. 5: Land Acquisition and Involuntary Resettlement*. Retrieved from http://www.ifc.org/wps/wcm/connect/3d82c70049a79073b82cfaa8c6a8312a/PS5_English_2012.pdf?MOD=AJPERES.

economic relations with communities located within the project area, which might be a category that is often overlooked when it comes to resettlement.⁹⁸

The Guidance Note provides a detailed description of what adequate housing entails:

- i. “Adequate housing or shelter can be measured by quality, safety, size, number of rooms, affordability, habitability, cultural appropriateness, accessibility, security of tenure and locational characteristics.
- ii. Adequate housing should allow access to employment options, markets, and other means of livelihood such as agricultural fields or forests, and also basic infrastructure and services, such as water, electricity, sanitation, health-care, and education depending on the local context and whether these services can be supported and sustained.
- iii. Adequate sites should not be subject to flooding or other hazards.”⁹⁹

It highlights that the resettlement process should aim at improving tenure security, even to those without recognizable land rights. Special eviction safeguards should be taken for those who do not receive housing as compensation, which are often persons who lack recognizable land rights. While opportunistic settlers should not be compensated, if there is a significant lag-time between the completion of the census and implementation of the resettlement or livelihood restoration plan, planners should make provisions for population movements as well as natural population increases. A repeat census may be required to allow for these natural changes.¹⁰⁰

The Guidance Note also gives very detailed guidance on compensation, pointing out that the compensation process (including determining compensation amounts) should be transparent and easily comprehensible to project-affected people. At a minimum, rates should be adjusted annually for inflation. Furthermore, for losses that are difficult to evaluate or assess in monetary terms, in-kind compensation may be appropriate.¹⁰¹ An important issue to consider with regard to compensation policies, is the prevention of discrimination against women in terms of tenure security and compensation. The Guidance Note indicates that title deeds, lease agreements, and bank accounts for compensation should be issued in the names of both spouses or of single women heads of households. In cases where national law and local customary tenure systems do not give equal opportunities to women with regard to property, provision should be made to ensure women’s access to security of tenure is equivalent to that of men and does not further disadvantage women.¹⁰²

Cash compensation is also discussed. The Guidance Note suggests that such compensation can be considered in certain situations, but should be used cautiously. “Cash compensation may be offered to people who do not wish to continue their land-

⁹⁸ Ibid., GN5, 3.

⁹⁹ Ibid., GN13, 5.

¹⁰⁰ Ibid., GN17, 7.

¹⁰¹ Ibid., GN 22, 9.

¹⁰² Ibid., GN 46, 19.

based livelihoods or who prefer to purchase land on their own. When payment of cash compensation is considered, the ability of the affected population to utilize cash to restore standards of living should be carefully assessed. Because short-term consumption of cash compensation can result in hardship for subsistence-based economies or poorer households, payment of in-kind compensation (e.g., livestock or other moveable/transferable property) or vouchers earmarked for specific types of goods and services may be more appropriate.”¹⁰³

The IFC Handbook¹⁰⁴ provides detailed step-by-step guidance on how to develop such a plan. A comprehensive resettlement plan should include the following components:

- “Identification of project impacts and affected populations;
- A legal framework for land acquisition and compensation;
- A compensation framework;
- A description of resettlement assistance and restoration of livelihood activities;
- A detailed budget;
- An implementation schedule;
- A description of organizational responsibilities;
- A framework for public consultation, participation, and development planning;
- A description of provisions for redress of grievances; and
- A framework for monitoring, evaluation, and reporting.”¹⁰⁵

The Handbook describes these steps in great detail and in a very practical manner. It might, therefore, be a good template for experts directly engaging in relocation planning, but may also be of interest to policy-makers considering laws and policies about planned relocations.

The IFC’s guidance is probably the most detailed guidance in the DIDR sector and therefore contains important elements that can be of use for developing guidance on planned relocations. Among other themes, its very detailed description of what adequate housing entails and discussions on the issue of compensation can provide important insights for that process.

¹⁰³ Ibid., GN 25, 10-11.

¹⁰⁴ International Financial Corporation. (March 2002). *Handbook for Preparing a Resettlement Action Plan*, Washington D.C.: The World Bank Group.
<http://www.ifc.org/wps/wcm/connect/22ad720048855b25880cda6a6515bb18/ResettlementHandbook.PDF?MOD=AJPERES>.

¹⁰⁵ Ibid., 11.

3.4 Asian Development Bank. Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook (2012)¹⁰⁶

The ADB's Safeguards Policy on involuntary resettlement closely follows the frameworks of the World Bank and IFC, which have already been discussed in detail above (3.2, 3.3). In addition to the Safeguards Policy, the ADB has also developed a draft Planning and Implementation Good Practice Sourcebook¹⁰⁷, which discusses safeguard provisions in greater detail and provides practical examples from the field on how certain issues have been resolved in good practice cases.

One interesting provision deals with the rights of persons who do not need to be resettled, but who nonetheless sustain economic losses as part of their community is resettled. The Sourcebook notes that where only part of a community is displaced, those who do not lose land or houses, but are left behind, are also affected because their economic and social support systems are disrupted. "Good practice is to consider that the displaced, those who remain behind, and host populations are all affected persons who should be included to a degree commensurate with the impacts stemming from the project."¹⁰⁸

3.5 Inter-American Development Bank: OP-710 Involuntary Resettlement (1998)¹⁰⁹

The IADB's Operational Policy on Involuntary Resettlement follows all of the main provisions of the safeguard policies of international and other regional development banks. Interestingly, it has a provision on relocation as a project objective, which highlights the relocation of people from areas unfit for human habitation. In those cases, the OP notes that, "the guiding principle will be to minimize disruption to the affected population."¹¹⁰ The OP highlights the need to take into account the views of the affected population when designing the project. If feasible, the project should include voluntary procedures to determine which households will be relocated. The project should also ensure that those displaced will have access to equivalent or better employment opportunities and urban services.¹¹¹

¹⁰⁶ See Asia Development Bank. (June 2009). *Safeguard Policy Statement*. Retrieved from <http://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>.

¹⁰⁷ Asia Development Bank. (November 2012). *Involuntary Resettlement Safeguards: A Planning and Implementation Good Practice Sourcebook – Draft Working Document*. Retrieved from <http://www.adb.org/documents/involuntary-resettlement-safeguards-planning-and-implementation-good-practice-sourcebook-d>

¹⁰⁸ *Ibid.*, 12.

¹⁰⁹ Inter-American Development Bank. (October 1998). *OP-710 Involuntary Resettlement: Operational Policy and Background Paper*, No. IND – 103, Retrieved from <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=2032100>

¹¹⁰ *Ibid.*, 2.

¹¹¹ *Ibid.*, 2.

3.6 African Development Bank Involuntary Resettlement Policy (2003)¹¹²

The involuntary resettlement policy of the African Development Bank also closely follows the template of other regional development banks and therefore is not discussed in detail. One noteworthy provision highlights that national laws and legislation might have definitions that vary from local ones on important issues such as land tenure, rights to common resources, and inheritance practices, and that both of these definition systems should be recognized. The same article also states that the “unit for compensation (family or household) should anticipate and accommodate the land and housing needs for elderly sons and daughters to establish their own households.”¹¹³ This provision seems to indicate the importance of planning for population growth within resettlement projects. Such growth is a feature that should be considered in the context of planned relocations.

3.7 European Investment Bank Environmental and Social Standards (2009)¹¹⁴ and Environmental and Social Handbook (2013)¹¹⁵

The European Investment Bank’s Environmental and Social Standards on involuntary resettlement affirm the Standards’ compatibility with European and international human rights law, and directly references human rights language. These Standards highlight the importance of “the right to property, to adequate housing, standard of living and food” in the context of DIDR.¹¹⁶ Again, most provisions follow the safeguards template of the other regional development banks, although there are a few points that should be highlighted.

First, the Standards include strong language on evictions. It notes that forced evictions should be avoided and prevented, and where this is not possible, at the very least, effective remedies for minimizing negative impacts should be provided. Further, any eviction needs to respect the rights to life, dignity, and security of those affected, and all projects must provide access to effective remedies against arbitrary evictions.¹¹⁷

Second, the document also contains detailed provisions (more so than those provided by other development banks) on minimum standards for relocation sites, which shall:

¹¹² African Development Bank. (November 2003). *Involuntary Resettlement Policy*, PSDU. Retrieved from <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000009-EN-BANK-GROUP-INVOLUNTARY-RESETTLEMENT-POLICY.PDF>

¹¹³ Ibid., 17.

