

The Human Rights Challenge of Resettlement in Conflict Areas



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Resettlement and Human Rights

- Resettlement is a **high-risk activity from a human rights perspective** given the potential for adverse impacts on a wide range of rights.

Human Rights	Resettlement Risks
Right to own property	<ul style="list-style-type: none">• Inadequate or inequitable compensation for land value• Inadequate opportunities to provide replacement lands rather than cash compensation
Right to an adequate standard of living	<ul style="list-style-type: none">• Inadequate compensation for resources on the property that contribute to household income• Inadequate opportunities to provide replacement lands rather than cash compensation• Risks related to long-term livelihood restoration, particularly with respect to agricultural and other land-based livelihoods
Right to adequate housing	<ul style="list-style-type: none">• Inadequate compensation for and/or replacement of housing• Lack of clarity about responsibility for maintenance of replacement housing over time
Right to food	<ul style="list-style-type: none">• Inadequate replacement of lands and agricultural activities that contribute to a household's food security
Rights to water and sanitation	<ul style="list-style-type: none">• Risks related to access to and quality of water and sanitation infrastructure after resettlement• Lack of clarity about responsibility for maintenance of water and sanitation infrastructure over time
Right to health	<ul style="list-style-type: none">• Risks related to access to health care facilities after resettlement, either because of lack of physical accessibility in new location and/or financial accessibility if livelihoods are not adequately replaced
Right to education	<ul style="list-style-type: none">• Risks related to access to schools after resettlement, either because of lack of physical accessibility in new location and/or financial accessibility if livelihoods are not adequately replaced

Resettlement and Human Rights

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Human Rights	Resettlement Risks
Women's rights	<ul style="list-style-type: none">• Women are particularly vulnerable to impacts from resettlement, as they often have less influence than men in decisions about property, less control over compensation obtained for property, and more responsibility for maintaining the household
Children's rights	<ul style="list-style-type: none">• Children are particularly vulnerable to resettlement impacts, which may disrupt their education and cause deterioration of their family and household situation
Rights of persons with disabilities	<ul style="list-style-type: none">• People with disabilities are vulnerable during relocation and require special consideration when designing replacement housing and/or ensuring that they have adequate access to services in their new location
Rights of migrant workers and their families	<ul style="list-style-type: none">• Migrants often do not have the same legal rights to land as citizens, so they may be disqualified from compensation and/or replacement lands and housing
Rights of indigenous peoples	<ul style="list-style-type: none">• Indigenous peoples are vulnerable to impacts on collective lands, sacred sites, traditional livelihoods and culture
Rights to information and participation	<ul style="list-style-type: none">• Risks that there is inadequate consultation about legal entitlements, and inadequate participation of affected stakeholders in all aspects of resettlement planning
Right to access to effective remedy	<ul style="list-style-type: none">• Risk that an effective grievance mechanism will not be put in place to proactively resolve complaints about valuation and other aspects of resettlement

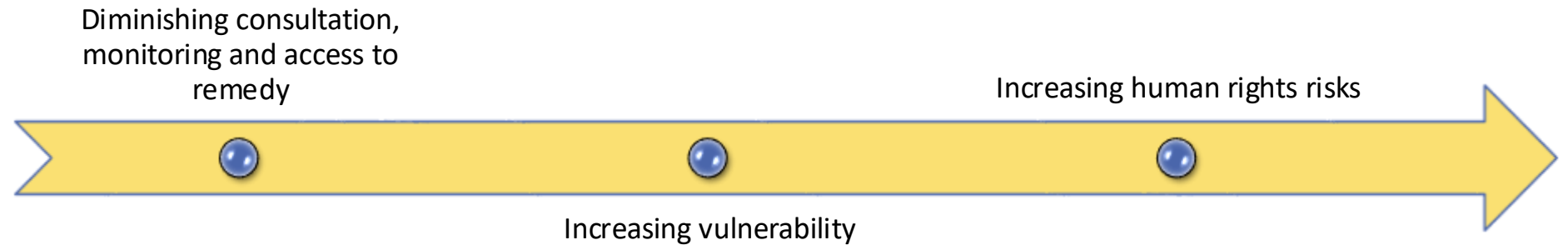
Increased Risks in Conflict Situation

Resettlement Risks

- Landlessness
- Homelessness
- Joblessness
- Food insecurity
- Loss of access to resources
- Reduced social cohesion
- Reduced psychological well-being

