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**The legitimation of expulsion in development discourse.**

**A comparative analysis of World Bank projects in sub-Saharan Africa**

**Aram Ziai**

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**Aram Ziai** has studied political science/international relations and sociology in Aachen, Dublin and Hamburg. Currently, he is endowed Professor of Development and Postcolonial Studies at the University of Kassel. His main areas of research include North-South relations and development policy, critical theories of international relations, post-development approaches.

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University Kassel  
Faculty of Social Sciences  
Development and Postcolonial Studies  
Nora-Platiel-Str. 1  
34109 Kassel  
Phone 0049-561-804-3023  
[ziai@uni-kassel.de](mailto:ziai@uni-kassel.de)

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## **Abstract**

Comparing examples from Kenya, Ethiopia and Nigeria, the article examines how displacement through infrastructure projects is being legitimised in development discourse. Three typical justifications are the inevitability of progress, the greater common good and property rights. They are closely linked to elements of development discourse: the transformation of geocultural differences into historical stages, Othering of allegedly backward peoples, the concept of trusteeship and the assumption of the beneficial effects of investments.

Keywords: Development-induced displacement, development discourse, development theory, violence, accountability, World Bank

## **The legitimization of expulsion in development discourse.**

### **A comparative analysis of World Bank projects in sub-Saharan Africa**

#### **1. Introduction**

“You can’t have development without somebody getting hurt” – David Hopper, World Bank Vice President in a 1987 interview (cited in Rich 2013: 140)

These clearly formulated words from the World Bank’s Vice President three decades ago have not lost their relevance: in a broad-based study, the International Consortium of Investigative Journalists (ICIJ) found that also in the 21st century, development projects have displaced millions of people and led to the loss of their livelihoods (ICIJ 2015a). At first glance, this may come as a surprise given that we tend to associate “development” with an improvement in living conditions. How can it be, then, that projects committed to this objective appear to have negative impacts on those concerned? This contribution examines this question and the phenomenon of legitimising expulsion through development projects. It begins with a brief overview of the state of research and then considers the question of expulsion legitimization in development discourse. In the last part, it illustrates this legitimization using the case example of World Bank projects in sub-Saharan Africa. I want to begin with a brief clarification of a concept. In English, the examined phenomenon is called “development-induced displacement”, that is, a “displacement caused by development”, sometimes also “resettlement” or “eviction”. It usually involves infrastructure projects that force people to leave their residence and their living environment, which is often associated with the loss of livelihood. Compensation commensurate with land and income opportunities is de facto provided only in exceptional cases. Although some forms of resettlement are based on informed, voluntary decisions by those affected do occur (“free prior informed consent”, FPIC) and are not associated with worsened living conditions, these are the exception rather than the rule. In view of the human suffering often caused by the other forms of resettlement – “Why didn’t they just poison us?” asks Ram Bai, whose village was flooded after the construction of the Bargi dam on the Narmada (cited in Roy 1999: 14) – the concept of expulsion seems more fitting.

#### **2. Expulsion through development projects: The state of research**

The problem of expulsion as a consequence of infrastructure projects in the name of “development” has gained attention since the 1980s. A number of projects that have played a significant role in this have received much attention among the development community as a result of these consequences.

One of these was the Polonoroeste project in Brazil; more specifically, the Northwest Region Integrated Development Program financed by the World Bank from 1981-85, with which the national highway BR-364 was expanded and the development of the Amazon region was

financed by settlers. Lured by a military government advertising campaign, hundreds of thousands of settlers flooded the Amazon region in the state of Rondônia, which led to massive deforestation and environmental degradation, a devastating malaria epidemic and violent land conflicts with the resident indigenous communities. The vast majority of the roughly 10,000 resident indigenous people were expelled through the project or fell victim to illness and violence (cf. Wade 2011a, Rich 2013: 26-29, Caufield 1996: 173-177, Goldman 2005: 95f, Weaver 2008:22).

