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Guiding Principles on Resettlement

Annex of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Balakrishnan Rajagopal

A/HRC/61/43

Guiding Principles on Resettlement

I. Objective and scope

1. Objective

The objective of these Guiding Principles is to prevent all involuntary resettlement and, towards that end, to identify the rights and guarantees relevant to the protection of persons before, during and after resettlement and the obligations of States, businesses, international organizations and non-State actors. They aim to ensure that resettlement is pursued as a last resort and that its processes and outcomes respect, protect and fulfil the rights and dignity of affected individuals and communities, consistent with existing obligations under international human rights law and other applicable norms and standards of international law.

2. Scope of application

1. **These Principles apply to all situations of displacement, eviction, relocation, or resettlement, regardless of cause, including through:**

(a) **Development projects including infrastructure, agribusiness, energy mining and industry projects;**

(b) **Urban renewal, new city-building, urban development or urban beautification;**

(c) **World heritage or other cultural heritage protection;**

(d) **Environmental degradation or climate change, including measures for adaptation or mitigation, or nature conservation;**

(e) **Natural or human-made disasters;**

(f) **Armed conflict, violence or under occupation.**

2. **These Principles shall guide the conduct of States, international organizations, businesses and non-State actors whose decisions, actions or omissions may affect the rights of persons who are at risk of or subjected to eviction, displacement or resettlement.**

Commentary

The Guiding Principles have the overall aim of preventing forced evictions and avoiding, minimizing and remedying displacement, and provide for resettlement to be resorted to only as an exceptional last step. They emphasize the obligation to ensure rights-compliant resettlement and durable solutions.

The Guiding Principles are based on existing laws and standards of international law, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, core United Nations standards on displacement and housing, including general comments No. 4 (1991), No. 7 (1997), No. 9 (1998), No. 12 (1999), No. 14 (2000), No. 20 (2009), No. 24 (2017), No. 26 (2022) and No. 27 (2025) of the Committee on Economic, Social and Cultural Rights, the Guiding Principles on Internal Displacement, the principles on housing and property restitution for refugees and displaced persons (sometimes referred to as the "Pinheiro principles"), the basic principles and guidelines on development-based evictions and displacement, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Declaration on the Rights of Peasants and Other

People Working in Rural Areas, rules and norms of international environmental law, and the jurisprudence of international courts, such as the International Court of Justice and regional human rights courts.

These instruments, standards and rulings collectively affirm that displacement implicates multiple rights, including the rights to housing, property, family life, work, food, water, education, environment, cultural rights, liberty of movement and effective remedy, and have specific relevance vis-à-vis the rights of vulnerable groups. The purpose of the Guiding Principles mirrors that of the Guiding Principles on Internal Displacement, which synthesize scattered norms and render them operational. The present Principles apply to evictions and displacement arising from all of the situations listed in section I.2.1 above, whether they are internal or across international borders.

II. Definitions

(a) **"Resettlement" means the planned, lawful and rights-compliant relocation of persons from their homes or lands to a new location where they re-establish a habitual place of residence and rebuild their lives and livelihoods;**

(b) **"Relocation" means the physical movement of persons from one place to another, whether voluntary or involuntary, temporary or permanent;**

(c) **"Displacement" means the involuntary or coerced movement of persons from their homes or habitual residences, whether or not resettlement is provided;**

(d) **"Eviction" means the permanent or temporary removal of persons from their homes or land following a legal process, whether or not resettlement is provided;**

(e) **"Non-State actors" include armed groups, de facto authorities and private actors exercising territorial control or having the capacity to affect rights related to displacement or resettlement, including through non-profit or funding mechanisms;**

(f) **"International organizations" include intergovernmental institutions, United Nations agencies, international financial institutions and regional organizations;**

(g) **"Businesses" refers to private-sector entities, including proprietorships, partnerships, corporations, consortia, financial institutions and contractors, whose activities may contribute to displacement or resettlement;**

(h) **"States" refers to all public authorities, at any level of government, and any public or public-private non-profit corporation established by law;**

(i) **"Persons" refers to individuals as well as communities in a collective sense, except where otherwise noted.**

Commentary

This section clarifies essential terms rooted in international standards.

