

Human Rights Research Series

Volume 104

Series Editors

Andrea Broderick, Maastricht University, Maastricht, The Netherlands

Antenor Hallo de Wolf, University of Groningen, Groningen, The Netherlands

Nicola Jägers, Tilburg University, Tilburg, The Netherlands

Jasper Krommendijk, Radboud University, Nijmegen, The Netherlands

Alberto Quintavalla, Erasmus University, Rotterdam, The Netherlands

Noor Swart, University of Groningen, Groningen, The Netherlands

The *Human Rights Research Series* offers leading scholarship on the evolving landscape of international human rights norms and their practical implementation. This collection explores the complex interplay between global standards and national legal frameworks, examining how human rights principles are interpreted, applied, and enforced across diverse contexts. Authored by members of the Netherlands Network for Human Rights Research, each volume in this series provides an in-depth analysis of critical issues at the intersection of law, policy, and human rights advocacy. The series encompasses a wide range of methodological approaches, from rigorous doctrinal analysis to innovative empirical studies, reflecting the multidisciplinary nature of human rights research. This series serves as an essential resource for academics, policymakers, legal practitioners, and human rights defenders seeking to deepen their understanding of contemporary human rights challenges. By bridging theoretical insights with practical applications, these books contribute to ongoing debates about the role of human rights in shaping just and equitable societies. The Human Rights Research Series aims to foster dialogue, inspire innovative approaches, and ultimately advance the protection and promotion of human rights at both the national and international levels.

The NNHRR Series was previously published by Intersentia, and continued from 2025 by T.M.C. Asser Press/Springer.

Roman Girma Teshome

The Human Cost of Development

Situating Development-Induced Displacement
in International Human Rights Law



ASSER PRESS



Springer

Roman Girma Teshome
School of Law
Utrecht University
Utrecht, The Netherlands

Human Rights Research Series

ISBN 978-94-6265-750-2

ISBN 978-94-6265-751-9 (eBook)

<https://doi.org/10.1007/978-94-6265-751-9>

Published by T.M.C.ASSER PRESS, The Hague, The Netherlands www.asserpress.nl
Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

© T.M.C. ASSER PRESS and the authors 2026

No part of this work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, microfilming, recording or otherwise, without written permission from the Publisher, with the exception of any material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

This T.M.C. ASSER PRESS imprint is published by the registered company Springer-Verlag GmbH, DE, part of Springer Nature.

The registered company address is: Heidelberger Platz 3, 14197 Berlin, Germany

If disposing of this product, please recycle the paper.

Acknowledgements

This book is based on the Ph.D. research I conducted at the University of Amsterdam, and it would not have been possible without the support and assistance of many people.

First of all, I am deeply grateful to my supervisors, Yvonne Donders and Maarten den Heijer, for their continuous guidance, support, and mentorship throughout this process. This research would not have been completed without your critical feedback and thoughtful comments. Your positive attitude and encouragement kept me going during times when writing a Ph.D. inevitably became overwhelming. I appreciate you tremendously.

I also want to extend my heartfelt gratitude to the members of the doctoral committee: Ingo Venzke, Marjoleine Zieck, Rosanne van Alebeek, Karin Arts, and Margot Salomon. Thank you for taking the time from your busy schedules to read and evaluate my work.

I would like to express my appreciation to the faculty members and staff of the International and European Law Department and the Amsterdam Center for International Law. Attending and organizing seminars, engaging in teaching activities, and interacting with you all not only enriched my research but also made the four years I spent there more enjoyable.

I am especially grateful to my fellow Ph.D. candidates; it is comforting and therapeutic to vent with people who are going through the same experience. It has been a pleasure knowing and working with you. I would particularly like to thank my two paranymphs, Debadatta Bose and Lara Talsma; thank you for graciously agreeing to assist me during one of the most crucial stages of my Ph.D., among many other moments.

This work also benefited from my research stay at American University, Washington College of Law. Thank you for welcoming me.

Last but not least, my deepest gratitude goes to my family and friends for their unwavering support in all my academic endeavours and beyond.

