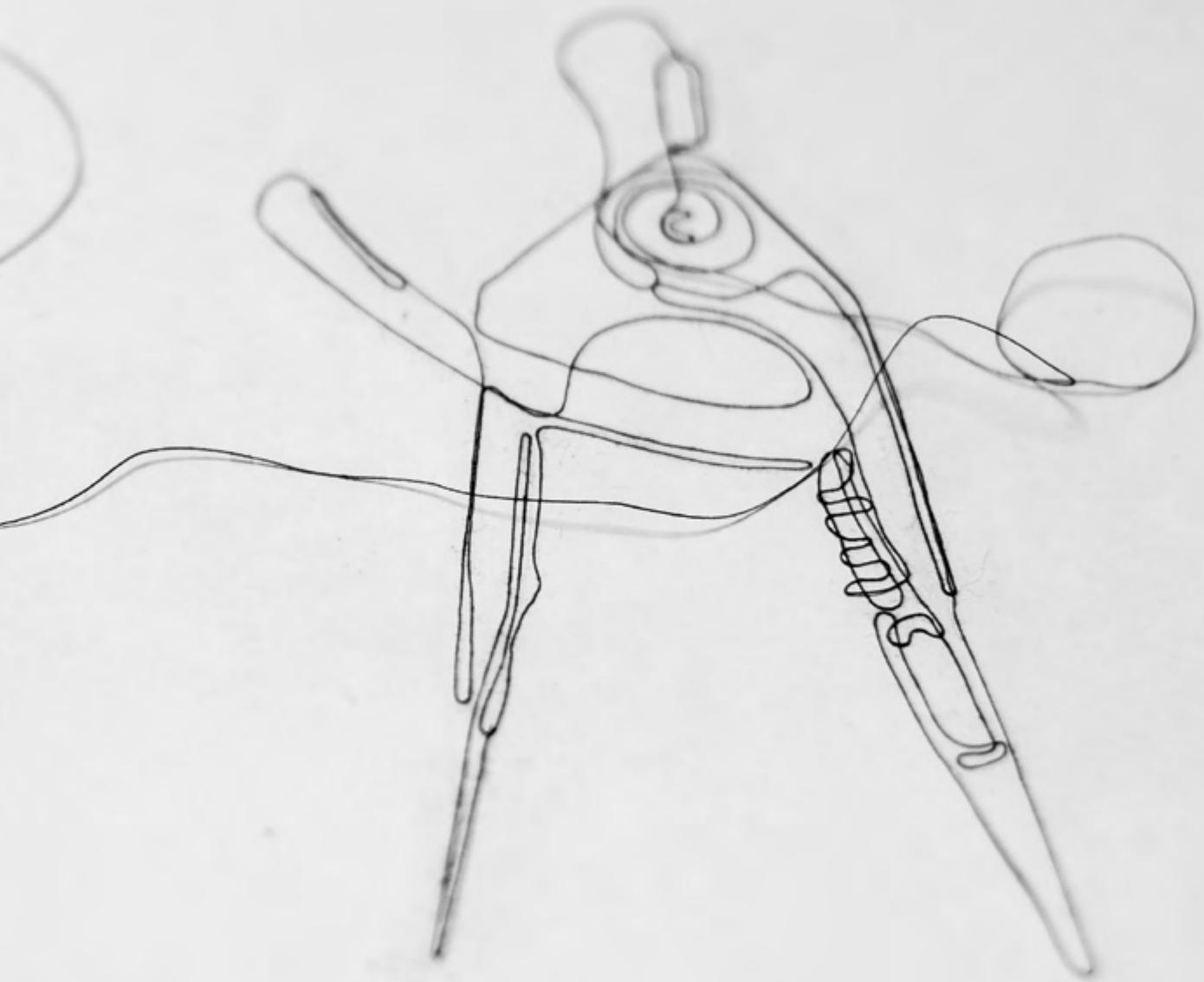


INTERNATIONAL  
**ACCOUNTABILITY PROJECT**



**BACK TO  
DEVELOPMENT**

**A CALL FOR WHAT DEVELOPMENT COULD BE**

The title of this report asks us to return to the idea that development should always improve lives and never cause harm. Instead of being devoted to the end products, development should focus first on realizing community-led plans and priorities. The cover image of the compass calls us to return with a clean page to the drawing board - and ask whose inspiration should be followed before drawing the first line.

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# INTRODUCTION

By Joanna Levitt and Ryan Schlieff, International Accountability Project (IAP)

What if development projects were designed and lived by the same people?

**T**he promise of development to improve the lives of people has been lost.

Based on one of the most extensive community-led surveys on global development, involving 800 people in eight countries, the findings of IAP's Global Advocacy Team show the darkest side of development and how local expertise is changing it.

This report calls for a return to the idea of what development could be - what many of us wish was happening today.

As one of the people surveyed in Zimbabwe said, "Development must be shaped by the people. Poverty cannot be eradicated alone by someone who is not affected by it. People must also fight their own poverty."

In this report, you will meet IAP's Global Advocacy Team. Selected from a large pool of applicants from around the world, the eight members of the Team are outstanding leaders, innovators, and advocates for economic development that upholds human rights. They have personally experienced forced evictions and other harms from imposed development projects.

IAP started this initiative to document how development can be improved by those who have seen it change their lives for better or for worse. This report demonstrates that these local experts are actually best placed to advise on the development process and on specific improvements to the projects themselves.

This report is directed to those who fund and design projects being considered as development. We hope local communities, especially those facing negative impacts, find helpful ideas in these eight chapters. And for everyone who believes development should be community-led—relying on local priorities, plans, and expertise to improve lives—we hope you are inspired and see this report as a continuation of ideas and actions that will return development to what it was once intended to be. ■



# WHY WE UNDERTOOK THIS GLOBAL STUDY

*By the IAP Global Advocacy Team*

*(Bernardino Morales Tera, Jamil Junejo, Melania Chiponda, Mohamed Abdel Azim, Moon Nay Li, Rowena “jessica” Amon, Sek Sokunroth, and Sukhgerel Dugersuren)*

**W**e come from eight very different countries and contexts: farmers and rural communities in Burma, Pakistan, and Zimbabwe; urban neighborhoods in Cambodia and the Philippines; and indigenous groups in Egypt, Mongolia, and Panama. Yet we have found that our diverse communities face strikingly similar challenges, experiences, and opportunities.

When reading this report based on the research we conducted in our eight countries, we ask you to understand that “development” has become a scary word for many people in our communities.

In our personal experiences and during our parents’ generation, development projects did not translate into visible benefits for local people. Instead, development was the word that government officials used to justify seizing our lands, bring violence at the hands of the military and police, and threaten us when we asked questions about what was happening. Many of us on the Global Advocacy Team have personally experienced the trauma and horrors of forced evictions. All of us have dedicated our lives to supporting communities that are struggling to survive under these difficult conditions.

Coming from this perspective, we believe human rights are inextricably linked to development. We are promoting a development approach that truly regards local people as equal partners and experts in the quest to find solutions to our countries’ development challenges. We are not representing invisible or expendable communities who can be sacrificed for the greater good.

At times, conducting this research was challenging. Several of our communities were in the process of being displaced as we worked on this report. Three of us worked to collect the data in the midst of dramatic political change and protest in our countries. Two of us had to meet with community members while armed soldiers stood nearby. Many of us had to travel long distances to access the Internet and communicate with the rest of the Team.

Through our ongoing work and this research, we have learned many lessons and sought solutions that we would like to share with the rest of the world in this report.

The Team first gathered for a month-long program in Washington, D.C. in October 2013. During

this month of working and living together, we exchanged ideas, told our personal stories, and identified priority topics of investigation for our research.

We also met with over 25 officials and staff from the World Bank and the U.S. Government. We shared our research project and asked what would make the research most useful for them and other policymakers. From this input, we then designed a 55-question survey tool for gathering data in our communities.

After returning to our home countries, each of us formed research teams with fellow community members. Throughout the research process, we took deliberate steps to ensure that our methodology was rigorous and objective. We also took precautions so the survey participants were representative of the wide range of experiences and perspectives in each community, especially women.

Doing this research for the first time, we have a number of suggestions to improve the survey in the future. Nevertheless, we believe that the perspectives and findings in this report are valid and important for policymakers to consider, especially

since the voices of people displaced by development are so rarely heard in the development process.

While the eight of us are listed as authors, the Global Advocacy Team actually consists of many more people. From each of our communities, dozens volunteered and spent hours with fellow community members to conduct the surveys, and then carefully entered the data into our database.

We also thank the more than 800 people in eight countries who gave their time and ideas by participating in the survey. They invited us into their homes, even when it was dangerous to be caught discussing these topics. They did not rush; many spent one or two hours doing the survey and talking with us. The survey became important to them, too. They were passionate to share their experiences and their ideas for solutions.

For each of us, it has been an inspiring experience to learn from our community the insightful ideas about development projects and policies. We are confident this report will inspire many more to understand why communities should be full partners in the development process. We offer our recommendations in this spirit. ■

# THE GLOBAL ADVOCACY TEAM



*Chapter 1*  
**ROWENA "JESSICA" AMON** comes from Manila, Philippines and is the lead organizer for a coalition of riverside communities working to strengthen public participation in Metro Manila's Flood Control Master Plan. As a staff member at Community Organizers Multiversity, Jessica is involved in multiple initiatives to improve protection for urban communities' housing rights in the Philippines.



*Chapter 2*  
**MOON NAY LI** is originally from Kachin Sub-State (Northern Shan State) in Myanmar. She works with the Kachin Women's Association Thailand, Women's League of Burma, and the Network for Human Rights Documentation-Burma. Moon's advocacy focuses on strengthening women's rights and leadership in issues related to development, land, and peace.



*Chapter 3*  
**BERNARDINO MORALES TERA** is a youth leader from a Ngäbe indigenous community in the Bocas del Toro region of Panama that was displaced in 2011 by the Chan 75 hydropower dam. He played an active role in the submission his community made to the World Bank Inspection Panel and their ongoing case in the Inter-American Commission on Human Rights.



*Chapter 4*  
**SUKHGEREL DUGERSUREN** is active in supporting numerous nomadic communities in Mongolia that have been displaced by extractive industry projects. She has helped communities file complaints with the citizen grievance mechanisms of the World Bank's International Financial Corporation and the European Bank for Reconstruction and Development. She is the founder and Executive Director of the local mine-monitoring organization, OT Watch.



*Chapter 5*  
**MOHAMED ABDEL AZIM** is a community organizer and a human rights lawyer from Cairo, Egypt, where he works with the Egyptian Center for Civil and Legislative Reform. Mohamed has supported multiple neighborhood groups facing eviction in Cairo and elsewhere in Egypt by using innovative legal and advocacy strategies to defend their housing rights.



*Chapter 6*  
**MELANIA CHIPONDA** is from the Marange community in Zimbabwe, which is now facing forced relocation for diamond mining. She has been active in community development initiatives locally and in promoting transparency in extractives in Zimbabwe and regionally across Africa. Melania is the founder and Projects Coordinator of Chiadzwa Community Trust.



*Chapter 7*  
**JAMIL JUNEJO** is from Karachi, Pakistan, where he is the Programs Manager for Pakistan Fisherfolks Forum, a social movement organization with over 70,000 members. Jamil works closely with fisherfolks from across Pakistan, including through research and writing to raise the profile of their struggles and aspirations.



*Chapter 8*  
**SEK SOKUNROTH** grew up in the Boeung Kak Lake community in Phnom Penh, Cambodia, where he and his family were evicted from their home in 2011. He is active as a youth leader in his community and supports many other community struggles against forced evictions by serving as a human rights monitor and online activist. Sokunroth founded his own organization, Act of Unity-Japan, in 2014.

# CHAPTER 1:

## Start with a People's Plan

By Rowena "jessica" Amon

Using participatory planning to identify alternatives for flood control and housing in the Philippines



In 1998, when I joined Community Organizers Multiversity, I had a vision that people who have been displaced and are homeless do not need to be powerless. My passion is organizing people. For the past 15 years, I have worked to support the informal settler families who live along the Pasig River, which runs from the Laguna de Bay inland through Metro Manila and out to the sea. The challenge we face right now is the implementation of the government's flood control management project, which could displace over 830,000 people living in the riverside and lakeside communities. I work with many local community members and leaders to gather together local ideas for development that will truly change power dynamics in our country and improve the lives of all people, including our riverside communities.



### ABOUT THE PROJECT

Several tropical storms and typhoons hit the Philippines each year, but the damage has recently become more severe. In 2013, Typhoon Haiyan impacted at least 1.4 million families, affecting approximately 7.3 million people. In a few areas, the water remained for three months before returning to its original levels, destroying people's homes and exposing them to disease and health problems. This was only the latest in a long line of destructive storms. In the past six years, seven typhoons have hit our country, flooding homes and displacing people. Before this, the Metro Manila region faced severe flooding only every five years.

For this reason, the Philippines government has made it a priority to prepare for future natural disasters, especially around the densely populated Metro Manila area. Much of the government's attention focuses on Laguna de Bay, a large lake that sits to the east of Manila. In the communities where I live and work, flood control is also a priority. But our vision of flood control is very different from what the government is planning.

The government has proposed to reduce the effects of flooding by building a number of megaprojects, including vast new networks of dikes, spillways, and roads, around the shores of the lake. Altogether, these projects will require the eviction of an estimated 830,000 people living near the lake. Although the design of these projects began years ago, the government has not consulted with the communities about how the flood management projects will affect them—and they have never asked us about the flood control plans that we are already designing.

After Typhoon Ondoy hit in 2009, the government began to seriously study flood management and preparedness options in Metro Manila with guidance from the World Bank. In 2012, it announced the completion of a "Flood Management Master Plan" that calls for the development of eleven infrastructure projects around Laguna de Bay. The estimated cost is US\$7.8 billion. The projects will include the Cavite-Laguna Expressway around the lake, the West Laguna Lake Shore Land Raising project, as well as construction of spillways, a mega-dike, dredging works, and improvements to the urban drainage systems.

We know this information from doing our own research into World Bank documents and other sources. No one involved in these projects has come to speak to our communities—even though people would be evicted for these proposed projects. Most of the people who will be evicted are informal settlers living in poor conditions. The government has not officially announced any plans for the people and communities who would be affected, or consulted them about any plans. In fact, both the local and national governments keep telling the people that they will not be affected by the project.

"What we are asking for is a meaningful conversation with the government, in which they recognize that local people are also experts."

## OUR COMMUNITIES' EXPERIENCE

**F**looding has become a way of life for many of the people living around Laguna de Bay. In May 2014, I spoke with Bella de la Rosa, a leader in her village of Sitio Lumang Ilog in Barangay, San Juan Municipality of Taytay Province of Rizal. She is a mother of three grown-up children and the current president of the Damayan Homeowners Association. She has lived in the village since she was evicted from her previous home in Manila in 1980. Most people in her community earn their livelihoods from fishing, vegetable farming, food vending, and sewing.

Bella told me about the impacts that years of flooding have had on her community:

*The first big flood that hit our community was in 1995 by Typhoon Rosing. It washed out almost all the houses and livelihoods in the community. Eighty percent of the community was affected and they lost everything. Evacuation areas were jam-packed with people living together in small compact areas, crowded and so busy that you could not even hear each other speak.*

*After the floods subsided, it took weeks for life to return to normal. Because of a lack of transportation facilities, however, children and students walked more than 5 km for school, and people traveled almost 6–7 km to the market. Water became harder to find, you had to have 5 pesos to get a container of potable water. Because of the lack of road access during the floods, government relief was delayed and very slow. Many people traveled by boat or raft to the other affected areas just to take a chance to see if they could find some help.*

*After 1995, we experienced floods about every five years until the Typhoon Ketsana [Ondoy] came in 2009. When the government came to our community this time, it was not to help us. The Department of Public Works arrived at dawn with a dump truck and started to dump soil in the flooded waters, explaining that it would prevent water from flowing back to Metro Manila during the low tide. But the dumping of soil buried about ten houses in our community. We were so confused. Were we not already victims of this disaster? Why were we being punished further?*

*Ever since Typhoon Ondoy, typhoons have become stronger and stronger each year. The short intervals have left us with no time to recover.*

Despite the devastation of the flooding, Bella's community has become equally concerned about the potential impacts of the government's response to the floods:

*Our community was happy when the government came and visited us in 2000, but this quickly changed. A government official told us that they would build a road dike along the lake and that our community would be affected. They briefly explained that the construction of the road dike would be the solution to flooding in the entire area surrounding the lake. Then they spent most of the time talking about how the road dike would also help to decongest traffic in Metro Manila. They did not ask for our input or ideas. They did not even explain which people in the community would be affected and what would happen to those who would be affected.*

*We had many questions about how the road dike would affect us. How would the road help our community? How would it prevent flooding? Why must the road dike cut through our community and displace thousands of families? Why can't the road be built on a different path? And we asked, "Why is that, sir?"*

**"Six private companies have donated time and technical expertise to help make the people's ideas into technical realities and feasible plans. We have clear alternatives to the government plans."**

## OF THE PEOPLE SURVEYED

85%

said the government had never consulted them on development priorities for the country.