Conflict Risks

- Reduced community health, safety and security
- Destruction of infrastructure
- Disruption of livelihood activities
- Increased competition for diminishing resources due to influx and IDPs
- Demobilization of service providers
- Death or disappearance of PAPs
- Weakened governance and rule of law



Examples of Impacts

PAPs killed,
harmed and
displaced in the
middle of
traditional
armed conflicts

PAPs killed,
harmed and
displaced in the
middle of
conflicts
involving non-
state actors

Increased
gender-based
violence

Harassment of
PAPs by security
forces

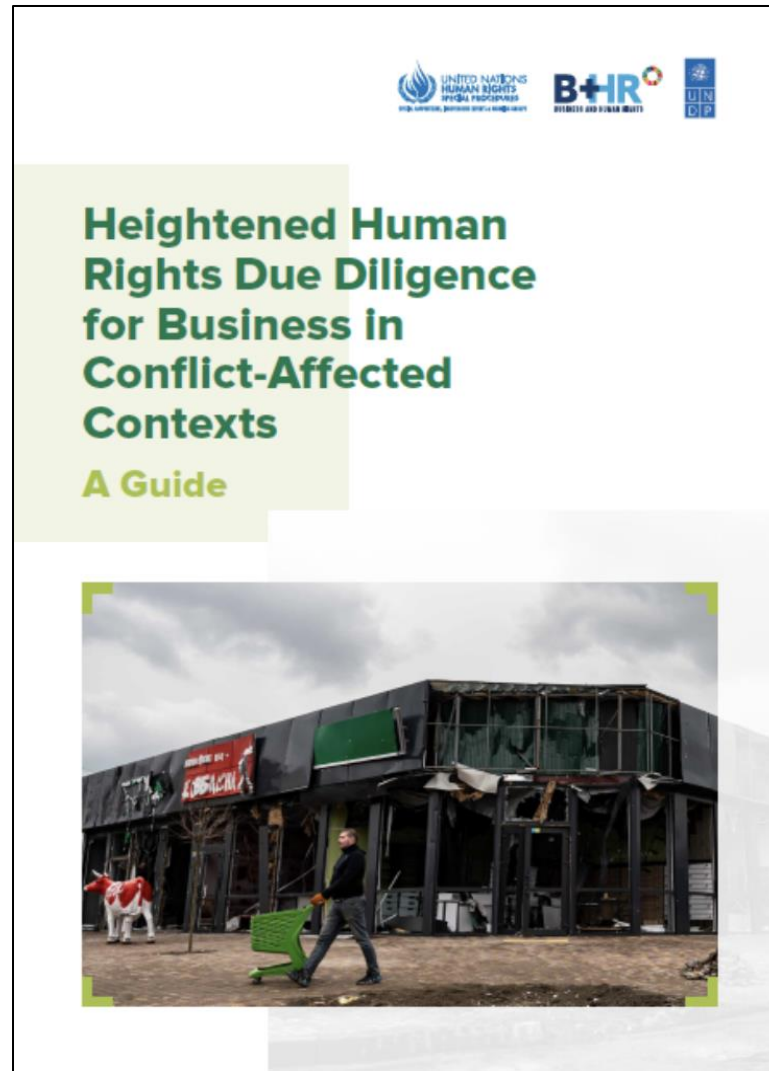
Intensified
conflicts
between
artisanal and
small-scale
miners and
industrial
miners due to
conflict
displacement

Conflict
between
internally
displaced
people and local
cooperatives in
agricultural
supply chains

Delayed
implementation
of RAPs and
LRPs due to
project
suspension

Heightened Human Rights Due Diligence

- International expectations are increasingly clear that companies must conduct **"heightened human rights due diligence"** in conflict and high-risk areas—which should include a company's resettlement activities



Heightened HRDD in Conflict Areas

- Greater focus on potential impacts of business on the context as part of the human rights risk and impact process
- Engagement with a greater range of stakeholders, including conflict specialists and organizations involved in peacebuilding and reconciliation
- More capacity-building with internal actors about conflict sensitivity and the need to use leverage to reduce potential impacts on conflict

In short, heightened human rights due diligence means identifying potential and actual impacts on people (human rights) as well as on the context (conflict).