¹¹⁴ European Investment Bank. (2009). *The EIB Statement of Environmental and Social Principles and Standards*. Retrieved from http://www.eib.org/attachments/strategies/eib_statement_esps_en.pdf.

¹¹⁵ European Investment Bank, (2013) *Environmental and Social Handbook*. Retrieved from http://www.eib.org/attachments/strategies/environmental_and_social_practices_handbook_en.pdf.

¹¹⁶ Ibid., 55.

¹¹⁷ Ibid., 52.

- “Not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to mental and physical health of the inhabitants;
- Not be located in zones identified as potentially subject to disaster risk followed by a natural hazard; not be threatened by (imminent) eviction (e.g. public right-of-way), thereby augmenting the multiplying effect of the original displacement impact;
- Be identified taking into account their adequacy in terms of (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) potential for further development; (g) have the capacity to accommodate influx of new settlers at acceptable density levels; and (h) location, and cultural adequacy;
- Not be on land used by communities which have been displaced as a result of violence or conflict;
- Be available and have the capacity to absorb the influx of resettled persons at acceptable density levels, i.e. resettlement should not lead to new resettlement.”¹¹⁸

3.8 World Commission of Dams: Dams and Development (2000)¹¹⁹

This 2000 report by the World Commission of Dams looks at the social and economic implications of large hydrological dams. The Report includes a discussion of issues arising from displacement and resettlement due to the construction of dams and highlights some of the observations made in the literature about DIDR. Of particular importance in the context of resettlement due to the construction of dams is the aspect of livelihood displacement because of changes in the course of the river. The Report notes that the number of expected beneficiaries calculated during the planning process is often too low. Evidence shows communities downstream, particularly those without land titles, indigenous peoples, and those affected by project infrastructure and not the reservoir itself, often do not receive compensation.¹²⁰ Participation of and consultation with affected persons are rare, and for millions of people, resettlement has happened through coercion. Compensation is often paid with significant delay and frequently amounts to less than replacement cost. Furthermore, resettlement sites are chosen without considering livelihoods.¹²¹

In drawing lessons from positive examples, the Report found that “a positive outcome requires several enabling conditions such as low level of displacement, resettlement as a development policy with supporting legislation, a combination of land and non-land based sustainable livelihood provisions, strong community participation, and accountability and commitment from government and project developers.”¹²²

¹¹⁸ Ibid., 57.

¹¹⁹ World Commission on Dams. (2000). *Dams and Development: A New Framework for Decision-Making*. London: Earthscan. Retrieved from http://www.internationalrivers.org/files/attached-files/world_commission_on_dams_final_report.pdf.

¹²⁰ Ibid., 105.

¹²¹ Ibid., 106-108.

¹²² Ibid., 109.

The Report develops a series of guidelines that should be applied in the construction of large dams, many of which are similar to guidelines already discussed in this section. It is useful to highlight, however, that the Report stresses the importance of the participation of affected persons in all stages of a project. For example, for the preparation stage, the Report suggests that stakeholders participate in baseline, impact, and investigative studies and the negotiation of outcomes that potentially affect them.¹²³ The necessity of free, prior, and informed consent by indigenous peoples in all decision-making is also highlighted.¹²⁴ In terms of implementation, commissioning social baseline studies, impoverishment risk analysis, and a mitigation, resettlement, and development plan is recommended.¹²⁵

Although this Report examines resettlement associated with dam projects, which is not the same as planned relocations in the context of disasters, environmental change, and/or the effects of climate change, through concrete examples, this Report demonstrates how challenging the process of resettling persons can be. Some of the more successful examples presented in the document show that a sound legal basis, careful planning that includes the affected population, and sufficient support provided to affected people can go a long way toward preventing possible negative effects of resettlement.

3.9 Australian Government, Displacement and Resettlement of People in Development Activities (2014)¹²⁶

This document highlights issues related to resettlement from the perspective of a donor government that might fund projects in the context of DIDR. It specifically states that the Australian Government's approach is supposed to be consistent with that of the World Bank and ADB (discussed above). While the provisions of the Australian government's document follow the template provided by the development banks, it also discusses questions of resettlement in the context of natural disasters.

The document notes that because of urbanization in developing countries, rising frequency and severity of natural disasters, and the uncontrolled proliferation of poor, informal settlements in precarious areas, resettlement may be the only viable way in many instances to save lives and reduce poverty. The principles outlined in the document should be applicable to the anticipatory relocation of people in the context of disasters, environmental change and/or the effects of climate change, as well as disaster recovery and reconstruction programs.¹²⁷ This is one of the few cases where the guidance stipulates that DIDR safeguards are also directly applicable to planned relocations in the context of natural disasters, both anticipatory and reactive.

¹²³ Ibid., 269.

¹²⁴ Ibid., 270.

¹²⁵ Ibid., 296-298.

¹²⁶ Australian Government, Department of Foreign Affairs and Trade. (May 2014). *Displacement and resettlement of people in development activities*. Canberra, Australian Capital Territory: Author. Retrieved from <http://aid.dfat.gov.au/aidissues/displacement/Documents/displacement-resettlement.pdf>.

¹²⁷ Ibid., 6.

4. Evacuations

Ideally, planned relocations, as the term suggests, are preceded by planning processes and are not based on rash decisions. Therefore, evacuation, which is mainly an immediate response to an emergency, may not seem highly relevant to a discussion about planned relocation. Nonetheless, there are several scenarios where evacuations can be closely linked to the relocation process. First, evacuations can be the starting point of protracted displacement. This is particularly true in situations where people are not able, or allowed, to return to their home or place of habitual residence after a sudden-onset disaster, and the decision to relocate them is only made after the precipitating event has occurred. Second, evacuations may trigger planned relocations.

Although timely and well-organized evacuations can make a huge difference in saving lives, there is relatively little international guidance on the issue of evacuations. This section looks at two guidelines.

- The Inter Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons Affected by Natural Disasters, which promote a rights-based approach to disaster management and analyze evacuations from a rights-based perspective.
- The Comprehensive Guide for Planning Mass Evacuations in Natural Disasters (MEND Guide), which aims at providing detailed guidance in developing evacuation plans.

Relevance of evacuation guidance to discussions of planned relocations

Many of the good practices in planning evacuations (sound legal basis, involvement of many agencies, planning, consultation and inclusion in planning of affected persons, protection concerns, timing, etc.) are also important and relevant to the discussion of planned relocations. They are particularly important in cases where evacuations lead to relocations.

Evacuation guidance also indicates the importance of having provisions that offer protection during the process of moving from the original site to the relocation site, as well as provisions for the protection of property left behind. Such provisions should be included in guidance on planned relocations.

Aside from these points, guidance on evacuations is of limited value in informing guidance on planned relocations.

4.1 IASC Operational Guidelines on the Protection of Persons Affected by Natural Disasters (2010)¹²⁸

To promote a rights-based approach to managing natural disasters, the U.N.'s Interagency Standing Committee developed a set of Operational Guidelines in 2006, which, after being field-tested, were revised in 2010. The Guidelines introduce four groups of rights¹²⁹, which are differentiated by their importance in different phases of the disaster cycle. Guidance on evacuations comes in section A, which deals with the protection of life, security and physical integrity of the person and family ties.

The Operational Guidelines deal with a number of rights-related questions in the context of evacuations. Important issues that are highlighted include:

- Adequate information and (if possible) consultation with the affected population;
- Providing assistance to those in need of it;
- Pre-planning of evacuation sites, routes, etc.;
- Legality in forced evacuations and the demonstration of absolute necessity to justify forced evacuations; and
- Prevention of secondary human rights violations (during evacuation, in evacuation sites).¹³⁰

In section C the Guidelines also deal with housing, land, and property issues, advocating for a speedy transition from emergency shelter to temporary or permanent housing, highlighting the need for consultation and inclusion into the planning process of affected persons, and laying out relevant restrictions for evictions. Other important points raised include issues associated with land titles, which might be lost or damaged during disasters, inheritance of land of deceased persons, and non-formal and customary land rights.¹³¹

As shown above, the IASC Operational Guidelines cover more than evacuations. Its provisions on housing, land, and property issues should be considered when devising guidance on planned relocations, particularly in post-disaster settings.