96%

commented specifically on how they would like to be consulted and how the consultation process should operate.

80%

report that her/his idea of development is different from the government's idea of development.

78%

do not have a title to the land on which they are currently living.

## OUR FINDINGS

**A**cross all the communities, there is demand for stronger protections against flooding, but there is also concern that resettlement could be just as harmful. In the community that is already aware of the projects, people have proactively started to search for a solution to the flooding that will not require their eviction. They have started to generate their own People's Plans to collect community-led proposals for housing and flood control. This is happening even though the government has not yet consulted with them.

My colleagues and I at Community Organizers Multiversity (COM) have been working in the Laguna de Bay area since 2001 with fisherfolk and urban poor communities in 13 barangays (districts) in 2 provinces (Rizal and Laguna) with 46 communities and organizations. As part of our research on the flood management projects, we wanted to understand how people will be affected and whether they have a voice in the process. To do so, we interviewed people in seven communities that are likely to be affected. This included an area called Sitio Wawa in Barangay Malaban, Biñan City, Province of Laguna, which is already aware of the flood-control projects. The rest of the communities were not yet aware of the flood control plans.

We used the survey as an awareness-raising tool to encourage people to begin thinking about how displacement will affect them and whether it can help them to meet their development aspirations. We first conducted the survey, and afterward we led workshops to learn about the flood control plans. The survey took place as a community-wide event on January 11, 2014, in Biñan City in Laguna province, where we estimate that 27,000 people will be evicted from their homes as a result of the flood management projects. We gathered 100 people—76 women and 24 men—who are likely to be affected by the projects. Most are still unaware of what the flood management program will mean for them. It was a lively event, as the community is closely knit. Based on the data, we learned a great deal about the community's perspective on the government's flood management projects.

## FINDING 1:

*The communities agree that flood control is a priority.*

Throughout the survey, many people mentioned flooding as an urgent problem and a priority for development. Most of the families have been affected by flooding. For example, one person commented, “We’ve been suffering especially because of the issue of flooding—that’s why our children seldom go to school.” Another person noted, “Every six months, the area is being flooded, which causes people to be uncomfortable. We have to take action.” One person even commented, “Please help us, the people of Laguna, to rehabilitate our lake, because the lake’s current condition is the root cause of our flooding problems.”

Furthermore, the fact that Bella de la Rosa’s community organized themselves specifically to design a plan for flood control shows that this is an issue on people’s minds.

Thus, our research shows that community members in our area are in agreement with the Philippines government and international donors that flood control is a priority for development. However, the people we surveyed disagree with the process by which the government and development partners are proposing to execute flood control. Specifically, they criticized the lack of consultation and opportunities for them to participate in designing the approach to flood control.

## FINDING 2:

*The government has not consulted with the community or informed them about how the flood management program will affect them.*

The Philippines government has reportedly informed the World Bank and other donors that consultations are taking place with those who will be affected by the flood management projects.

Our research suggests a different story. The national and local governments have not held consultations with the seven communities where we conducted research. The lack of consultation has created a great deal of confusion and questions about what to expect. People have heard only small amounts of information from the media and NGOs. One woman reported, for example, “President Aquino and Laguna Governor Ejercito announced on television that Laguna Lake will be rehabilitated.” Beyond this, however, no further details have been provided to the public. Who exactly will be affected and when? One woman said, “If not for NGOs, people would be unaware of the projects being done in the community.”

The lack of consultation is not unique in Biñan City. Community members reported that the national and local governments rarely allow citizens to participate in development projects. One person described how past development projects in the area have taken place: “We knew nothing. We were surprised by what they were doing. Information never reached us. The next thing we know, everything is done.”

Of the people who we surveyed, 85% said that the government has never consulted them on development priorities for the country or region. With the exception of some government social welfare programs, people do not have an opportunity to provide input into the government’s decisions. The reason, perhaps, is that government officials assume that poor people have nothing to contribute to the design of development projects. As one person said during the survey, “We haven’t experienced being consulted by the government because they think they are the only ones who are knowledgeable.”

## FINDING 3:

*Despite lack of government consultation, local people are organizing to create alternative solutions to housing and flood control plans.*

In Bella de la Rosa’s community, people want more protection from flooding, but are also concerned about the way that the road dike is being designed and have proactively taken steps to participate in the planning process. In 2011, they created a People’s Plan that highlights the opportunities that the government’s flood management projects could provide for the community. Bella explained:

*We understand the need to have our own plan and solutions to the issues confronting our community. Through the People’s Plan, we established a vision for developing into a flood-free and sustainable community. It is based on the idea that real solutions for resettlement, basic services, and other issues should always come first from the people.*

*Since our community is a flood prone area, we are developing the People’s Plan to help mitigate disaster and flooding. It includes lessons we have learned about flood measures, evacuation plans, zero casualty, and mitigation concepts for disaster risk management. We have benefited from the help of technical people, like engineers and geologists, who have assisted us in making our plan technically sound. Our community is also undergoing training on technical and financial capabilities.*

Despite any assumptions the government might make about Biñan City, the people expressed a strong desire to be consulted. Of all the people surveyed, 96% provided specific comments on how they would like to be consulted and how a meaningful consultation process should operate.

Overall, the community felt that it was important for consultations to begin now, while the projects were still being designed. This will help to avoid unnecessary displacement and ensure that resettled people truly have their livelihoods improved. Community members articulated clear ideas of what an appropriate resettlement would include. For example, many people insisted that if they are resettled, it should be to a location nearby where they could access jobs, schools, and basic social services without having to travel long distances. Many others stressed the importance of having secure land tenure at their new home.

## FINDING 4:

*Existing factors could lead to problems during the resettlement process.*

During the survey, we noticed several warning signs of factors that could harm the livelihoods of those who are resettled by the project. For example, most of the people living in Biñan City do not have legally recognized rights to land or property, even when they have lived in the same place for many years. Of those surveyed, 78% said that they do not have title to the land on which they currently live. This creates a risk that they will be treated as second-class citizens when they are resettled.

Furthermore, 83% of people said they believe their source of livelihood will change in the future. Many expect to face difficulties in finding new jobs, especially if they are relocated far outside the city. One person predicted, “I will lose my job, probably because I will have to move far away from my workplace.” So far, the government has not provided any guarantees that appropriate resettlement sites exist within the city.

## LESSONS LEARNED

The Philippines government's flood management control projects are clearly in the public interest—if built carefully, they will help to prevent future damage from floods and typhoons, while ensuring that our country is able to adapt to climate change. The communities with which I work do not question the need for stronger flood management around Laguna de Bay and Metro Manila. We simply would like the government to recognize that we are stakeholders and experts in this process too, both as people who are vulnerable to flooding, as well as people who will bear many costs of this program if we are forced to leave our homes. Our communities fear that resettlement could be just as destructive as flooding unless designed in partnership with local communities. So far, the government has not provided adequate opportunities for public participation.

We see enormous potential in the use of People's Plans, like the one being developed in Bella de la Rosa's community, to facilitate meaningful public participation in the development of Manila's flood management program.

The creation of People's Plans is part of a broader initiative that Community Organizers Multiversity began in the early 2000s. We envisioned this initiative as a concrete way to ensure people's participation in finding solutions to development challenges. The People's Plan is both a process and an orientation. As a process, it must be developed through clear steps and procedures that involve the entire community. People must have faith and believe in the process in order to support its outcomes.

The process also allows the community to learn about change, to recognize that change is central to building a community, and to understand that meaningful and positive changes are possible. Ultimately, the People's Plan leads to a clear understanding of the community's role in pursuing development and being part of governance.

In our work to date, we have seen 13 People's Plans developed and completed, covering about 10,394 families and around 20,788 people living in 28 communities in the National Capital Region and its environments. This includes seven communities in the Laguna de Bay area and five communities in the Taytay area in Rizal Province.

Six private companies have donated time and technical expertise to the process, including geo-technicians, civil engineers, and architects. They have contributed their time and analysis to flesh out people's ideas into technical realities and

feasible plans. Whenever we present the concept of the People's Plan in a new community, the idea is met with huge enthusiasm. People make time to participate and to share their ideas about their own development. Our allies in the engineering and architectural companies also enjoy being part of such a meaningful process.

Our experience shows that it is not overly complicated, nor unreasonably expensive to conduct development planning in a truly participatory manner. In Bella's community, we spent only two months and six days (from November 4, 2013 to January 10, 2014) for preparations, including the planning stage, identifying target communities, and gathering initial data. With around US\$1,000 for the preparatory stage, mobilization, logistics, and the actual conduct of the survey and research, we have been able to engage hundreds of people and create a plan with ideas that the government could never come up with on its own.

The participatory nature of the process builds a strong sense of ownership among local people for the plan that emerges. As Bella eloquently summarizes:

*The People's Plan is a true practice of people's participation in governance and in finding a solution for housing and resettlement issues and basic services. It is an alternative plan developed by the people, based on our experiences. It contains the people's concept of development, as well as concrete development solutions that were crafted based on our analysis of the issues. It is a process that will allow our community to have a very meaningful engagement and participation with the government, if the government is willing.*

*The process has also allowed our whole community to come together and act as one. It has built the confidence of our leaders in engaging the government and authorities, because they can adequately articulate our positions and recommendations, knowing that the community stands behind them. It has developed our skills in negotiations and helped us to advocate for our interests more effectively.*

After learning more about the proposed flood control plans through our survey process, the communities that participated in our survey in Sitio Wawa, Barangay Malaban in Biñan City also began to develop a People's Plan. We believe that the Peo-

ple's Plan model can be mainstreamed in the Philippines and replicated throughout Laguna de Bay communities.

However, many other communities living near Laguna de Bay still remain in the dark about what will happen. Those who live around the lake will undoubtedly have many ideas about how to design the infrastructure projects as well as the resettlement more effectively. For example, is it necessary that the location of the road dike cut straight through areas with the densest populations? Or can it be designed to avoid areas that are the most economically valuable to local people?

For those who will be relocated, we hope that the government will treat this as an opportunity to support the communities' own development aspirations. We strongly believe that resettlement should only take place as a last resort, and that any relocation that does occur should be in-city. The People's

Plans include detailed ideas on resettlement and upgrading that would allow people to stay in their communities and keep their livelihoods. The government should learn lessons from its relocation of settlers along the Pasig River in the 1990s and early 2000s, when more families were relocated than necessary to implement the project. Families were moved far outside the city and disconnected from jobs, schools, and health care. They were made far poorer and worse off.

What we are asking for is a meaningful conversation with the government, in which the government recognizes that local people are also experts. Our People's Plan demonstrates that we have vital perspectives and ideas to contribute to creating true development solutions. In this way, we hope that the coming development around Laguna de Bay will ensure that the communities are safe from any form of disaster, be it natural or human made. ■



Community members present their recommendations on how to better design development.

# CHAPTER 2:

## Address Barriers to Real Participation

By Moon Nay Li

### The National Highway 3 Reconstruction Project in Myanmar



I am a member of the Kachin ethnic group and a women's rights activist who has worked closely with human rights groups from Burma (Myanmar) since 2003. I grew up under military dictatorship during the longest civil war in the world. When I was a girl, I saw many villages forcibly displaced by the orders of the military regime. My own grandmother's village was forcibly displaced three times. The displaced families faced many problems and struggles for their survival; they lost all their belongings, including their land. When I became an adult, I began to understand that the government and companies are forcibly evicting people from my country for so-called development projects. I felt really upset seeing this happening in my country. I have lived through—and stood up to—various kinds of discrimination, such as ethnic discrimination, gender discrimination, and religious persecution by the state. So my spirit grows stronger each day to struggle and to fight for my people's rights. As a member of the advocacy team of the Kachin Women's Association Thailand, the Women's League of Burma, and the Network for Human Rights Documentation–Burma, I have spent much of my career changing human rights policies at the United Nations, ASEAN, and national levels. Our organization has released several reports on the human rights situation in Kachin State and conflict areas in order to alert businesses, international NGOs, and international financial institutions about the challenges of operating in our country.



**M**yanmar is opening its economy to the world after many years of isolation, which has attracted the attention of international donors and investors who are eager to tap the potential of our country's fertile lands and natural resources. This does not mean, however, that human rights violations and conflict have ended. Investors do not often hear about the ongoing challenges in Myanmar, because they speak directly to government officials rather than the people. In fact, many of the country's top government officials have only changed their uniforms. They still come from the military. Throughout much of the country, their policies are the same as before.

Our country is very complicated. Unresolved conflicts over land make it difficult to invest responsibly. In some areas, there is still ongoing fighting, with many internally displaced persons and refugees. People in conflict areas have fled and left their belongings and property, including their houses, lands, and farms. Meanwhile, land grabbing by the local authorities, military, and government continues. Thousands of citizens are losing their land and houses as a result of development projects. Ethnic minorities are being violently per-

secuted with no real peace process yet in place. The uprooting of so many people has caused large migrations to neighboring countries, trafficking of girls and women, and drug addiction, among many other problems.

Investing responsibly in Myanmar is a major challenge, because there are so many barriers to real public participation. We have no experience with what the outside world refers to as consultation or sustainable development. Those who implemented development projects did not consult with local people. Human rights violations were common and would go unpunished. Many of the people who have violated our human rights with impunity are now lining up to do business with the influx of investors and donors. Change will not happen overnight, so new actors in our country will need to be extremely careful to avoid getting entangled in human rights abuses.

**"An entire generation of people has been excluded from the development process."**

## ABOUT THE PROJECT

My research team and I focused on one of Myanmar's many recent examples of development being driven by force. The recent reconstruction of the National Highway 3 (NR 3/AH 14) in northern Shan State displaced a number of communities against their will, including many Kachin people.

The highway runs for 460 km from Mandalay, through Lashio, to Muse on the China border and was developed by one of the country's most controversial companies. Asia World is involved in many development projects in our country, but it has also been implicated in drug trafficking, money laundering, and use of military force against people. The highway was first built in 1997 and is considered part of an ASEAN transportation network to link the economies of Southeast Asia. Much of the trade with China passes along this road.

In 1997, Asia World and the government began to expand and reconstruct the highway. This involved the widening of the road and unannounced displacement of many villagers.

## OUR COMMUNITIES' EXPERIENCE

The forced evictions of villagers began in 2000. No consultations took place, and the developers did not even bother to explain the project to the communities. One woman, whom we shall call Ah Hkawn, described her experience to me:

*We did not know anything about the project. My family was shocked when we learned that our land was in the road construction area and that we had to move. We could not do anything. We had no place to report our case, and we had no idea what to do. We tried going to the office, crying in front of the office, but nobody recognized us. We felt angry. The authorities said we had a few weeks to move, but the company workers came with bulldozers and threatened us. They said that if we did not move, they would destroy our house and all of our things.*

*So we first moved to the place that the authorities told us to go. My mother is a teacher, so my mother's student came and helped us. We*

*quickly picked the ginger, chili peppers, and all the vegetables that we were growing in our garden. We carried all of our belongings. Our house is made of bamboo, so it was easy to move. But it was only a week later we had to move to another place, because the place that the authorities told us to go is a bus station.*

*The second time we moved, it was raining, and all of our belongings, including our blankets, were wet. At night we had to sleep without blankets and with nothing surrounding us, because we could not finish rebuilding our house. I do not know how we faced the darkness of that night. We had to clear away all of the bushes. Our surroundings were filled with bushes. It looked like a forest. Only a few people were staying at that place.*

*The authority did not give us any compensation or support. We only have a small place to build a new house.*

Many people reported experiencing violence. As one woman described, "They used bulldozers to destroy our land. We could not say anything. We just moved back and gave up our land. I was so upset." Others reported that the soldiers fired guns to intimidate people.

Many people were displaced from their homes entirely and had to find another place to live. One family moved to a cemetery, because no other land was available. Others had 20 to 26 feet of their land confiscated, and for subsistence farmers, this is a significant loss. As one farmer said, "I lost my field, so I cannot grow vegetables. Now I have less income, so it is very difficult to support my children's education." Another said, "My land is smaller than before and is not enough to grow food." Food security is now a major concern in the communities.

The developers provided no compensation for what the communities lost. Although a small number of people told us that they received new forest land, they were forced to buy the land themselves.

**"Safe spaces are needed for honest consultations to take place."**

## OF THE PEOPLE SURVEYED



had already been displaced — at least once — prior to this project.



did not feel safe to express opinions about the project.



report being forced to move by scare tactics, threats or physical violence.



said there were no consultations before the highway reconstruction took place.



have never participated in regional or national level decisions related to development.

## OUR FINDINGS

To understand how the National Highway 3 reconstruction affected local communities, I organized a team of volunteer researchers who visited ten villages. Altogether, we surveyed 100 people, 49 women and 51 men, about their experiences. About 40% of the participants had been displaced at least once prior to this project. Many shared that they had to move previously as a result of the civil war.

## FINDING 1:

*An entire generation of people has been excluded from the development process.*

The people who we interviewed indicated that they have no faith in the Myanmar government to represent citizens' interests—92% of people said their vision of development was different from the government's. Around 79% said that the government has never consulted them on development activities that take place in their own communities. Meanwhile, 91% said they have never participated in national or regional level decisions related to development. One person described to us a view that was shared by many: "We know that the government never listens to the people and that it gives more favor to cronies. It discriminates against the people."