Contents

Part I A Conceptual Background

1	Introduction: Framing the Problem and Approach	3
1.1	The Indigenous Peoples of the Lower Omo Valley	4
1.2	Background and Context	7
1.3	Research Questions	13
1.4	Scope and Methodology	14
1.5	Structure	18
	References	19
2	Development-Induced Displacement: Concept, Causes, and Consequences	21
2.1	Introduction	22
2.2	Development-Induced Displacement: A Conceptual Background	23
2.2.1	The Definition of Development-Induced Displacement	23
2.2.2	Differentiating Development-Induced Displacement	26
2.3	Causes of Development-Induced Displacement	33
2.3.1	Construction of Dams	33
2.3.2	Urban (Re)development and Transportation	35
2.3.3	Extraction of Natural Resources	36
2.4	Consequences of Development-Induced Displacement	37
2.4.1	Economic Consequences	37
2.4.2	Social Consequences	40

2.4.3	Cultural Consequences	42
2.5	Vulnerability in the Context of Development-Induced Displacement	43
2.6	Preventing or Mitigating the Adverse Consequences of Displacement	46
2.7	Conclusion	48
	References	49

Part II The Interference with Human Rights in the Course of Development-Induced Displacement

3	The Right to Housing	55
3.1	Introduction	56
3.2	The Recognition of the Right to Housing	57
3.3	Normative Content of the Right to Housing	60
3.4	State Obligations Related to the Right to Housing	63
	3.4.1 The General Nature of State Obligations	63
	3.4.2 Non-discrimination	69
3.5	Limitations on the Right to Adequate Housing	71
3.6	Interference with the Right to Housing in the Course of Development-Induced Displacement	76
	3.6.1 Forced Eviction	76
	3.6.2 Homelessness and Inadequate Housing	86
	3.6.3 Discrimination in the Course of Displacement	87
3.7	Conclusion	89
	References	90
4	The Right to Property	93
4.1	Introduction	94
4.2	The Recognition of the Right to Property	94
4.3	Normative Content of the Right to Property	98
	4.3.1 Subjects (Right-Holders) of the Right to Property	98
	4.3.2 Objects of the Right to Property	100
	4.3.3 Substantive Entitlements of the Right to Property	102
4.4	State Obligations Related to the Right to Property	105
4.5	Limitations on the Right to Property	106
4.6	Interference with the Right to Property in the Course of Development-Induced Displacement	110
	4.6.1 Expropriation or Land Acquisition	111
	4.6.2 Landlessness or Decrease of Landholding After Displacement	113
	4.6.3 Forced Eviction and Destruction of Property	116
4.7	Conclusion	116
	References	117

- 5 The Right to Work** 119
 - 5.1 Introduction 120
 - 5.2 The Recognition of the Right to Work 120
 - 5.3 Normative Content of the Right to Work 122
 - 5.4 State Obligations Related to the Right to Work 125
 - 5.5 Limitations on the Right to Work 126
 - 5.6 Interference with the Right to Work in the Course
of Development-Induced Displacement 126
 - 5.6.1 Joblessness or Loss of Income 127
 - 5.6.2 Decrease of Income 129
 - 5.7 Conclusion 131
 - References 132

Part III Human Rights Safeguards in Specialized Human Rights Frameworks

- 6 The Rights of Internally Displaced Persons in the Context
of Development-Induced Displacement** 137
 - 6.1 Introduction 138
 - 6.2 The Recognition of the Rights of Internally Displaced
Persons 139
 - 6.3 Normative Content of the Rights of Internally Displaced
Persons 144
 - 6.3.1 Before Displacement 145
 - 6.3.2 During Displacement 151
 - 6.3.3 After Displacement: Durable Solutions 152
 - 6.4 Conclusion 153
 - References 154
- 7 The Rights of Indigenous Peoples in the Context
of Development-Induced Displacement** 157
 - 7.1 Introduction 158
 - 7.2 The Recognition of Indigenous Peoples’ Rights 159
 - 7.3 The Right-Holders: Who Are Indigenous Peoples? 164
 - 7.4 Normative Content of the Rights of Indigenous Peoples 169
 - 7.4.1 Rights to Land and Other Resources 169
 - 7.4.2 Protection from Displacement 173
 - 7.4.3 The Right to Maintain Their Relationship
with Their Lands 179
 - 7.5 Conclusion 180
 - References 181