¹²⁸ IASC Operational Guidelines on the Protection of Persons, Affected by Natural Disasters. (January 2011). Washington, DC: Brookings-Bern Project on Internal Displacement. Retrieved from . <http://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines.pdf>.

¹²⁹ The four groups of rights are: A) Protection of rights related to protection of life; security and physical integrity; and the protection of family ties in the context of evacuations. B) Protection of rights related to the provision of food; health; shelter; and education. C) Protection of rights related to housing, land and property; and livelihoods.

D) Protection of rights related to documentation, free movement in the context of durable solutions for internally displaced persons; re-establishment of family ties, expression and opinion; and elections.

¹³⁰ IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, 15ff.

¹³¹ Ibid., 39ff.

4.2 Comprehensive Guide for Planning Mass Evacuations in Natural Disasters (MEND Guide on Evacuations) (2013)¹³²

The aim of the MEND Guide, which was developed by the Global Camp Coordination and Camp Management Cluster, is to “serve as a reference providing key background considerations and a template to assist planning bodies at national, regional, municipal, and other levels – both urban and rural – in the development and/or refinement of evacuation plans in accordance with emergency management principles.”¹³³

The Guide emphasizes the need of planning for evacuations and provides a template for the development of an evacuation plan. With regard to questions about rights, it references both the Guiding Principles (1.1) and the IASC Operational Guidelines (4.1).

Some of the main issues highlighted in the document are the importance of:

- A legal basis and legal considerations for evacuations;
- Clarification of roles and responsibilities throughout the entire displacement process;
- Protection concerns;
- Local and community participation in evacuation planning;
- Training and simulation;
- Timing of an evacuation; and
- Information management and data collection.

The MEND Guide also briefly deals with the issue of planned relocations. It highlights the need for alternative solutions in the event that returning to the original site is not safe and notes the importance of planning for the transition to development actors for achieving durable solutions.¹³⁴

¹³² Camp Coordination and Camp Management Cluster. (2013). *The Mend Guide: Comprehensive Guide for Planning Mass Evacuations in Natural Disasters, Pilot Document*. Retrieved from <http://www.globalccmcluster.org/tools-and-guidance/publications/mend-guide>.

¹³³ Ibid., 14.

¹³⁴ Ibid., 97ff.

5. Evictions

The Office of the High Commissioner of Human Rights (OHCHR) Basic Principles and Guidelines on Development-based Evictions and Displacement (“Kothari Principles”) is the only document that specifically focuses on evictions. It is based on human rights law and was developed by Miloon Kothari, the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.

Other documents already discussed, such as those enumerated above in the section on DIDR, address evictions as one issue among others.

Relevance of eviction frameworks for planned relocations

Evictions have clear relevance to the issue of planned relocations. For example, if a government declares an area as too risky or uninhabitable due to the effects of disasters, environmental change, and/or the effects of climate change, it might consider evicting persons who do not agree to be relocated. As evictions pose serious human rights questions, they are an important issue that needs to be addressed in any guidance on planned relocations. Therefore, many lessons can be taken from the Kothari Principles discussed below, starting with their recommendation that any planned relocation should, as much as possible, abstain from resorting to evictions. Should evictions be deemed necessary, they should closely follow the existing human rights standards laid out in the Kothari Principles.

In addition to their important guidance on evictions, the Principles also provide important guidance on minimum requirements for a planned resettlement site, which could serve as a starting point for any discussion on planned relocations.

5.1 OHCHR Basic Principles and Guidelines on Development-Based Evictions and Displacement (Kothari Principles) (2007)¹³⁵

The Kothari Principles address the human rights implications of development-linked evictions and related displacement in urban and/or rural areas. The Principles have been developed in the context of DIDR and make clear that they do not explicitly address other situations, such as evictions in the context of natural disasters, although they can provide useful guidance in those contexts as well.

The Principles note that forced evictions have many consequences in common with arbitrary displacement. They use strong language to remark that evictions constitute gross human rights violations and “must be carried out lawfully, only in exceptional

¹³⁵ OHCHR. (2007). *Basic Principles and Guidelines on Development-based Evictions and Displacement (Kothari Principles) A/HRC/4/18*. 2007. New York, NY: Author. Retrieved from http://www.ohchr.org/documents/issues/housing/guidelines_en.pdf.

circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.”¹³⁶ They further point out that all persons, groups and communities have the right to resettlement, “which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.”¹³⁷

Principle 21 notes that states should ensure that evictions only occur in exceptional circumstances and should explore all alternatives to evictions. “In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.”¹³⁸

Should evictions not be preventable, any eviction must be:

- (a) “Authorized by law;
- (b) Carried out in accordance with international human rights law;
- (c) Undertaken solely for the purpose of promoting the general welfare;
- (d) Reasonable and proportional;
- (e) Regulated so as to ensure full and fair compensation and rehabilitation; and
- (f) Carried out in accordance with the present guidelines.”¹³⁹

These Principles apply to anyone, regardless of whether they hold title to home and property under domestic law.

The Principles note that evictions should not render people homeless and that due compensation should be provided for any loss of assets. The process of eviction needs to follow certain safeguards, which are also outlined. Compensation and alternative accommodation must be provided immediately upon eviction.¹⁴⁰ The Principles then lay out minimum requirements for alternative relocation sites.¹⁴¹ These criteria are congruent with those discussed in the safeguard frameworks for DIDR (see section 3).

¹³⁶ *Kothari Principles*. §6, 4.

¹³⁷ *Ibid*, §15, 6.

¹³⁸ *Ibid*, §38, 9.

¹³⁹ *Ibid*, §21, 6.

¹⁴⁰ *Ibid*, § 52, 11.

¹⁴¹ This includes “(a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered.” *Ibid*, § 55, 12.

The Principles further point out a number of criteria that must be fulfilled. In brief, these are:

- i) No resettlement without a comprehensive resettlement policy in place that is in accordance with international human rights standards;
- ii) Rights of vulnerable groups need to be protected, including property rights;
- iii) The actor proposing/carrying out resettlement is responsible for the costs;
- iv) No affected person or group shall suffer detriment to their human rights due to the process;
- v) Right to prior and informed consent of affected persons needs to be guaranteed;
- vi) Travel times and costs from place of work to point of services should not be too high for low-income households;
- vii) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources;
- viii) Sufficient information should be provided, including on the purported use of the eviction dwelling or site and its proposed beneficiaries;
- ix) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities;
- x) If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement; and
- xi) Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence, or intimidation is involved.¹⁴²

The document further highlights that, although unlikely to occur, the issue of possible restitution and return should be open for discussion and assessment. Where restitution and return are possible, those who were forcibly evicted should be prioritized.¹⁴³

¹⁴² Ibid., §56, 11-12.

¹⁴³ Ibid., §64, 14.

6. Land Rights

Land rights are a core issue in planned relocations. First, as discussed earlier, in many cases the status of land title that a person holds plays a major role in determining the kind and amount of compensation that person is entitled to receive when displaced. Given the variety of tenure situations, it is important to be aware that in developing countries, many people live with insecure tenure status. This will likely make tenure a contentious issue in the case of planned relocations in the context of disasters, environmental change, and/or the effects of climate change. Second, land rights issues are also at the core of finding suitable land upon which to relocate persons, especially because many countries have a scarcity of land resources available to them.¹⁴⁴

This section looks at four documents that provide guidance on land rights.

- The Guiding Principles on the Security of Tenure for the Urban Poor were developed by the UN Special Rapporteur to provide practical guidance for the implementation of the right to adequate housing.;
- A report by UN-Habitat on land, environment, and climate change that discusses important issues surrounding land, environment, and climate change, based on a number of case studies.
- Secure Land Rights for All produced by UN-Habitat examines land rights issues that are pertinent to both rural and urban areas; and
- The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, which provides a comprehensive overview of a wide range of tenure and livelihood issues, particularly for rural areas.