Most see the government only as a force that takes from them. As a result, 64% said that they did not feel safe to express their opinions about the project. One person stated, "We have no freedom to speak." Another person said, "The government system is top-down so they never tell us about their plans. If I comment on something, I will face negative consequences."

## FINDING 2:

*The developers did not consult at all with local communities.*

Almost all of the participants (97%) reported that there were no consultations with communities before the highway reconstruction took place. When the developers came, they marked the project site with posts, but they did not discuss the project with local people. This was disempowering for many villagers. One woman described her memory of that day: "I felt angry but nobody listened to me, so I just kept watching."

Many indicated that they were not opposed to the project in principle—they understand the benefits of building a new highway—but would have liked the opportunity to share their thoughts on how to improve the project so that it avoided displacement and provided compensation.

Ah Hkawn described the perspective of many displaced families:

*We had no chance to talk about the project. Nobody invited us to participate in any meetings on the project and displacement. At that time, even if a consultation took place, we did not feel safe to share our views with the authorities. They only listen to the company that gives them money. But we want to be involved in the project and to give suggestions for lessening the negative impacts on people.*

*The government is always talking about development projects. But they did not care for the people like us who will be affected by the development projects. They never respect our human rights. They never do an assessment of our needs and never interview the people.*

## FINDING 3:

*The developers used coercion and threats to force people to move.*

Everyone we interviewed confirmed that force, coercion, and violence were used to confiscate people's lands. A vast majority - 87%- reported that they personally experienced scare tactics, threats and/or physical violence. Although some of the villagers knew in advance about the government's plan to rebuild the highway, several people reported that they were given only a few days' notice before the forced evictions. The majority of people did not learn about the project until construction began. When the developers came, they threatened the villagers, saying that they would destroy their houses and everything they owned if the villagers did not move immediately. One man described his reaction: "I am afraid, I don't want my house or my things to be destroyed, so I was forced to follow what they commanded. I have no money to replace these things."

## FINDING 4:

*No support was provided for lost livelihoods.*

Of those surveyed, 78% said that the developers and government provided no compensation. Almost everyone (97%) reported that the government provided no livelihood support for the communities who were displaced. While 14% said that they were given access to new land, they reported that they were forced to pay for it themselves.

## LESSONS LEARNED

Changes are occurring very fast in some parts of Myanmar. Economic investment is flooding into the country. However, many living in Myanmar have had experiences similar to those displaced by the National Highway 3 Project. Land confiscation continues to be a major concern.

This poses a challenge for investors, such as the World Bank and the Asian Development Bank, as they engage in our country. All of the major development finance institutions require public consultations to take place as part of development projects, but they place great trust in governments to conduct these consultations themselves. Yet the people of Myanmar have no real experience of being consulted or having a voice in the government's decisions. In the past, when someone voiced their opinions about a government decision, they and their families faced imprisonment, torture, or death. For many people, silence is a deeply engrained survival tool.

The barriers that prevent people from participating in the development process must be addressed for responsible investment to take place. People want to be consulted, but it will take time and capacity building—for citizens, for government agencies, and for private developers. Developers cannot simply arrive and expect that their consultations will be meaningful. They cannot trust the government to run an appropriate consultation.

Rather, proactive and direct outreach to communities is needed. One person told me, for example, that he was not even aware that he was allowed to speak up. Safe spaces are needed for real consultations to take place. Promises must be kept, with effective systems for accountability. A group of affected people in Myanmar once told me how project developers came and took a photo while they were paying money to the community. After the photo was taken, they took back all of the money. The people had nowhere to complain.

People should be involved in every step of project design and implementation process. In fact, communities can give valuable advice to improve project design and outcomes. When we spoke to the communities affected by the National High-

way 3 reconstruction, they offered concrete ideas of what kind of development they would like. Ah Hkawn offered these thoughts on the community's needs:

*There are many people who already have great ideas for local development. It has to integrate both the government's and people's ideas of development. I grew up under a system of bad education and dictatorship.*

*In our area, we have no hospital or even a traditional clinic. We have no access to health care. So in the future, I would like a good hospital. We need access to training for people to improve their knowledge. And also, we have no public garden. We think this can help us have a peaceful society. Hopefully, people will have an opportunity to attend training and freely give suggestions and feedback for doing development projects.*

*We do not want the word "development" to equal "land confiscation or grabbing." All people in our community really want development, but they are afraid of force and losing their belongings, especially the land. I do not want to hear about these kind of terrible cases again. I am so tired. I just want justice and respect for human rights. I want to be a citizen of a developed country. I don't want more people to feel like I have felt.*

Because of the long history of human rights abuses in Myanmar, it is important that donors and development finance institutions not only talk to government officials when planning the country's development. We invite them to come and speak directly to our communities to understand our own aspirations. It will take time for the citizens of Myanmar to build trust in their government and the development process, and to feel free to speak up or even criticize those decisions with which they disagree, and offer alternative ideas. This needs to happen in order for our country to emerge from the darkness of the last few decades. ■



*Moon Nay Li meets with community members affected by the project.*

# CHAPTER 3:

## Pursue Project Designs that Uphold Human Rights

By Bernardino Morales Tera

The forced eviction of indigenous people by the Chan 75 Hydropower Project in Panama



I am from the Ngäbe indigenous people of the Bocas del Toro region of Panama. I am an active leader with youth and others in my community. The ancestral land of my people is a place in which the rainforest was full of animals and birds, the rivers were full of fish, and the mountains held sacred trees and groves. I will never forget the day of May 22, 2011, the day the floodwaters from the dam rose and covered my family's home and my people's ancestral land. I felt we had lost our long struggle—and that we had lost everything. But today, despite the injustice and impoverishment that my people have faced, we continue to fight for a voice in development planning in my country. I assisted with the filing of a case at the World Bank Inspection Panel, helped prepare our case for the Inter-American Commission of Human Rights, and continue to engage in shareholder activism at the American dam-building company, AES Corporation.



### ABOUT THE PROJECT

The dam that displaced my people is called the Chan 75 hydropower dam. Developed by AES Corporation of the United States, this 220-megawatt dam is built on the Changuinola River in Bocas del Toro, a province that borders Costa Rica. The dam was completed in 2011 and created a 14-kilometer reservoir, displacing 1,000 indigenous Ngäbe and inundating many acres of rainforest, fertile land, and sacred places. The dam is located within the La Amistad Biosphere Reserve, shared by Panama and Costa Rica.

Many foreign actors, including the World Bank, helped to create the conditions that led to our forced eviction. For years, our people have worked to convince the National Congress to formally recognize our collective rights to the land that we have lived on for generations. In 2001, the World Bank financed a Land Administration Project that was supposed to improve land titling of indigenous territories in Panama. However, the Congress turned down our request for a formal title. The World Bank encouraged the passage of a new law that, in practice, weakened our ability to defend our rights against the dam builders. The law did not identify our people as indigenous and therefore we were legally considered “migrants” on our own land. The government treated our ancestral land as state property.

Several indigenous groups filed a complaint to the World Bank Inspection Panel about the ways that the Land Administration Project had weakened the land rights status for indigenous communities in my area. I was involved in the Inspection Panel process. Unfortunately, this has not resulted in an improvement to our situation.

We lost so much when our lands were flooded. We know that there are so many alternative ways to produce energy that would not break the lives and hearts of so many people, as happened in our Ngäbe communities. That is why we are not only fighting for our own compensation but we also hope to change the energy plans of the Panamanian government, which currently proposes to construct over 80 large hydropower dam projects by 2016.

## OUR COMMUNITIES' EXPERIENCE

Everyone in our communities has a story that shows how we were not consulted at all about this project, even though it took place upon and forever changed our ancestral land. Our stories also show the human rights abuses that so many people in our community suffered.

Here is one story that is typical, from Luis, a young man about 26 years old, from the community Charco la Pava:

*My brother Francisco was working in his fields when police entered and remained 24 hours a day in his fields and around his home. At night, they intimidated him, his family and his neighbors. They went door to door to each family, to try to intimidate them to agree to the project.*

*They tried to convince people to agree to the project by giving them big bags of food, much of which turned out to be expired. They promised that there would be great benefits and development for families who moved—scholarships and modern health centers and jobs. None of these promises have been fulfilled.*

*Some people continued to say no, like my neighbor, Señora Juana. She refused to leave her house, until one day the police set fire to her home and began dismantling it with a chainsaw while she was in it. She had to run out of her house and she lost everything she had in the fire and destruction. The company has continued to deny that they were responsible for this, and no one has compensated Señora Juana for anything.*

## OF THE PEOPLE SURVEYED



had lived on ancestral land but were denied a legal title to it.



were never consulted about the project.



received some compensation or assistance.



reported that their quality of life had become “worse” or “much worse” since the displacement.



disagree with the World Bank practice of consulting primarily with government officials (and not citizens) to decide on development plans.

## OUR FINDINGS

To gather data, I formed a research team comprised of five members, each from a different village that was displaced by the Chan 75 dam. We conducted the surveys in our indigenous language, and the research team translated the data into Spanish. We had to travel far, including by foot and boat, to survey community members. To enter the data into the online program used by the Global Advocacy Team, I traveled by foot and bus to the nearest town that has Internet. We interviewed 98 people, women and men, ranging in age from adolescents to elders, most of whom have had no formal education, and all of whom live in informal resettlement areas in the remote rainforest regions of Bocas del Toro. From these interviews, a clear record emerges of what happened to our communities.

## FINDING 1:

*The majority of people did not receive any resettlement assistance or compensation, even though all of us had to move.*

The Chan 75 dam displaced everyone in the five villages where we conducted our surveys. While everyone had to move, only some people have actually received any resettlement assistance. Only 11% of respondents reported that they were “being moved as part of a resettlement program, with some form of compensation and/or other assistance.” The vast majority (87%) reported that “[t]he project is making it impossible for us to stay in our current home, so we have to move, but we are not part of any resettlement program and we are not receiving any official assistance.”

Almost everyone (99%) reported that their quality of life had become “worse” or “much worse” since the displacement. Most people interviewed noted the high levels of inequality and corruption that were part of the compensation process. One community member commented, “The only people who received compensation were people who agreed to the project, and the people who received the most compensation were leaders who sold out and agreed to help promote the project.”

Several people described how the company and security forces went “door to door,” trying to convince or intimidate each family to accept the plans and compensation.

One person noted, “Some families received some money or rebuilding assistance, but this was simply a hand-out—there was no systematic compensation to actually cover all the things that were lost.” Another recalled, “The company representative said that it was not necessary to pay the affected people because the property belonged to the state, but we knew that this was ancestral land always occupied by our indigenous people.”

Our data shows how unequal and unfair the compensation process was. Everyone we interviewed was from a family that had lost their homes and lands due to the dam. But despite the fact that everyone experienced similar impacts and losses, only 19% received compensation (in the form of cash), and only three received a new home. Many people are still waiting for help that was promised but has never arrived.

One young man told us that his family had to move all of their belongings themselves. They have built a shack using wood and a tin roof, but his family considers the house far worse than the home they had before. They have not yet received any resettlement assistance or compensation.

Since 2009, we have been trying to negotiate for fair compensation. We have made a very clear proposal and demand to the project developers, based on our ideas of what kind of compensation would provide some basic justice and would actually help us to rebuild our lives:

- 1 *Compensation systematically calculated for each family, based on the value of the specific losses suffered by that family — instead of one universal amount given to everyone, which is what the developers want to do, using an amount that we see as ridiculously low;*
- 2 *Compensation and rebuilding to compensate the common property losses suffered by the communities as a whole, including loss of access to fisheries in the river, loss of community centers, and schools; and*
- 3 *Provision of benefits from the hydro-power dam that would allow community members to “receive something positive out of all the loss and heartbreak we have suffered.”*

In terms of benefits, many people we surveyed noted that the project developers promised scholarships, health centers, jobs, and other benefits in order to convince people to move, but that none of these promises materialized. As one person explained, “The only way they could get our families out of our homes was the combination of police force and promising us that our lives would change for the better. But until now we have still not seen any of these positive changes, and we are living much worse than how we were before.”

## FINDING 2:

*The project created more confusion about people’s land rights and tenure status.*

In our communities, we fought hard before the project began to receive official recognition of our ancestral land rights, but the government denied this recognition. Prior to the approval of the Chan 75 project, the government categorized our communities as “migrants,” rather than legally recognizing us as indigenous people who had lived on our land for as far back as our people have memory. This categorization as “migrants” was the justification that the project developers used to claim that we inhabited “state land” and to refuse to provide us with proper compensation and resettlement. In our survey, 100% of respondents reported that, prior to displacement, they lived on

their ancestral land, but that they were denied legal title. After displacement, people in our communities still do not have title, and now there is even greater uncertainty about what kind of title they should or could have, or how they can get formal rights to land. Without a title, it is unclear what rights the communities have to the land they now live on.

The government is now planning many more big dams, as well as other large-scale energy and infrastructure projects. We are particularly concerned that, without land titles or recognition of community rights to the resettlement land, we will be displaced again without any protections.

## FINDING 3:

*Our community members experienced high levels of violence and coercion during the displacement process.*

The data and comments in the surveys show that many people experienced violence and coercion. When asked about the factors that caused them to move, many people mentioned violence and coercion:

They used coercion and intimidation, such as saying we would not get compensation, would lose our job or experience another such consequence. (77%)

They used bulldozers, intentional flooding or explosions, or other means to scare us into moving. (66%)

They threatened us with force and violence to scare us to move. (61%)

They used physical violence to injure me or other people in my community to force us to move. (55%)

There was heavy police presence in our villages before and during eviction. Company representatives and police threatened to flood out people if they did not agree to accept resettlement. Police violence erupted when community members organized to express opposition to the project. The company also began construction very close to homes without warning. One story from the community of Valle del Rey illustrates the approach used by the developers:

*My neighbor, Señora Isabel, in spite of being a very humble woman of modest means, stood up very strongly to say no to the project because she knew the construction would end up impoverishing her family and destroying the crops and forest that they depend on. During the night, representatives of the company and local government, accompanied by national police, arrived at her house and demanded that she agree to the compensation terms. Later they took her and her family to live in the town of Changuinola, an urban area where she and her family now struggle to make a living and they are living very unhealthily. Many people were dealt with in this same way; this is how they managed to gain entry for the construction machinery into our zone.*

When asked about how the displacement occurred, one young man commented, “They did everything they could to make people feel scared, because they knew that is the only way they could make us move. None of us agreed with the project.”

## FINDING 4:

*Indigenous people have been excluded from Panama’s energy planning process.*

Throughout our research, almost all respondents expressed concern that they were never consulted on the project, despite the fact that the project would completely flood their ancestral lands. For example, 91% of people said they were never consulted at all, and the few who did report being consulted said they were contacted only after construction had already begun.

The topic of consultation—and the importance of improving it—appears many times in our data. During the survey, we asked: “Has any government official or other official given you an opportunity to propose ideas for specific development projects for your community or region?” and “Has any government official or other official consulted you about what you believe the development priorities for your country or region should be?” All people replied no to both questions. When asked whether they thought their idea of development was the same as their government’s, 99% of people stated that no, their idea of development was different.

Similarly, when asked about the fact that the World Bank consults primarily with government officials to decide on the development plans and priorities for a country, 100% of people responded that they “disagree with this process.”

We asked: “If you could sit down now and talk with a World Bank official, what would you like to tell them?” When we reviewed all comments, the most common were requests for the World Bank to do “direct consultations with indigenous people.” One person’s comment summarizes well the ideas that so many people shared: “The World Bank should ensure that our communities are consulted and participate directly in the planning of the projects and in verifying that the compensation agreements are upheld with affected people.” Currently, the World Bank only consults with government officials and does not hear directly from affected people.

## LESSONS LEARNED

The experience of our people demonstrates urgent problems with consultation and compensation. Because the government is not listening to us, we have brought complaints to international bodies, such as the Inter-American Court of Human Rights. We also continue to raise our concerns with the World Bank. When the World Bank's Land Administration Project failed to formalize our ancestral land rights, we were left vulnerable to pressure from private companies and government to take our lands and dam our rivers.

Our communities want to have a voice in Panama's development process. Right now, many large-scale energy and infrastructure projects are being planned that will directly impact indigenous lands, such as hydropower, wind power, and road projects. Many of the people we interviewed emphasized the importance of providing indigenous peoples with a direct seat at the table in Panama's national development planning. We want to have a voice before the government decides to locate hydropower projects in our river basins, especially when other energy alternatives might be available that would not violate anyone's fundamental human rights.

For the question that asks, "Do you think this project could have been designed differently, to achieve the outcomes without displacing people?," 100% of people said no. Since the goal of the Chan 75 project simply was to produce energy, this result shows a lack of public debate and consultation on alternative projects that do not cause displacement and for alternative sources of electricity for Panama.

Given the severe human rights consequences of large hydropower on indigenous lands, we see that there is an urgent need for the Panamanian government and its development partners to engage indigenous peoples and others in designing energy plans that will protect all citizens' human rights.