The most significant of these projects was the Narmada Valley Development Project also financed by the World Bank from 1985-93 in the Indian states of Gujarat, Madhya Pradesh and Maharashtra, and in particular the Sardar Sarovar dam, used for power generation and irrigation. The dam project made an estimated 250,000 people homeless; in total, almost 400,000 people lost their homes as a result of the project. An international protest campaign led the World Bank to withdraw finances in 1993, yet the Indian government continued the construction. As a result of years of delay due to protests and legal proceedings, the dam was finally completed in 2017 (cf. Wade 2011b, Roy 1999: 1-114, Rich 2013: 150-53 and 249-54, Caufield 1996: 5-29, Goldman 2005: 151f).<sup>1</sup>

The largest number of displacements occurred due to a third project. The Three Gorges Dam on the Yangtze River was financed solely by the Chinese government (costs officially amounting to almost US\$40 billion) and was completed in 2010. Its reservoir is 660 kilometres long (roughly equivalent to the Hamburg-Munich route) and flooded 13 large cities, 140 towns and 1,350 villages; 1.3 million people had to be resettled. In comparison with India, the conditions for the officially “voluntary” resettled people were partly more participatory and especially less catastrophic economically yet protests in affected towns and communities were more effectively suppressed and dissidents imprisoned (IRN 2012, Wilmsen 2011 and 2017, Stein 1998).

These spectacular cases are only three of countless examples, however. The extent of the phenomenon of expulsion through development projects reaches far beyond these illustrations, even if the research comes up with different numbers. The already mentioned ICIJ research counts 3.5 million displaced people for the period 2004-2013 but is explicitly limited to World Bank projects (ICIJ 2015). The World Commission on Dams report speaks of 40 to 80 million people who had to be resettled due to dams (WCD 2000: xxx, 129). The mean value of 60 million corresponds with the assessment of independent scientists (Bartolome et al. 2000: iv). Internal estimates by the Indian authorities suggest 40 million people were displaced through dams in India alone, though a study by the Indian Institute of Public Administration suggests the figure is likely to be three times as high (Roy 1999: 19). A study of involuntary resettlement by the World Bank itself puts the figure at four million involuntarily displaced people through dams each year, plus a further six million through urban development and transportation infrastructure projects – in total, 80 to 90 million people in a decade (World Bank 1994: i). Cernea estimates the number of displaced through development projects during the time period 1980 to 2000 at 200 million (Cernea 2000: 11). A study by Oxford University’s

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<sup>1</sup> See also “A short history of the Sardar Sarovar Dam on river Narmada”, Indian Express from 17.9.2017, <https://indianexpress.com/article/research/a-short-history-of-the-sardar-sarovar-dam-on-river-narmada-4847807/> (3.1.2019).

Refugee Studies Centre financed by the British Development Cooperation Agency DFID concludes that roughly 10 million people are displaced annually as a result of development projects (de Wet 2005: vi). Terminski even estimates 15 million displaced people annually (2013: 11). This suggests that, on the basis of research on displacement through development projects, far more people lose their homes through development projects than as a result of natural disasters or wars.<sup>2</sup> One should actually speak of “development refugees”. In view of the extent of the problem, which becomes clear here, the minimal awareness of the problem is surprising, but more on this later.

With regard to development projects, it is useful to differentiate which kinds of projects are responsible for expulsion or involuntary resettlement. As mentioned above, the cited literature highlights dams, urban development and transportation infrastructure projects first. Yet also mining, oil production and agricultural projects (“land grabbing”) and increasingly also projects with the aim of “sustainable development”, which often want to protect nature reserves from the people residing there, lead to displacement processes. The negative consequences of these processes are differentiated according to the widely used Cernea model (impoverishment risk and restoration model) as follows: they lead to impoverishment through landlessness, unemployment, homelessness, economic marginalisation, increased risk of disease, food insecurity, loss of access to public goods and social disintegration (Cernea 1996: 21f). In scientific debate, the model is criticised for its focus on quantifiable aspects and for neglecting loss of dignity, identity and knowledge. Further, it is conceived from the perspective of planners and experts (Dwivedi 2002: 717-20).

