

CHAPTER ONE

Introduction

We have long been aware of refugee flight and asylum seeking in Western countries occurring against the backdrop of international armed conflict and civil war. The provision of humanitarian assistance and protection to displaced populations has been under constant scrutiny with a general acceptance that while the delivery and effectiveness of material aid is improving there remain serious gaps in on-the-ground protection combined with slow progress towards genuine conflict resolution and longer term rehabilitation. This situation is worsened by inconsistent funding and the politicisation of humanitarian aid that threatens to undermine the cooperation upon which it depends. By means of comparison with the ‘non-conflict’ humanitarian challenges discussed in this volume, we devote some time in the following chapters to assessing continuing efforts to reform the humanitarian system and to address those shortcomings through better institutional coordination and a genuine widening of responsibility to nongovernmental groups and organisations that are well positioned to assist in humanitarian work and to achieve better targeting of donor assistance.

While media coverage of humanitarian responses is fairly extensive, there is far less awareness of population displacement and the responses to it, occurring and largely remaining within the developing and fast industrialising world, but which is not a direct consequence of armed conflict. Such displacement, often misleadingly termed ‘non-conflict displacement’, is largely beyond the remit of the UN-led humanitarian reform process and its agencies except in those circumstances where streams of displacement, both conflict and non-conflict, intersect. An illustration of this is the so called asylum–migration nexus¹ which recognises that people fleeing persecution and conflict often share their flight and the vulnerabilities this entails with people who are traditionally termed economic migrants pursuing opportunities beyond the shores of their own countries. Most graphically, these mixed types of movements grasp

media headlines where overcrowded boats make landfall on Mediterranean shores at the height of summer and thus assume the proportions of a humanitarian event. The United Nations High Commission for Refugees (UNHCR), under its High Commissioner Antonio Guterres, acknowledges that such movement poses difficult challenges to the world's refugee agency which has a narrow mandate to protect people fleeing persecution and that in order to fulfil that mandate the organisation must now confront the realities of globalisation and respond to the protection needs of 'people on the move' even where they include non-refugees.

This volume makes a contribution to better understanding this modern phenomenon – though Elizabeth Colson (2007) prefers to describe such movement as a 'process' rather than a phenomenon – of 'non-conflict displacement': in the context of state-led economic development and private development; as a result of environmental change and natural disasters; and that which is politically motivated. The term 'non-conflict' is used to describe displacement which occurs outside of formally declared armed conflict as recognised in international humanitarian law. The distinction is made because there is a fundamental difference in the way law provides protection for, and the international community through its international institutions responds to, complex forced displacement emergencies in formal conflicts as opposed to non-declared or non-recognised emergency situations, the clear inference being that in the latter there are protection and humanitarian needs that may be similar to armed conflict situations – effectively people find themselves in a refugee-like situation experiencing similar human rights violations – but which are not being adequately acknowledged or addressed. Furthermore, such displacement emergencies consistently avoid international scrutiny and leave populations dangerously exposed to the actions of states that hide behind the too rarely challenged veil of sovereignty. This point was most graphically illustrated in the aftermath of Cyclone Nargis in Burma in 2008 when the ruling junta refused to permit the delivery of essential international aid, citing claims to sovereignty and suspecting political motives on the part of Western governments with the effect of endangering the lives of many tens of thousands of people. The term 'non-conflict' may also be considered misleading because all displacement, whatever the underlying or proximate causes, is embedded in conflict: conflict between individuals and the state, between people and the environment, within displaced communities, and between displaced communities and with those among whom they settle. Displacement, at its most rudimentary, is principally a conflict

between the powerful and the powerless and the inability of the law, the state and its institutions and, importantly, international bodies to protect the latter against the former and to address underlying structural inequalities and historical disputes.

For many it will be unsatisfactory to make such a generalisation about what are very divergent phenomena or processes. Displacement taking place as a result of natural disasters is very different to deliberate forced evictions by a political leadership determined to hang on to power at all costs. Creeping desertification and the resultant loss of productive land and other resources essential for building livelihoods generates population displacement that is very different to the forced relocation of people to make way for a mega dam or an urban highway. And in the case of climate change the displacement effects are only now being modelled and there are many uncertainties related to our technical ability to better manage, for example, sea level rise or resistance to erratic weather in order to avoid or minimise displacement. Where displacement is predicted as inevitable, such as following the submergence of low-lying islands or populated coastal strips, the feasibility of anticipatory population resettlement is only now being discussed.