There are many ways that Panama could have generated large quantities of electricity without constructing mega-dams in ancestral indigenous territories. The selection of project plans and national development priorities must be a broadly participatory process, in which citizens—especially groups such as indigenous peoples, who have faced historical and ongoing barriers to having their voices heard—are a central part of the consultation and decision-making process. This is how we can choose development projects that protect all people's human rights. ■



*The GAT research team holds a consultation with affected communities.*



*The Chan 75 dam that displaced Bernardino's community.*

# CHAPTER 4:

## Ensure Local Knowledge Informs Project Design

By Sukhgerel Dugersuren

Nomadic herders displaced by the Oyu Tolgoi and Tayan Nuur mines in Mongolia



I am a former development specialist, who spent many years with the U.S. Agency for International Development (USAID) in Mongolia. In the mid-2000s, I began to witness the problems associated with the donor-driven shift in economic development from agricultural to mining-based economic growth. Foreign corporations and capital were flooding rapidly into Mongolia to extract our natural resources. Donor demand to create an “investor friendly business environment,” as measured by the World Bank’s Doing Business ranking and Transparency International’s Corruption Perceptions Index ratings, has forced the government to agree to and adopt a legal framework that has left local people with pollution and destitution. I decided to help nomadic communities to promote respect for their rights to a traditional lifestyle and livelihood resources, and to hold the development finance institutions accountable for their promises to apply environmental and social safeguards standards in all projects. In 2009, I founded OT Watch to monitor the Oyu Tolgoi mine in partnership with communities and to advocate for compliance of development finance institutions with international human rights standards.

In the past decade, Mongolia’s South Gobi Desert has experienced an enormous mining boom. In 2000, we had only a couple of large active mines. Today, there are dozens of large-scale mines with many more being planned. The World Bank reports that the mining sector has contributed to rapid economic growth in Mongolia, but the reality for people living near the mines is very different. Pollution and other impacts of the mining boom have had widespread impacts for Mongolian citizens, but the people who have suffered the greatest impoverishment are the nomadic herder communities. Their life-sustaining pastures, water springs, and seasonal camps are being lost to open-pit mines and the road building, waste dumping, and water extraction that come along with this industry. In the face of these impacts, many communities are taking action to propose changes and find better ways forward. Our experience illustrates the need for developers to create better ways to partner with local communities, drawing on their local expertise when designing projects.



### ABOUT THE PROJECTS

My research focused on two of the largest mines in Mongolia. The first is the Oyu Tolgoi mine, a US\$12 billion project that is the country’s largest-ever foreign direct investment. It is also one of the world’s largest known copper and gold deposits. U.K. mining giant Rio Tinto owns and operates the mine, and the ore is being trucked into China. A number of international investors have supported the project, including the World Bank Group, the European Bank for Reconstruction and Development, Equator Principles commercial banks, as well as the export credit agencies of the Australian, Canadian, and U.S. governments. Communities have brought formal complaints to several of these banks.

The second is the Tayan Nuur iron ore mine in Govi-Altai Province in southwestern Mongolia. Altain Khuder, a Mongolian mining company, is developing the project. The European Bank for Reconstruction and Development is financing it, and the ore from this project is also being trucked to China.

In addition to financing the mines themselves, development finance institutions have assisted Mongolia in growing its mining sector. For example, the World Bank helped to develop the country’s institutional and regulatory framework for mining and provides ongoing technical assistance to mining infrastructure development.

“If the company had surveyed even one local person, they would have known about the importance of the spring before they put a waste dump on this spot.”

## OUR COMMUNITIES' EXPERIENCE

Resettlement programs have already begun at both mining sites, although most of the people we interviewed were excluded from these programs. Instead, large numbers of families were displaced when their pastures were taken and their water sources became polluted. Many families have left their lands and are “going around begging pasture access from others,” in the words of one person who we interviewed. Other families moved to a nearby town but have struggled to earn a living away from their traditional nomadic lifestyle. A person relocated by the Tayan Nuur mine told us:

*We used to live with our children, herding animals and benefiting from sales of wool cashmere, milk, and dairies. But now we are forced to operate a small shop to survive. We had 600 to 700 animals before and a successful life, but a company with empty promises came to dig our land and cause damages that bring big emotional stress on us.*

The psychological toll of the displacement has been severe. A man who was displaced by Tayan Nuur said, “When I was herding, I had a plentiful life. Now I am working for another and lost my independence, and I have no support promised by the company, not even gloves or toilet paper.”

“Only the herder communities understand how the land is used, where seasonal camps are located, and when the springs freeze. The government does not track this type of information.”

## OF THE PEOPLE SURVEYED



belonged to an indigenous community.



of those surveyed have been or soon will be displaced by the mines.



of those displaced received no livelihood rehabilitation assistance.



felt that their ideas were incorporated into the project and resettlement plans.



said they had the information to make informed decisions about the project.

## OUR FINDINGS

In February and March 2014, I formed a research team with members of the local herder communities affected by the Oyu Tolgoi and Tayan Nuur mines. Together we interviewed 100 people, including 50 people at each of the mining sites. We interviewed women and men of all ages and education levels. Most of the people we spoke to have spent their entire lives as nomadic herders until recently. The others were residents of the local towns (or soums), and several were staff at the local government office. Around 76% of the people who we surveyed have been or soon will be displaced by the mines.

## FINDING 1:

*Most displaced people were excluded from resettlement programs.*

At both the Oyu Tolgoi and Tayan Nuur mines, many of the displaced families were excluded from compensation and resettlement programs. As one herder described, “OT [the Oyu Tolgoi mine staff and officials] decides who is affected. There are many families like mine who were affected but not recognized as eligible for compensation.” Of the people surveyed who are being displaced by the Oyu Tolgoi project, 34% said that they did not receive any compensation. With the Tayan Nuur project, 74% said they received no compensation.

At the Oyu Tolgoi mine, the list of people who received compensation was established without regard to who was actually affected. As one person described, “[The company] says only herders with camps within one kilometer of the mine and road and airport will be relocated and compensated. Herders who are just a few meters more than one kilometer get nothing. Those who have lost water, or pasture because it stopped growing, did not receive compensation.”

The projects affected hundreds of families who did not live immediately adjacent to the mines. The loss of pastures and water made it impossible for many nomadic herder families to earn a livelihood. One person displaced by the Oyu Tolgoi mine explained, “Without pasture we are forced to move and look for other pastures. There are no other options left.” Another said, “I was not resettled by [Oyu Tolgoi], but I am one of many who had to move without compensation, because of no water.”

Pollution also drove a number of families from their homes. One family who are being displaced by the Tayan Nuur project said, “There is a lot of noise and dust. Grass stopped growing in our pasture. It is not possible to herd animals here anymore.” Another person described the costly impacts of pollution, saying, “We moved after five of our goats died of suffocation from swallowing dust from the quarries.” Several people reported that their families are suffering from health problems, such as lung diseases.

## FINDING 2:

*Nomadic communities are not being recognized as indigenous people.*

Of the 100 people who we surveyed, 88% identified themselves as belonging to an indigenous community. However, neither the government nor the mines’ investors consider nomadic herders to be eligible for protection under the indigenous peoples safeguards of the development finance institutions. This lack of recognition means that project developers have not been required to carefully study and respect customary land uses in the affected areas. Much of the area impacted by the mines is being treated simply as “state land” rather than as areas where indigenous people live and have complex land management systems.

For example, the developers of the Oyu Tolgoi mine did not recognize areas considered sacred by the affected communities. The subsequent destruction of sacred sites has caused grave cultural and psychological impacts. As one displaced person explained, “This mine has taken away our land and water, destroyed our sacred Bor-Ovoo Mountain, which has always been a mountain we worship. It has brought us many damages.” Similar complaints were made about sacred rivers and springs.

## FINDING 3:

*When compensation was provided, it was not enough to restore livelihoods.*

Several of the families that we interviewed did receive some form of compensation. Both mining companies paid cash to some families and provided temporary, manual labor jobs at the project sites. People affected by the Tayan Nuur mine also reported that a few students received “scholarships,” although these amounted to less than 30% of funding needed for tuition at local schools. However, the vast majority of displaced people who participated in the survey (71% at Oyu Tolgoi and 82% at Tayan Nuur) reported that they received no livelihood assistance at all.

The testimonies of families who received compensation suggest that they continue to struggle. Many reported that they are living in debt and do not have enough rights to land to sustain their livelihoods. Of those being displaced by the Oyu Tolgoi project, for example, 97% said they did not receive adequate compensation to sustain their nomadic lifestyle.

A family that was displaced by the Tayan Nuur mine told us:

*We had a 60-year land use certificate for the winter/spring camp land. The fence, animal shelter, building for canteen and storage have been valued at 20 million MNT but Undrakh [the community relations officer] came and voided it, claiming that the valuation was done by a non-expert, that only five million should be adequate.*

Where consultations took place, people reported that the developers had made promises to the community to convince them to agree to the project. These promises—especially of future livelihood support—remain unfulfilled. According to one woman, the Tayan Nuur developers “said they would open the mine to employ local people. They promised a school and a kindergarten and a beautiful road—it was all lies.” Another person reported, “Altain Khuder [the Tayan Nuur developer] at its first meeting promised to build a railroad, a 10,000-kilowatt power station, and an airport. Planes will land here, they said; you will fly or travel with no cost. They took our trust with these false promises.”

When asked about specific promises that the project proponents made that subsequently were never fulfilled, 22% reported that they had been promised access to credit; 21% to job training; 29% to employment in the project; and 14% to other livelihood restoration programs. Many people noted multiple promises that have been left unfulfilled. One person explained, “They promised to build a road, utilize a less-polluting method of mining, improve access to healthcare and schooling, support a cooperative. But none of this has been implemented.”

## FINDING 4:

### *The developers were not responsive to communities' concerns.*

The communities affected by the Oyu Tolgoi and Tayan Nuur projects tried to raise their voices and share their ideas with the mining company and the government, but were largely dismissed.

Among those displaced by the Oyu Tolgoi project, 50% reported that they were never consulted. For the Tayan Nuur project, 63% said they were never consulted. When asked whether they had the information necessary to make informed decisions about the project, only 2% responded positively. Only 3% felt that their ideas were incorporated into the project and resettlement plans.

On several occasions, community members approached the developers of Oyu Tolgoi and Tayan Nuur to address their grievances. In both cases, the developers were unresponsive. A woman displaced by the Tayan Nuur mine described her experience:

*We lived in the mine impact zone, asking for compensation for four years. They will not let us in when we come with petitions for assistance. The community relations person Undrakh claimed that a private company is not responsible for a relocation program.*

Several communities also tried to meet formally with the companies to voice their grievances. One leader described an attempt to dialogue with Altain Khuder, developer of the Tayan Nuur mine:

*When Natives' Council members came [to try to meet with mining company and government officials], they were not allowed in. Their phones and cameras were robbed from them. To date, there has been no report of animal lung testing. They violate human rights but pay people to say good things about them on TV.*

Several people also reported experiencing force and coercion during the relocation process. For example, 13% reported that the project developers “used coercion and intimidation, such as saying we would not get compensation, would lose our job or experience another such consequence.” Similarly, 12% reported that “[t]hey used bulldozers, intentional flooding or explosions, or other means to scare us into moving.” Another 10% reported that “[t]hey threatened us with force and violence to scare us to move.”

The data shows that, through scare tactics or simply refusing to listen, local people were prohibited from accessing the information they needed or from making their voices heard in a meaningful way.

The result is that tensions have risen between the developers and the communities. During our surveys, people spoke strongly about their frustration that the companies were able to make promises and then break them without consequences. To help resolve their concerns, the communities resorted to filing complaints with the World Bank Group and the European Bank for Reconstruction and Development.

The failure to seek out local expertise as part of project design has created higher costs and public relations headaches for the company, as well as debilitating loss and heartbreak for thousands of local people. For example, the destruction of one particularly important sacred spring led to outcry and severe water problems for local people. In response, the Oyu Tolgoi developers had to spend significant time, money, and human resources to unsuccessfully create a replacement spring that was given the same name as the one that was destroyed. If the company had surveyed even one local person before putting a waste dump on this spot, they would have been informed about the importance of the water spring that was located there—that it was widely known to be the last spring to freeze over each winter, thus a singularly important water source.

## FINDING 5:

### *Nomadic communities would like a voice in shaping Mongolia's development plans.*

In the herder communities of Mongolia, people are used to speaking their mind. They are people who live under a vast sky and move with their family, and make their own decisions about their lives every day. In spite of Mongolia's legacy as a post-communist country, the herders continue a strong custom of speaking their views openly.

The people surveyed do not want mining for Mongolia. For us, these mines are not development. Here is one way to understand why: Mongolian boots, our traditional footwear, have a nose that points upward, in order to not to disturb the earth. So digging was not done even to grow food. Disturbing the Mother Earth to dig out its wealth is something no nomad would support.

The quotes and data from our survey show that local people in Mongolia want to play a role in improving the quality of development projects. Our country has been isolated from development assistance for a long time, and many people are hopeful and enthusiastic about the promise of development, so long as it is done in an appropriate way. As one displaced man explained, “We want to create responsible development and a safe environment.”

When people surveyed were asked, “Do you think the project could have been designed in a way that would fulfill the project's primary purpose but would cause less displacement?,” over half of the people answered positively: 52% said yes, 37% said maybe, and only 11% said no. Members of nomadic communities — and all the people surveyed — want to have a voice in shaping development projects that can create new prosperity and opportunity, without destroying our environment and ways of life.

## LESSONS LEARNED

Overall, the people we interviewed believe that the Oyu Tolgoi and Tayan Nuur mines have brought more harm than benefits to their communities: 68% said that their lives have become worse or much worse. Only 17% believe their quality of life has remained the same. A few people were more optimistic: 10% believe their quality of life will improve when they are resettled, but only 2% reported that their quality of life has improved so far.

Much harm could have been prevented if local expertise and ideas were included in the design of these two projects. In Mongolia, only the herder communities themselves understand how the land is used, where seasonal camps are located, and when springs freeze. The government does not track this type of information or protect the customary use rights and patterns. Quite literally, the only source of this information comes from sitting down and talking with local people. For this reason, it is important for communities to have the opportunity to map the ways that the mines will affect their livelihoods.

Similarly, the communities want to be involved in monitoring the mines' impacts. They want to be able to use their own measurement systems to gauge the impact of the mine on their water sources. For example, traditionally they measure a spring by how many animals it can water. They are tracking and noticing that many springs that could previously water up to 600 animals can now only support 200 or less. They want the mining companies to recognize this system of indicators, while complementing this with technical data on environmental impacts, such as testing the water for chemical pollutants.

Mitigating current and future impacts is as essential for providing remedies to those already suffering damage. Mediation began in April 2013 between the communities and the Oyu Tolgoi company through the World Bank Group's complaints mechanism, although this mechanism is based on the principle of "mediation without establishing fault." To date, the process has not resulted in any discussion of possible remedies for the impacts suffered by the nomadic herder communities.

Local people in Mongolia are proposing very concrete ways to bring their unique expertise to bear on improving the mines and reducing the impacts on local people. The government and mining companies have already caused a great deal of harm by excluding them from the planning process. Now, to have any hope of mitigating the impacts, they will need every bit of expertise that local people are willing to share. ■



*Herders in Khanbogd soum, an area affected by the Oyu Tolgoi mine, fill out the survey.*



*GAT survey team member Mr. L. Battengel interviews herders in Khanbogd soum.*

# CHAPTER 5:

## Treat Resettlement as Its Own Development Project

By Mohamed Abdel Azim

The proposed Kom Ombo Solar Power Plant and the forced eviction of Nubians in Egypt



I am a human rights lawyer working with the Egyptian Center for Civil and Legislative Reform. On March 21, 2010—our Mother’s Day—a community in Cairo woke up to the sounds of heavy bulldozers demolishing their neighborhood without any prior notice. Many people had lived in this neighborhood for more than 40 years. Over 100 families were forcefully moved from their homes and either placed in crowded shelters or simply left homeless. It turned out that the real reason for the eviction was that a huge petrochemical factory wanted to use the land to expand its business. The project was financed by the World Bank, which considered the forced evictions to be an acceptable cost of “development.” This incident moved me deeply and was the start of my legal advocacy in defense of housing and land rights. My colleagues and I began working on this project and have continued to advocate for stronger protection of housing and land rights throughout Egypt. Our goal is to ensure that future development in our country will be implemented in a way that upholds all people’s human rights. The research we conducted reflects our recent work with Nubian communities in southern Egypt.



### ABOUT THE PROJECT

**T**he Nubians live in Egypt, Sudan, and Kenya. Their history, identity, and culture are closely linked to the Nile River. Yet most Nubians were forced to leave their homelands in the 1960s when Egypt decided to build the Aswan High Dam. In the past decade, several other dams in Sudan have forced much of the remaining population into the desert.

Now another energy project is beginning that will once again affect several Nubian communities. Financing for the Kom Ombo Solar Power Plant has been promised by international donors. While civil society organizations in Egypt, such as my own, are happy that the government recognizes the enormous potential of solar energy, the project as devised will likely require the resettlement of Nubian communities. With the Kom Ombo project, the Government of Egypt and its international development partners have an important challenge and opportunity, to ensure that human rights of the Nubian communities are upheld.

