

Development Induced Displacement : A Critical Assessment of Legal and Institutional Framework for Resettlement and Re-integration with References to Bangladesh

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Introduction

Traditionally, the study of involuntary migration or displacement of people has focused mainly on refugees, who by definition presupposes the group of individuals cross boundary of their home country on fear of persecution. But over the last few decades, displacement of people within the territory of a state of what is popularly known as internally displaced persons (IDPs) has become an international concern and posed a great challenge to international community. Internal displacement can occur due to natural disaster, civil war and conflict, development projects, environmental degradation and communal violence. Thus, a variety of circumstances that can lead to displacement of people can be broadly divided into three categories: disaster induced, conflict induced and development induced. While the problem of disaster induced and conflict induced displacement persons are widely acknowledged by international community and protected by international and national legal framework, the issue of development induced displaced persons have received scant

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attention from the policy makers due to lack of understanding and conceptual clarity of the issue; and reluctance of governments to acknowledge internally displaced persons as a problem at all. But in the recent years, development and infrastructure projects have remained a single most important factor for large scale displacement of people in the developing world. The human and environmental consequences of big development projects have been a focus of increasing attention in many countries. Large-scale involuntary displacement caused by such projects has become particularly contentious in many situations.

This relative passivity towards the problem of development induced displacement can be attributed to the traditional notion of 'development' which is pre-dominantly viewed from the perspective of gross domestic product- a yardstick to measure economic growth of a country. Correspondingly, displacement of people as a consequence of development projects, which are often justified on "overriding public interest" goal that such projects seek to pursue. The on-going process of economic globalisation around the world and its pervading force adds complexity to the problem.

In Bangladesh, displacement of people through natural disasters like floods, riverbank erosion, coastal cyclones and tornadoes is a regular phenomena. While development and infrastructure projects are considered as imperatives for economic growth and enhancing living standard, it is now widely recognised that these can also force people from their habitat and land. People may be displaced by implementation of development projects like dams, highways, industrial zones, games park, mineral exploration. The World Bank Environment Department's (WBED) estimate that roughly 10 million people are displaced each year due to dam construction,

urban development, and transportation and infrastructure programs. Development induced displacement can also occur due to smaller projects based on private investment. Needless to say that, marginalised segments of the society and indigenous people are most likely to be affected by such development projects and are exposed to further impoverisation. For instance, the indigenous people living in the remote area with their different life style, and different value system are the most vulnerable among the diverse communities that can be affected by the mining extraction and hydro-electric project for power generation. But in most cases, they are not provided with adequate compensation and denied access to justice for vindicating their rights guaranteed under the constitution and law.

However, while most of development induced displacement occur as a result of State sponsored activities, non-state actors like multinational corporations and multilateral financial institutions like World Bank, IMF and other donor agency are also involved in development projects in many developing countries including Bangladesh and hence, are indirectly responsible for displacement of the people. In Bangladesh, most of the major development projects are funded by multilateral and bilateral donor agencies.

But the current responses to problem of development induced displacement is *ad hoc* and ‘case to case’ basis. There is no settled body of norm on resettlement and rehabilitation under law and policy of Bangladesh.

Objectives of the Article

This article is mainly concerned with problem of development induced displacement in Bangladesh and has examined the scope and nature of the problem. It has focused on legal and regulatory framework on the protection, rehabilitation and re-integration of such displaced persons. The article has addressed the magnitude of

population displacement caused by development projects, and highlight the economic, social and cultural consequence of such displacement. Then, it has critically reviewed the existing legal and institutional framework concerning protection of displaced people. In particular, it has explored the issue of land acquisition, compensation and problems of access to justice by the displaced people. It should be acknowledged that present legal framework only addresses the procedure of land acquisition and modes of payment of compensation to the affected population, but it hardly addresses their resettlement. The prevailing regulatory framework also does not consider the nature of the adverse impact of displacement on local and indigenous people and the potential socio-cultural and psychological losses associated with such displacement.

The article has also focused on emerging international law norms on protection and rehabilitation of internally displaced persons in general and development induced displacement in particular.