While we acknowledge, therefore, that displacement takes many forms, as do the responses to it, this volume suggests there are significant similarities in these divergent displacement experiences to justify the intellectual task of examining them in the round. It is also argued that these similarities strongly support the case for strengthening ongoing efforts to firmly embed the UN Guiding Principles on Internal Displacement as the international standard to guide governments as well as international humanitarian and development agencies in providing humanitarian assistance and protection to displaced people with a minimum aim to at least match the levels of protection and international concern that in theory guide responses to armed conflict emergencies. This is a tall order because, as we later describe, there are states who are resistant and fearful of what they regard as yet more international intrusion into sovereign matters, and who would need to be persuaded of the value of human rights-based Guiding Principles which place the world's development, environment, natural disaster and political fiat-displaced on the same stage as conflict-displaced people. According to them the same levels of legal protection would recognise the common vulnerabilities that all displacement creates particularly for those most marginalised in society. Indeed, recent initiatives such as the African Union draft protocol on displacement and the Protocol on Protection and Assistance to

Internally Displaced Persons adopted by member states of the International Conference on the Great Lakes Region may yet serve to trigger the next stage in the acceptance of the Principles as a 'convention by any other name' by spawning new binding instruments that oblige states to incorporate the provisions of the Principles into their domestic law and which as a consequence would see states voluntarily giving up fractions of their sovereignty. There are, however, many obstacles which would need to be overcome in order for this position to be reached and we address these with a particular focus on the contentious challenge of development-created displacement and involuntary resettlement.

This study is aware of the conceptual and definitional difficulties that arise when trying to conceive of displacement as a single phenomenon. For this reason Chapter Two examines the unsatisfactory lexicon of terms used to describe people who have been forced against their will to abandon their homes and familiar surroundings and lose their source of livelihood as a result of external events over which they have insufficient control. Like others who have examined this mainly officially-derived set of terms, we note the very real human impacts of the political and administrative use of terms or labels when they serve to set limits on people's entitlements and set them apart as 'people of concern' not only to legally constituted agencies with mandates to help, but also in society where they are often perceived as a threat and a cause of instability. This is true both within their countries of origin as well as in a different country, as refugees or migrants are singled out for blame and, seen most starkly in South Africa in 2007 and 2008, for physical harm. This official and socially institutionalised labelling has developed over time as layers of policies, new laws and mandates embed difference and create distinct classes of citizens where displacement becomes an obstacle to the realisation of the full rights of citizenship. However, and related to the humanitarian reform process, a range of human rights initiatives mean the problems posed by rigid demarcations are being rethought. Increasingly it is acknowledged that displacement, while generating protection and humanitarian needs, is a symptom of deeper underlying structural problems. It is further acknowledged that a displacement-driven humanitarian focus is too narrow. The displaced may be the most visible victims, and may be the most accessible (but not always) and amenable to humanitarian aid, but there is more likely to be as much if not greater need among those who are not displaced but are rather trapped in situations of escalating violence. There are dangers, of course, that directing assistance on the basis of need, as the International Committee of the Red Cross (ICRC) advocates, rather

than on the physical fact of displacement, may cause the pendulum to swing too far in the other direction at a time when the number of people internally displaced by conflict is rising and their situation is worsening. These are the kinds of discussions taking place in the corridors of the Palais des Nations in Geneva and shaping funding decisions of the main Western donors. The commonly understood definition of displacement as physical uprooting is also criticised for positing a botanic understanding of the human condition as rooted in one place and identifiable in that place as opposed to a more nomadic understanding acknowledging movement as a fundamentally human characteristic. From part of the displacement literature, specifically that dealing with involuntary resettlement studies, displacement is understood as being alienated from physical, social and cultural resources essential to maintain a life and livelihood of choice which may be the fate of people who remain in the same location as a result of actions taken by others to deny access to those resources and is not necessarily linked to relocation.