8	The Right to Development in the Context of Development-Induced Displacement	185
8.1	Introduction	186
8.2	The Recognition of the Right to Development	186
8.3	Normative Content of the Right to Development	190
8.3.1	What Is “Development”?	190
8.3.2	The Nature of the Right to Development	193
8.3.3	Substantive Elements of the Right to Development	196
8.4	State Obligations Related to the Right to Development	199
8.5	Conclusion	201
	References	202
Part IV	Beyond International Human Rights Law	
9	The Role of International Financial Institutions in Protecting the Rights of People(s) Affected by Development-Induced Displacement	207
9.1	Introduction	208
9.2	A Brief Introduction to Selected International Financial Institutions	210
9.3	Human Rights and International Financial Institutions	213
9.4	Human Rights Obligations of International Financial Institutions	220
9.4.1	Indirect Approach: Human Rights Obligations of Member States	220
9.4.2	Direct Human Rights Obligations of International Financial Institutions	222
9.5	Policies on Involuntary Displacement or Resettlement	226
9.5.1	The Scope and Objectives of the Policy Frameworks	227
9.5.2	Procedural and Substantive Safeguards	231
9.6	Policy Limitations: The Gap Between Policy and Practice	243
9.6.1	Failure to Embrace a Human Rights-Based Approach	244
9.6.2	Inadequate Monitoring and Follow-Up Mechanisms	247
9.6.3	Lack of Effective Remedy or Accountability Procedures	248
9.7	Conclusion	251
	References	253

Part V The Way Forward

10 A Guiding Framework for a Human Rights-Based Approach to Development-Induced Displacement 259

10.1 Introduction 260

10.2 Human Rights-Based Approach to Development-Induced Displacement 261

10.2.1 Justifying Displacement: Development-Induced Displacement as a (Permissible) Limitation on Human Rights 263

10.2.2 Human Rights Safeguards in the Course of Development-Induced Displacement 268

10.2.3 Non-discrimination 282

10.2.4 Due Diligence: The Principle of “Do No Harm” 283

10.3 Normative Gaps in International Human Rights Law 286

10.3.1 The Gap in the Recognition of Land Rights 286

10.3.2 Inadequacy of Normative Guidance on Substantive Safeguards 290

10.3.3 Lack of Contextualization of Existing Norms 292

10.4 Conclusion 294

References 296

Bibliography 301

Index 329

Abbreviations

ACHR	American Convention on Human Rights
ADB	Asian Development Bank
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
COHRE	Sudan Human Rights Organisation & Centre on Housing Rights and Evictions
CRPD	Convention on the Rights of Persons with Disabilities
DID	Development-induced displacement
ECHR	European Convention on Human Rights
ECOSOC	United Nations Economic and Social Council
ESC	Economic, social and cultural
GNP	Gross national product
HRBA	Human rights-based approach
HRBAD	Human rights-based approach to development
HRC	Human Rights Committee
IADB	Inter-American Development Bank
IBRD	International Bank for Reconstruction and Development
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICOLD	International Commission on Large Dams
IDA	International Development Association
IDP	Internally displaced person
IEG	The Independent Evaluation Group
IFI	International financial institution
IHL	International humanitarian law
ILC	International Law Commission
ILO	International Labour Organization
IMF	International Monetary Fund

IRR	Impoverishment risks and reconstruction
KSDP	Kuraz Sugar Development Project
OAS	Organization of American States
OHCHR	Office of High Commissioner on Human Rights
PCIJ	Permanent Court of International Justice
SDG	Sustainable development goal
SERAC	Social and Economic Rights Action Centre
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNHCR	United Nations High Commissioner for Refugees
WGIP	Working Group on Indigenous Peoples