Accordingly, in the scientific debate on displacement through development projects Dwivedi distinguishes between three different approaches: a management-oriented approach, a movement-oriented approach and an institutional approach (for the following cf. Dwivedi 2002). The management-oriented approach (e.g., Cernea 1996, 2000) adopts the perspective of development policy institutions: it assumes the universal desirability or necessity of “development” and the associated unavoidability of resettlement. This should, however, be designed as socially acceptable as possible and negative consequences of implementation should be minimised. In this sense, planners must be sufficiently sensitised to the problems and risks of resettlement (for instance, through inclusion of externalised costs) and fair political framework conditions and guidelines must be created. In contrast, the radical movement-oriented approach (e.g., Oliver-Smith 1996, 2005) assumes that “development” processes and projects, insofar as they lead to expulsions, are the problem. At the forefront are the rights to the preservation of livelihoods, land, and environment of those affected. In order to effectively defend these rights and to promote self-determination of those affected, political organisations and alliances are necessary. The World Commission on Dams report – which included members of both the management-oriented as well as the activist camp – can be viewed as an attempt to synthesise both approaches and is described by Dwivedi as an institutional approach. It sees the problem in institutional shortcomings, in particular in insufficient participation of those affected, and aims to strengthen the democratic accountability of state authorities. “Stakeholders”, who bear the greatest risk, should also be

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<sup>2</sup> UNHCR comes up with the number 68,5 mil. refugees (<https://www.unhcr.org/figures-at-a-glance.html>, 28.1.2019).

awarded greater say and decision-making rights. (Ultimately, neither the management-oriented actors like the World Bank nor the movement-oriented actors like Medha Patkar from the Narmada Bachao Andolan (NBA), the movement against the Narmada Dam Project, were really satisfied with the policy recommendations of the WCD.)

| Approach            | Representative | Problem       | Concept          | Strategy                                | Goal                  |
|---------------------|----------------|---------------|------------------|---|-----------------------|
| Management-oriented | Cernea         | Resettle-ment | Risks            | Sensibilisation of planners (top-down)  | Fair resettlement     |
| Institutional       | WCD            | Gover-nance   | Risks and rights | Stakeholder inclusion                   | Democratic procedures |
| Movement-oriented   | Oliver-Smith   | Develop-ment  | Rights           | Organisations and alliances (bottom-up) | Self-determination    |

Source: own adaptation based on Dwivedi (2002: 730).

### 3. The legitimization of expulsion in development discourse

An obvious question remains: if expulsion, seen as the “ugly face of development” (Dwivedi 2002: 712), has led to the loss of livelihood for several hundred million people, why is there so little public outrage and criticism of it? My thesis is that this is in part due to the legitimization of expulsion in development discourse (which I would like to examine in this section), but also a consequence of a discursive structure, which Indian-British social scientist Des Gasper has described as a “beyond criticism” gambit. It rests on a fundamental ambivalence of the concept of development, which on the one hand describes processes of transitioning to a modern, capitalist industrial society, on the other hand processes of improving living conditions. On this basis,

“[n]egative experiences of industrialisation or capitalism or whatever then become excused as not real examples, not ‘real development’; and the concept of ‘development’ can live on simultaneously as a definite programme and an untarnishable promise. The programme becomes treated as essentially good, and the negative experiences as excusable misfortunes” (Gasper 1996: 149).

This makes it possible to hold on to the necessity and desirability of development projects even in the face of their sometimes catastrophic consequences for those affected. The undeniable problems relate to incorrect implementation, which must be optimised. This roughly corresponds with the management-oriented position in scientific debate (see above).

This gambit or trick, it should be added following Gasper, of course only functions on the basis of normative definitions of development that value the term positively, such as the meanwhile very popular depiction coined by Amartya Sen, that “development” is a “process of expanding



the real freedoms that people enjoy” (Sen 2000: 3). This may well be the official goal of development projects, but through the above-mentioned conceptual ambivalence, it makes it possible to legitimise practices that have opposite consequences. More useful in this context seems to be a descriptive definition such as that of Nederveen Pieterse (2001: 3): “the organised intervention in collective affairs according to a standard of improvement”.