Nature and Scope of Development Induced Displacement

There is no legal binding global treaty on dealing with the IDPs given the lack of consensus of international community on legal nature of the problem. However, the General Assembly of the United Nations adopted the Guiding Principles on Internally Displacement in 1998. The most accepted definition of IDPs is offered in the Guiding Principles on Internal Displacement, which define IDPs as:

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence,

violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”¹

The list of causes of displacement is not exhaustive, as highlighted by the words ‘in particular’.² The Guiding Principles does not explicitly refer to development-induced displacement.³ But the reading of Principle 6.2.(c) clearly indicates that development-induced displacement is covered by the Guiding Principles. Principle 6.2.(c) reads:

“The prohibition of arbitrary displacement includes displacement: ... (C) In cases of large-scale development projects, which are not justified by compelling and overriding public interests...” This condition of ‘compelling and overriding public interest’ suggests that development-related displacement is permissible only when compelling and overriding public interests justify this measure.⁴ Thus, the conditions of ‘overriding public interest’ and necessity and proportionality determine whether forced displacement of a population as a consequence of an infrastructure project is a human rights violation or a legitimate development project.⁵

Displacement caused by development projects is a controversial matter. The Global IDP Project acknowledges that the number of people uprooted by development projects is thought to be much higher than those displaced due to conflict.⁶ The World Bank,

¹ See para 2 of the *Guiding Principles on Internal Displacement*.

² *Ibid*, p. 2.

³ Principle 6(2) of the *Guiding Principles on Internal Displacement*

⁴ Walter Kalin, *Guiding Principles on Internal Displacement- Annotations*, p. 17.

⁵ Bjorn Pettersson, *Development-induced displacement: internal affair or international human rights issue?*, FMR 12, p. 17.

⁶ NRC, Global IDP Project, *Internal displacement: Global overview of trends and developments in 2004*

estimates that 10 Million people have been displaced by development projects every year since 1990 and the number of people uprooted by development projects.⁷ In Bangladesh the Kaptai hydroelectric dam, completed in 1961, displaced close to .1 million members of native hill tribe and almost 20000 households and estimated .135 million population were affected by five major individual projects such as the Jamuna Bridge Project, Road Rehabilitation Project, A-B Pipeline Project, Dhaka Urban/Dholai Khal Project and Dhaka Water Supply Project.⁸

The Global IDP Project points out that in the case of development-induced IDPs, ‘their plight remains largely unnoticed and they often receive even less support from their government and/or international aid agencies than people displaced by conflict or natural disasters.’⁹ The inclusion of ‘natural or human-made disasters’ in the definition of IDPs has clearly indicated the concept of development –induced IDPs. Another argument against inclusion of natural-disasters in the IDPs definition; in the case of natural disasters, the government authorities usually do not hinder the indiscriminate delivery of national or international aid – a situation which regularly occurs in situations of civil war. Rather, governments routinely appeal for international assistance for the

(Geneva: Global IDP Project, Norwegian Refugee Council, 2005), pp. 35-37. available at www.brookings.edu/fp/projects/idp/protection_survey.htm

⁷ W Robinson ‘*The causes, consequences, and challenges of development-induced displacement*’,

Brookings Institution occasional paper, May 2003, 3. available at http://www.google.com/xhtml?q=W%20robinson%20the%20causes%20%20consequences%37%20and%20challenges%20df%20development%20induce%20displacement&client=ms-opera_mb_noandchannel=bh

⁸ See M. Q. Zaman *Development and Displacement in Bangladesh: Toward a Resettlement Policy* - Asian Survey, Vol.36,No.7(Jul.,1996), pp.691-703, University of California: Available at <http://www.jstor.org/stable/2645717>

⁹ See NRC, Global IDP Project, *Internal displacement, supra note 6*, pp. 35-37.

victims of natural disasters.¹⁰ In cases involving human-made or natural disasters, the response of government in providing assistance and protection may be affected by discriminatory practices, or the government may be unwilling to provide the assistance and protection or may be unable but decline the instance of the international community or further still may deny the existence of a humanitarian crisis as a result of human-made or natural causes. The dividing line between natural and human-made disasters is not always entirely clear.

Causes and Consequences of Development induced Displacement

Development-induced displacement can occur through implementation of unplanned and unsustainable development projects including building dams, reservoirs, urban infrastructure, construction of roads and highways, mining, power plants, pipelines, population redistribution scheme etc. Causes or categories of development-induced displacement include the following: water supply (dams, reservoirs, irrigation); urban infrastructure; transportation (roads, highway, canals); energy (mining, power plants, oil exploration and extraction, pipelines); agriculture expansion; parks and forest reserves; and population redistribution schemes.¹¹ Every year around the world, many people are displaced by infrastructural development projects. While people pushed out of their homes by an natural disasters may be

¹⁰ See N Geissler 'The international protection of internally displaced persons', (1999) 11(3) International Journal of Refugee Law, in Elias Lema Ngugi "Internally Displaced Persons: Towards an Effective International Legal Protection Regime", (2007), p. 18.