Relevance of guidance on land rights for the issue of planned relocations

Guidance documents on land rights provide important insights for the development of guidance on planned relocations. These documents highlight that land and property rights issues are often complex and conflict-laden and should therefore be handled with great care during planned relocations and in line with the cultural, social and legal background of the respective society. Like other documents mentioned in this paper, guidance on land rights also highlight the need to consider possible alternative solutions to relocations, such as *in situ* and other adaptation measures ahead of relocation. Another important point that is emphasized is that relocation may provide the chance, particularly for the poor, to upgrade their tenure security. The documents discussed in this section cover a wide range of issues including planned relocations.

¹⁴⁴ See also the discussions in: UNHCR, et al. (March 12-14, 2014). *Planned Relocations, Disasters and Climate Change: Consolidating Good Practices and Planning for the Future. Report, Sanremo, Italy, 12-14 March, 2014*. Washington, DC: The Brookings Institution. Retrieved from <http://www.brookings.edu/~media/research/files/papers/2014/03/14-planned-relocations-climate-change/planned-relocations-disasters-and-climate-change-report-march-2014.pdf>.

In terms of covering the specific issue of planned relocations, guidance emanating from the document discussed in this section is quite similar to, and likely informed by, guidance on displacement, evictions, and DIDR. The documents examined in this section highlight issues regarding host communities, human rights concerns, planning, and funding. What stands out are provisions on land rights and livelihood issues, which are discussed in more detail.

6.1 Guiding Principles on Security of Tenure for the Urban Poor (2013)¹⁴⁵

The Guiding Principles on Security of Tenure for the Urban Poor were developed by the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living to provide practical guidance for the implementation of the right to adequate housing.

The Principles start by encouraging States to promote, protect and strengthen various forms of tenure, including those deriving from statutory, customary, religious, and hybrid tenure systems. All pertinent policies should be based on human rights impact assessments.¹⁴⁶ The Principles further recommend that States take a number of measures to improve tenure security. These include:

- i) “Citywide assessments of tenure arrangements;
- ii) Identification of insecure settlements and population groups, including the homeless;
- iii) Development of citywide strategies for securing tenure and upgrading settlements on different categories of land and with different tenure arrangements;
- iv) Reviewing and reforming urban plans and regulations in order to integrate settlements; and
- v) Adopting and implementing a human rights-compliant resettlement policy to be applied where *in situ* solutions are not possible.”¹⁴⁷

The Principles strongly suggest the prioritizing of *in situ* solutions and highlight that “regulations aimed at protecting public health and safety and the environment or at mitigating risk for the population should not be used as an excuse to undermine security of tenure.”¹⁴⁸ The Principles include other measures that might be of interest in the context of planned relocation, such as the conduct of citywide audits of vacant and underutilized land, housing and buildings, and the allocation of available land for low-income housing.¹⁴⁹ The commentary to the Principles highlights, again, that urban plans should incorporate citywide strategies for any necessary resettlement. These should

¹⁴⁵ OHCHR. (2013). *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, Raquel Rolnick. A/HRC/25/54. New York, NY: Human Rights Council.

¹⁴⁶ Ibid., GP 2, 2.

¹⁴⁷ Ibid., GP 2, 4.

¹⁴⁸ Ibid., GP 3, 5.

¹⁴⁹ Ibid., GP 4, 5.

identify available, suitable, and safe locations for resettlement, ensuring access to livelihood opportunities, services, and facilities.

The Principles note that resettlement is only legal under international human rights law if it is “assessed, in consultation with the community, and subject to administrative and judicial review, that in situ upgrading is not viable due to exceptional circumstances and the absence of feasible alternatives to eviction.”¹⁵⁰

This document also affirms important general principles such as non-discrimination, participation, and access to information, and includes a strong emphasis on ensuring transparency of all decision-making, which entails providing reasons for decisions.¹⁵¹

The commentary to the Principles includes constructive provisions for guaranteeing tenure security in post-disaster situations. The commentary suggests that a rapid assessment of the tenure situation—including through non-documented evidence of tenure security, such as interviews with neighbours and by allowing for negotiation and mediation to resolve possible disputes—is important. These types of assessments could also be useful in situations where return is not feasible, and may facilitate the assessment of possible compensation rights throughout the relocation process. In addition, the commentary highlights the need to ensure adequate housing for those without evidence of tenure, such as homeless persons.¹⁵²

The Guiding Principles develop useful guidance with respect to relocations in urban settings, situating the issue of planned relocations within the framework of urban planning.

6.2 Land, Environment and Climate Change (UN-Habitat) (2010)¹⁵³

This document discusses important issues surrounding land, environment, and climate change, based on a number of case studies. It includes tools for enhancement of land rights for the poor, low-cost land registration and certification, as well as low-cost land use planning and mapping.

Although the document does not provide systematic guidance, it does contain some interesting points about planned relocations in the context of disasters, environmental change, and/or the effects of climate change. It notes that anticipatory relocation is preferable to reactive relocation, as the latter is often more chaotic and involves severe losses. The document highlights the need to resolve all important property rights issues,

¹⁵⁰ Ibid., 12.

¹⁵¹ Ibid., GP 9, 4.

¹⁵² Ibid., 19.

¹⁵³ UN-Habitat and Global Land Tool Network. (2010) *Land, Environment and Climate Change: Challenges, Responses and Tools*. Nairobi: UN-Habitat. Retrieved from: <http://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=3022&AspxAutoDetectCookieSupport=1>.

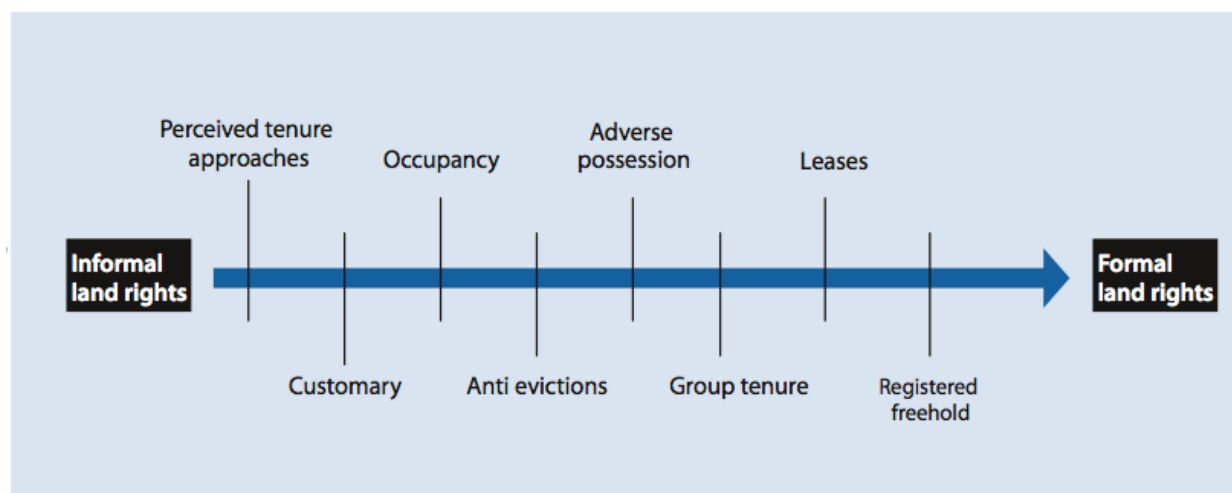
particularly because the value of lost properties may fall significantly. It further highlights the issue of evacuated areas and houses being reoccupied by opportunistic settlers.¹⁵⁴

Additionally, the document notes that the financial costs of planned relocations will be very high and “clearly beyond what poor affected populations, communities, cities and countries can afford.”¹⁵⁵ Therefore, and given the fact that climate change is caused globally, it suggests the development of an international system for funding of such large-scale operations.

6.3 Secure Land Rights for All (UN-Habitat) (2008)¹⁵⁶

Secure Land Rights for All is designed to support policy-makers in securing land rights in both rural and urban areas. The document highlights that more than five million people are evicted each year and that evictions often lead to the development of unplanned settlements.

Figure 1. Continuum of Land Rights¹⁵⁷



It develops the concept of tenure rights as a continuum (see Figure 1 above), with each type of tenure in the continuum providing different rights and degrees of security and responsibility.¹⁵⁸ While improved tenure security brings a range of benefits to the respective persons or groups, the document highlights the complexity of land and tenure management and suggests careful assessment of tenure conditions before

¹⁵⁴ Ibid., 67

¹⁵⁵ Ibid., 68.