The distinction between relocation and resettlement reflects the terminology used and explanations contained in the first report on resettlement of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context;[1] terminology used by the United Nations Human Settlements Programme (UN-Habitat), the Office of the United Nations High Commissioner for Refugees (UNHCR); and terminology used in the environmental and social safeguard frameworks of international financial institutions, including the World Bank Environmental and Social Framework, adopted in 2016, in particular Environmental and Social Standard 5, and Performance Standard 5 of the International Finance Corporation, adopted in 2012.

The definition of displacement draws on the Guiding Principles on Internal Displacement; while its paragraph 2 refers to involuntary movement within national borders, these Guiding Principles can be applied to all displacement, whether internal or across borders.

[1] A/HRC/55/53.

General comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, defines "forced eviction" as the involuntary removal of individuals from land or housing without legal protections and due process. "'Eviction", as used in these Guiding Principles, thus refers to lawful eviction. Under this approach, all unlawful evictions are "displacement" because they are involuntary or coerced.

The definition of internally displaced persons is taken directly from the Guiding Principles on Internal Displacement.

Non-State actors encompass as well non-State entities as specified by the Guiding Principles on Internal Displacement and international humanitarian law, which include armed groups and other entities exercising de facto control, as well as non-profit or funding entities that often play a critical role in displacement and resettlement.

The definition of international organizations is based on the articles on the responsibility of international organizations, adopted by the International Law Commission in 2011.

The definition of businesses is aligned with the Guiding Principles on Business and Human Rights.

The definition of States is based on article 28 of the International Covenant on Economic, Social and Cultural Rights, article 27 of the Vienna Convention on the Law of Treaties and article 4 of the articles on responsibility of States for internationally wrongful acts.

Persons are defined to include individuals and/or communities as the context requires.

III. Rights of all persons evicted, displaced or resettled

1. Rights to land and adequate housing

All persons affected by eviction, displacement or resettlement have the rights to secure, equitable and sustainable access to land as appropriate, and to adequate housing meeting the standards of habitability, affordability, security of tenure, accessibility, cultural adequacy, availability of services, appropriate location and sustainability. Rights to land and adequate housing in these Guiding Principles shall be individual or collective and include formal legal rights of ownership and leasehold as well as legitimate tenure rights accrued through prolonged occupation or under customary, Indigenous or other sources of non-State law.

2. Protection against forced evictions

No one shall be subjected to forced eviction. Any eviction must comply with international human rights law, including with the requirements of legality, legitimate interest, proportionality, due process, use as a last resort, adequate notice and provision of judicial and other remedies and suitable alternative housing.

3. Right to non-discrimination and dignity

All persons affected by eviction, displacement or resettlement shall be treated with equality and dignity and these Guiding Principles shall be applied without discrimination on any ground, such as race, colour, sex, gender identity, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on similar criteria.

4. Right to remain

Everyone has the right to remain in their home and on their land unless a lawful, necessary, proportionate and rights-compliant decision requires relocation or resettlement.

5. Right to voluntary, safe and dignified return

Where desired, possible and safe, all displaced persons have the right to voluntarily return to their homes or places of habitual residence.

6. Right to resettlement

When eviction or displacement cannot be avoided, all affected persons have the right to resettlement, without undue delay, that ensures equal or improved living standards, including the right to adequate housing, sustainable livelihoods and cultural cohesion.

7. Right to fair and adequate compensation

All evicted or displaced persons are entitled to fair, adequate and timely compensation, including replacement costs or alternative adequate housing, and livelihood restoration. Loss of access to land and rights attached thereto shall also be compensated by alternative land of a similar productive capacity, quality and size.

8. Right to reparation

All evicted or displaced persons have the right to full reparation, including restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition and recognition of responsibility, for harms suffered, including non-material and intangible sociocultural losses where appropriate. Reparation shall fully consider and include the impacts on the rights of future generations.

9. Right to information

Persons affected by resettlement have the right to timely, accessible, complete and accurate information regarding proposed measures, the methodologies of resettlement, its limits, risks, sources of financing, alternatives, compensation, benefit-sharing and remedies in a language and manner understood by them.

10. Right to meaningful participation and consultation

Persons affected by resettlement have the right to free, active, informed and meaningful participation in all decisions related to their resettlement, from the design of projects, the identification of alternatives to resettlement, to its implementation. Their right to free, active, informed, and meaningful participation includes decisions related to the choice of sites of relocation, the types of dwellings, public services, economic assistance and livelihood options provided, measures to ensure cultural and community cohesion and any other matter related to their resettlement.