Shifting Association with Impacts

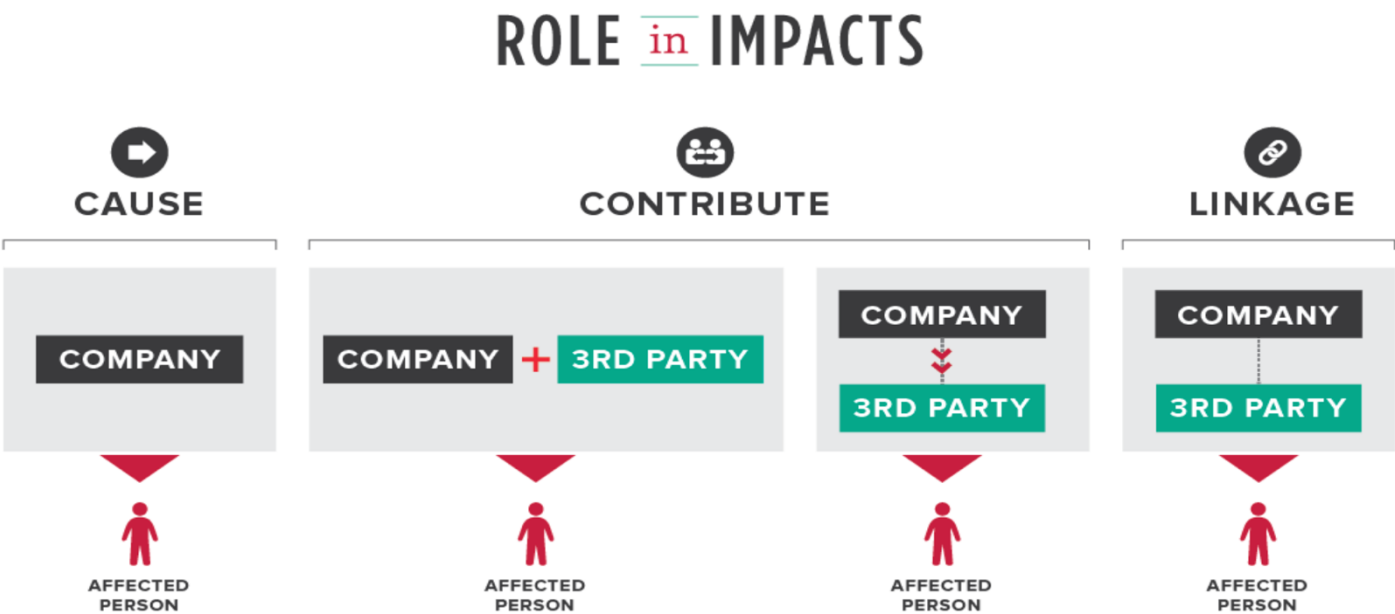


Image courtesy of Shift

Companies typically cause or contribute to human rights impacts related to resettlement

In conflict situations, the corporate responsibility for impacts tends to shift towards contribution and direct linkage

Challenges

- Responsibility tends to shift towards using their leverage to catalyze actions related to peacebuilding and reconciliation with governments, multilateral actors and civil society—which isn't an easy or familiar role for companies.
- Relationships with public and private security forces become more important for protection of project affected people. This requires strong implementation of security and human rights frameworks like the Voluntary Principles on Security and Human Rights—which may be harder to do in conflict situations.
- Due to displacement of populations, it often becomes much more difficult to understand who are the project affected people and to maintain engagement and communication with them.
- Implementation of various programmes (compensation, replacement housing, livelihood restoration, transitional supports, etc.) that serve to remediate resettlement impacts are often interrupted—leaving project affected people with past impacts that are compounded by the additional impacts of conflict.
- In some cases, companies will need to consider responsible exit strategies due to conflict. However, their responsibility to remediate the past resettlement impacts cannot be abandoned.

Lessons Learned

- Practitioners and companies need to incorporate conflict assessment and sensitivity in risk and impact assessment processes much more systematically and earlier in areas at risk of conflict
- Community health, safety and security and emergency preparedness for resettled communities needs more attention in development of resettlement action plans in areas at risk of conflict
- Working with strong local partners—including civil society organizations—for resettlement planning, implementation and monitoring is very useful and important for maintaining communication and support for project affected people if conflict emerges
- Importance of robust grievance mechanisms—ideally with involvement of independent experts and/or community representatives—that can provide credible and trusted channels for reporting and resolving impacts
- Potential and risks of AI for heightened human rights due diligence: potential for supporting integration of conflict analysis in earlier risk and impact assessment; risks of misinformation and bias in conflict settings



Let's continue the conversation!

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