¹¹ See, Development-induced development, available at [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/C753862FA2CF8B7CC1257115004752ED/\\$file/Protection%20from%20module%20handout%20development%20displacement.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/C753862FA2CF8B7CC1257115004752ED/$file/Protection%20from%20module%20handout%20development%20displacement.pdf)

favourably viewed by the media or international aid agencies, the victims of development-induced displacement frequently win no sympathy.

In most cases, displacement does indeed lead to impoverishment of IDPs. As a multi-layer study of development-induced displacement by the World Commission on Dams (WCD) concluded: “Impoverishment and disempowerment have been the rule rather than the exception with respect to resettled people around the world”. Development-induced displacement of people may lead to the following consequences: landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property, social disintegration.¹² The consequences of development-induced displacement have been succinctly described:

Evidence suggests that for a vast majority of the indigenous/tribal peoples displaced by big projects experience has been extremely negative in cultural, economic, and health terms. The outcomes included assetlessness, unemployment, debt-bondage, hunger and cultural disintegration. For the indigenous and non-indigenous communities, studies show that displacement has disproportionately impacted on women and children.

Challenges of Re-settlement and Re-integration

To date, the government of Bangladesh has no clearly formulated policy on re-settlement of development-induced displacement. Currently, all major infrastructural development projects in Bangladesh are externally funded by multilateral and bilateral donor agencies.¹³ The large scale development projects sponsored by the donor agencies invariably affect people through the loss of agricultural land, homestead or both.

¹² W. Courtland Robinson, ‘Minimising Development-Induced Displacement’ available at <http://www.migrationinformation.org/feature/display.cfm?ID=194>

¹³ M. Q. Zaman, supra note 8, p. 692.

Rehabilitation of development-induced displaced persons poses great challenge for every state which has experienced it. According to one autor:

The socio-economic risks of resettlement are difficult to assess, and are usually left unassessed and unaccounted for, yet these risks will determine whether a resettlement project contributes to deeper impoverishment or to rehabilitation. It is a challenge to compensate for the loss of values which are embedded in the anthropology, history and social fabric of a community.¹⁴

Cash payment as compensation remains the major instrument of rehabilitation of affected people. But existing compensation strategy is fraught with many problems. Frequently, such payment is made to people before resettlement and who are still in their homes, and compensation may well be consumed rather than invested.¹⁵ Compensation is often paid too late, when community members have reached the stage where any compensation is needed for short-term and critical needs.¹⁶ Compensation which is based on market value rather than replacement value tends to ignore the current nature of housing infrastructure in communities. There is no one or ideal solution to the problems surrounding cash compensation. The manner of these payments should be adapted to local conditions and capacities, and solutions should be sought with the full participation of all affected parties.¹⁷

¹⁴ Marie Hoadley, *Development-Induced Displacement and Resettlement- Impoverishment or Sustainable Development?* available at http://www.csmi.co.za/l/papers/Displacement_resettlement_feb04.pdf

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

Legal Aspects of IDPs in Bangladesh

Internally displaced persons mostly do not enjoy any special legal status like refugees as they do not cross the border. They continue to enjoy the same rights as others in their country. But they need special attention from the state resulting out of their displaced conditions. It is acknowledged that internally displaced persons face more problems than others in their country. But primary responsibility for the protection of and assistance to the internally displaced persons rests with the state and national governments. In Bangladesh, although a large number of people every year are faced with internal displacement by natural and human activities, yet there is no specific legal document to address the problem and provide adequate protection and assistance of the internally displaced persons for their basic needs of life. The government of Bangladesh can acquire private property for public purpose under the 1982 Acquisition and Requisition of Immovable Property Ordinance and the 1989 Emergency Acquisition of Property Act.