11. Right to free, prior and informed consent

Indigenous Peoples and other communities with collective rights shall not be resettled or relocated without their free, prior and informed consent.

12. Right to fair and equitable benefit-sharing

Where activities involving land or resources generate monetary or non-monetary benefits, persons and communities affected by evictions or displacement have the right to fair and equitable benefit-sharing as a component of their right to resettlement.

13. Right to speedy and effective remedy

All persons subjected to eviction, displacement or resettlement shall have prompt access to effective judicial, administrative or other remedies, including through legal aid.

14. Right against retaliation

No persons exercising any right to defend their secure, equitable and sustainable access to land and the right to adequate housing, and no persons or organizations supporting or advocating for such persons, shall suffer any form of violence, intimidation, adverse discrimination or retaliation, either through law or otherwise.

Commentary

The right to adequate housing is rooted in article 11 (1) of the International Covenant on Economic, Social and Cultural Rights and elaborated on in Committee on Economic, Social and Cultural Rights general comment No. 4 (1991), in which the Committee identifies factors determining adequacy. Economic, social and cultural rights related to land are set out in the same Committee's general comment No. 26 (2022), the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the guiding principles on security of tenure for the urban poor. The same Committee, in its general comment No. 7 (1997), affirms that forced evictions are prima facie incompatible with the International Covenant on Economic, Social and Cultural Rights unless all substantive and procedural safeguards are met.

Under articles 2 and 26 of the International Covenant on Civil and Political Rights and article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, discriminatory displacement is prohibited. In its general comment No. 20 (2009), the Committee on Economic, Social and Cultural Rights further specifies various prohibited grounds of discrimination. Articles 12 (5), 17 and 24 of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas are relevant for affirming the rights to redress, land and housing. The principle relating to the right to remain is based on principles 5 to 9 of the Guiding Principles on Internal Displacement, which require States to avoid displacement unless it is necessary, reasonable and proportionate. The principle relating to the right to voluntary, safe and dignified return is based on principle 28 of the Guiding Principles on Internal Displacement and the principles on housing and property restitution for refugees and displaced persons.

General comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights requires compensation for all losses and emphasizes livelihood restoration. Articles 16 and 17 of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization require land-for-land compensation for land-based livelihoods. The provision on reparation for non-material losses draws on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

Article 19 (2) of the International Covenant on Civil and Political Rights guarantees the right to seek, receive and impart information, which is a necessary requirement for participation. General comments No. 7 (1997) and No. 24 (2017) of the Committee on Economic, Social and Cultural Rights require meaningful consultation in decisions affecting housing, land and livelihoods. Free, prior and informed consent is required under articles 10, 19, 28 and 29 of the United Nations Declaration on the Rights of Indigenous Peoples, and such consent is acknowledged for all communities with collective rights in the light of the universal right against forced evictions.

The principle relating to benefit-sharing is based on article 23 of the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.

The principle relating to the right to speedy remedy is based on article 2 (3) of the International Covenant on Civil and Political Rights, general comment No. 9 (1998) of the Committee on Economic, Social and Cultural Rights and the Basic Principles on the Right to a Remedy and Reparation. Remedies include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The principle relating to the right to be protected against retaliation is drawn from the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

IV. General obligations of States

1. Prohibition of forced evictions

States shall ensure that forced evictions do not occur under any circumstance.

2. Prevention of evictions or displacement

States shall take all appropriate measures to avoid or minimize evictions or displacement caused by planned activities, projects or policies.

3. Duty of care and prevention of foreseeable harm

States and all relevant actors shall exercise due diligence to prevent foreseeable harm resulting from resettlement measures.

4. Guarantee of non-repetition

States shall ensure that persons who have been resettled or previously evicted are not subjected to repeated displacement or eviction.

5. Assistance prior to resettlement

All persons affected by or at risk of displacement shall receive humanitarian assistance, protection and essential services from the moment displacement has occurred or is imminent until they have been resettled in accordance with these Guiding Principles.

6. Extraterritorial obligations

States shall respect, protect and fulfil their human rights obligations, including with respect to the right to adequate housing, extraterritorially, when their actions contribute to displacement or resettlement beyond their borders or areas or territories under their occupation or effective control.

7. Remedies, oversight and accountability mechanisms

States shall establish accessible and participatory mechanisms for remedies, oversight and accountability for violations of rights relating to displacement or resettlement and enforce and comply with the decisions and findings of those mechanisms.