The discursive structure described by Gasper is often found in publications of the management-oriented position of a merely faulty implementation as the cause of displacement. A counter position is advanced in the debate on post-development approaches, which views the conquest of territories, the uprooting of people, the restructuring of spaces and the accompanying violence as constitutive for processes of “development” in the formation of industrial capitalist modernity (Escobar 2004: 16). The controversy hereby revolves around the question whether expulsion and violence are integral components of modernity or whether processes and projects aimed at “development” in the sense of economic growth, industrialisation and modernisation are possible without it: that is, whether the ugly and the friendly face of these processes can be separated from one another or whether “displacement is inherent in the ideology and policy of development itself” (Parasuraman 1999: 41). Even if the latter is the case, one can certainly take the position that the expulsion is nevertheless justified. With this, we arrive at the substantive legitimisation of expulsion in development discourse in contrast to the conceptual legitimisation by the “beyond criticism” gambit. On the basis of cases of expulsion through development projects documented in the literature, three central legitimisation strategies can be discerned. These can be delineated with the keywords inevitability, the greater common good and property rights, which are further described below.

1. Inevitability: The processes of social transformation towards a modern, industrial, capitalist society are inevitable, even if they entail some painful adaptation processes for some population groups. The negative consequences of “development” processes and projects are not denied (nor are they conceptualised as avoidable through institutional reforms), but within the framework of historical progress they cannot be circumvented. This progress is usually connotated positively. An example of this legitimisation strategy can be found in the 1987 quote of the World Bank Vice President at the beginning of this article, in the first United Nations strategy paper on “economic development of underdeveloped countries” of 1951 (“economic progress is impossible without painful adjustments”, cited in Escobar 1995: 4), or also in the response of a high-ranking employee of the Indian consulate in Bonn to the banner of people demonstrating against the Sardar-Sarovar dam in 1999 with the call, “No human sacrifices for development”: “so you want our country to remain underdeveloped!” (personal experience) Implicit assumptions here are that “development” demands human sacrifice, that on this historical path of progress (of which in this teleological conception there is only one) this is inescapable. The alternatives of stagnation or regression appear unthinkable.

2. The greater common good: The processes mentioned are not inevitable, but their positive aspects outweigh their negative effects, so that the questionable projects are generally in the national or public interest and serve public welfare, the “greater common good” (the original title of the central essay in Roy 1999, for a similar diagnosis see Caufield 1996: 20). This

legitimation strategy also appears in the World Bank response to an ICIJ request regarding displacement through World Bank-financed development projects:

“Projects that involve land appropriation have created opportunities to significantly improve people’s livelihoods and living standards. Through diligent project planning and impeccable implementation, land appropriation and forced resettlement have led to a significant improvement in people’s lives. We continue to find it necessary to finance infrastructure projects, including those that involve land appropriation and forced resettlement” (cited in ICIJ 2015b, ch. 4, par. 3).

In a similar form, this strategy is also visible in other historical contexts, for instance when in 1948 the Indian Prime Minister Nehru told village residents who were to be resettled for the Hirakud dam that they would “suffer in the interest of the country” (cited in Roy 1999: 7). Or when Urmilaben Patel defends the Sardar Sarovar dam with the words: “it provides millions with drinking water. It is our lifeline” (cited in Roy 1999: 14). This corresponds with a logic often found in development discourse in which the end justifies the means (cf. Ziai 2004: 143f). In the concrete case of India, in which a cost-benefit analysis accepts the expulsion of (officially) 200,000 people for the supply of (officially) 40 million people, Roy speaks of “fascist maths” (1999: 72).<sup>3</sup>

3. Property rights: The third legitimation strategy acknowledges the negative outcomes of “development” processes or projects but avoids a political discussion of these, with reference to existing property rights: the negative effects are to be accepted as a consequence of the existing social order. This of course implies exclusion mechanisms against landless people and in particular towards indigenous communities for whom land ownership is a foreign concept. Property rights can be in private or state hands. The position of the Neumann Group (a German company) with regard to the expulsion of a controversial number of smallholder farmers in Uganda’s Mubende District in favour of a coffee plantation can serve as an example: “NG deeply regrets the forced resettlement of these 25<sup>4</sup> smallholder farmers and condemns the actions of the army. ... Despite sincere regret, however, it should be remembered that the private ownership of Block 99 was clearly known to the people in the area. Further, the sale of Block 99 ... represents an entirely legal transaction” (NG 2018: 3).