Unfortunately, the Government of Egypt has not yet given land titles to the Nubians even though they were resettled decades ago. In our research and interviews with Nubian community members near the proposed project site, we learned that this project provides an important opportunity to repair some of the injustices caused by the Aswan High Dam.

**E**ncouraged by newly available access to international climate change funding, the Government of Egypt has committed to increasing the use of renewable energy to 20% of the country’s total energy consumption by 2020. The Kom Ombo Solar Power Plant has been identified as a potentially high-profile project that the government can showcase to the rest of the world. The power plant will generate 100–200 megawatts of energy and will be developed by the Ministry of Electricity’s New and Renewable Energy Authority.

Despite all the publicity around and support for the Kom Ombo Solar Power Plant, no information has been shared about the risks facing the local communities.

Many of the prospective international donors, including the World Bank, require strong protections for indigenous peoples who are affected by development projects that the bank finances. In this case, World Bank documents indicated that the project would trigger its indigenous peoples policy. In contrast, the Egyptian government has not recognized the Nubian people as indigenous. Perhaps for this reason, the World Bank decided in 2014 not to provide further financing for the project. Yet if the project were to be designed and implemented in a way that recognizes the rights of the Nubians as indigenous people, it is possible that the project could generate positive development outcomes.

## OUR COMMUNITIES' EXPERIENCE

In talking with community members about the proposed Kom Ombo project, we found that the experience of being evicted by the Aswan High Dam in the 1960s remains at the forefront of the minds of the Nubian people. Almost everyone who we surveyed mentioned the Aswan High Dam evictions. One young Nubian man, who had not yet been born when the evictions took place, summed up a sentiment that many people shared: "We all live in bitterness because we always compare our lives currently to what our folks tell us about life in Old Nubia and its goodness."

At the time of its construction, the dam was celebrated globally as a symbol of Egypt's rapid industrialization, but much less attention was given to the people who were directly affected by the dam. It caused a number of environmental changes in the Nile River Valley. Most notably, the dam flooded two-thirds of the Nubian Valley and created a 5,250 square kilometer reservoir. The reservoir, which is now called Lake Nasser in Egypt, is one of the world's largest human-made lakes. Around 600 Nubian villages were destroyed, and approximately 120,000 Nubian people were displaced from their ancestral lands in both Egypt and Sudan.

Within Egypt, around 50,000 Nubians were moved from 45 villages as a result of the Aswan High Dam. The majority of people were moved upstream to the city of Kom Ombo. The city is located in the desert outside of the fertile Nile River Valley. Many of the Nubian people who live there call it "Hell Valley." Approximately 2,500 families received new land at the resettlement site. However, 5,250 families did not receive anything. For a long time, no health or education services were provided. No compensation was ever paid. The government retained full ownership rights over the houses and the land.

The resettled Nubians have had difficulty adjusting. As one Nubian advocate explained, "We are river people. We need trees. You can't put us out in the desert." In the new resettlement site, there was not even drinking water available. In the words of a Nubian youth, "Our folks were deceived when they were told that they would be resettled in better places and would receive arable good lands. What happened in fact was that we were moved to a desert place away from the Nile and received very narrow houses. Even today, there are many families that have not received any sort of compensation."

Many people, especially the very old and the very young, died because of disease and lack of food. Those who remained in the resettlement site worked as farmers in irrigated fields. Many family members were unable to make a living in their new home and moved to the cities. In the cities, a disproportionate number of Nubians now work in low-wage jobs. Several Nubian slums have been built on Cairo rooftops.

A youth whose family was resettled to Cairo told us, "The houses to which we moved had no water, so our folks had to get water from a nearby factory, and that water was greenish, which led to the death of many children at that time."

Many Nubian people remain unified by the dream of one day reclaiming their traditional way of life connected to the river. Several Nubian organizations work for the development of their people and the preservation of their cultural heritage.

Today, as Nubian people living in the Kom Ombo region hear news of the Kom Ombo solar project, they fear that once again they will be evicted and left destitute in the name of development. At the same time, they recognize the opportunities that a responsibly implemented project could provide.

## OF THE PEOPLE SURVEYED



were not aware of the Kom Ombo project until taking our survey.



said the government has never consulted them on development plans for the country.



said they do not feel entirely safe to share their opinions about the project.



said the previous compensation they received did not meet their needs.



would have designed the previous compensation and resettlement process differently.

## OUR FINDINGS

The Kom Ombo project is still in the early stages of development. No ground has been broken, nor has anyone been evicted yet. We chose to conduct our survey in Kom Ombo for precisely this reason. Because the project is still in its early stages, we see potential for the Nubian communities to play a meaningful role in its design.

In May 2014, my team surveyed 100 members of the Nubian community in Kom Ombo. Over half of the people that we interviewed (56%) were young people between the ages of 20 and 25. We deliberately focused on Nubian young people. Just as young people played a key role in Egypt's recent revolution, the youth of Nubia are integral to their communities' future.

## FINDING 1:

*There is a complete lack of information about the project in the community.*

We learned that the Nubian communities have not been provided with any information whatsoever about the Kom Ombo Solar Power Project. The project developers reportedly conducted consultations with another affected community in 2013. For the Nubians, however, our survey was the first time that many had even heard of the project. According to the results, 94% of the people we interviewed first learned about the project when they participated in our survey.

Government authorities have published general announcements about the project. Some project documentation by the World Bank summarizing the project is also available on the Internet. However, none of this information is accessible to the Nubian communities. The World Bank's information about the project is only available in English, which is not widely spoken in the community.

A Nubian youth suggested, "The Internet and TV are good means of providing information, but I have not seen anything about the project. I wish to know the location of the project, whether there will be eviction or not, and what is the compensation to be provided."

When asked if the government has ever consulted them on development plans for the country or the region, 99% said no. Yet, one Nubian community member expressed a view that was shared by many: "The most important information to me personally is how the project will contribute to the development of the area where the project will be implemented, and whether the locals will benefit."

## FINDING 2:

*Many fear the project because of their historical experience with the Aswan High Dam.*

Of the 100 people who we interviewed, 84% said they do not feel entirely safe to share their opinions about the project. Several people explained that the history of their treatment during the Aswan High Dam construction has shaped their families' perspective. Even those youths who grew up in Kom Ombo and have not themselves experienced eviction have heard stories about their ancestral lands and the horrors of the eviction. Those who are old enough to remember the eviction shared frightening memories with us. As one person explained, "they evacuated us like animals."

## FINDING 3:

*Despite losing their ancestral land, the community has taken a number of steps to maintain Nubian culture.*

Across the world, indigenous peoples' sense of identity and cultural heritage is often linked to the specific tracts of land and water where their ancestors have resided for generations. Although the Nubians in Kom Ombo have been displaced from their ancestral lands, many in the community have made a strong effort to keep Nubian culture as a living part of everyday life. One youth told us, "We lose our existence if we lose our identity."

Some Nubian people have organized associations that are active in the community to preserve the Nubian language and history, and to educate the youth about their heritage. A conversation is happening within the Nubian communities—as it is in indigenous communities around the world—about the best ways to preserve their cultural heritage in changing times, and to ensure that indigenous peoples play a leadership role in their region's development.

## FINDING 4:

*The Nubian people in Kom Ombo would like to have a dialogue with the developers of the project.*

When we asked community members how they hope to move forward, the most common response was, "I want to meet with the project developers." The Nubians have not been consulted yet. They want to know more about the project and where exactly it will take place. They want to know how they will be impacted and what kinds of local development would result from the project. They want information that is available locally in a culturally appropriate way—not just in highly technical reports on the Internet in a foreign language.

The communities also believe that any dialogue about the Kom Ombo project must recognize the long legacy of discrimination against the Nubian people in Egypt. Many believe that an open dialogue with the developers would help to prevent the types of harm they experienced in the past.

## LESSONS LEARNED

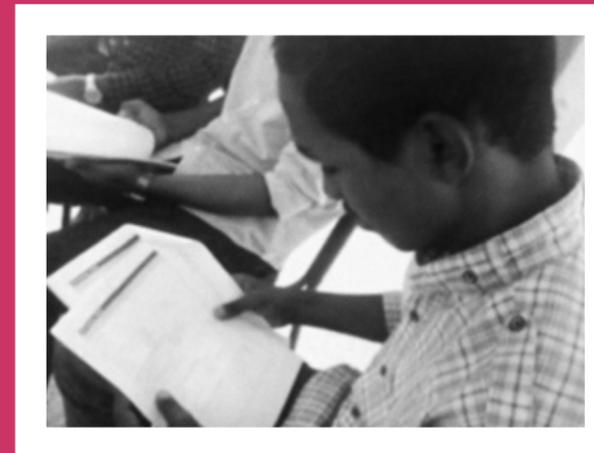
While my organization considers the project to have a noble goal of promoting renewable energy, our concerns are how it will be implemented. If the Nubian communities in Kom Ombo are to be resettled as a result of this project, great care will be necessary to prevent further harm to Nubian livelihoods and way of life.

Nubians living in Sudan currently face a violent eviction process surrounding the construction of dams by the Sudanese government and Chinese companies. We hope that the Egyptian government and its development partners will choose a more responsible path.

The key to a successful resettlement in Kom Ombo will be to fully respect the rights of the Nubian people, as articulated in the UN Declaration on the Rights of Indigenous Peoples. The community identifies strongly with its indigenous heritage. When asked about their hopes for the project, for example, Nubian representatives told us that “We hope to be acknowledged as aboriginal people,” and “We hope to have the right to go back to our lands at the south of the Dam, as our future lies there.”

It is important for the Egyptian government and international donors to recognize the Nubians’ status as indigenous people. Such recognition has very real implications. For example, the World Bank requires the use of stronger safeguards and precautions for projects affecting indigenous people. These safeguards prioritize the preservation of indigenous culture and provide an opportunity for more robust consultations. These safeguards do not exist if the community is classified as “non-indigenous” by the developers.

We hope that the developers of the Kom Ombo Solar Power Plant will engage the Nubian people themselves as co-visionaries and co-designers in the development of the project and its resettlement plans. In this way, the Kom Ombo project could become an example of a model solar energy project for the rest of Africa to follow, which contributes to the planetary goal of fighting climate change, while also contributing to the sustainable development of the Nubian indigenous people who have faced so much discrimination over the past 50 years. ■



*Community members complete the survey.*

# CHAPTER 6:

## Utilize Community-Based Monitoring

By *Melania Chiponda*

Community documentation and mobilization around diamond mining in Zimbabwe



I was born in a village in Marange, Zimbabwe, where Anjin Investments is the biggest mining company currently operating. My great-grandfather had a shop nearby that was inherited by one of my late uncles. We used to move freely in the forests to gather wild fruits and swim in the river, which is now being polluted by the mines. We face the threat of forced relocation from a mining boom. Some of my relatives and friends have already been moved. Many have been tortured and murdered as the mining companies moved into the area. In this context, we organized ourselves to form the Chiadzwa Community Development Trust. I chose to work with the community because I wanted to ensure protection against human rights violations and environmental degradation, while safeguarding the economic interests and land tenure security of our community. We started monitoring the situation in 2009 after realizing that we lacked evidence to support our claims of human rights abuses. Since our monitoring started, human rights violations in our community have declined and some perpetrators of abuse have been brought to justice. For the past six years, I have worked with my community to shape our own development and promote transparency in extractive industries in Zimbabwe and across Africa.



### ABOUT THE PROJECT

In the early 1980s, the government provided the international mining company De Beers with full exploration rights to search for minerals in the Marange area. The exploration certificates expired in March 2006, and De Beers did not renew them. At this time, the human rights abuses began.

In 2006, the government of Zimbabwe opened the fields to everyone. A diamond rush followed and many small-scale, subsistence miners moved into the area. Then the government decided to take control of the mining fields and began to deploy state security forces in a crackdown on local people, to stop subsistence mining and clear the way for large-scale, organized mining. The government launched Operation Chikorokoza Chapera across the country. Over 22,500 people were arrested, including 9,000 people from Marange. The operation was marked by killings, torture, corruption, extortion, and smuggling.

In our area, when the government launched Operation Hakudzokwi in October 2008, we saw 1,500 security officers being deployed in the area, camping in schools, crèches, shopping centers, and open spaces. Marange was declared a restricted area. Horrific human rights abuses continued. By this time, many villagers had lost their homes, jobs, and schools. Health problems worsened under the terrible living conditions.

Zimbabwe has been controlled since 1980 by the government of Robert Mugabe. During this time, our country has achieved Africa's highest literacy rate, but has also suffered from health crises, hyperinflation, and rampant human rights abuses. It is a country where local communities struggle to have a voice in the nation's development.

The diamond industry considers Zimbabwe's Marange fields to be the world's largest diamond find of the last century. The Marange people have used the diamonds for centuries to place on the burial grounds of our loved ones, and we never imagined that these stones would one day bring so much violence and death to their communities. As one of my neighbors told me:

*These stones are a curse. People all over the world love these stones so much they can kill for them. We had the stones all along, but we never killed each other for them. I do not understand this world.*

The government has now licensed seven companies to mine the area. The companies are owned by Zimbabwe government officials, as well as investors from China, South Africa, and the United Arab Emirates. In this case study, I will focus on the Chiadzwa fields in Marange that are run by Anhui Foreign Economic Construction Group of China in partnership with the Zimbabwean military. The Marange mines began operating in 2008. As a comparison, I will also examine the Murowa fields, located in the southern part of the country, where the international mining company Rio Tinto has operated since 2004. While the Rio Tinto operation is not by any means perfect, it stands in sharp contrast to the way that people in my community have been treated.

"At one of the meetings where I introduced the research project, armed soldiers stood in the background watching us."

## OUR COMMUNITIES' EXPERIENCE

During the diamond rush, children, spouses, relatives, and friends were killed during what was called Operation Chikorokoza Chapera and Operation Hakudzokwi. Now, people's rights are being abused again. As of 2014, 1,380 families have been evicted at Marange. Altogether, the Marange mines will lead to the forced relocation of 4,310 families.

A 61-year-old woman shared her experience of the forced evictions:

*They came in the dead of the night. A Chinese man and three soldiers told me that I had a death wish. I told them that my husband, my son, and my ancestors were buried here. They said if I want to follow them to the world of the dead, I should just do so without disturbing the diamond mining. I was scared and they told me to start packing. I did in a hurry. I left a lot of things behind—my cattle, my garden, my field, my orchard but most importantly, my son and my husband.*

Marange is a restricted area with a strong military presence, which makes it difficult for local communities even to meet. Freedom of movement is limited. In most cases, the government has made it against the law for people to organize to help the local people. Activists who support the community, including myself, are regularly arrested, harassed, and detained by the police. Often I have been accused of being a foreign agent or terrorist.

No consultations were ever held with the Marange community. Most people learned that they would be relocated through the newspapers. We have suffered from violence, threats, and even murder as the military tried to force us from our homes. Those who have stayed have seen their livelihoods deliberately destroyed: watering holes have been removed, schools and health clinics have been bulldozed, and pollution and dust make it unhealthy to stay. When people finally leave, most are not provided with enough compensation to rebuild their lives. People have lost their land and are struggling to survive. Where compensation is provided, there is discrimination that keeps the most vulnerable people—women, children, and the elderly—from benefiting.

Compared to the Marange mines, fewer problems were reported at Rio Tinto's project in Murowa. The resettlement took place in 2001, when 142 families were moved to new villages. There was significantly less physical violence in the Murowa project. Rio Tinto consulted with the community and also made an effort to hire unskilled workers from the community. Rio Tinto reports on its website that it has provided "extensive sustainable development programs" for affected communities, including HIV/AIDS awareness programs, and the resettlement is often publicized as an industry best practice. Nevertheless, there were reports of discrimination during the resettlement process.

"Since it became known that we are monitoring and documenting activities in our community, we have seen human rights abuses decrease."

## OF THE PEOPLE SURVEYED



said they were forced to move as a result of violence, coercive tactics or loss of resources and livelihood.



did not feel safe to express their true feelings or ask questions about the project.



participated in community-based monitoring programs to make sure the project complied with the law.



said their quality of life was "worse" or "much worse" after displacement.

## OUR FINDINGS

To conduct this research, I worked with a team of local students and youths to survey 104 people between the ages of 16 and 87 who have been affected by diamond mining in Zimbabwe. This included 81 people from my own community in Marange, as well as a smaller sample of 21 people from the Murowa community, for purposes of comparison. More than 52% were women. Most of the people were primarily farmers, some were very poor and some were better off. Around 86% get their livelihoods from the land.

It was a difficult environment for conducting a survey. In Zimbabwe, we cannot gather more than 20 people together in one place or we will be arrested under the Public Security Act. At one of the meetings where I introduced the research, armed soldiers stood in the background observing us. Some people in Marange were scared to talk too openly about the project. Communities in Murowa felt more open to talk about the Rio Tinto project, and Rio Tinto also agreed to meet with us during the research. There is much to say about what has happened in our communities, but I will focus on a few key findings.

## FINDING 1:

*The use of force and coercion has led to human rights abuses.*

In Marange, 69% said that they were coerced or threatened with violence to get them to move. The survey showed that the developers used a variety of coercive tactics to move people from their homes.