There will be further concern that the catch-all of ‘non-conflict displacement’ assumes equivalence between displacement events that is overly reliant on our experiences of refugee flight over the past sixty years and, in seeking solutions from the same shelf of operational and legal options that has governed the refugee regime, risks the replication of some of the same mistakes or watering down of the hard-won protections for refugee populations. There is a danger of contriving equivalence most notably in the journalistic shorthand of ‘development refugees’ and ‘climate refugees’. For this reason, and throughout this volume, we go to some lengths to carefully prise apart the complex causalities that generate displacement in the separable domains of planned economic development, natural disasters, environmental change including climate change, and situations of unstable peace where instability does not reach the legal threshold of armed conflict. Through an examination of the literature we seek also to understand the similarities of outcomes for displaced populations. Further we examine the policy and legal frameworks within which people’s rights and entitlements are defined and which govern the types and quality of assistance they can expect to receive.

Chapter Three develops further a theme of the volume which is the need for definitional clarity when discussing ‘global displacement’ by examining ongoing attempts at capturing and explaining its scale. We explain that achieving an accurate count of the worlds displaced is inherently difficult because populations are fluid, because circumstances are not conducive to robust and verifiable census

methodologies and because governments, humanitarian agencies, civil society and the media will occasionally use numbers that best support a set of arguments or a funding call rather than striving for accuracy. The Internal Displacement Monitoring Centre (IDMC), which is part of the Norwegian Refugee Council (NRC) and based in Geneva, has made enormous strides in the rigorous collection, collation and presentation of the scale of internal displacement in conflict situations and has successfully initiated a reconsideration of how UN agencies define and count displacement for their own purposes. However, based on this chapter's survey of existing data sources for displacement in the domains that principally concern this study – development, political instability, natural disasters and environmental change – definitional confusion remains coupled with politicised data gathering and alarmist presentation producing unreliable statistics that cloud rather than clarify policy making and public understanding. The chapter picks its way through available data sets and seeks to explain discrepancies including both underestimations of the scale of displacement (common to planned development schemes and forced evictions) and overestimations (which is an emerging problem with the climate change literature). It is argued that there is a need for the more systematic monitoring and analysis of these fast changing non-conflict displacement domains.

The governance and management of 'non-conflict displacement' is discussed in Chapter Four with a focus on the evolution of the Guiding Principles on Internal Displacement. We explore the process around the Principles spearheaded by the Brookings Institution and the Special Representative of the UN Secretary General on the Human Rights of IDPs and their role as the springboard for regional and national legislation aimed at addressing the so called protection deficit: that is, a deficit in existing laws to prevent displacement and protect internally displaced persons, as well as a deficit in actual practice to deliver protection and humanitarian assistance. The human rights foundations and scope of the Principles are described and their implications for national governments and for global agencies charged with upholding international agreements on protection are also considered. The provisions of the Principles are compared with other displacement management policies, specifically those advanced by the World Bank and the Asian Development Bank (ADB) (and incorporated by the Western Development Assistance Countries) in their own operational directives governing the uprooting and resettling of people as a result of development-justified land acquisition financed with Bank loans and grants. This comparison is returned to in the Conclusion where ideas

are presented for incorporating some of those Principles into new laws governing land acquisition and involuntary resettlement to radically improve the protection of individuals and communities displaced through development interventions. The Chapter further examines the evolving cluster approach as one aspect of ongoing humanitarian reform and considers what the new approaches might mean for non-conflict displaced people by assessing the challenges such reforms seek to overcome. An important element of this is the reworking of the basis upon which international agencies work with national governments and how any reframing of that relationship may open the door to a broader engagement on displacement issues. It is not suggested, as discussed in the concluding chapter, that a UN humanitarian-led approach is necessarily the best approach for all displacement challenges. However, it is clear that climate change, if predictions are correct, demands unprecedented levels of international cooperation (as well as regional cooperation) to ‘manage’ its migration and displacement impacts and the current reform process, though very modest, may be a step towards a shared vision and the means of achieving it.