But there is no specific legal document to meet the problem of displaced persons. But a number of different legal documents deal with destitute, disadvantaged and underprivileged people's right to land, rehabilitation and resettlement who are displaced in different times for different causes. Some of these legal documents can be summarized as follows:

1. The State Acquisition and Tenancy Act, 1950 and the Land Management Manual 1990

Like natural causes human activities also caused internal displacement. Soil degradation is often responsible for displacement. In this regard the use of agricultural land is regulated by the provisions of State Acquisition and Tenancy Act, 1950 and the Land Management Manual; 1990. These legal documents restrict the use of agricultural land for non- agricultural purposes. Despite such prohibition, unregulated industrialization mounts the pressure on agricultural land. Utilization of the fertile agricultural

land for non- agricultural purposes has exceeded all norms and standards of human congestion. Such use for non- agricultural purposes not only affects the fertility of the land but also caused the displacement of the person whose life and livelihood depends on that land.¹⁸

2. The Land Reforms Ordinance, 1984

As per Section 7(1) of the Land Reforms Ordinance, 1984 the government shall give preference to landless farmers and laborers in government *khas* land for the purpose of their rehabilitation. Under the Land Management Manual, 1990 government declares the policy that the primary stage of the Land Reforms Ordinance, 1984 is to distribute excess khas land to landless and near landless families for their cultivation and to homeless to build home.

3. The State Acquisition and Tenancy Act (Amendment), 1994

Bangladesh as a riverine country, one of the causes of internal displacement is due to river erosion which adversely affected a large number of people each year. The Bengal Tenancy Act, 1885 preserved the right of ownership of land for original landowner or their successors for 20 years after it had been lost. This provision was dropped after independence of Bangladesh. Later on in 1994, an amendment to the State Acquisition and Tenancy Act, 1994 revived the right of ownership of land for original landowner if the eroded land reappears within 30 years from its erosion.

It is pertinent to mention that the legal provisions relating to protection, rehabilitation and resettlement of disaster induced displacement may it be natural or manmade, industrial or

¹⁸ Rizwana Hasan, 'Legal Regime on The IDPS in Bangladesh', Refugee and Migratory Research Unit 2003, p. 115.

technological disaster or climate displacement or development induced displacement in Bangladesh is very inadequate and insignificant. Sometimes government took some measures for the resettlement of displaced person by providing them khas land in different Char areas or by distributing VGF (Vulnerable Group Feeding) and VGD (Vulnerable Group Development) card to mitigate their sufferings. But these are relatively scanty to meet their necessities.

International norms on IDPs

Although the causes which give birth to refugees and IDPs are almost same yet, the problem of IDPs attracted little attention from the international community regarding the formulation of specific legal framework and norms applicable to IDPs for their protection and assistance. While refugees have an international legal and institutional system of protection to depend on, then internally displaced persons only have their own state's legislation policy to depend on. But in many countries IDPs find themselves in a vacuum of responsibility within the state. Under such circumstances, their only alternative source of protection may be international community.¹⁹ But unlike refugees, there is no international institution which has the overall responsibility of protecting and assisting the internally displaced persons.

It should be mentioned that despite the needs of the internally displaced person and the refugees are almost same but only for the absence of international border crossing makes the legal position of the internally displaced persons different from those of the refugees. Whereas refugees have the benefit to get the assistance and protection from the country of refugee and international

¹⁹ Francis Deng and Dennis MC Namara, 'International and national responses to the plight of IDPs' Forced Migration Review, April,2001, P 283

community but in case of internally displaced persons, not only that the country of refugee is absent, but also there is no special legal regime to meet the needs of assistance and protection of internally displaced persons. In the last two decade, growing awareness within the international community led them sincere pursuit relating to the need for separate legal instrument for the protection and assistance to internally displaced person. As a result, a number of steps have been taken in the United Nations to enhance its capacity to respond to situations of internal displacement.

In order to take adequate steps to address the problem in 1992 the Representative of the Secretary-General of UN was mandated on internally displaced persons to recommend an effective system of protection and assistance for internally displaced persons.³ The first Representative Francis Deng who approached utmost caution on the issue has focused on four areas: developing an appropriate normative framework for responding to the protection and assistance needs of the internally displaced persons; fostering effective institutional arrangements at the international and regional levels; focusing attention on specific situations through country missions; and undertaking research to broaden understanding of the various dimensions of the problem.²⁰ In pursuance of the mandate of Commission on Human Rights, in 1998, the Representative of the Secretary-General of UN on internally displaced persons presented to the United Nations Commission on Human Rights (UNCHR), a set of Guiding Principles on Internal Displacement. It needs to be emphasized that unanimous acceptance of Guiding Principles on Internal Displacement by the General Assembly and Human Rights Commission do not constitute a legally binding instrument on