¹⁵⁶ UN-Habitat. (2008) *Secure Land Rights for All*. Nairobi: UN-Habitat. Retrieved from <https://www.responsibleagroinvestment.org/sites/responsibleagroinvestment.org/files/Secure%20land%20Rights%20for%20all-UN%20HABITAT.pdf>.

¹⁵⁷ Ibid., 8.

¹⁵⁸ Ibid., 8.

taking any policy action. It also notes that improving land use efficiency and protecting the poor and vulnerable can at times be conflicting goals.¹⁵⁹

The document then provides a comprehensive table that highlights the benefits and risks of different tenure policy options.¹⁶⁰ It suggests an incremental approach to improving tenure security, which also includes relocation of certain residents of extra-legal settlements¹⁶¹ and suggests that authorities should prioritize offering residents relocation sites with close access to livelihood opportunities coupled with long-term tenure options.¹⁶²

In the recommendations section, the document highlights that “countries facing increased incidence of natural disasters, environmental hazards and social conflict, must urgently map unsafe settlements and identify land available for expanding human settlements and displaced populations.”¹⁶³

While most provisions of this document do not have direct relevance to guidance on planned relocations, it nevertheless provides valuable cautionary advice against advocating for simplistic solutions to tenure issues when planning for relocations.¹⁶⁴

6.4 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012)¹⁶⁵

The FAO Voluntary Guidelines aim to provide guidance in improving the governance of tenure in the context of land, fisheries and forests, with a focus on improving food security. The Guidelines are comprehensive and include many of the provisions that have already been discussed in previous documents relating to housing, land and property rights, and evictions.

The specific focus on land, fisheries, and forests makes this document unique and of particular interest. For example, the document notes that “state and non-state actors should acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples and other

¹⁵⁹ Ibid., 28.

¹⁶⁰ Ibid., 29.

¹⁶¹ Also often called informal settlements. The OECD gives following definitions: “1. areas where groups of housing units have been constructed on land that the occupants have no legal claim to, or occupy illegally; 2. unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing).” See: *Glossary of Environment Statistics, Studies in Methods, Series F, No. 67.* (1997). New York, NY: United Nations. Retrieved from <https://stats.oecd.org/glossary/detail.asp?ID=1351>.

¹⁶² Ibid., 30.

¹⁶³ Ibid., 39.

¹⁶⁴ See for example id., 29f.

¹⁶⁵ Food and Agriculture Organization (FAO) of the United Nations. (2012). *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO. Retrieved from <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.

communities with customary tenure systems.”¹⁶⁶ This is an observation that can certainly inform discussion about planned relocations in the context of natural disasters, environmental change, and/or the effects of climate change.

The Guidelines also have a section dealing with questions of expropriation and compensation, stating that expropriation should only be done for overriding public purposes. Like other guidelines, which closely follow DIDR guidelines discussed in section 3, this document also highlights the need to ensure that implementing agencies have the human, physical, financial, and other forms of capacity necessary to successfully implement their plans.¹⁶⁷

According to the Guidelines, evictions and relocations should not result in individuals being rendered homeless or vulnerable to violations of human rights. Where those affected are unable to provide for themselves, “States should, to the extent that resources permit, take appropriate measures to provide adequate alternative housing, resettlement, or access to productive land, fisheries, and forests, as the case may be.”¹⁶⁸

The Guidelines also include specific sections on natural disasters and climate change. This section highlights that tenure issues should be addressed during the reconstruction phase after natural disasters. People unable to return should be resettled elsewhere and such resettlement should be negotiated with the host community to ensure that “the people who are displaced are provided with secure access to alternative land, fisheries, forests and livelihoods in ways that do not jeopardize the rights and livelihoods of others.”¹⁶⁹ In terms of climate change, states should prepare and implement strategies and actions with the participation of, and in consultation with, all those who may be displaced due to climate change. Further, tenure rights should be a consideration when planning adaptation or mitigation projects.

¹⁶⁶ Ibid, 14.

¹⁶⁷ Ibid., 28.

¹⁶⁸ Ibid., 28.

¹⁶⁹ Ibid., 36.

PART 2: LESSONS FOR GUIDANCE ON PLANNED RELOCATIONS

Synthesis

Having discussed documents from six different areas and their relevance to planned relocations, this section highlights 25 key elements that should be addressed in any guidance developed on planned relocations. This section elucidates some of the insights gained through the analysis of the documents and identifies questions and/or gaps. Numbers in parentheses show the section where a particular issue was introduced in this paper.¹⁷⁰

1. Human rights (1.1, 1.3, 1.4, 3.7, 4.1, 5.1, 6.1)

A majority of documents require that policies relating to displacement be consistent with international human rights law. That is, relocated persons must have all their human rights guaranteed. Therefore, any guidance on planned relocations should reaffirm the human rights of affected persons. How detailed the guidance should be on specific human rights, such as the right to adequate housing, remains an open question and may need to be further elaborated.

Several documents also discuss the question of duty-bearers. They highlight that state authorities are primarily responsible for protecting the rights of IDPs. There are also important functions for other actors such as civil society and international actors (on the latter, see point 25 of this section). The question of protection is more complicated in the context of cross-border planned relocations.

2. Legal basis (1.1, 1.2, 1.4, 1.5, 2.2, 2.3, 4.1, 4.2, 5.2)

Documents on the thematic areas of internal displacement, evacuations, and evictions all highlight the importance of a sound legal framework for carrying out relocations. Accordingly, this aspect should be a critical provision in any guidance. A legal framework on planned relocations should comprehensively address all aspects of planned relocations, including questions of prevention, a legal basis for undertaking planned relocation, compensation, and redress. Such a framework should be in accordance with international human rights law, as well as domestic legal frameworks.

The World Bank document on post-disaster reconstruction (2.2) further suggests that laws and policies should be consistent with resettlement policies from other sectors, to guarantee consistency in assistance schemes. This suggestion, however, is debatable as there may be significant differences between DIDR and planned relocations caused

¹⁷⁰ The numbers should allow for an easier cross-referencing inside the paper. They are not a direct reference to all the discussed frameworks, but only to those parts that are highlighted in this paper. For example all frameworks in section 3 on DIDR have sections on funding, but the references in this synthesis refer only to those frameworks that have been discussed in terms of funding in this paper.

by natural hazards and the effects of climate change (as discussed in section 3 of this paper). Nonetheless, a comprehensive review of all existing national legislation relevant to planned relocations could be a good starting point for developing legal frameworks for planned relocations.

3. Institutional basis (1.5, 2.1, 2.2, 4.2, 5.1)

Documents highlight that states should create a solid institutional basis that governs planned relocations. The Nansen Principles (1.5) highlight the need to develop institutional frameworks, procedures, and mechanisms for decision-making on planned relocations, all of which should allow for the participation of affected persons.

It is debatable whether guidance on planned relocations should make detailed suggestions as to which national agencies should be involved, as does, for example, the World Bank's post-disaster reconstruction guide (see 2.2.). It is also open to debate whether the same institutional setup is likely to be able to deal with both anticipatory and responsive planned relocations.

4. Planning (1.1, 2.1, 2.2, 3.1, 3.2, 3.3, 3.8, 4.1, 4.2, 6.1, 6.3)

Documents on DIDR clearly highlight that resettlement is a process that requires a lot of planning, as well as a long-term planning horizon, and there is little doubt that the same is true for planned relocations in the context of disasters, environmental change, and/or the effects of climate change. Nevertheless, there may be situations where there will be limited time for planning due to imminent threats to people's lives, safety, and health. Initial planning should always first explore alternatives to relocations, and second, where no alternatives are available, how to minimize the extent of displacement. Several documents also highlight the need for long-term planning by state authorities, which includes determining which areas might be at risk of planned relocations, identifying, and preparing possible relocation sites (land acquisition, host communities, etc.). DIDR documents usually recommend the creation of detailed resettlement plans, which include specific information on timelines and sources of funding, among other things. Several documents highlight the need to involve affected groups in the planning process and suggest that the process should be as participatory as possible (discussed in detail below in points 6, 9 and 10). Others highlight the need to involve specialists from a number of different fields (2.1, 2.2).