Commentary

The principle that no one should be subjected to forced evictions has been reaffirmed in general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, and in Commission on Human Rights resolution 1993/7 and subsequent Human Rights Council resolutions.

In accordance with principle 5 of the Guiding Principles on Internal Displacement, States are to prevent displacement caused by actions under their jurisdiction. The principle that States must exercise due diligence and prevent foreseeable harm has long been enshrined in general international law and is also enshrined in the Guiding Principles on Business and Human Rights.

The principle of non-repetition is set out in section IX of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

Principles 18 and 19 of the Guiding Principles on Internal Displacement require the provision of essential food, water, shelter, sanitation and medical care.

Extraterritorial human rights obligations have been recognized in, for example, paragraphs 28 to 31 of general comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights and the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights.

State obligations to provide effective remedies and ensure accountability are set out in article 2 (3) of the International Covenant on Civil and Political Rights and general comment No. 9 (1998) of the Committee on Economic, Social and Cultural Rights.

V. Operational obligations of States

1. Regulation of land acquisition, expropriation and eminent domain

States shall regulate, and restrict the use of land acquisition, expropriation or eminent domain that may result in evictions and resettlement for exceptional cases of overriding public interest where no viable alternatives are available, and shall apply it in a manner consistent with international human rights law and the right to adequate housing.

The use of "public interest" in this section shall not include: (a) primarily economic purposes for expectations of future gain; (b) transfer of ownership or control of land or resources to businesses; or (c) any other purpose that does not contribute to the enjoyment of human rights of the persons evicted and resettled.

2. Duty to consider and present alternatives

Before any resettlement is considered, States must consider and present all feasible alternatives, including those presented by affected persons, seek in situ resettlement solutions and mitigation measures and communicate them publicly, including to the persons at risk of eviction or displacement.

3. Conditions precedent to resettlement

No resettlement shall commence unless:

(a) **A resettlement law or policy is in force;**

(b) **An independent and credible eviction or displacement impact assessment that considers disparate adverse and beneficial impacts, especially on vulnerable groups, including women, older persons, persons with disabilities, children, ethnic, racial and religious minorities, communities affected by caste discrimination, Indigenous Peoples, peasants, other persons working in rural areas and persons living in informal settlements, has been completed, published and shared widely in a language and manner understandable to the affected persons;**

(c) **A comprehensive resettlement action plan has been adopted, with the meaningful participation of affected persons.**

4. Availability of land, adequate housing and public services

Resettlement shall not begin until adequate, suitable, environmentally safe and legally secure land of an equal or better quality has been assembled for that purpose and appropriate spatial planning has been completed to ensure resettlement in full compliance with these Guiding Principles.

Resettlement shall not begin until affected persons have access to alternative safe and adequate housing at resettlement sites or other locations of their choice, meeting the standards of habitability, affordability, security of tenure, accessibility, cultural adequacy, availability of services, appropriate location and sustainability.

Public services, housing and infrastructure at resettlement sites must ensure access to work, energy, water and sanitation, transportation, food, education and healthcare at a level comparable to that enjoyed by the host populations and that is consistent with international human rights law.

5. Transparency obligations

All relevant information relating to eviction, displacement and resettlement must be made available publicly at the earliest possible instance and shared with persons at risk or affected, in languages and in a manner understood by them.

6. Participation and consultation

States shall ensure that the persons subjected to resettlement have the right to meaningful participation and consultation as defined in section III.10 of these Guiding Principles, during all stages of the resettlement process.

7. Budgetary obligations

All costs of resettlement – including compensation, reparation, moving and transport costs, livelihood restoration and long-term support – shall be fully borne by the actors who cause, or benefit from the objectives of, the resettlement.

All such costs shall be included in project budgets, including any contingency funding and funding for insurance mechanisms in addition to any fair and equitable benefit-sharing arrangements.

8. Monitoring, evaluation and adaptive management

(a) **Every resettlement action plan shall include a clear, transparent monitoring and evaluation process;**

(b) **Responsible institutions must be formally designated;**

(c) **Monitoring and evaluation shall occur at specified intervals for at least 10 years following resettlement;**

(d) **Resettlement plans shall include provisions for adaptive management, including revised compensation and responses to new or unmet needs.**

9. Regulation of businesses and international organizations

States shall regulate businesses and international organizations to ensure full compliance with these Guiding Principles.

