

Reflections on the Challenges of Displacement and Effective Resettlement Strategies

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Abstract: *Displacement of persons as a result of conflicts, natural disasters, climate change, and development projects has been generating series of humanitarian crisis both for national governments and the international community. As a source of growing concern for intellectual debates, this is an attempt to examine the challenges of displacement, strategies and principles for resettling displaced persons, as well as the responsibilities of resettlement authorities. In the light of the instances drawn from the experiences of the displaced Bakassi people of Nigeria, it is argued that the choice of resettlement strategies to address the associated challenges largely depends on the causes of displacement and the displacees' situation. Meanwhile, the displaced Bakassi people have been subjected to protracted displacees' situation that demands urgent attention to achieve durable solution; otherwise, their conditions may degenerate into intractable conflict based on indigene-settler dichotomy. This may be prevented through the relocation of the displaced Bakassi people from the various camps to a permanent place.*

I. Introduction

Displacement refers to the movement of population from their place of usual residence to another area (Sherbinin et al, 2010). It has continued to be one of the principal diplomatic problems arising from contemporary conflicts, natural disasters, climate change, and development projects which generate significant humanitarian crisis in the world today (Concern, 2009). Displacement can occur in two forms: internal displacement which occur within national boundaries; and international displacement which though occurs in one country, the displaced persons migrate across national boundaries (Sherbinin et al, 2010). Although displacement can be voluntary at times, it is involuntary most of the time especially when the decision of moving is made and imposed by an external agent (like the International Court of Justice) without the possibility of staying back (World Bank, 2011). The Persons directly affected by displacement fall victims of both physical relocation (loss of shelter and land) and economic or occupational dislocation (loss of assets or access to assets, that lead to loss of income sources or other means of livelihood) (Cernea, 1997; Concern, 2009). Hence, displaced persons are faced with critical challenges that need to be properly handled.

Challenges of Displacement

Irrespective of the causes and forms of displacement, displaced persons are exposed to series of welfare and security challenges which demand the diplomatic attention of not just the national governments, but also the concern of the international community, humanitarian and development actors (Concern, 2009). Some of these welfare and security challenges include loss of land, loss of employment, loss of shelter, marginalisation, increased morbidity and mortality, greater food insecurity, loss of access to common property/services, and social disarticulation (break up of community organisations and other groups) (World Bank, 2011; Cernea, 1997; Concern, 2009). Unless appropriate measures are carefully considered and carried out, the identified threats to welfare and security might lead to protracted refugee situations which entail long-term hardship and impoverishment for the displaced persons (Loescher, 2006).

Protracted Refugee or Displacee Situations which is a major concern to the UNCHR (United Nations' Commission on Human Rights) mandate, refer to the displacees' population of 25,000 or more who find themselves in a long lasting state of limbo for at least five (5) consecutive years in their camp or host communities and are unable to secure durable solutions to their plight (Loescher, 2006). Consequently, resettlement of displaced persons through different strategies to achieve durable solution becomes imperative if they must not be exposed to the dangers associated with physical relocation and economic dislocation.

Strategies for Resettling Displaced Persons

Resettlement of displaced persons means the processes and arrangements planned directly by the government or private developers to address their welfare and security challenges by choosing an area to assist the displaced persons replace their housing, assets, livelihood, land, access to resources and services to restore

their socio-economic, cultural, and political conditions (Bank, 2011; Sherbinin et al, 2010). The core rationale for resettlement is to avoid protracted refugee situations by seeking to achieve durable solutions to the conditions of the displaced.

Durable solutions in the context of displaced persons' situations is achieved when displaced persons no longer have any specific welfare and security needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement (UNCHR, 2011). There are three main strategies for resettling displaced persons to achieve durable solutions. The strategies are: repatriation, integration, and relocation which have special concern for the provision of housing accommodation, relief materials, job security, and legal protection of the displaced persons against discrimination.

Repatriation strategy

The repatriation strategy requires that the displaced persons are moved back to their place of origin where they initially moved out from, if it is considered feasible and safe (Dale, 2010). This strategy is only possible where the displacement results from climate change, natural disaster, or conflict that does not involve land seizure and the safety of the displaced is guaranteed (Loescher, 2006; UNCHR, 2011). The displaced persons are required to re-occupy their habitual residence after all necessary arrangements have been put in place to enhance their living conditions.