Thorough planning may be the best safeguard for preventing rights violations in the context of planned relocations. With this in mind, guidance on planned relocations should orient itself on the best practices suggested by DIDR and other sectors, or on the practices exemplified in the GFDRR guide on preventive resettlement (see 2.1). In the context of reactive relocations, however, it may be necessary to think about the trade-off between speed of relocation and thoroughness of planning. One very practical question, therefore, is how to maximize planning (in particular participatory planning) in the context of reactive relocation.

5. Funding (1.4, 2.2, 6.2)

There is a major difference between funding DIDR projects and funding planned relocations, as the former usually aims at providing growth or development. While part of the expected profits can be used for resettling affected persons, the process is often paid for by private enterprises. In contrast, funding for planned relocations mostly comes from public sources. Because the costs of planned relocations may overwhelm poor countries, and because the reasons triggering many planned relocations may be linked to climate change, a strong argument can be made that adaptation funding, or loss and damage funding¹⁷¹, should be provided by the international community as assistance to countries facing planned relocations.

A contested question is the level of well-being that planned relocations should provide. If guidance on planned relocation follows the DIDR template, living standards should be at least the same, if not better, after the resettlement process. It is questionable, however, whether such a standard will be attainable given the possible funding issues that are likely to affect many countries. While good planning might make up for some of the funding issues, there might nonetheless be financial obstacles in meeting those standards. One could make the point that standards on planned relocations should at least aim at preventing major impoverishment risks, with a goal of making sure people are not worse off than they were before. With this in mind, there should be scope for improving the lives of those whose conditions at their place of origins were already in violation of human rights standards.

6. Decision making (1.4, 4.2, 5.1)

Among the many decisions that have to be made in the context of planned relocations are identification of areas at risk, calculation of when relocation is required, and assessments on practical matters surrounding the process of moving people to a new area. A number of documents highlight the need to involve the affected population in decision-making processes. This includes providing thorough information, ensuring participation, and consulting with the affected populations. Decisions should be transparent, and affected persons should be informed about the reasons for decisions made by authorities (see 6.1).

One issue that might be especially contentious is the question of what to do if people refuse to relocate. Provisions indicate that forced evacuations, when necessary to protect people's lives, are permissible if they have a legal basis (see 4.1 Operational Guidelines). However, it is not clear how imminent a threat must be to justify such measures. Any guidance on planned relocation will need to carefully interrogate under what circumstances and on the basis of which safeguards forced evictions are permissible.

¹⁷¹ For more information of climate finance see UNFCCC:
http://unfccc.int/focus/climate_finance/items/7001.php.

7. Prevention (1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 4.1, 5.1, 6.1)

The documents discussed in this paper examine prevention in a number of ways. Displacement documents highlight that displacement should be prevented wherever possible. DIDR documents make the same point with regard to resettlement as do documents on eviction. One guidance document (2.2 WB reconstruction handbook) highlights that governments also have the responsibility to put regulatory frameworks into place that would avoid allowing planned relocations to be conducted by non-state actors such as NGOs, unless absolutely necessary.

Further, several documents point out the responsibility of states to implement risk reduction measures (see e.g. 1.2 Kampala Convention) and adaptation assistance programs (e.g. 1.3 Peninsula Principles) so people can stay in place as long as possible. The Peninsula Principles also highlight the need to include displacement prevention into legal frameworks.

8. Information (1.4, 2.1, 2.2, 4.2, 5.1, 6.1)

An important principle highlighted in several documents is the right of affected persons to have access to information—sometimes in a very detailed form. For example, the Peninsula Principles (1.4), in the context of planned relocations, emphasizes that states should provide wide-ranging information about land-use policies specific to relocation sites, changes in land use because of climate change, relocation options and compensation, as well as adaptation and mitigation options. More often though, the obligation to provide information is discussed in more general terms, simply pointing out a general obligation to inform, which is usually combined with an assertion about the importance of consultation with, and participation of, affected persons.

9. Consultation and consent (1.1, 1.3, 1.4, 2.1, 2.2, 3.1, 3.2, 3.5, 3.9, 4.1, 5.1, 6.1)

Consultation is frequently mentioned in all six areas discussed in this paper. (1.1 Guiding Principles on Internal Displacement, 1.3 Nansen Principles, 1.4 Peninsula Principles, 5.1 Kothari Principles), especially in the context of non-emergency situations. Important elements of consultation include that it be undertaken not only with persons who need to be relocated, but also with host communities and any other affected persons or groups (1.3 Nansen Principles). Documents on DIDR often provide detailed instructions on how to undertake consultation. These documents also indicate that consultations should include the provision of viable resettlement options and should address eligibility for compensation (3.2 World Bank OP 4.12). Overall, there seems to be wide agreement across the different areas that consultation is a key part of any successful resettlement/relocation process.

10. Participation (1.3, 1.4, 2.1, 2.2, 3.1, 3.8, 4.2, 5.1, 6.1)

Participation is often discussed in tandem with information sharing and consultation and, at times, these terms are used almost interchangeably. Nonetheless, participation implies a much more active engagement than consultation, such as when there is direct participation in major decisions about the relocation process (see decision-making above), or in all stages of the planning (see 3.8 World Commission on Dams). Some documents specifically highlight the importance of participation of particular, often vulnerable, groups such as indigenous peoples, ethnic minorities, pastoralists, and women (see e.g. 3.1 OECD Guidelines).

11. Discrimination (1.1, 1.3, 2.3, 3.3, 6.1)

International human rights law clearly lays down a strict prohibition against discrimination. In line with international human rights law, the Guiding Principles (1.1) highlights that IDPs should not be discriminated against because of their displacement and indicates that the Guiding Principles apply to all without discrimination. Several documents have general provisions about the need to prevent discrimination, while a few are more specific. For instance, the IFC Guidance Note (3.3) highlights the issue of preventing discrimination against women in the context of tenure security and compensation.

12. Vulnerable groups (1.1, 3.2, 3.8, 5.1, 6.3)

Several documents highlight the need for the special protection of, and/or support for, vulnerable groups in a way that goes beyond the principle of non-discrimination discussed above. Differential treatment of vulnerable groups is permissible as long as it is based on differing needs (see 1.1). Several documents emphasize the need to take particular prevention measures in the case of relocation of indigenous peoples and ethnic minorities.

Furthermore, a number of documents identify the need to make specific efforts to include vulnerable groups in the planning and decision-making process. For example, the Report of the World Commission on Dams (3.8) argues that there should be free, prior, and informed consent by indigenous peoples in all decision-making regarding the relocation process (see also points 6 and 8 above)

The Report (3.8) also highlights that resettlement from dams has particularly impacted a number of vulnerable groups. This issue may also arise where planned relocation is undertaken in the context of disasters, environmental change, and/or effects of climate change. Therefore, throughout the entire process, the rights of vulnerable groups should be specifically protected and necessary safeguards should be put in place to prevent rights violations.

Authors of guidance on planned relocation would need to decide how detailed they need to be on the issue of vulnerable groups (e.g. if the guidance would have provisions

on specific vulnerable groups, or rather, address vulnerable groups in more general terms).

13. Gender/Women (1.3, 3.1, 3.3)

A number of documents place significant focus on the issue of gender and the rights of women. Mainly, this focus comes in the form of calls to take gender concerns into account when creating policies about relocations (See e.g. 1.3 Nansen Principles). The OECD Guidelines (3.1) highlight that relocation planners should carefully consider the preferences of women, and should address women's specific needs and constraints. In other documents, the focus on women is directed more at areas where discrimination frequently takes place [such as, for example, issues of housing, land and property rights (including inheritance) and compensation]. See section on discrimination (point 11 above) for an example in the context of tenure security.

14. Cultural issues (2.2, 3.1, 3.2, 3.7)

Documents on DIDR places a particular focus on culture. The OECD Guidelines (3.1) note that resettlement plans should be culturally acceptable and should include provisions for cultural property. The World Bank's OP 4.12 (3.2) emphasizes that alternative projects should be considered if the main project involves indigenous peoples, as resettlement might threaten the cultural survival of these groups. While many documents discussed in this paper do not touch on the issue of culture in great detail, it would be advisable to include provisions on culture and cultural property into any guidance on planned relocations.