10. Engagement with non-State entities

States shall engage and negotiate with non-State entities to ensure access to assistance, protection and resettlement for persons in areas under their control.

11. Designation of authorities

States shall designate competent national and subnational authorities responsible for planning, implementing, overseeing and remedying all aspects of resettlement.

Commentary

International law requires that expropriation that leads to displacement or eviction must serve a legitimate public purpose[2] and that land ownership and use must serve a social function to be consistent with international human rights law.[3] The meaning of "public purpose" is drawn from the doctrine of permanent sovereignty over natural resources, articulated in article 1 of the International Covenant on Economic, Social and Cultural Rights, article 3 of the United Nations Declaration on the Rights of Indigenous Peoples, the basic principles and guidelines on development-based evictions and displacement and lessons from comparative law.

In its general comment No. 7 (1997), the Committee on Economic, Social and Cultural Rights requires exploration of feasible alternatives prior to eviction.

[2] In line with the Guiding Principles on Internal Displacement, principle 6 (2).
[3] See A/80/351.

The requirement to establish impact assessments and resettlement plans reflects best practices of, and safeguards set out by, international financial institutions,[4] the basic principles and guidelines on development-based evictions and displacement, relevant reports of special procedure mandate holders[5] and guidance issued by the Office of the United Nations High Commissioner for Human Rights.

Land assembly prior to resettlement ensures the readiness and adequacy of resettlement sites, in accordance with best practices in resettlement. The housing adequacy standards conform to those set out in general comment No. 4 (1991) of the Committee on Economic, Social and Cultural Rights and the report of the Special Rapporteur focused on the climate crisis and the right to adequate housing.[6]

General comment No. 3 (1990) of the Committee on Economic, Social and Cultural Rights clarifies the obligation of States to use the maximum available resources to realize economic, social and cultural rights, States are thus required to ensure full budgeting for resettlement. General comment No. 7 (1997) of the same Committee sets out the requirement for full compensation.

The proposed monitoring and evaluation framework is consistent with norms and standards for evaluation issued by the United Nations Evaluation Group in 2016 and principle 27 of the Guiding Principles on Internal Displacement.

The requirement to regulate businesses and international organizations is included in the Guiding Principles on Business and Human Rights and the articles on the responsibilities of international organizations. Under principles 2, 25, 28 and 30 of the Guiding Principles on Internal Displacement, all authorities have the obligation to negotiate with non-State entities to ensure access to humanitarian assistance, protection and resettlement.

The designation of authorities prevents administrative fragmentation and ensures coordinated resettlement based on best practice.

VI. Obligations of non-State actors

1. Application of responsibilities

Non-State actors shall adhere to these Guiding Principles mutatis mutandis, in accordance with their legal status, capacities and the degree of control they exercise.

2. Cooperation and negotiation

Non-State actors shall cooperate with humanitarian and State actors to provide assistance and ensure rights-compliant resettlement.

Commentary

The principles in this section are derived from principle 2 of the Guiding Principles on Internal Displacement and international humanitarian law, notably common article 3 of the Geneva Conventions of 1949, as well as international human rights law and standards, such as the core human rights principles for private conservation organizations and funders, which are binding on non-State actors. Non-State actors exercising territorial control must protect civilians, including through cooperation, avoid and prevent forced evictions and ensure resettlement.

[4] World Bank, Environmental and Social Framework; and International Finance Corporation, Performance Standard 5.

[5] See, for example, A/80/187.

[6] A/HRC/52/28.

VII. Obligations of international organizations

1. Application of responsibilities

International organizations shall adhere to and apply these Guiding Principles mutatis mutandis in all relevant activities including in their dealings with States and businesses, whether such activities are project-based, financial, or pursuant to an international legal obligation.

2. Adoption of policies

International organizations shall adopt internal standards, policies or programmes on evictions, displacement and resettlement consistent with international human rights norms and standards, including these Guiding Principles.

3. Impact assessments

International organizations shall conduct participatory eviction and displacement impact assessments before approving funding for or supporting projects that may necessitate or have a risk of such impacts.

4. Transparency

International organizations shall act transparently with respect to potential or actual eviction or displacement impacts that result from any of their activities, including projects financed or supported by them, including by sharing information publicly and with affected persons in languages understood by them.