The miners used the police and army to force people off their lands. Soldiers frequently used murder, torture, and arrests to compel people to leave their homes. On September 23, 2011, police detained and beat three men from the community for digging for water in their own backyard. One of them died from the beating, but the police officers were never arrested for murder.

Yet these were not the only forms of coercion. If someone refused to leave, the developers made it difficult for people to continue living their daily lives. They would simply start mining on people's homesteads. The company has deliberately blasted dynamite and begun operations immediately next to our homes, often in the middle of the night. The noise and dust made many of our homes uninhabitable, and many livestock have run away or drowned in the mining pits.

Our communal lands have also been lost, which has destroyed people's ability to continue subsistence farming. Our rivers and other water sources became polluted by the mining activities. Our watering holes, schools, and health clinics were intentionally destroyed. The Marange region has the highest prevalence of HIV/AIDS in Zimbabwe, so the loss of health clinics meant that people could not stay in their homes if they wanted to receive treatment.

In contrast, Rio Tinto did not use the army or police to force people to leave their land for the Murowa project. Some villagers did report, however, being told by the developers that they would be left homeless or would not receive compensation if they did not cooperate.

## FINDING 2:

*The developers have used various tactics to undermine the community's ability to voice its opinions.*

Several factors have limited the Marange community's ability to raise concerns about the project. Given the extreme levels of violence and coercion described above, it is not surprising that our data found that 80% of the people surveyed from Marange said they did not feel safe to express their true feelings or ask questions about the project.

The government has used several tactics to undermine our community's ability to voice our concerns. For example, the government replaced traditional chiefs with government-appointed chiefs who now pretend to speak on behalf of the communities. In other cases, the chiefs were bribed. This is an inappropriate role for the chief in our society. Traditional chiefs work closely with the village elders and offer space for people to talk and discuss issues. The chief is not supposed to make a decision on his own. He is only a custodian who represents the people.

## FINDING 3:

*Discrimination has prevented many from receiving resettlement benefits.*

Without an ability to participate in the resettlement process, many people in the Marange community have been excluded from any benefits that the mining companies offer.

Women face the hardest conditions of all. The Marange area is dominated by an apostolic religious sect that considers women to be inferior to men. Most households headed by single women — common in an area so strongly affected by HIV/AIDS — are not eligible for compensation from the Marange mines. The developers assume that if a household has no men, there is no family, so single parents are excluded from the resettlement. The companies will not employ women. There is no training to help women find alternative livelihoods. As a result, one out of every seven women is now homeless.

Women's livelihoods were also compromised when the developers destroyed our health clinics and our children's schools. Women have lost the land that they used to grow food and access to the forests where they collected other products. Because of the pollution, women are forced to walk long distances to search for clean water. Yet discrimination has prevented the mining companies from helping women. Of the women who we surveyed from Marange, 78% said that their livelihoods are worse or much worse than before.

The HIV/AIDS epidemic has left many children and elderly in charge of households. They, too, have been subjected to discrimination. Village elders are not consulted and have been left out of the resettlement schemes, even though they once played a central role in our community's decision-making. The government has also said that children cannot have new houses or resettlement benefits, because they do not have the legal capacity to sign agreements. A 16-year-old school girl told us, "Both our parents died and they left us a house in Marange. The mines forced us out of our parents' home and forced us to live with our uncle. We lost our house." Seven child-headed households are now squatting with relatives and have lost their houses without any compensation.

Discrimination was also present at the Murowa mines, although to a lesser extent. Several people who we interviewed indicated that female-headed and child-headed households did not receive compensation, and that the elderly were excluded from livelihood programs.

## FINDING 4:

*Quality of life has decreased dramatically since the mining began.*

The Marange developers paid a modest amount of compensation and provided new houses for most people. For example, certain households were paid a US\$1,000 relocation allowance. Yet this has not been enough to restore the livelihoods of displaced families. In our survey, 66% of those being displaced by the project said that their lives are already worse or much worse off than before. Many others expect that their lives will soon be affected for the worse.

One relocated man said, "We lost our land, rivers, and livestock. We have to start afresh, only we do not know where to start."

Although 98% of the Marange community members surveyed indicated that they had a new home, only 24% said they have received new land for farming. Several families have been left landless. Some have been squatting with relatives since 2010 and have no hope of getting land for housing and cultivation. There are no livelihood programs to provide an alternative source of income. Many families complained of hunger.

Very few jobs were made available at the Marange mines. The Chinese developers brought 600 workers from their own country, and the government brought soldiers. Our data shows that many men from the Marange community have moved to towns to look for work. Women have struggled even more to find work. As one woman described, "I used to farm but now I just sit and depend on food from my children and other well-wishers."

In contrast, Rio Tinto appears to have provided more favorable living conditions. Livelihood programs were created, and Rio Tinto temporarily employed community members to do unskilled labor at the Murowa mine. As one woman told us, "We miss our ancestral land but our graves were relocated by Rio Tinto and they have given us new houses, land, and support. We are not complaining about the quality of life. It is better here, it is only that home is best."

## LESSONS LEARNED

In our community, we saw that neither the government nor the mining companies were acting to stop the injustices that were happening. So we took matters into our own hands. We began to organize ourselves to do community-based monitoring and to ensure that our findings made a difference. Since 2009, the people of Marange have systematically monitored human rights abuses and environmental problems related to the mining operations.

My colleagues and I did research on best practices for community-based monitoring and we looked for allies to support us. Our effort has received support from two prestigious grants programs of foreign embassies based in Zimbabwe. We have participated in the School of Community Monitoring with the Bench Marks Foundation in South Africa, where communities share ideas on how to gather evidence for litigation, lobbying, and advocacy. We have also participated in a World Bank-led initiative to improve transparency and accountability in Zimbabwe's mining sector.

Community monitoring and documentation is a fact-finding process, which includes unearthing and assessing information to do with human rights violations. The monitoring and documentation could be based on a wide range of purposes, which include education and awareness-raising, litigation, direct assistance to victims, and encouraging perpetrators to change their systems and conduct. The process involves data collection, data organization, data analysis, and finally dissemination of data to other stakeholders. Human rights monitors can use the information to evaluate and assess various project activities to ensure organizations uphold human and community rights. The information can also be used to hold investors and governments accountable for the violations and gaps in human rights compliance.

Although our struggle continues, we have seen human rights abuses decrease in our community since it became known that we are documenting them. We have advocated for the removal of soldiers from our community. While the soldiers are still there, they are now fewer in number. We have also monitored abuses of community workers who are employed by the mining companies. Ratidzai Matambudze, one of the monitors in our community, described some of the results:

*We have had some successes. A police officer, Joseph Chani, was sentenced to 18 years in*

*prison for beating a villager named Tsorosai Kusena to death. The community monitors collected all the information that was needed for litigation. We have also taken mining companies to court for polluting our community rivers, the Odzi and Save. The mining companies have paid a lot of fines for pollution because the community reports whenever they see any evidence of pollution. We demanded that mining companies replace our school toilets, which they flooded with their industrial waste from a burst tailing. Our community monitoring has changed a lot of the way things are done in Marange. All of this is possible only because we have sufficient evidence to take companies to court when they violate our rights. We do evidence-based advocacy.*

*Our work has been dangerous at times. We succeeded in convincing the Parliament to document many of the abuses in its 2013 Chindori-Chininga Report, but the parliamentarian who led the investigation died under mysterious circumstances one week after the report was released.*

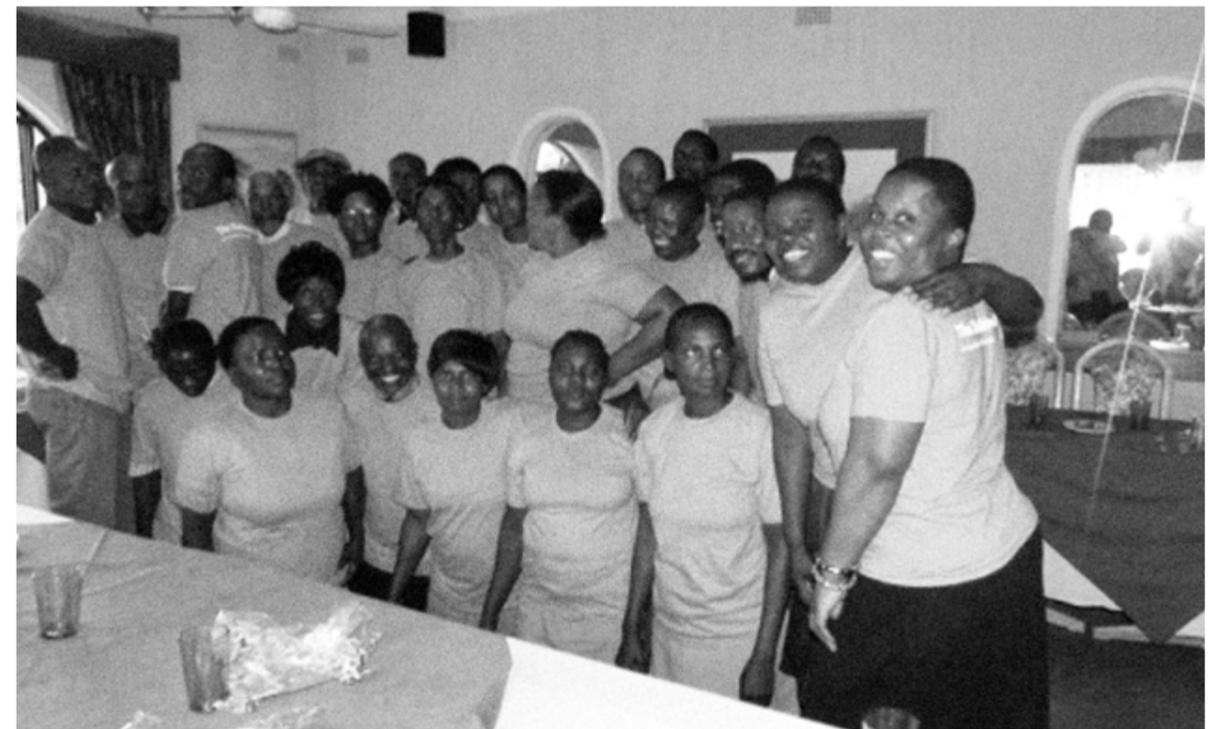
In addition to monitoring the mining projects, we are working to ensure that our community is not isolated from the rest of the world by obtaining computers, books, and newspapers that everyone can use. Without such external connections, people stay in an “open prison.” Access to information and links to the rest of the world are essential for ensuring the respect of human rights.

We hope that development finance institutions will learn from our experience and see the value of community-based monitoring in preventing human rights abuses. Ultimately, we hope that developers from China and other countries around the world will begin to respect our basic rights and meet international standards for responsible investment, even if our government has no intention of doing so.

Despite the severe challenges that we face in my region—an oppressive government, total lack of democratic processes in development, severe impoverishment—we were able to organize ourselves to do community-based monitoring and to ensure that our findings made a difference. We are prepared to continue the struggle for years to come. If we can do this in Zimbabwe, then we believe that communities everywhere can do this. ■



*Community members reviewing the findings of the survey.*



*First meeting to discuss Participatory Action Research – participants from Marange and Arda Transsau relocation area (T-shirts donated by The Zimbabwean Newspaper).*

# CHAPTER 7:

## Ensure Accountability for Any Harm Caused

By Jamil Junejo

Community insights on the Left Bank Outfall Drainage Project in Pakistan



I am a member, researcher, and writer for the Pakistan Fisherfolk Forum. I have also been an active member of the NGO Forum on the Asian Development Bank, monitoring the role of development finance institutions in my country. I keep a close eye on how development impacts the human rights of fisherfolk and other people in my country who struggle to make their voices heard. I have experience working on land rights, and want to contribute to policy development that will protect land rights, honor local wisdom, and ensure pro-people projects. For several years, I have followed and written about the situation of the Left Bank Outfall Drainage Project — a World Bank-financed project in Sindh, Pakistan. In 2004 the Fisherfolk Forum filed a complaint with the World Bank Inspection Panel about the project. Unfortunately, since then very little has changed for the people living in the areas impacted by this disastrous project. I see how people's local wisdom was ignored, and their rights violated with impunity. This is why I am passionate about creating real accountability in development.



### ABOUT THE PROJECT

The Pakistan government built the Left Bank Outfall Drainage Project in the 1980s and 1990s with the help of international organizations such as the World Bank, Asian Development Bank, and Japan Bank for International Cooperation. The drainage project is a large artificial waterway running parallel to the Indus River through four districts. It is one of the largest pieces of the National Drainage Program Project in Pakistan. Originally, the drain was designed to act as an irrigation drainage system that carries saltwater away from two million hectares of agricultural fields on the Punjab plains and disposes of it in the Arabian Sea. It was additionally intended to carry industrial and municipal waste out of urban centers. Development institutions supported the project, along with other irrigation and drainage programs in Pakistan, because it was supposed to improve the country's agricultural productivity.

However, due to a faulty design and poor maintenance, the Left Bank Outfall Drainage Project has caused heavy damage from time to time in the two coastal districts at the tail end of the drainage, in Mirpurkhas and Badin. The sufferers include people, biodiversity, and crops, especially when the lower Sindh area is hit by cyclones and heavy rains. Saltwater and harmful industrial and municipal waste regularly leaked out of the drainage project into crop fields and internationally recognized wetlands. In 1999, the drainage project collapsed in a number of places during a cyclone and in 2003, caused flash flooding during the monsoon season. Several people were killed in the flooding and many lost their means of earning a living.

The ancient Indus River runs through our province of Sindh at the end of its 3,000 kilometer journey to the sea. We, like many other people in Pakistan, depend on the river and its delta for our survival. We are fisherfolk. Increasing pollution and flooding along the river and the coast where it empties into the sea are not just environmental problems, but matters of life and death. When fisherfolk in Pakistan speak about pollution, we are speaking about depleted fish species and draining of water for large agricultural schemes, inaccessibility of potable water, and forced migrations of our families away from our homes.

Some of the most devastating challenges of the past generation have been brought by a World Bank-sponsored project along the Indus River called the Left Bank Outfall Drainage Project.

In September 2004, after months of asking the government for help, local people filed a complaint with the World Bank's Inspection Panel. The panel came to investigate the project and found a number of violations of the bank's own policies. In 2006, the World Bank drew up an action plan to fix the situation, but it was never fully implemented by the government and bank staff. Instead of taking a results-oriented approach, the bank provided grants to NGOs through the Pakistan Poverty Alleviation Fund in order to provide activities to compensate those affected by the project. These efforts were largely unsuccessful, but the bank decided that they were sufficient to wash its hands of the matter. Now, the government plans to expand the drainage system throughout Sindh province.

**"The project was built without any sort of resettlement action plan or even a plan for responding to emergencies."**

## OUR COMMUNITIES' EXPERIENCE

It is predictable that the people living in the coastal districts of the Indus River delta will occasionally face cyclones and flooding during the monsoon. So it was also predictable that the Left Bank Outfall Drainage Project would have to be built to withstand heavy inflows of water, and that increased flooding would pose a threat to communities living nearby. Nevertheless, the project was built without any sort of resettlement action plan or even a plan for responding to such emergencies.

Disaster struck during the 1999 cyclone, which split the Left Bank Outfall Drainage open in 65 places and caused massive losses in Badin district. Villages were inundated with saltwater and toxic agricultural runoff. Several thousand people were forced to leave their homes for several months, and those who returned found their homes and lands badly damaged and polluted. The scale of the tragedy is underlined by the fact that 355 bodies were pulled out of the mud. Badin's coastal community believes that had the drainage project not existed, the losses suffered could have been reduced by up to 80%.

Similar havoc occurred in Badin during the floods of 2003. The drain swelled beyond its ca-

capacity, overflowed, and leaked out of breaches in the structure. After surveying the damage, the Pakistan Fisherfolk Forum reported: "More than 32 people were killed, 50,000 acres of standing crops were damaged, more than 100,000 people were displaced for three months, about 12,000 fishermen lost their single source of livelihood, and more than 10,000 acres of land [were encroached upon] by seawater."

In 2010 and in 2011, severe flooding in Badin once again displaced a number of families. Damage has been inflicted on communities and arable lands not only in Badin, but also in the districts of Shaheed Benazirabad, Sanghar, and Mirpurkhas. Badin, however, bore the brunt of the fury. The people live in constant fear of the next big flood. The gravity of the damage, and its geographical limits, continue to expand. The lasting effects of pollution of land and water resources continue to force people from their homes.

Yet despite all the impacts that have been documented, no one was provided any assistance or compensation by the government. Instead, it decided to continue expanding the project.

**"0% have ever been consulted by the government on any regional development issues..."**

## OF THE PEOPLE SURVEYED



95% moved because their source of livelihood was destroyed.



0% received compensation or livelihood assistance after being displaced.



99% reported that their quality of life was made worse by the project.



0% thought the project benefitted their community.



94% said they would like the World Bank to consult directly with the communities, rather than speaking only to the government and companies.