15. Environmental impact, secondary hazards (3.7, 5.1)

The issues of environmental impact and secondary hazards are of particular importance to relocations caused by disasters, environmental change, and/or the effects of climate change. If persons need to be relocated in these contexts, there must be sufficient criteria to determine that the relocation areas are safe and habitable and that they do not lead to secondary displacement. Furthermore, there is a need to determine the environmental impact of the resettlement project and whether the designated relocation areas have the capacity to cope with the impact of hosting new inhabitants. Environmental impact assessments are standard in DIDR, and most documents on DIDR also includes provisions on secondary hazards. For example, the EIB's Environmental and Social Standards (3.7) provides a long list of criteria for the minimum acceptable standards of a relocation site. These criteria include that relocation sites should not be located in zones identified as potentially at risk of disasters from natural hazards. These safeguards should also be considered in the context of man-made hazards. As the Guiding Principles (1.1) note, people should not be resettled in any place where their "life, safety, liberty and/or health"¹⁷² would be at risk.

¹⁷² *Guiding Principles on Internal Displacement*. op.cit., Principle 15d.

16. Compensation (1.1, 1.2, 1.3, 1.4, 1.5, 2.3, 3.2, 3.3, 3.4, 3.6, 5.1, 6.1, 6.4)

As already highlighted in the section on funding, compensation is critical in preventing the impoverishment of relocated persons, and the violation of their human rights. Basically, all documents that discuss the issue are in agreement that displaced persons are entitled to compensation in the event that their land and property cannot be restituted. The Kampala Convention (1.2) goes even further, noting that IDPs are due compensation if the state fails to protect and assist them in cases of natural disasters.

While documents on displacement discuss compensation in rather general terms, the DIDR documents approach the issues in greater detail. These documents highlight that resettled people should be compensated at replacement cost, and that compensation should include a wide range of additional benefits. Affected persons should not only be compensated, or receive replacement for their land, housing, and property, but provisions should also be made to replace or compensate for lost livelihoods. In addition, assistance should be provided during the process of moving and in the early phase of living in the resettlement area. Furthermore, development assistance in the form of land preparation, training, etc., should be provided. DIDR documents state that land-based livelihoods should, if possible, receive land-based compensation. These documents also urge a degree of caution when considering compensation in cash.

The DIDR documents also discuss, in detail, questions of eligibility for compensation, particularly in the context of the tenure situation of the affected persons. The DIDR documents indicate that persons with formal land titles, as well as those with informal land titles, should be eligible for compensation for their land. Persons with no discernible title are still eligible for resettlement assistance and compensation for lost assets other than land (see 3.2 OP 4.12 for more details). In addition, documents on evictions highlight that even those without land titles should not be left without compensation and alternative accommodation (see 5.1 Kothari Principles). DIDR literature further highlights that eligibility for compensation should be determined through a census or social survey, where opportunistic settlers who move in after the cut-off date are not entitled to compensation. If the census or survey is too far removed from the resettlement date, an updated census may be required.

One issue that complicates planned relocations is that disasters can destroy property records, or render them otherwise unavailable. Accordingly, there may be a need for some inventiveness and flexibility in determining property rights, which in turn informs compensation levels.

The DIDR documents highlight additional important issues surrounding the issue of compensation, such as inheritance of the property of deceased persons (particularly if the relocation process takes place after a natural disaster) and the eligibility of heirs to compensation.

While DIDR documents provide the most detailed guidance in terms of compensation, there is a question as to how much these frameworks can be directly applied to planned

relocations in the context of disasters, environmental change, and/or the effects of climate change, given differences in responsibilities and funding. Still, the DIDR frameworks can certainly provide a number of important points to consider, particularly when dealing with different types of land rights holders and questions of compensation that are more complex than replacing land and housing.

17. Resettlement areas and land rights (1.1, 1.3, 1.4, 1.5, 2.2, 2.3, 3.1, 3.2, 3.3, 3.7, 4.1, 5.1, 6.1, 6.2, 6.3)

Many documents contain specific provisions on resettlement areas. Places of resettlement need to be safe (see also the discussion in point 15 above on secondary hazards). This usually means that resettlement areas must be free from man-made, natural, and environmental risks. Further, land and property rights must be clarified so as to prevent any risk of secondary displacement and/or need for further resettlement down the road.

Aside from the issue of risk, documents focus on the properties of the resettlement site, with the DIDR documents providing the most detailed guidance (for example, see 3.7 EIB standards, which are particularly detailed on the subject, as well as 5.1 Kothari Principles (5.1)). Important considerations include the availability of services and infrastructure (water, electricity, land, forests, WASH, health and child care, etc.) and livelihood opportunities (land-based and non-land based, rural or urban, and subject to the economic situation of the relocated population). Resettlement areas should also allow for the reconstruction of social and cultural institutions of displaced persons (1.4 Peninsula Principles 1.4).

18. Livelihoods (1.1, 1.4, 2.2, 3.3, 3.5, 5.1, 6.3)

As already pointed out above (points 16 and 17) there should be adequate provision of, and opportunities for, livelihoods at the relocation site. Displaced persons should receive assistance in regaining their livelihoods or help in finding new livelihoods if their previous ones cannot be recreated at the relocation site. The special needs of vulnerable groups should be kept in mind, as is demonstrated in the Kothari Principles (5.1), which point out the need to ensure that travel times and costs associated with accessing employment and services are not too high for low-income households.

19. Protection (1.1, 1.3, 1.4, 4.1, 4.2)

Documents on displacement and evacuations highlight protection concerns. While the human rights of all displaced persons must be protected, the rights of vulnerable groups should receive special attention (see also points 1, 13, and 14 above). While there are protection concerns during all stages of planned relocations, specific concerns may arise during the movement process, as well as during the initial stages of resettlement. Authorities should prepare to face those challenges.

In addition, documents also discuss the protection of property left behind by displaced persons and highlight the responsibility of the authorities to safeguard that property.

20. Host communities and communities left behind (1.3, 1.4, 2.2, 2.3, 3.4, 6.4)

Several documents discuss issues pertinent to host communities, as well as communities that have been left behind. Overall, host communities should be part of the planning process and also have rights to information and consultations. Issues of equity should be considered. For example, the Peninsula Principles (1.4) suggest that there should be equity in basic services between displaced persons and host communities. In general, possible social, cultural, and economic effects on host communities should be considered when planning the relocation process. Plans should also be made to mitigate any negative effects the relocation process may have on host communities.

In situations where only a part of the community is resettled, there may be a case for providing support or compensation for the community members left behind, who may have experienced disruptions to their livelihoods and social and cultural institutions as a result of the relocation process (see for example 3.4 ADB Safeguards).

21. Land left behind (1.5)

Land and property left behind after a relocation is another important theme. The Pinheiro Principles (1.5) for example, note that it may be necessary to have such land and property legally transferred to the state (in return for compensation). However, one can also envision a solution wherein displaced persons are able to keep the rights to their land, so that if circumstances change, they could return or at least claim symbolic ownership of the land. The latter may be of particular importance to populations that have strong attachment to their land for historical or cultural reasons. In the event that relocation sites are not far from the original sites and there is no imminent danger, such as in slow-onset cases, people may be able to keep using their land for livelihood purposes as long as it is feasible and safe.

When planned relocations are conducted in order to move people from unsafe areas, states need to ensure that those areas are not reoccupied once the original population has been relocated. The document on planned relocations from natural hazards and disasters (2.1 and 2.2) point out it is the state's responsibility to guard the land from secondary occupation.

22. Persons who refuse to leave (3.7, 5.1)

Finding solutions for persons who refuse to leave is a particularly difficult issue. Most documents discussing the issue indicate that forcing people to leave is only permissible when it is absolutely necessary to save lives or ensure health, and that such forcible evictions should only be allowed when provided for by law. Should the necessity to evict persons arise, the process of eviction should follow the international standards

developed by the Kothari Principles (5.1). It should be highlighted, once again, that evicted persons are also entitled to compensation and should under no circumstances be left homeless.

Furthermore, as the Guiding Principles (1.1) clearly demonstrate, IDPs have the right to settle in another part of the country. This means that persons should not be forced to move to the designated relocation site and should still be eligible for compensation, despite opting to move to another location of their choosing.