5. Grievance mechanisms

International organizations shall establish independent and accessible grievance mechanisms for project-affected persons, to provide effective remedies for the full realization of international human rights norms, including these Guiding Principles.

6. Oversight and accountability

International organizations shall ensure adequate oversight of project implementation and accountability for impacts of resettlement, including through remedial action plans where the suspension or cancellation of funding disbursements becomes necessary.

7. Monitoring, evaluation and adaptive management resources

International organizations shall ensure that adequate resources are allocated for monitoring, evaluation and adaptive management of resettlement in all relevant project budgets.

Commentary

The principles in this section are derived from the draft articles on the responsibility of international organizations, general principles of international law and best practices of international organizations. United Nations entities and international financial institutions maintain internal safeguards that align with these obligations. Impact assessments and resettlement plans are standard across the United Nations system and international financial institutions.

The references to grievance mechanisms are inspired by mechanisms such as the World Bank Inspection Panel and the Compliance Advisor Ombudsman, the independent accountability mechanism of the International Finance Corporation and the Multilateral Investment Guarantee Agency.

Oversight ensures rights-respecting implementation of programmes, while adaptive management is key to providing flexibility in implementation.

VIII. Obligations of businesses

1. Application of responsibilities

Businesses shall adhere to and apply these Guiding Principles mutatis mutandis in all relevant activities, including in their dealings with States, non-State actors and international organizations, and in their own internal policies.

2. Duty to avoid harm

Businesses shall avoid causing, contributing to or being complicit in displacement or eviction.

3. Resettlement responsibilities

Where business activities result in resettlement, businesses shall ensure full compliance with these Guiding Principles and other applicable human rights norms and standards.

4. Transparency

Businesses shall act transparently with respect to potential or actual eviction or displacement impacts that result from any of their activities, including by sharing information publicly and with affected persons in languages understood by them.

5. Grievance mechanisms

Businesses shall establish accessible and effective grievance mechanisms for affected individuals and communities with regard to evictions, displacement or resettlement, including mechanisms for sectors or types of businesses as a whole where appropriate.

Commentary

Principle 13 of the Guiding Principles on Business and Human Rights specifies that businesses must avoid adverse human rights impacts. Performance Standard 5 of the International Finance Corporation requires adequate compensation and livelihood restoration as part of resettlement.

Transparency is a best practice and prerequisite to consultation and consent.

Principle 31 of the Guiding Principles on Business and Human Rights sets out criteria for grievance mechanisms, including legitimacy, accessibility, predictability, equitability, transparency and rights-compatibility.

IX. Accountability

1. Institutional accountability

All actors responsible for resettlement shall establish credible mechanisms and processes of accountability that are fully resourced, adaptive and effective, including for direct and sustained engagement with affected persons and communities regarding all aspects of resettlement raised in these Guiding Principles.

All institutions responsible for providing remedies shall monitor the implementation of all remedies provided to ensure full compliance with applicable laws, policies and standards, including these Guiding Principles.

2. Individual accountability

States and all relevant actors shall ensure individual administrative, civil or criminal accountability – domestically and, where applicable, internationally – for violations of the right to adequate housing and other human rights in the context of evictions, displacement or resettlement.

Commentary

Accountability ensures that the failure to implement resettlement in accordance with these Guiding Principles has material consequences; it is a key part of the right to remedy, which is recognized under section III above. Such accountability frameworks and mechanisms ensure that remedies are implemented in practice, which requires that they be fully resourced, effective and capable of adapting to new challenges.

Direct and sustained engagement with affected persons and communities is drawn from the operational guidance on accountability to affected people issued by the Office of the United Nations High Commissioner for Refugees.

Unlawful displacement and demolitions of housing may entail civil, administrative or criminal liability. Failure to resettle displaced populations can result in the individual liability of those responsible for causing evictions or displacement that resulted in the need for resettlement. Such liability can be administrative (including internal organizational) or civil. Forced displacement may also constitute a war crime under the Geneva Conventions and the Regulations respecting the Laws and Customs of War on Land (Hague Regulations) and a crime against humanity under articles 7 and 8 of the Rome Statute of the International Criminal Court. Failure to resettle those who are displaced may be considered to result in a separate and aggravated form of criminal liability. When such displacement involves mass destruction of housing, it may constitute domicide which may constitute a war crime, a crime against humanity or an act of genocide as set out in the Rome Statute.