Yet not only private investors’ plantations but also state-declared nature reserves can lead to displacements. Such is the case in Zambia, for example, where authorities unambiguously regard agriculture in particular areas as a breach of law. In the words of a Ministry of Agriculture employee in the Department of Forestry: “That is illegal and these people are squatters” (cited in Smart 2014: 257, see also the brilliant study by Li 2007 on the ambivalence of such “occupancy”).

These three legitimation strategies can certainly also be found in processes of involuntary resettlement in connection with infrastructure projects in the global north – which protests

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<sup>3</sup> It should be noted here that the official number of villages to be supplied with drinking water by the Sardar Sarovar dam was 0 in 1979, 4719 in the early 1980s and 8215 in 1991 (although 236 no longer inhabited villages were included in this count). According to Roy, the people in Gujarat’s arid regions were only used to legitimise the dam once criticism entered the public debate (Roy 1999: 39f).

<sup>4</sup> The human rights organisation FIAN speaks of roughly 4,000 displaced (FIAN 2013: 1).

against the open-cast lignite mine in the Hambach forest recently brought to the fore.<sup>5</sup> In the global south, however, so goes my thesis, these strategies are connected in specific ways with the structures of development discourse, that is, with the regularity of speaking and writing about “development” in “less developed” regions of the world (Ziai 2016a). The strategy of inevitability is based on a eurocentric conception of progress, which interprets the transformation of some societies in western Europe and North America into modern, “developed” industrial societies within the framework of a colonial division of labour as a manifestation of an inexorable progress in the history of humanity and a universal evolution. From this perspective, difference to this model of society is perceived only as backwardness. Nandy speaks here of a “transformation of geocultural differences into historical stages” (1992: 146) and Melber of a “temporalisation of spatial coexistence” (1992: 32). Development discourse is therefore inextricably linked to the identification or construction of “backward” lifestyles and “less developed” groups, a specific form of what postcolonial theory calls “Othering” (Hall 1992). These groups or ways of life require corrective invasions through interventions in the name of “development”.

The strategy of legitimation with reference to the greater common good naturally leads to the question of who is authorised to define it (or the public or national interest). As a rule, the state claims this right, though it must be specified in the context of the supposedly “less developed” parts of the world. As Cowen and Shenton (1996) have shown, the concept of trusteeship emerged in the 19<sup>th</sup> century, which gave certain groups the ability to conceive and implement interventions with the aim of “development” in order to alleviate misery caused by capitalist progress – also in the north. In the south, after independence, trusteeship was transferred from the colonial rulers to local elites who, on the basis of expert knowledge, implemented projects and programmes with the goal of “national development” at least as resolutely as their predecessors – in part also against the will or even resistance of those affected (Nandy 1988, see also Apffel-Marglin 1990 and Alvares 1992: 108). This of course implies the right to decide that, for example, the drinking water supply of many people justifies the expulsion of a few (see above).

The legitimation of expulsion through reference to property rights and the legitimacy of a market-economy order and its corresponding transactions is of course part and parcel of capitalism and is also not a specific feature of development discourse. But here, too, the context of north-south relations leads to a certain reshaping. In contrast to the north, investments in the south (allegedly) bring not only jobs but also “development” – social change, through which everything will apparently improve. This beneficial effect was, as Alcalde convincingly points out, necessary for the justification of northern investors’ transactions in late and post-colonial contexts:

“The primary and comprehensive function of the development idea was to ascribe to economic activities, in particular through foreign actors, a positive and absolutely necessarily significance for the lives of less developed people” (Alcalde 1987: 223).