## OUR FINDINGS

To understand the experiences of families displaced by the Left Bank Outfall Drainage Project, I put together a team of four researchers. Together, we surveyed 100 people, 98% of whom have been displaced by the project. They live in rural communities along the southern coastal areas of Pakistan and earn a living by fishing, farming, and herding animals.

## FINDING 1:

*Local people had no voice in the planning of Pakistan's drainage program.*

The government's decision to build its National Drainage Program, including the Left Bank Outfall Drainage Project, came as a surprise to the affected communities. Their 2004 complaint to the World Bank's Inspection Panel reported that:

*Local communities, and especially the affected people of the coastal belt, have been kept entirely unaware about the plans of [the National Drainage Program] and its environmental assessments. The project planning process remained the business of a few bureaucrats and donors while project implementation remained non-transparent and hence failed to obtain informed consent or meaningful participation since the inception. We were entirely unaware regarding National Drainage Program until the rains of 2003, when we were informed that more waste would be added in existing [drainage project] system.*

When we surveyed the local community members, they highlighted several barriers to participating in the government's development planning. No one reported being consulted about the Left Bank Outfall Drainage Project or on any regional or local development issues. Further, no one reported feeling safe to express true feelings about the project or knew how to obtain information about the project. Unsurprisingly, 0% viewed the project as benefiting their community in any way.

## FINDING 2:

*Communities were displaced by flash flooding repeatedly, yet no emergency measures were put in place.*

The disasters in 1999, 2003, 2010, and 2011 all led to the temporary physical displacement of people in the coastal districts. Thousands of people were permanently displaced due to losses in fish populations and seawater encroachment on croplands. In the survey, 100% of those interviewed reported that they had almost no notice before they were forced to move. They were never informed of the risks of flooding by the developers, and there were no noticeable emergency systems in place. As a result, the communities were unprepared for the flooding, which undoubtedly worsened the effects.

## FINDING 3:

*Many people suffered from economic displacement, leaving their homes because their livelihoods were destroyed.*

For many people, the physical displacement that resulted from the flooding was temporary. After several months, many families were able to return to their homes. However, the impacts of economic displacement were much more permanent.

Even in the absence of severe weather, the harm caused by the Left Bank Outfall Drainage Project has forced people to leave their homes. Pesticides, fertilizers, and industrial waste that are carried in the drainage have poisoned the communities' only sources of freshwater. Constant saltwater intrusions from the drainage have entered our lands and water sources. Regular flooding has resulted in the loss of topsoil and conversion of coastal land into sea. This has destroyed coastal ecosystems and wetlands that are the sole provider of income and food for 25,000 people living in 60 villages. Fish catch has dwindled, especially shrimp, and the fish that we catch are too contaminated to eat or sell. Livestock has been poisoned, and wildlife has disappeared. Adequate freshwater is no longer available for drinking and our daily needs. Hundreds of families have been pushed into extreme poverty. Women are the most heavily affected, as they face discrimination in our society that makes it difficult for them to rebuild their lives.

Almost everyone who was displaced by the Left Bank Outfall Drainage Project was affected by a loss of livelihood: 95% indicated that "[my] source of livelihood was destroyed, and we had to move because we had no other option."

Among the people surveyed, 86% reported that they had lost animals, livestock, or fish. Half had lost access to forests and grazing lands. Around one-quarter of the families had lost the land they owned. Around 87% reported that the environment was now destroyed.

## FINDING 4:

*The government and World Bank did not restore the livelihoods of displaced people.*

Thousands of displaced people continue to be excluded from any sort of resettlement or livelihood assistance. The government did not consider compensating people for economic displacement and only provided limited support to those whose land was acquired to construct the project. Community members told the World Bank that the rehabilitation project was "inadequate, poorly designed, wrongly targeted, and people have no say in it."

Of the people who we interviewed, 0% said they had received compensation or livelihood assistance after being displaced. The result has been severe impoverishment for communities in the coastal areas. Among those surveyed, 85% said their source of livelihood has deteriorated. When asked if they were better off, 99% said that their quality of life was worse or much worse. The losses were enormous and have been a difficult burden for families to bear. Before displacement, 57% had title to their lands. Afterwards, only 30% had title, while many had to find parents or family members who would take them in.

## LESSONS LEARNED

The Left Bank Outfall Drainage Project should never have been pursued in the first place. Neither the design nor the implantation plan was feasible or participatory. Both the developers and the World Bank focused on the project as a tool for drainage, but failed to consider it as a possible threat. Numerous human rights violations have occurred. For example, breaches in the project and its tidal link have degraded a large area of land, contaminating the groundwater with salt. This has deprived thousands of people of access to potable water.

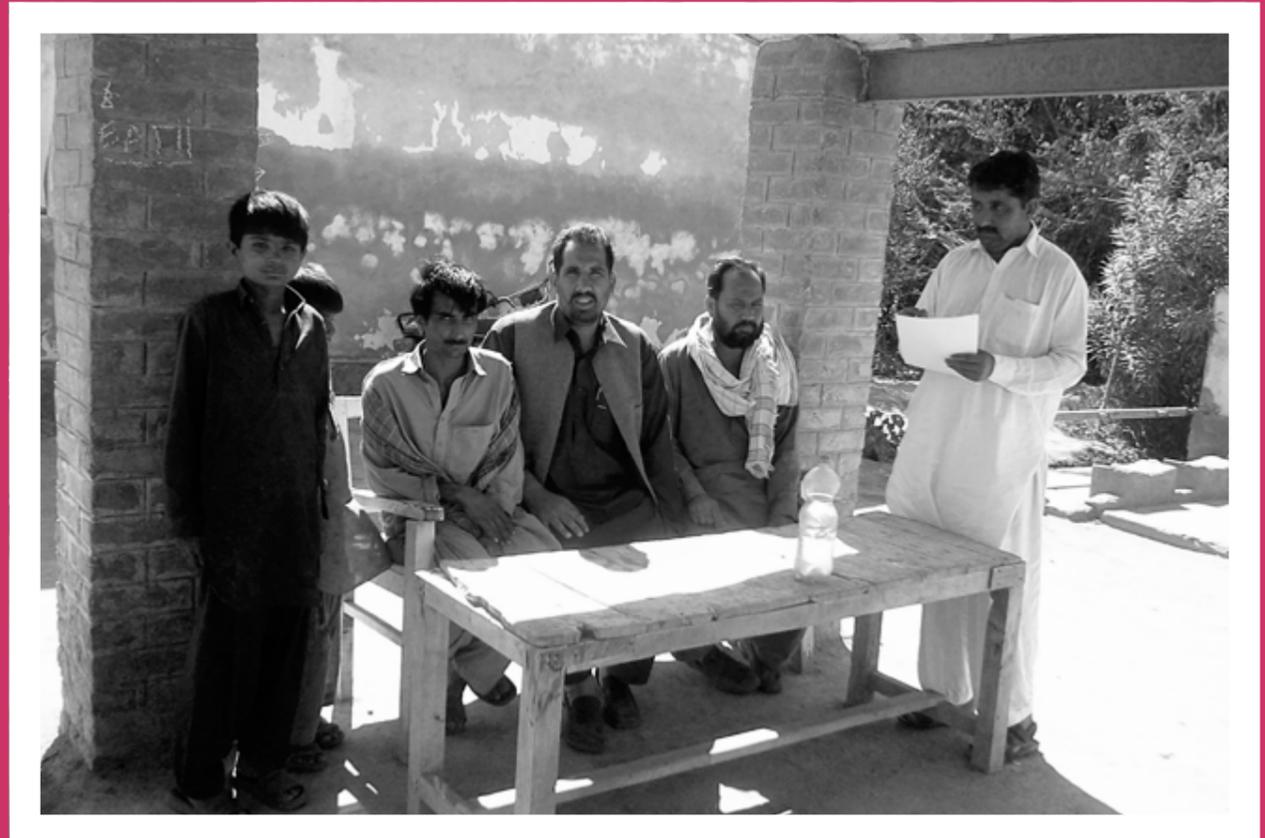
After the 2003 floods, local communities mobilized and took action to try to obtain support to rebuild their lives. They organized protest rallies, wrote letters to the World Bank and Asian Development Bank, petitioned the president, spoke to the media, sent a complaint to the World Bank Inspection Panel, and organized a people's tribunal, among many other activities. Fact-finding missions by the communities as well as the World Bank have concluded that alternatives existed for designing the project in a way that was safer and achieved the same development objectives.

The harm caused to communities has been carefully documented by NGOs in Pakistan, the World Bank Inspection Panel, and in a joint report by the UN Food and Agriculture Organization and Pakistan's Space and Upper Atmosphere Research Commission (Suparco). For the most part, however, the government and developers have ignored the concerns raised by communities. The communities still have not received compensation or rehabilitation assistance to escape the poverty traps created by the project.

In fact, there are current plans to expand the National Drainage Program in a way that would further threaten the livelihoods and safety of coastal communities. For example, the government hopes to divert some of the water from the Left Bank Outfall Drainage Project to other districts, which communities fear would further distribute the pollution and the risk of flooding. As the government has considered expanding the drainage system, the communities have urged officials to consider safer alternatives.

Before pursuing any other drainage projects, we hope that the government will decommission the Left Bank Outfall Drainage Project. First, its low capacity cannot withstand the pressure of water during floods, which will come again. Second, the structure has been weakened irreversibly by poor maintenance. If it is not decommissioned, it will continue to bring disaster.

Without more responsible and participatory planning, history is set to repeat itself. Of the people who we interviewed, 94% said they would like the World Bank and similar organizations to consult directly with the communities, rather than speak only to the government and companies. Simply opening up these lines of communication can go a long way towards improving accountability when a project goes wrong. We hope that our story will show the importance of including the voices of directly affected communities in the design of development projects, and ensuring that any harm caused by a development project must be remedied. ■



*Jamil Junejo presents the survey to community members.*

# CHAPTER 8:

## Take a Human Rights Approach to Development

By Sek Sokunroth

The Boeung Kak Lake evictions and more equitable development in Cambodia



I grew up on the shores of Boeung Kak Lake in Cambodia's capital city of Phnom Penh. For my family, Boeung Kak was where we started anew after moving from the war-torn provinces of northern Cambodia, still in conflict after the Pol Pot regime. Boeung Kak Lake was not only a place where my family and I rebuilt our lives, but it was also a lush, peaceful home for over 4,000 families. The lake provided residents with a number of livelihoods, from fishing to aquaculture to tourism. However, everything changed in 2008, when we found out by word of mouth that the government had leased the lands to a private developer for 99 years. A few days after we heard the news, our government began evicting us and filling the lake with sand. For the first time in my life, I became an activist. I organized my community to resist, but in the end many of us had to move due to the threat of flooding and intimidation by the local authorities and company men. The authorities flooded our homes with water and sand while we were still in them, leaving many of my neighbors with no way to earn a living. I quit my job in tourism, which had allowed me to show people the treasures of Cambodian culture, but had rarely shown the problems that our society faces. Since late 2010, I have continued to support my community while also working as a media activist and community organizer for local human rights organizations.



### ABOUT THE PROJECT

Cambodia's land administration system and verification records were largely destroyed during the Khmer Rouge era. Thereafter, few Cambodians possessed any kind of government document identifying land ownership. Without the necessary records, my country needed a new system. After a national law was passed in 2002, a number of donors—including the World Bank and the governments of Canada, Finland, and Germany—financed a project by the Government of Cambodia to build a modern land tenure system. The goal of the project was to reduce land conflict in Cambodia by systematically registering land and issuing titles across the country.

However, the project was not well supervised and failed to stay focused on its primary goal of preventing land conflict, at least in the Boeung Kak Lake area. As a result of the project, residents of Boeung Kak Lake were not given titles to their land. Instead, the government leased much of the most valuable land, especially in the capital city of Phnom Penh, to private and foreign companies. This paved the way for the government and a private developer to forcibly evict Boeung Kak residents, in order to build expensive luxury apartments.

To develop the land around and under the lake, the company decided to fill the lake with sand and evict the residents. Around 17,500 residents were forcefully evicted in August 2008. Many more families who refused to leave are living in worse conditions than they did before the project took place.

Cambodia bears the scars of a country that is recovering from war and genocide. Having lived through such unspeakable times, most of the elders of my community are afraid of change and are hesitant to stand up for their rights. As part of the younger generation, I hope that I can do something to promote respect for human rights in my country and also to expose the human costs of development projects that exclude citizen participation.

## OUR COMMUNITY'S EXPERIENCE

The eviction from our homes in Boeung Kak Lake was a horrifying experience of violence. Days after the authorities arrived to tell us to move in August 2008, they came with bulldozers and began demolishing our homes. As they filled in the lake, they began to flood homes with sand in the middle of the night. The wooden houses could not withstand the pressure of the sand and began to collapse. Before any negotiations took place between locals and the company, the authorities pumped more and more sand into our homes each night. As the lake was being filled in with sand, the water from the lake began to come into our homes as well.

As one person described, "We were really scared that they would flood our home with water and sand. The levels of water kept on rising continuously. We weren't even allowed to rebuild our home if it collapsed."

Meanwhile, armed police forces verbally assaulted the residents, arrested people, and used physical violence to get us to move. A resident recalled, "They told me that if I don't move now, my home will be demolished and I will get nothing, not even a little compensation."

After the evictions, some of the families migrated to the countryside, while some moved abroad. Others accepted \$8,500 in cash compensation (significantly less than the average price of land in the middle of the city, which was close to \$1,140 per square meter). Some were provided garage-like housing on a relocation site located on the outer edge of the city, where there are no hospitals, markets, or jobs. Children had to drop out of school. One person explained, "Our relocation is not good because there is no transportation to our kids' school, and we can't make enough money to pay for transportation costs."

Often, families and loved ones must live separately, because the only jobs are available in the city. Working members of families have to stay in the city for their jobs and cannot afford the daily transport to and from their families. People complain about a rise in crime and a rise in debt. Domestic violence and alcohol abuse have risen. One man captured the experience of being forcefully evicted, saying, "All I received is suffering and tears."

A 76-year-old grandmother said, "My previous life was way better than the one I have now. A lot of my children have decided to stop going to school

because I can no longer afford school fees. And where we live is too far from the market area."

The grandmother received only \$500 from the developers as compensation. She was unable to continue her laundry business, the source of her livelihood. As a result, she had to borrow money from the bank at a high interest rate. In describing her daily life, she said, "Debt collectors come to my house every day. Sometimes I have to hide."

Over 100 families have refused to sell or accept the low compensation and have continued to advocate for their land rights. I have been working closely alongside them since 2010.

## OF THE PEOPLE SURVEYED



were forced to move from their homes by physical violence.



said they had a right to their land but the government had refused to issue the title.



did not feel safe to express their opinions about the project.



said that the compensation they received was inadequate.



had been consulted by the government about their aspirations for development in Cambodia.

## OUR FINDINGS

In February and March 2014, I worked with a team of researchers to survey 100 former members of the Boeung Kak Lake community. Most of the people we spoke to were women (92%). Women have been the leading voices in the Boeung Kak Lake campaign, which is now one of the most famous struggles in my country and the region. The communities have a women-led campaign for many reasons. Women experienced many of the human rights violations during the evictions, authorities are less likely to violently attack women protesters, and women more often work from home, while their husbands often work outside the community to support the families.

For us and many other people in Cambodia, the Boeung Kak Lake evictions have become a symbol of how the word "development" is something to fear as a life-destroyer in our country.

## FINDING 1:

*There are stark differences between citizens' and the government's vision for development.*

The people interviewed did not see any way that the luxury apartment complex planned for the land could be considered a development project benefiting the public. As one community member told us, "The government and company worked together to grab our lands and sell it for a lot of money. That money is only for them, not for us."

Of those surveyed, 100% believe that their vision of development is very different from the government's. To them, the government's form of "development" means a loss of jobs and a worsening of their lives. When asked how they would measure the success of a development project, 72% said they would look at how it respects and fulfills human rights, while only 13% said they would look at how it increases monetary income. As one person said, "If development projects were actually fair to citizens, our lives would be better."

## FINDING 2:

*Citizens have clear ideas about how they want to be consulted.*

The communities evicted by the Boeung Kak Lake project were not consulted. Most only learned about the project through the newspaper and radio. Most received less than seven days' notice before they had to move.

Of the people surveyed, no one had ever been consulted by the government about their aspirations for development in Cambodia. Yet they would have liked to participate in development planning for their country. The people of Boeung Kak Lake do not oppose development, as long as it is done in the right way. As one resident explained, "I would agree with a development project that would help to improve my life, but I will never agree with the one that destroys my life." Another person said, "To have enough time is the most important thing. We don't oppose development, but at least give us enough time to think and make our decision."

Community members also shared specific views on how a consultation should be run. One person suggested, for example, "They should call for a meeting with the local people so that they could express their ideas about the pros and cons of the development project." Many people emphasized that they should be able to express their ideas without fear. Another said, "I would ask local people for their opinion and agreement. Troubleshoot all the possible issues and don't execute the project plan if local people disagree with it." One woman recommended that when resettlement takes place, "Consult the local people to see what they will need at the new place. Consult to find a way that would benefit both sides."