Essentially, four factors determine the feasibility of repatriation: the location (distance) of the original home in relation to the displaced settlement area; factions controlling the original homelands (in conflict-induced displacement); the peace agreement (in crisis situation), and the extent of the involvement of the international community to guarantee their safety in the process (Concern, 2009). Where these factors make repatriation convenient, the displaced persons can return voluntarily; but if the condition of these variables cannot guarantee the welfare and security of the displaced persons, they will likely remain in their resettlement area. In the case of the Bakassi people, the original homeland was ceded to Cameroon and the verdict of ICJ required them to permanently relocate, change their nationality from Nigerians to Cameroonians, or to remain there as foreigners (Eke and Eke, 2007).

Integration strategy

In the integration strategy often described as the "burden or responsibility sharing approach", the host community or country provides permanent residence to the displaced persons to live with the indigenous population (Loescher, 2006). It is believed that the integration of displaced people provides protection, durable solutions, and substantial relief to the displaced persons in different localities (Loescher, 2006). However, this option for the Bakassi people by the Nigerian government was criticised on the account that the presence of the displaced constitutes serious threats to the host and nearby communities who more or less regarded the resettles as unwelcome militants. Invariably, this may likely generate crisis as a cause of indigene-settler dichotomy (Cernea, 1997; Sherbinin et al, 2010). As a result, the local integration process is most of the time denied by the host communities or government (Cernea, 1997). Besides the question of threats, it is also difficult to ascertain the absorption capacity of the host community, the chances for integrating rather than segregating the displaced, as well as sufficient infrastructures and services (UNCHR, 2011). It is notable that in the course of integrating displaced persons locally, the effects of displacement further extends to the host population who receive the former (Cernea, 1997; UNCHR, 2011). The effects could be positive or negative depending on the responses of the resettlement authorities to their welfare and security needs (UNCHR, 2011). If the resettlement authorities undertake adequate measures to provide more infrastructures, social amenities, and services, the integration process might continue successfully; but if on the other hand, the provision of those basic needs is not increased, there is the tendency that tensions and conflict will arise in the course of competition for the available ones (UNCHR, 2011). Hence, such tensions between host communities and displaced Bakassi people could be based on competition for several issues like land, social services, and infrastructures etc. Consequently, the government of Nigeria is expected to recognise that host communities of the Bakassi people are also affected, and as such, governments and resettlement authorities are faced with how to address the issues of land use, social services and infrastructure, complaints and response system, as well as mediation mechanism to douse possible tensions and conflicts (Bank, 2011).

Relocation strategy

The relocation strategy on its part entails the transfer of the displaced persons from either their original place, refugee camp, or host community to a new place not inhabited by any population ab initio (UNCHR, 2011). This strategy requires the resettlement authorities to take adequate measures to allow for a speedy transition to permanent housing and durable solution. However, the relocation strategy has the major challenge of how to access secure and affordable land tenure for resettling the displaced persons permanently (World Bank, 2011). Given the predominance of customary land tenure system in most societies, it is difficult for the

government to access large expanse of land to relocate displaced persons. This in turn limits to a certain extent, the possibility for state authorities to access customary land for public purposes (Bartolome and Danklmaier, 2000).

The relocation strategy is believed to be the most viable resettlement option for the displaced Bakassi persons because it will afford the people opportunities of remaining together as a socio-political community rather than be subjected to social disarticulation. Besides, relocation to a new place without losing their status as a local government unit with various autonomous communities would save them from discriminations associated with indigene-settler dichotomy (UNCHR, 2011)

Authorities and Principles for Resettling Displaced Persons

Irrespective of the resettlement strategy adopted in favour of displaced persons, it is the responsibility of both national and international authorities (national governments or international organisation of states) to provide the welfare and security needs of displaced persons without discrimination from the initial emergency phase until they achieve durable solutions (UNHR, 2011). This follows the fact that all UN member states committed themselves to the human rights standards set out in the UN Charter and the universal declaration on human rights.