Chapter Five focuses on the deliberate and planned displacement of populations occurring as a result of political and economic decisions designed to accelerate modernisation and industrialisation. It concentrates on India and China, both fast-industrialising countries where the respective governments are acquiring or permitting the private sector to acquire vast areas of rural and large areas of urban land for development and economic projects requiring the involuntary resettlement of many millions of people annually. The chapter describes the different ways in which land is acquired and resettlement is governed and managed in India and China by drawing on a recent ADB technical assistance project in which McDowell participated. It describes the challenges involved in acquiring land and resettling and compensating individuals, households and communities; the complexity of the challenges often proves too great for policy makers and administrators resulting in the impoverishment and social and political marginalisation of those resettled. This analysis is important because it is in the domain of development-created displacement, the authors would argue, that we best understand important aspects of the politics of displacement in non-conflict settings, and the huge socio-cultural and economic impacts displacement and resettlement have on all populations affected, but particularly on vulnerable and minority populations. It is also the domain in which non-binding but widely accepted guidance on displacement and resettlement, and national laws governing resettlement are at their most sophisticated. That is not

to say they are always effective or well implemented: they are not and this is discussed further in the Conclusion, but technical issues relevant to displacement and resettlement in other domains (related to climate change or natural disasters for example) around asset valuation, compensation, prior informed consultation, cultural heritage loss and other important issues are being researched and thought through in policy making and accountability procedures such as the Inspection Panel of the World Bank with considerable relevance to the overall population-displacement challenge.

In Chapter Six we turn our attention to environmental and climatic change creating conditions that are widely predicted to lead to changes in human settlement including increases in human displacement, migration and relocation. The Chapter explores the literature that debates observed or predicted linkages between changes in the environment and displacement outcomes, specifically drawing on environmental migration research which cautions against making direct causal connections between complex change events (desertification, land degradation, drying rivers or natural disasters) and a human or societal response. It is found that environmental change is never a single event but rather occurs as a result of numerous factors and processes (environmental and economic) over many time scales, while the individual or household response is varied and shaped by a range of economic and ecological circumstances, not to mention support from governments to overcome external shocks. The findings of the Intergovernmental Panel on Climate Change (IPCC) are considered in the context of this knowledge as is the scope for avoiding or mitigating the worst human impacts of change. The possibility of the large-scale resettlement of populations from uninhabitable areas is also raised.

Chapter Seven explores displacement taking place in those 'grey zones' of political violence that do not (yet) reach the threshold of armed conflict as recognised in international law. It is in this domain that the 'non-conflict' label hangs most uncomfortably. The point being made, however, is that in the situations we describe, such as in Zimbabwe from 2005 to 2008, ongoing clan-based violence in East Africa's Karamajong or the clearance of entire villages in Burma for economic and political gain, such violence and the displacement it creates is a core human rights and development priority (and increasingly a security priority) but one that consistently evades international scrutiny or meaningful intervention, leaving its victims prone to human rights violations and continuing state repression. The chapter links these instances of political violence and societal instability to the processes of environmental change discussed in Chapter Six to

examine the correlation of risks related to the impacts of climate change to conflict and forced displacement. It further considers, by drawing on the situation in Cambodia, the coming together and increasing severity of different types of displacement and the detrimental cumulative impact on livelihoods and aspects of human security, particularly for the rural poor. In this way it opens an analysis of the structural processes that contribute to rural insecurity as both contributing causes and consequences of increased displacement and vulnerability to future displacement. Evidence would suggest that displaced people enter a cruel cycle in which an ability to resist multiple and sequential displacement is reversed with the result that the same people at different times may become conflict IDPs, international refugees, returnees, only to become displacees once again, development evictees, and then homeless as a result of natural disasters or land degradation. Researchers working among Zimbabweans displaced by local violence against migrants in mid-2008 for example found that some were earlier victims of Operation Murambatsvina and for whom a future of displacement looked certain as their vulnerabilities and inequalities increased.

In the final chapter of the volume we bring out the main findings of the study which are clustered around impoverishment as a shared outcome of the displacement types we have examined and, related to this, the human rights vulnerabilities that displaced people confront. We then make some policy and operational recommendations to elevate levels of protection and improved responses to the needs of the rising number of so called 'non-conflict' displaced people with a particular focus on development-created displacement for the reasons previously discussed in this introduction.

Notes

1. It is not clear where this term was first used, yet it has since been employed and tested regularly (Castles and Loughna 2002, van Hear 2004, Papadopoulou 2005, UNHCR 2006).