²⁰Ibid;

states. According to Cohen, the significance of the Guiding Principles lies in the fact that it consolidate into one document all the international norms relevant to internally displaced persons, otherwise dispersed in many different instruments.²¹ Deng observed that:

While these principles do not constitute legally binding instrument, they reflect and are consistent with international law. These principles are based upon existing international humanitarian law, human rights law and refugee law by analogy; these principles provide the international standards that should guide the work of the Representative of the Secretary-General, states, all other authorities groups and persons and inter-governmental and non-governmental organizations when addressing internal displacement. The principles identify rights and guarantees relevant to all phases of displacement: providing protection against arbitrary displacement, protection and assistance during displacement, and setting forth guarantees for safe return, resettlement and reintegration.²²

In fact, the Guiding Principles play a significant role upon all who are concerned to assist the internally displaced persons. The Guiding Principles, the first comprehensive international standard for internally displaced persons enshrined 30 principles under 5 sections can be summarized as follows:

Section I (Principles 1-4) of the Principles relates to ‘General Principles’ which state that internally displaced persons shall enjoy the same rights and freedoms under international and domestic law as do other persons in their country and shall not be discriminated. Principle 2 makes it clear that the Principles shall be observed by all authorities, groups and persons irrespective of their

²¹ B.S.Chimni, *International Refugee Law*, Sage Publications, 2000, p. 395.

²² Francis Deng and Dennis MC Namara, *supra* note 19, p. 283

legal status. Principle 3 of the same section also emphasized that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

Section II (Principles 5-9) provides for the issue of protection from displacement. Principle 6 states that every human being shall have the right to be protected against being arbitrarily displaced. Principle 7 sets forth that prior to displacement of persons; the concerned authorities shall ensure that all feasible alternatives are explored in order to avoid displacement. It also states that the authorities undertaking such displacement shall ensure, to the greatest practicable extent that proper accommodation is provided to the displaced persons. Principle 8 emphasizes that displacement shall be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Section III (Principles 10-23) sets forth the principles relating to protection during displacement. Actually the Principles of this section restate the observance of applicable human rights provisions during displacement. Principle 15 enunciates that the internally displaced persons have the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk. Principle 17 states that every human being has the right to respect of his or her family life and to give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

Section IV (Principles 24-27) provides for the Principles relating to humanitarian assistance to internally displaced persons. Principle 24 provides that all humanitarian assistance shall be carried out impartially and without discrimination. Principle 25 states that the primary duty and responsibility for providing humanitarian

assistance lies with national authorities. It further states that international humanitarian organizations and other actors have the right to offer their services in support of the internally displaced. The same Principle also reaffirms that such an offer shall not be regarded as an unfriendly act or interference in a state's internal affairs and shall be considered in good faith. Moreover, the Principle 25 further provides that state's consent shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

Section V (Principles 28-30) relates to the Principles relating to return, resettlement and reintegration of internally displaced persons in the post-displacement phase. In particular, Principle 29(2) states:

“Competent authorities have the duty and responsibility to assist returned and /or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possession is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.”

It is clear from the Guiding Principles that these Principles comprise a minimum international standard for the protection and assistance of IDPs, and apply to those uprooted by conflict and persecution as well as those displaced by natural disasters.²³

Deng and international legal experts who drafted the Guiding Principles deliberately chose not to propose a treaty to deal with internally displaced persons issue. First, there was no governmental support for the development of a legally binding

²³ Cohen Roberta, 'Strengthening Protection of IDPS: The UN's Role', Georgetown Journal of International Affairs, Vol.7, No.1, 2006, p. 102.

treaty on a subject as sensitive as internal displacement. Second, treaty making could take years, perhaps even decades; delaying implementation of urgently needed standards to address the situation of the millions of internally displaced people caught up in ongoing emergencies. Third, sufficient humanitarian and human rights law already existed to make it possible to bring together in one document the provisions dispersed in a large number of instruments and tailor them to the needs of the internally displaced.²⁴