However, in the circumstances of internal displacement like the Bakassi people, the primary responsibility of resettling displaced persons falls on the concerned national government (Concern, 2009). But states often show weakness in the protection of displaced persons; as a result, they are not always considered and treated as distinct category of people with specific welfare and security needs based on international standards (UNHR, 2011). In some instances, the complaints of the displacees are not taken into account or consultations; they are often exposed to the dangers of violence and forcibly returned to conditions which violate some vital welfare and security standards (UNHR, 2011). This weak protection of the displaced persons are said to be caused by a number of factors which include:

- (i) Failure to recognise the fundamental and principal responsibility of the state in displacement situations;
- (ii) Resulting weakness in developing and implementing effective programmes and strategies that ensure human rights protection of the displaced persons;
- (iii) Inability of government to allocate the required human and financial resources, complemented by accountability and monitoring mechanisms to find durable solutions.

In circumstances where the state or national government is weak to guarantee the welfare and security of displaced persons, the international community might intervene in forms of international donors, development actors, international governmental and non-governmental organisations etc. But the involvement of all these actors in the resettlement process may not necessarily guarantee the achievement of durable solution due to some reasons like (a) lack of reliable information about the population figures of the displaced persons and their human rights concerns which leads to inadequate preparedness and planning (UNHR, 2011); at times, there is no systematic collection of data on displaced persons or sustained monitoring of their situations and recovery (Dale, 2010); (b) weak authoritarian and uncommitted implementing institutions lacking clear mandate, organisational capacity, and sociological skills to oversee resettlement; (c) the complexities inherent in the resettlement process – with which weak implementing institutions are even less able to deal; (d) Resistance which may even further compromise project capacity (Koenig, 2002). In view of these constraints, it is argued that the best way to overcome the effects is through a more democratic, participatory approach to resettlement planning and implementation (Koenig, 2002). This affective participation involves the ability to influence decisions and proceedings throughout the resettlement process which in turn requires: free flow of information at all stages; a clear set of operating rules that are understood and adhered to by all parties, and; all parties having the skills to operate on equal terms in an open-ended negotiation process where the outcomes emerge from the process (Koenig, 2002). This participatory approach is said to yield returns as genuine participation helps secure consensus, reduces conflicts and delays, as well as makes for more planning and goals (Koenig, 2002).

In other words, the active involvement of the displaced persons in taking and implementing resettlement decisions is highly required to achieve the desired success. As a result, care must be taken to provide a wide range of resettlement and compensation options designed to take account of the diversity of the constituencies within the affected populations.

Meanwhile, the displaced persons need sustainable attention, resources, support, and have rights to be assisted and protected beyond initial emergency phase until durable solution is achieved. Importantly, durable solution can only be achieved if the principles are heeded. These principles that guide the achievement of durable solutions include: first, the principle of free and informed choice with respect to the desired durable solutions; second, the principle of participation which requires the involvement of the displaced persons in the planning and management of their resettlement, and; third, the principle of effective legal structures to regulate

the resettlement processes (UNHR, 2011). The attainment of durable solution through the observance of these principles requires that all stakeholders including national and local authorities as well as humanitarian, human rights and development actors, work together and identify appropriate strategies and activities to assist the displaced persons in the process. The rights of displaced persons to be assisted until they achieve durable solutions are provided for in the UN Guiding Principles on International Displacement, IASC (Inter-Agency Standing Committee) Framework on Durable Solutions for Displaced persons, IASC Operational Guidelines on the Protection of Persons in situations of natural disaster, and the World Bank's Guidelines on Resettlement. The principles provide guidance to international representatives on displaced persons; states faced with the phenomenon of displacement; authorities, groups and persons in their relations with displaced persons; and intergovernmental and non-governmental organisations when addressing issues of displacement (UNOCHA, 2004). The provisions of these guidelines may be mainly categorised into the participation, welfare, and security related principles.

The participation related principles provide for the involvement of displaced persons in planning and implementing their resettlement, community affairs, and political activities (UNOCHA, 2004). Some of the principles are:

- i. The consultation and information sharing of the displaced persons in the resettlement process to enable them make informed and voluntary decisions on issues affecting their lives, including decisions on where to live;
- ii. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, it is expected that: adequate measures shall be taken to guarantee that those to be displaced have full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; there should be free and informed consent of those to be displaced for developmental issues; the authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation, as well as the distribution of basic supplies;
- iii. Measures shall be provided for all affected communities including host communities to facilitate the absorption capacity of identified communities; integration of the displaced persons rather than segregation, and; availability of sufficient infrastructures and services;
- iv. They shall have rights to associate freely and participate equally in community affairs;
- v. Displaced persons shall have the rights to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise the rights;