23. Complaint mechanisms, legal recourse (1.5, 5.1, 6.1)

Several documents indicate that affected persons should have access to impartial complaint mechanisms as well as to legal recourse. In cases involving evictions, mediation or arbitration by independent third parties should be used to find alternatives to eviction (see 5.1 Kothari Principles). Negotiation and mediation may also be used in the context of property rights disputes that might occur during planned relocation processes.

24. Monitoring, evaluation (3.2, 3.3)

Documents on DIDR highlight that resettlement projects include provisions for monitoring and evaluation. In terms of planned relocations, devising mechanisms for monitoring and evaluation could be particularly important for ensuring the rights of affected persons are fulfilled, as well as for collecting lessons learned that can inform and improve future relocation projects.

25. Role of regional, international actors (1.3, 6.2)

While states have the primary responsibility to protect the rights of people within their territory and jurisdiction and will likely be the main party responsible for planned relocation, regional and international actors will likely have supporting roles when it comes to planned relocations in the context of disasters, environmental change, and/or effects of climate change. In cases of insufficient funding and expertise, states should consider accepting support from international and/or regional actors. In the case of planned relocations in the context of climate change, a strong argument can be made that affected persons and states are entitled to outside support in dealing with the issue of planned relocations.

Cases of cross-border relocations will pose unique challenges (see 1.3 Nansen Initiative) as they will involve, at a minimum, cooperation between two governments. In such cases, the forthcoming guidance from the Nansen Initiative will be particularly important.

CONCLUSION

Having analyzed more than 30 documents from six thematic areas, it is clear that existing documents can serve as a solid foundation for developing guidance on planned relocations. In particular, guidance on displacement and DIDR hold important lessons for planned relocations and address many issues that are important for planned relocations in the context of disasters, environmental change, and/or the effects of climate change. While there is no comprehensive guidance on planned relocations, this paper suggests that relevant parts of existing documents can be adapted to fit the specific challenges of planned relocations.

Several issues can be anticipated in the process of using existing documents as a basis for developing guidance on planned relocation. The first issue concerns applicability, especially when the guidance comes from the context of DIDR. The second issue concerns the use of different definitions and the varying degrees of action they imply. For example, is compensation meant to ensure that people are as well-off as they were before or even better-off? Additionally, is prevention something that is merely recommended or is it mandatory? These two examples demonstrate that there are significant implications for various interpretations of words that are commonly used when discussing these issues.

The third concerns the level of detail that should be included in guidance on planned relocation. Should the guidance differentiate between, and delve into, anticipatory and reactive relocations or should the guidance aim at painting a broader picture? Should the guidance consist of basic principles, or also provide more technical directives? Given that a good amount of general guidance on that is relevant to many aspects of planned relocations, particularly when involuntary, already exists, this paper suggests that guidance on planned relocations should be rather specific, perhaps even incorporating or mandating the development of some operational guidance.¹⁷³

¹⁷³ See also the discussion in the Sanremo outcome report: UNHCR, et al. (March 12-14, 2014). *Planned Relocations, Disasters and Climate Change: Consolidating Good Practices and Planning for the Future. Report, Sanremo, Italy, 12-14 March, 2014*. Washington, DC: The Brookings Institution. Retrieved <http://www.brookings.edu/~media/research/files/papers/2014/03/14-planned-relocations-climate-change/planned-relocations-disasters-and-climate-change-report-march-2014.pdf>.

REFERENCE TABLE

	Full Title	Short Form	Year	URL
1.1	UN Guiding Principles on Internal Displacement	Guiding Principles	1998	http://www.brookings.edu/~media/Projects/idp/GPEnglish.pdf
1.2	African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa	Kampala Convention	2009	http://www.unhcr.org/4ae9bede9.html
1.3	Nansen Principles Nansen Principles: Climate Change and Displacement in the 21st Century.	Nansen Principles	2011	http://www.unhcr.org/4ea969729.pdf
1.4	Peninsula Principles on Climate Displacement Within States	Peninsula Principles	2013	http://displacementsolutions.org/wp-content/uploads/FINAL-Peninsula-Principles-FINAL.pdf
1.5	UN Principles on Housing and Property Restitution for Refugees and Displaced Persons	Pinheiro Principles	2005	http://www.cohre.org/news/documents/the-pinheiro-principles
2.1	Populations at Risk of Disaster: A Resettlement Guide	Resettlement Guide	2011	http://www.gfdrr.org/sites/gfdrr.org/files/publication/resettlement_guide_150.pdf
2.2	Safer Homes, Stronger Communities: A Handbook for Reconstructing after Natural Disasters	The Handbook	2010	https://openknowledge.worldbank.org/handle/10986/2409
2.3	Housing, Land, and Property Guidance Note on Relocation	Guidance Note	2014	https://www.sheltercluster.org/sites/default/files/docs/Relocation%20-%20HLP%20Guidance%20Note%20for%20Shelter%20Partners.pdf
3.1	OECD Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects (OECD Guidelines on Aid and Environment)	Guidelines No. 3	1991	http://www.oecd.org/dac/environment-development/1887708
3.2	World Bank Operational Policy 4.12 – Involuntary Resettlement	OP 4.12	2001	http://go.worldbank.org/GMOEIY580
3.3	International Financial Corporation: Performance Standard No. 5: Land Acquisition and Resettlement	Performance Standard No. 5	2012	http://www.ifc.org/wps/wcm/connect/3d82c70049a79073b82cfaa8c6a8312a/PS5_English_2012.pdf?MOD=AJPERES
	Guidance Note 5: Land Acquisition and Resettlement	Guidance Note 5	2012	http://www.ifc.org/wps/wcm/connect/3d82c70049a79073b82cfaa8c6a8312a/PS5_English_2012.pdf?MOD=AJPERES

				AJPERES
	Handbook for Preparing a Resettlement Plan	The Handbook	2002	http://www.ifc.org/wps/wcm/connect/22ad720048855b25880cda6a6515bb18/ResettlementHandbook.PDF?MOD=AJPERES
3.4	Asian Development Bank Involuntary Resettlement Safeguards and Asian development Bank Handbook on Resettlement	Safeguards Policy	2012	http://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf
3.5	Inter-American Development Bank Operational Policy-710: Involuntary Resettlement Policy and Guidelines for Resettlement Plans	OP-710	1998	http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=2032100
3.6	African Development Bank Involuntary Resettlement Policy	Involuntary Resettlement Policy	2003	http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/10000009-EN-BANK-GROUP-INVOLUNTARY-RESETTLEMENT-POLICY.PDF
3.7	European Investment Bank: Environmental and Social Standards	The Standards	2009	http://www.eib.org/attachments/strategies/eib_statement_esps_en.pdf
3.8	World Commission of Dams: Dams and Development	The Report	2000	http://www.internationalrivers.org/files/attached-files/world_commission_on_dams_final_report.pdf
3.9	Australian Agency for International Development: Guidelines on Integrating Displacement and Resettlement Safeguards and Displacement and Resettlement of people in Development Activities	-	2014	http://aid.dfat.gov.au/aidissues/displacement/Documents/displacement-resettlement.pdf
4.1	Operational Guidelines on the Protection of Persons Affected by Natural Disasters	Operational Guidelines	2010	http://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines.pdf
4.2	Comprehensive Guide for Planning Mass Evacuations in Natural Disasters (MEND)	MEND Guide	2013	http://www.globalccmcluster.org/tools-and-guidance/publications/mend-guide
5.1	OHCHR Basic Principles and Guidelines on Development-based Evictions and Displacement	Kothari Principles	2007	http://www.ohchr.org/documents/issues/housing/guidelines_en.pdf
6.1	Guiding Principles on Security of Tenure for the Urban Poor (UN-Habitat)	Guiding Principles	2013	A/HRC/25/54
6.2	Land, Environment and Climate Change (UN-Habitat)	-	2010	http://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=3022&Aspx

				AutoDetectCookieSupport=1
6.3	Secure Land Rights for All (UN-Habitat)	-	2008	https://www.responsibleagroinvestment.org/sites/responsibleagroinvestment.org/files/Secure%20land%20rights%20for%20all-UN%20HABITAT.pdf
6.4	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO)	The Guidelines	2012	http://www.fao.org/docrep/016/i2801e/i2801e.pdf

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