## FINDING 3:

*The displaced community experienced high levels of violence and fear.*

The survey data reflects widespread use of force, coercion, and human rights abuses when evicting people from Boeung Kak Lake. The vast majority of evictees were given only a few days' notice before they had to leave. Almost all of the 100 people surveyed experienced direct and extreme violence and threats during the eviction. Of those people who were interviewed, 87% said they did not feel safe to express their opinions about the project. This culture of fear in Cambodia is not unique to the residents of Boeung Kak Lake and can be found across the entire country.

## FINDING 4:

*Compensation did not improve people's livelihoods.*

Before our community was moved, we were given three compensation options: cash compensation to buy a new house; a new house at a relocation site about 30 or 40 minutes away; or an on-site upgrade. That meant we had to stay away from the project area until the apartment building was built, and then we could move into a new home that they provided. There is no firm timeline, and up to now, the area they filled stands as an empty desert. Few people received what they were promised in the options above.

About 83% of people surveyed said that the compensation they received was inadequate. As one person observed, "[It] is not even enough to buy a square meter of land in the center of the city." The government did not provide any livelihood programs. Of those who we surveyed, around 37% said they were displaced without any compensation or new housing.

Those who received a new home reported that the quality of the homes was sub-standard and worse than they had before. As one person commented, "The building is incomplete. I had to borrow extra money from the local bank to build the rest and now my family is in debt." Several people complained that the houses leaked when it rained.

Many people refused to accept a new house or compensation, while some felt that they had no choice but to accept. Regardless of whether they received compensation, 0% of the people we surveyed said that their quality of life had improved.

## FINDING 5:

*No progress has been made in obtaining people's security of land tenure.*

The Boeung Kak Lake development left many families without secure rights to land. Before displacement, 88% of those surveyed said that they had a right to their land, but that the government refused to issue the title. Only 17% said they had title to land afterwards. As a result, most of the families remain vulnerable to further displacement in the future.

## LESSONS LEARNED

Ever since the Boeung Kak Lake evictions, most of the community members have struggled to rebuild their livelihoods. We have advocated for help from many international actors who are active in Cambodia and who might have enough leverage to help. For a brief period of time, donors to Cambodia responded to the situation with genuine concern.

In September 2009, after massive community campaigning, the evictions became the subject of a high-profile investigation by the World Bank Inspection Panel. The World Bank also took the lead in coordinating a public statement among donors that same year. The government refused to cooperate, and eventually the situation became so bad that the World Bank suspended lending to Cambodia in 2011. Although members of our community are still struggling to rebuild their livelihoods, donors have stopped calling on the Cambodian government to reform.

We continue to ask the World Bank to play a more active role in remedying the situation. Most importantly, we believe that the bank is in a position to help address the immediate consequences of our forced evictions—our loss of homes, livelihoods, and the debt and social problems that we have suffered since.

As the World Bank begins to reinvest in Cambodia, we remain concerned that we have been left out of the development planning process. As one community member explained during the survey, “Only the government and private companies are allowed to join dialogue with the World Bank. None of the local people were allowed.” With such low trust in our government, 100% of people surveyed believe that investors such as the World Bank should not only consult with the government, but also with directly affected people.

Without reforms, the World Bank and other international donors risk becoming involved in future forced evictions in Cambodia. The people from Boeung Kak Lake have discussed the role of the World Bank at great length. During our survey, many people offered suggestions for donors to avoid becoming entangled in forced evictions.

One woman recommended that the World Bank should:

*Get those who are affected by the project to meet with the government, company, and the World Bank. Villagers should be allowed to ask as many questions as they please and the government, company, and the World Bank should*

*provide answers. The World Bank should tell us why they give the money. The government should tell us what they plan to do with the money and how they will spend it. The company should tell us about their process of development, including when and where exactly it is going to take place.*

Respect for human rights is at the center of the Boeung Kak Lake community’s vision for development. Ultimately, we hope that development in Cambodia can happen in a way that truly benefits the people. As another community member recommended to the World Bank, “check and make sure that your money won’t turn us from ‘haves’ to ‘have-nots.’ And also make sure that your money does not come with tears.”

Everyone in our community talks now about human rights—and about the fact that real development must protect and advance people’s human rights. As our Boeung Kak Lake struggle and our calls for justice have become famous national news stories in Cambodia, many citizens around the country are also now talking about development based upon human rights. This is not an abstract theory to us. This is our very basic demand. We see that development focused only on high-level economic numbers and measures can make it seem like Cambodia is becoming richer, but then at the same time so many citizens’ lives are being destroyed and impoverished. That is why we believe that a human rights approach will provide an effective framework and real accountability to our people. That is how we will transform development from money that comes with tears, to money that serves all our ideas, dreams, and dignity. ■



*A participant reads through the survey.*

# GLOBAL RECOMMENDATIONS

After reading this report, you heard personal accounts of how communities in eight countries are responding to development they did not ask for. Each chapter title also represents a unique finding based on experiences and evidence from local survey results. When the country-based research was compiled into a global dataset – therefore includ-

ing all 800 people surveyed in eight countries – it became clear that the local findings were in fact quite universal. The global results from the entire Global Advocacy Team project reinforce what local communities have also proposed. In order to get back to what development originally promised, this report offers eight recommendations.

## START WITH A PEOPLE'S PLAN

A People's Plan proactively measures existing resources and builds community-led development priorities and plans. Discussing a community's People's Plan should be the first engagement when anyone considers development in a given area.

"They must accept that local people are aware of what they want and work with the communities' aspirations."

"Poverty cannot be eliminated by people who stay in their offices."

"Have a consultation based on the opinions of people who will be directly affected by the project, not only with the government officials, who are mostly corrupt."

"I have a project to develop all the villages, starting with my village, and I want to help in funding some projects that aim to clean them and offer jobs to the youth."

"Listen to what the people suggest, respect their feelings and encourage participation."



said their idea of development was different from the government's idea of development.



have never been given the chance to propose ideas for development projects.



agreed with the project as it was planned.

## ADDRESS BARRIERS TO REAL PARTICIPATION

While many development finance institutions, like the World Bank, require public consultations, the report's research uncovers that consultations often do not take place or when they do, they are regularly poorly conceived and implemented. A majority of comments from the survey addressed unfair or non-existent consultations.

Certain communities and groups may face greater barriers to participation. A lack of secure land tenure prevents many communities from being able to negotiate on equal terms. Discrimination often excludes many from participating in any consultation process.

Community-led consultations and research also should be accepted and seen as a priority input in the development process. Governments, development finance institutions and project developers can work alongside communities to design an ongoing consultation process that all participants consider legitimate, safe and free from intimidation.

"They do not ask for your ideas, they just come and inform you."

"A good consultation should not include soldiers. People should be allowed to talk freely and the information must be given in advance for people to read and consult."

"Real consultation process should allow everyone to take part in it, not just the government, company, and the World Bank. It is not called consultation if you ask the wrong person who has nothing to do with our need and lives."

"Government officials are not usually aware of what the community wants; therefore there is a need to consult with the community."



were forced to move because of violence and coercion.



do not feel safe to express their true opinions or ask questions.



do not have the information they need to provide an informed opinion about project plans.



don't know how to get information about the project.



shared specific recommendations as to how consultation processes should be improved.

## PURSUE PROJECT DESIGNS THAT UPHOLD HUMAN RIGHTS

Since development is supposed to improve the lives of people, projects causing human rights abuses cannot be considered development.

Communities can collectively determine their own development priorities and plans. They can also access other experts to help explore alternatives to proposed projects. Governments and project developers can create incentives for innovative designs and technical solutions that respond to community priorities and avoid harm.

"Develop a project that preserves sustainable livelihoods and has no negative impact on the environment and ecology."

"The road dike should be constructed so that the fisherfolks can still pass through the lake. Do the best engineering solution for minimum dislocation."

"Find the project that will benefit everyone and not just a small group of people."

"The government should implement projects that will benefit and support female headed households and low income families."



thought their community would benefit from the project.



believe that the project certainly or probably could have been changed to achieve the same goals without causing so much harm.



believe that the project was designed to benefit private companies.



believe that the project was designed to benefit the people of the country as a whole.



said their livelihood had changed or will change because of the project.

## ENSURE LOCAL KNOWLEDGE INFORMS PROJECT DESIGN

To create development that benefits people, the relationships between communities and the surrounding human and natural resources must be fully measured and understood. The people whose daily lives and livelihoods are closest to any proposed project are best placed to analyze these relationships. Members of the local population have unique expertise that can enhance project designs toward greater positive impact and also identify potential problems and pitfalls that investors and project developers might not otherwise be aware of.

"People who are affected by the project should always be involved in the planning process."

"If the company had surveyed even one local person, they would have known about the importance of the spring before they put a waste dump on this spot."

"Ending poverty should come from communities. They should not impose projects but should hear what communities think would end their poverty."

"Poverty alleviation programs should safeguard against environmental harm because our riches are in the environment."

"I do not think the school was supposed to be destroyed since the workers also need schools for their children to get an education."



were not consulted during the planning phase of the development project.



of those consulted don't think their ideas or opinions were incorporated into project plans.



have never been consulted about their development priorities for the country or region.

## TREAT RESETTLEMENT AS IT'S OWN DEVELOPMENT PROJECT

Regularly the lives of people resettled or forcibly evicted in the name of development are made worse off. These projects therefore cannot be considered development. In other cases, project impacts such as pollution, loss of livelihood or access to resources also force people to leave their homes after mounting negative effects.

A community's development priorities and plans should be adopted if they are forced to move. Adequate funding, community-based monitoring and legally binding agreements, among other measures, help ensure a project does not cause harm.

"The new place where I am living now is also an eviction site. There is a possibility we will be evicted again."

"I have never received anything from this development project besides difficulties."

"They forced us to sign a relocation paper but this was not resettlement. They just paid a small amount of money many years later. We have no land now."

"The company had announced us to leave and they give us a very little bit of compensation. They scared us by pumping sand into the house."

"They call it relocation but they really did not give us land to relocate to. Just a little money, which we did not want."



of those surveyed were displaced or will soon be displaced by the project.



did not receive any compensation.



of those who received some compensation said their needs were not met.



said there were no livelihood assistance programs after displacement.



of those who participated in livelihood assistance programs said it did not improve their quality of life.

## UTILIZE INFORMATION FROM COMMUNITY MONITORING

The communities living closest to the project have the greatest awareness of whether they are benefiting or being harmed. By monitoring the implementation of a project, a community is able to stay actively informed and document any abuses.

Evidence from community monitoring helps ensure developers keep their promises to the community.

"The idea of community monitoring came up when there were a lot of human rights abuses and now we monitor companies for compliance."

"We monitor company and government compliance to human rights issues and environmental laws."

"We exposed companies that were abusing community rights and those that were polluting. We took companies that were polluting to court."

"Poverty cannot end by one party imposing their thinking and ideas on the other, therefore I would suggest the involvement of everyone."

"Please support in development but don't ignore people's voice."



90% did not participate in any activities to measure the real value of their homes, land and resources that would be lost or destroyed.



66% would like to participate in such activities.



14% have participated in community based monitoring programs.



65% of those displaced report that violence and other blatant human rights violations were used to force them to move.

## ENSURE ACCOUNTABILITY FOR ANY HARM CAUSED

Projects frequently ignore or do not predict the full impacts on people and the environment. Remedy for any loss and abuse, even when promised, is often nonexistent or inadequate.

If governments and finance institutions commit themselves to respect and protect human rights, adequate remedies for loss and abuse should be part of the project plans.

"I want to ask the banks to pressure our government to respect human rights, not to discriminate any groups of people, and also to make sure that there is accountability."

"The government thinks just digging everywhere is development. What we have here is not development, it is killing us slowly."

"I have heard of the World Bank but I do not know what they do."

"We have complained to the World Bank about this project because their funds affected us."



79% do not know how to file a complaint with the World Bank about the project.



83% had never heard of the World Bank's Inspection Panel.



43% expressed an interest in filing a complaint with the Inspection Panel after learning more about it.

## TAKE A HUMAN RIGHTS BASED APPROACH TO DEVELOPMENT

In the comments sections of the survey, most people communicated their experiences, concerns and ideas using the language of human rights. From idea and concept to implementation, a prevailing recommendation across many sections of the survey was that development should first and foremost advance the enjoyment of human rights.

"Poverty is relative and therefore, they must take the community's definition of poverty and work with that."

"Poverty will only end if people's rights are respected."

"Make this development project livable for everyone. Where everyone can benefit from the project."

"To me, the word development means to make a small house into a big house not a big house into no house."



believe the most important way to measure the benefits of a development project is to see if it improves quality of life and if it respects and protects human rights.



responded with specific comments and suggestions, when asked about what they would like to tell the World Bank.

# THANK YOU

*1000 people around the world are contributing to this project.*

We thank the communities surveyed who continue to share their ideas, experiences and insights, even when it may be dangerous to do so. The findings of this report are woven from their many voices.

We thank our friends, families and colleagues who helped conduct the research and will use the report in their ongoing campaigns. For security reasons, some names have been omitted or changed.

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## ***Thank you to IAP’s donors!***

Finally, we thank the Global Advocacy Team. You are showing many the way forward on development and human rights. Congratulations on this report — we did it **“Together, Together.”**

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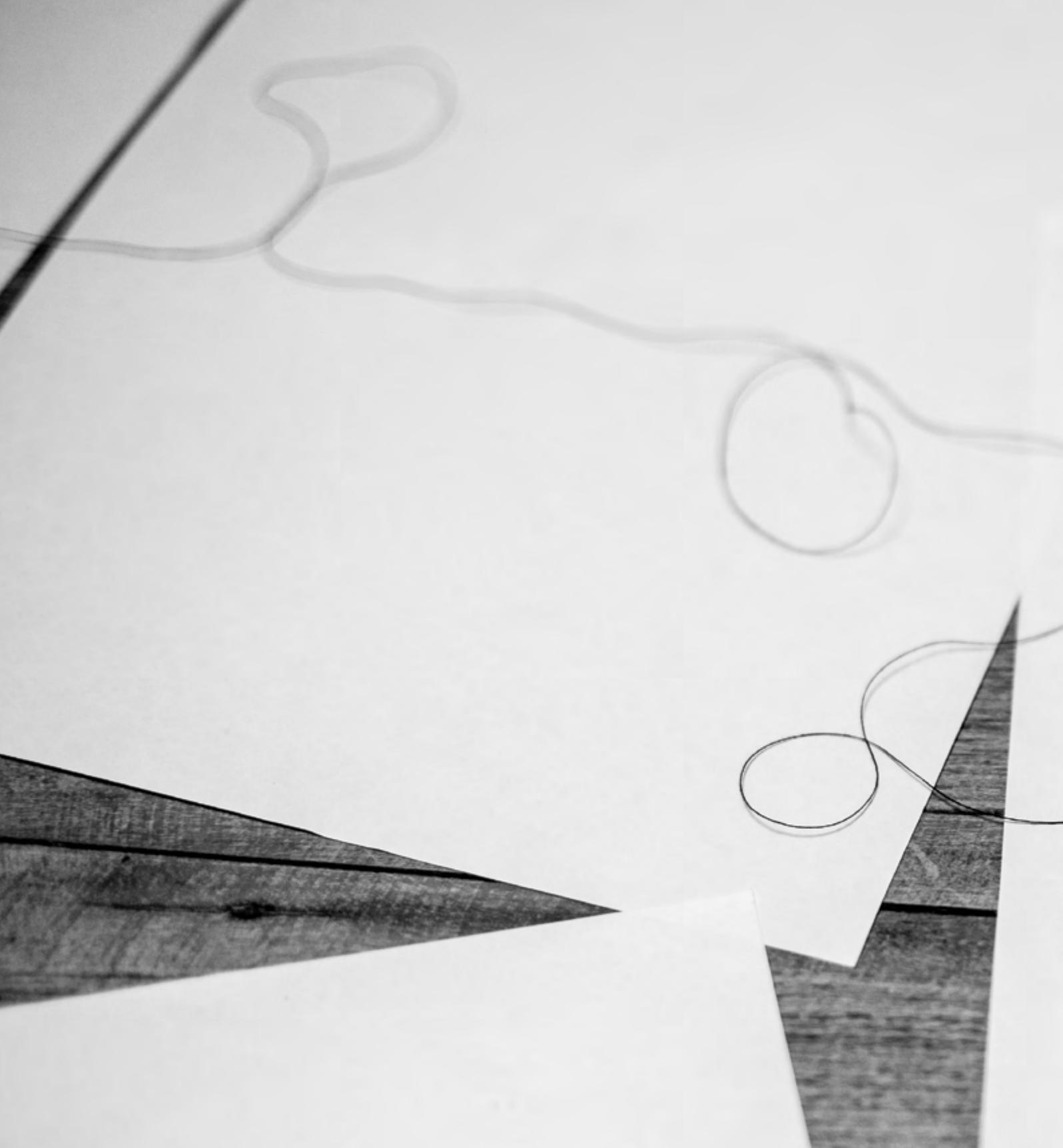
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Based on one of the most extensive community-led surveys on global development, involving 800 people in eight countries, the findings of IAP's Global Advocacy Team show the darkest side of development and how local expertise is changing it.