Although the Guiding Principles are not binding, these principles have to be an effective means for aiding internally displaced persons. The Guiding Principles have clearly come to constitute an important advocacy tool for international and regional organizations and NGOs in their work on behalf of the displaced. Over the past 13 years, the Principles have gained wide international acceptance and authority. It is significant to mention that a growing number of states are making laws and policies based on the Guiding Principles, which make them enforceable at the domestic level for example, Angola, Peru, and Colombia. In Burundi, Liberia, the Philippines, Sri Lanka and Uganda governments have based their national policies on the Principles, with gains reported for internally displaced persons.²⁵ Most significant work was done on 23rd Oct, 2009 when the African Union Special Summit on Refugees, Returnees and IDPs was held in Kampala, Uganda. At the end of the summit the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa, also known as Kampala Convention was adopted. This Convention is the first continent-wide adoption of the human rights protections embodied in the Guiding Principles on Internal Displacement, in 1998.

²⁴Ibid; P 102-103.

²⁵ Ibid; P 103-104.

There are also soft law norm by World Bank on involuntary displacement by development projects. The World Bank draft resettlement policy recognises that displacement can be a traumatic experience and the significant efforts must be made to ensure that displaced people do not adversely suffer and do not lose out overall.²⁶

Institutional Framework for IDPs

It is true that there is no dedicated agency like UNHCR to deal with internally displaced persons and no single instrument like refugee convention to address the problem of internally displaced persons, yet undoubtedly the Guiding Principles play an important role to deal with internally displaced persons. According to one author-

“One of the drawbacks of the UN efforts to protect and provide assistance to the IDPs is its weak institutional framework. Since there is no specialized body/agency like UHCR to take care of the IDPs, as likewise there is also no single instrument like refugee convention to address the IDPs problem, the UN channelised its efforts through its numerous humanitarian agencies by coordinating these efforts”²⁷

²⁶ See, e.g, World Bank Draft Operational Policies 4.12: Involuntary Resettlement (March 2001) which recognizes as its first policy objective that ‘involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out.’

²⁷ Dr. M. Shah Alam, ‘Protecting Internally Displaced Persons (IDPs) under International Law, Conference Proceedings of the Seminar on Protection of Refugees and IDPs, organized by Faculty of Law, University of Chittagong and UNHCR, Dhaka held on 15 November, 2007.

For the purpose of coordinating the measures addressing the problem of IDPs, it has been suggested that UNHCR's jurisdiction and authority should be increased.²⁸ According to Roberta Cohen,

Expanding UNHCR's mandate to take on greater IDP protection obligations would be the most effective step in improving the institutional arrangement for IDPs. UHCR's long experience with refugees makes it an obvious candidate for assuming leadership role in situations where persecution and conflict also produce IDPs. Even if it does not take on all the millions displaced by natural disasters or development projects, it could assume a leading role in helping those uprooted by conflict and human rights violations. Indeed, UNHCR is engaged with protecting and assisting some five millions IDPs, one-fifth of the world's total.²⁹

In response to growing demand for protection of the IDPs, the UN established in 2002 a separate Unit on Internal Displacement at its office for the Coordination of Humanitarian Affairs in Geneva to provide expertise and to advise and support the UN Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator. The UN approach towards IDPs is mainly collaborative as it seeks to collaborate with other agencies and regional organisations. However, the UN collaborative approach did not function well. Therefore, there is no alternative to establishing a separate UN agency to deal with IDPs. IDPs need an organisation which would care for their overall well-being, have the clear mandate and responsibility to rehabilitate and re-integrate of the IDPs.³⁰

Conclusion

Development-induced displacement remains a neglected issue in the UN activities and programme relating to IDPs. Most

²⁸ Francis Deng and Dennis MC Namara, *supra* note 19, p. 150.

²⁹ Cohen Roberta, *supra* note 23, p. 104.

³⁰ Dr. M. Shah Alam, *supra* note 27, p. 101.

development-induced displacement is caused by the State itself. Naturally, governments try to assert the concept of national sovereignty against any international effort to address development-induced displacement. However, the legal and policy framework for resettlement and rehabilitation is inadequate and under-developed in many countries including Bangladesh.

One of the key features of development-induced displacement is that it is generally more anticipated than conflict-induced displacement. Therefore, much of the displacement by development projects can be prevented. This can help reduce the number of people displaced by development projects by focusing on situations before the displacement occurs. A clear policy formulation is urgently needed to rehabilitate the development-induced IDPs and a national authority should be designated to deal with them in Bangladesh.