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<sup>5</sup> It is important to note, however, that displacement in the north is usually accompanied by corresponding compensation and therefore is often experienced as uprooting, but as a rule does not lead to the loss of livelihood.

The contribution to positive change assumed by development discourse leads profiting investors in the south to always be able to adorn themselves with the cloak of the good deed and reference to investors' property rights becoming even more unassailable. The three typical legitimations of displacement through development projects are also connected with specific structures of development discourse – the construction of the western model as the zenith of progress in the history of humanity, the Othering of groups defined as “less developed”, the trusteeship and the “developing” function of foreign investments in the south. The theoretical framework presented in this section will now be applied to several empirical examples in the following section.

#### **4. The legitimation of expulsion through World Bank projects in sub-Saharan Africa**

From the multiplicity of cases researched by ICIJ, those with the most displacements in sub-Saharan Africa were initially selected; a further selection criterion for case studies was the existence of protest or, more concretely: complaints about the project to the World Bank's accountability mechanism, the Inspection Panel, by those affected.<sup>6</sup>

##### **1. Nigeria: Lagos Metropolitan Development and Governance Project**

The Lagos Metropolitan Development and Governance Project (LMDGP) was financed from 2006-2013 by the World Bank with a loan of around US\$206 million. According to the World bank, this project should not only improve “development services” in the form of sustainable access to roads, sanitation, water, schools and hospitals, but also to better transparency, accountability and governance (WB 2006: 4f). More than one million people in nine districts of Lagos were to benefit from “slum upgrading” of drinking water pipes and sewers and better living conditions (97). However, a “temporary displacement” and “resettlement” would be unavoidable due to the necessary construction on the urban infrastructure. Though this would lead to loss of shelter, access to services and employment opportunities for some, it would improve the “wellbeing, health and hygiene conditions” in the targeted areas, facilitate faster traffic flows and increase economic growth (Lagos State Government 2005: 5, 8f).

In February 2013, a bulldozer demolished at least 266 residential buildings and shops in the Badia East district. The more than 2,000 households and roughly 9,000 people concerned were given no warning and no opportunity to take their possessions with them. Police officers shouted at them: “If you love your life, move out!” The authorities did not provide any replacement shelters and many of those affected slept under bridges for months (Amnesty International 2013: 5). The Commissioner for Urban Development justified the deployment with the argument that, according to the building code, no residential buildings should have been in the area and any existing buildings would not have building permits (21). Even in the – insufficient and ineffective – eviction order, the public prosecutor emphasised the illegality of

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<sup>6</sup> The second criterion therefore means that no cases will be examined in which all of those affected by the resettlement are satisfied. The case selection therefore cannot claim any comprehensive representativeness. For an example of the problematics of also voluntary resettlement, see Ziai 2016b.

those affected (26). The Housing Commissioner, on the contrary, assured the affected that the “inconveniences they would have to endure” were “for their own good” (cited in *ibid.*: 48) and the chairman of the police unit in charge of evacuation added that “no development would take place” if there were no changes at the grassroots (cited in *ibid.*: 53). Only after a non-governmental organisation, the Social and Economic Rights Action Center (SERAC), submitted a complaint to the Inspection Panel on behalf of the municipality claiming (above all) a violation of the resettlement guidelines of the World Bank (SERAC 2013), was the majority of those affected at least compensated financially (Inspection Panel 2014).

In the case of LMDGP, we find all three legitimization strategies presented in the previous section: the World Bank’s Project Appraisal Document (WB 2006) as well as in the Resettlement Framework Plan (Lagos State Government 2005) primarily argue that the advantages for those affected more than outweigh the disadvantages (greater common good, ends-means logic). The destruction of houses and the resulting expulsion in 2013 were then more strongly justified with reference to the lack of building permits or illegality (property rights) and secondarily with the appeal to the inevitability and necessity of “development”.