The provisions of the welfare-related principles border on the conditions affecting the economic, social, health, and educational needs of the displaced persons; they include that:

- i. States are under obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on, and attachment to, their lands.
- ii. Property and possession left behind by displaced persons should be protected against destruction, as well as arbitrary and illegal appropriation, occupation or use.
- iii. Competent authorities have the duty and responsibility to assist returned and/or resettled displaced persons to recover to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.
- iv. All displaced persons have the rights to an adequate standard of living. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide displaced persons with, and ensure safe access to essential nutrition and portable water; adequate accommodation (basic shelter and housing); appropriate clothing; as well as essential medical services and sanitation;
- v. Displaced persons have the right to freely seek opportunities for employment and to participate in economic activities;
- vi. Members of the same family should not be separated;
- vii. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence; seek safety in another part of the country; leave their country; seek asylum in another country, and be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk. Thus, they shall not be interned or confined to a camp; if in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
- viii. Displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of: (a) the right to freedom of thoughts, conscience, religion or belief, opinion and expression; (b) the right to communicate in a language they understand.

- ix. All wounded and sick displaced persons as well as those with disabilities shall receive to the fullest extent practicable, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, displaced persons shall have access to psychological and social services. Also, special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses. Similarly, special attention should be given to the prevention of contagious and infectious diseases, including HIV/AIDS, among displaced persons.
- x. The authorities concerned with the resettlement of displaced persons shall ensure that such persons especially displaced children, receive free and compulsory education at least at the primary level. The education should respect their cultural identity, language and religion. Special efforts should also be made to ensure the full and equal participation of women and girls in educational programmes. Consequently, education and training facilities shall be made available to displaced persons as soon as conditions permit.

The Security-related Principles identified the rights that can guarantee the legal and physical protection of displaced persons in all phases of displacement. They provided for protection against arbitrary displacement, and set forth guarantees for safe return, integration, and relocation (UNOCHA, 2004). The principles include:

- i. Given that everyone has right to recognition everywhere under the law, the authorities concerned shall issue to displaced persons, all document necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement to women and men in their own names, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
- ii. Displaced persons have the right to request and to receive protection from the authorities responsible for their security; and they shall not be persecuted or punished for making such a request.
- iii. Given that every human being has the inherent right to life which shall be protected by law, displacement shall not be carried out in a manner that violates the rights to life, dignity, and security of those affected; as a result, they shall be protected in particular against genocide, murder, summary or arbitrary execution, and enforced disappearance including abduction or unacknowledged detention and threatening resulting in death.
- iv. Attacks or other acts of violence against displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances; displaced persons shall be protected in particular against: starvation as combat technique; being used as shield to gain military advantage; direct or indiscriminate attacks or any other acts of violence, and; attacks in their camps or settlements.
- v. Given that every human being has the right to dignity, physical, mental and moral integrity, displaced persons shall be protected in particular against (a) rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault; (b) slavery or any contemporary form of slavery such as sale into marriage, sexual exploitation, or forced labour of children; and (c) acts of violence intended to spread terror among displaced persons.
- vi. Given that every human being has the right to be protected, no one shall be subjected to arbitrary or discriminatory arrest and detention as a result of displacement. In the same vein, on no account should displaced persons be taken hostage.
- vii. In no circumstances shall displaced persons especially children be recruited nor be required or permitted to take part in hostilities.
- viii. All displaced persons have the right to know the fate and whereabouts of missing relatives through the concerned authorities; the authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully in protected graveyards.

In order to guarantee the successful adherence to the foregoing principles, the authorities responsible for the resettlement of displaced persons are required to put effective and accessible monitoring, complaint and response systems in place, to ensure that conditions on ground comply with international human rights standard in relation to their welfare and security (UNCHR, 2011).

II. Conclusion

The challenges faced by displaced persons constitute serious concern not just for the affected persons but also for the host communities; as well as the national governments and the international community. Hence, the successful resettlement of displaced persons requires the concerted efforts of all relevant parties especially in terms of choosing the principles and strategies to be adopted in the process. In essence, if the displaced Bakassi

people must be properly resettled to avoid any crisis that could arise from indigene-settler dichotomy, there is need to adopt a more inclusive participatory approach that would collectively involve the displacees, the local, state, national governments as well as some relevant actors in the international community.

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