## 2. Kenya: Natural Resource Management Project

The Natural Resource Management Project (NRMP) in Kenya was funded with an IDA loan<sup>7</sup> of US\$68,5 million in 2007-2013. Its aim was to improve management of natural resources (water and forests), reduce the frequency and intensity of floods and drought, and to improve the living standard of participating communities (WB 2007: ii). Sustainable and participatory use of forested areas played an important role, as did the enforcement of existing laws and regulations through the authorities (*ibid.*: 5f, 9f). The Project Appraisal Document views resettlements as necessary, but these should take place within the legal framework to be developed within the parameters of the project (*ibid.*: 33), implemented in a participatory manner with involvement of those affected (*ibid.*: 156), and include both compensation payments and land, infrastructure and development aid (*ibid.*: 98). Ultimately, the project would lead to greater empowerment and improved living conditions of the people concerned through participation and more stable use of resources (*ibid.*: 31).

The project involved redrawing the boundaries of the Cherangany Hills nature reserve – thousands of indigenous Sengwer in the Embobut Forest (Elgeyo Marakwet County) suddenly resided in the nature reserve and were expelled by the Kenya Forest Service (KFS). World Bank funds provided the KFS with vehicles and weapons. According to the government, the Sengwer illegally occupy public land. Therefore, 45 of them were imprisoned and 6-7,000 expelled, in part using live ammunition. Between 500 and 1,000 Sengwer houses were burned down during the expulsion, even though they have inhabited the region since precolonial times and their rights are anchored in the constitution. Only in 2011, following pressure from the World Bank, did the Kenyan government agree to an end to expulsion and search for resettlement opportunities for the Sengwer. According to their spokespersons, the land offered was infertile and treeless, the compensation offered was declined and the expulsion continued (Kushner et

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<sup>7</sup> The International Development Association (IDA) is a subsidiary of the International Bank for Reconstruction and Development (IBRD) and therewith the “soft window” of the World Bank. It grants almost interest-free loans to poorer countries.

al. 2015, FPP 2014, Anonymous 2013, SESCUP 2010). World Bank management denied responsibility for the expulsion: these had not taken place within the project framework, the Kenyan government had been doing this since the 1980s and they had problematised this in its dealings with it and supported civil society criticism. Furthermore, the expulsions were limited to people who had no claim to property or access rights (WB 2013: 5-8). The Inspection Panel's report agrees with the Bank on the first three points but perceives as the Bank's responsibility the insufficient attention to the risk of evictions in the context of the project and the lack of consultation with indigenous people (Inspection Panel 2014b: vif, ix).

In the NRMP case, we have another similar dichotomy of legitimation strategies. The World Bank's Project Appraisal Document implicitly applies the strategy of greater common good through reference to the positive aspects of the project (participation, better access to natural resources, improved living conditions), given that these aspects should also counterbalance the expulsions mentioned there. Later, in light of the actual violent expulsion, the Kenyan government and Forest Service reference the lacking ownership titles of the people concerned and thereby invoke the strategy of ownership rights, an argumentation which the World Bank follows. The legitimation of the unavoidable development is missing in this context, presumably because better management in the nature reserve is less suitable as a manifestation of teleological development thinking: neither the associated infrastructure nor the (presumed) improvement of living conditions can adequately leave such an impression.

### 3. Ethiopia: Promoting Basic Services Program

The third case example is less about a concrete project than about a "development" programme, which – in the spirit of the Paris Declaration – is strongly influenced by concepts like ownership, capacity building and budgetary support.<sup>8</sup> In Ethiopia, the World Bank supports the Promoting Basic Services Program (PBS) with a series of loans (US\$600 million in 2012 alone) to support decentralised public services in education, health and water. PBS hereby represents a central element for achieving the Millennium Development Goals for Ethiopia in the social sector (WB 2012: 1). Relocations are not anticipated in the PBS.

Nevertheless, particularly in the regions Gambella, Afar, Somali and Benishangul-Gumuz, resettlement of a total of 1.5 million people (according to government records) is taking place in the context of the so-called villagisation or Commune Development Program (CDP) (HRW 2012: 19f). In newly established villages, these are to offer basic socioeconomic infrastructure (roads, primary schools, hospitals, water supply, shops) – supported through the PBS project, which is financed by the World Bank and other donors such as the African Development Bank and the British Department for International Development (WB 2012: if). According to government sources, the goal of the CDP is to combat poverty (HRW 2012: 20). The resettlements occur where the land is or will be leased to investors; in Gambella, this applies to 42% of the entire area (HRW 2012: 3f, 17, Chavkin 2015). The government viewed these

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<sup>8</sup> In the Paris Declaration on aid effectiveness, OECD donor countries committed themselves to respecting the fundamental principles of ownership (leadership of partner countries), alignment (support of partner-owned facilities), harmonisation, results orientation and mutual accountability. In budget support, development cooperation funds are fed directly into the government budget in order to avoid parallel structures. Capacity building refers to building the capacity of the state to fulfil its functions better.

areas, which are often used by traditional communities for pastures, hunting grounds or shifting cultivation, as “unmanaged”. The indigenous Anuak and Nuer held no formal ownership titles, so the government saw no problem of expulsion and made the land available to investors for modern, commercial and industrial agriculture (HRW 2012: 18). The government stressed that all resettlements took place after consultation and on a voluntary basis (HRW 2012: 25, Chavkin 2015). Concerned Anuak submitted a claim against the project to the Inspection Panel: it was expulsion, the new land was infertile, infrastructure was not present, several displaced people died of hunger, others who resisted were arrested, beaten, tortured or killed (Local Anuak Representatives 2012: 1). The government described these allegations as “fantasies” of elements that are “against development” and supported by “foreign string pullers” (Chavkin 2015). The Inspection Panel’s report contradicted the categorisation as “unused land” and saw an operational connection between PBS and CDP but did not offer a judgement on the central question of displacement (Inspection Panel 2014c: viiif). According to an advisor to the panel team, authorities had previously intimidated and instructed the people he interviewed and thus they refrained from accusing the investigators anew. In private conversations, however, they described the use of firearms, sexualised violence and arbitrary arrests in the context of the supposedly voluntary resettlement, as well as the murder of a member of the task force who refused to expel the farmers by force (Chavkin 2015).

In contrast to the previous two case examples, in PBS 3 there is no advance justification of displacement, as this took place in the context of another project, the “Programme for Communal Development”, which was only supported by the PBS.<sup>9</sup> In retrospect, the World Bank supported the government’s argumentation of lacking ownership titles, that is, the strategy of legitimising expulsion through property rights. In the name of the programme and in the repudiation of criticism as coming from “anti-development” actors, another strategy which refers to the greater common good becomes apparent. The influence of development discourse continues to be visible in the devaluation of traditional, supposedly less productive agricultural practices, which here also justify expropriation and expulsion. To construe the affected land as unmanaged and therefore freely accessible is a direct adoption of the colonial narrative of the “terra nullius”.

## 5. Conclusion

Far more people are displaced and made refugees through development projects officially committed to improving living conditions than through wars or natural disasters. The legitimisation of this expulsion follows on the one hand through a conceptual immunisation strategy (“beyond criticism” gambit), on the other hand through reference to inevitability, the greater common good and property rights. These legitimisation strategies are abetted by particular elements of development discourse: the transformation of geocultural differences into historical stages, the Othering of supposedly backwards population groups, the concept of

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<sup>9</sup> Here, the problem of so-called “fungibility” becomes clear: through the PBS, funds flow into the government budget that finances recognised state tasks (supplying the population with public goods) and enables it to carry out less positive tasks (population displacement for the benefit of investors).

trusteeship and the assumption of the beneficial effects of investments on people's living conditions. The legitimation strategies and elements of development discourse identified in the theoretical model were demonstrated through three case examples – Lagos Metropolitan Development and Governance Project in Nigeria, Natural Resource Management Project in Kenya, Promoting Basic Services Program in Ethiopia. This seems to show a pattern, whereby expulsions are primarily justified in advance as serving the greater common good and, after their inhumane consequences have become known, are justified with reference to property rights and the inevitability of progress and “development” (although this element was not evident in the nature conservation project). What is certain is that highly questionable projects causing human suffering are promoted in the name of “development” – legitimised through the accompanying discourse.



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