



# FORCED MIGRATION AND DISPLACEMENT: A CONCEPTUAL FRAMEWORK FOR EXPLAINING THE IMPACT ON WOMEN AND THE ROLE OF LAND MANAGEMENT

Jacob Adejare Babarinde<sup>1</sup>

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## Abstract

*This paper develops a conceptual framework for utilising land management tools to mitigate the adverse impacts of forced migration on women. The author combines secondary and primary data with his land management experience in Africa, Europe and North America to develop a set of recommendations that respect international guidelines for sustainable resettlement of IDPs. Given the strategic position of women in the society as educators, managers and conservers of environmental resources, the author argues that women are better-positioned than men to be drivers of sustainable development. Women and children constitute about 80% of the world's refugees and internally displaced people, and they are therefore well-placed to positively impact livelihoods in troubled communities. If women in such troubled areas can be empowered through inclusiveness, education, access to land and secure tenure, they will be more than capable of positively turning things around for the speedy restoration of good life to battered communities.*

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**Key Words:** *Forced Migration, Displacement, Internally Displaced Persons, Women, Land Management*

The Journal of Internal Displacement (JID), established July 2009, is the only scholarly journal committed to all displacement concerns worldwide. Thanks to the generous voluntary contribution from the advisory board and editorial team - manuscript submission, peer-review and publication of the JID is **FREE OF CHARGE**. The JID does not charge authors to submit articles.

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**Subscription:** JID is a Free Open Access Journal

**Archives:** <http://journalinternaldisplacement.webs.com/archives.htm>

**Submission (January 2014 Edition):** <http://journalinternaldisplacement.webs.com/submission.htm>

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**DISCLOSURE:** Opinions expressed in this article are those of the author and not necessarily those of the Journal of Internal Displacement and its editorial team.

**DATE of ACCEPTANCE:** This manuscript was submitted on 15 October 2013 and accepted for publication on 17 November 2013.

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**CONFLICT OF INTEREST:** The author has indicated that he has no conflict of interest and/or financial relationship related to this article to disclose.

# **FORCED MIGRATION AND DISPLACEMENT: A CONCEPTUAL FRAMEWORK FOR EXPLAINING THE IMPACT ON WOMEN AND THE ROLE OF LAND MANAGEMENT**

**Jacob Adejare Babarinde, PhD**

## **Introduction**

The purpose of this paper is to build a theoretical structure of realistic assumptions, principles and rules that provides practicable ideas for explaining the role of land management in mitigating the adverse impacts of forced migration and internal displacement on women. Forced migration and internal displacement of people in various parts of the world may be attributable to a number of reasons: (i) international and internal armed conflict, (ii) deliberate policy (such as the use of the power of eminent domain) or practice of arbitrary displacement, and (iii) communal, political and criminal violence (IDMC, 2012). The problem, if not well managed, may seriously lower the UNDP's Human Development ranking and sustainability of any country. This paper is an attempt to explore the impact on women of forced displacement and the implications on sustainable resettlement of internally displaced persons. The central thesis of this paper is that women have a critical role to play in sustainable forced migration because they form the majority of the world's poor, have a crucial role as educators, and are naturally regarded as users, managers and conservers of environmental resources (UNFPA, 2012).

Based on the special relationship between women and the environment, this paper adopts a conceptual framework that integrates the various attributes of land management and development with women participation in promoting sustainable human livelihoods and resettlement. The rationale for this approach lies in the fact that sustainable land-based integration is the only enduring panacea for reversing the risks of internal displacement, including impoverishment, landlessness, homelessness, joblessness, food insecurity and community disarticulation. In terms of scope, internally displaced persons exclude refugees who are forced to migrate from one country to another in search of a new and peaceful place they can call a home.

## **Nature and Scale of the Problem**

It has been estimated that 80% of the world's refugees and internally displaced people (focus of this paper) are women and children who are also highly vulnerable in their temporary resettlement camps (<http://www.minister.immigration.gov.au/media/kl/2013/kl2045529.htm>, 06 August, 2013). As of the end of 2012, the total number of people internally displaced by armed conflict, generalised violence and human rights abuses worldwide was estimated to be 28.8 million which represents an increase of 2.4 million on the previous year (2011), and is the highest figure that has ever been recorded (IDMC 2012).

The figure also reveals that about 6.5 million were newly displaced, almost twice as many as the 3.5 million recorded in 2011. The increase was attributed to new large-scale population movements in several countries in Africa and the Middle East, with the conflicts in Syria and the Democratic Republic of Congo (DRC) constituting almost half of the new displacements. These two countries contributed 2.4 million and 1 million displacements respectively, while about 500,000 people fled their homes in both Sudan and India (IDMC, 2012).

The rising figures for both overall and new displacement are consistent with the rise in the spate of violent conflicts around the world (IDMC, 2012). For example, Africa experienced more highly violent conflicts in 2012 than at any other time since 1945. One grievous implication of these high figures is their adverse impact on the UNDP's Human Development Index ranking of countries according to their level of development based on the

population's life expectancy, literacy, educational achievement and gross domestic product (GNP) per capita. According to the UNDP, countries with a Human Development Index (HDI) ranking of up to 85 are considered highly developed, while those with a ranking between 128 and 187 are the least-developed countries in the list. A few countries are not ranked. It may be inferred that the higher the incidence of displacements in a country, the lower the country's Human Development Index ranking, all things being equal (Table 1).

**Table 1: Internal Displacements Worldwide and Affected Countries' HDIs, 2012**

S/No	Country	# of IDPs	2012 HDI	% Change in HDI	HDI Ranking
1	Mexico	160 000 (circa)	0.775	0.59	High
2	Colombia	4 900 000 - 5 500 000	0.719	0.75	High
3	Peru	150 000 (circa)	0.741	0.73	High
4	Serbia	225 000 (circa)	0.769	0.49	High
5	Kosovo	18 000 (circa)	n/a	n/a	n/a
6	FYR Macedonia	600 (circa)	0.74	n/a	High
7	Bosnia and Herzegovina	103 000 (circa)	0.735	n/a	High
8	Cyprus	Up to 210 000	0.848	0.41	Very High
9	Occupied Palestinian Territory	144 500	0.67	n/a	Medium
10	Libya	Up to 50 000	0.769	n/a	High
11	Chad	90 000 (circa)	0.34	1.32	Low
12	Senegal	20 000 – 40 000	0.47	1.25	Low
13	Mali	227 000 (at least)	0.344	2.04	Low
14	Cote d'Ivoire	40 000 – 80 000	0.432	0.81	Low
15	Central African Republic	132 000 (circa)	0.352	1.5	Low
16	Republic of the Congo	Up to 7 800	0.534	0.86	Low
17	Democratic Republic of Congo	2 700 000 (circa)	0.304	2.19	Low
18	Angola	Up to 20 000	0.508	2.56	Low
19	Sudan	2 230 000 (at least)	0.414	1.08	Low
20	South Sudan	240 000 (at least)	n/a	n/a	Low
21	Burundi	78 800 (circa)	0.355	2.31	Low
22	Uganda	30 000 (circa)	0.456	1.65	Low
23	Kenya	300 000 (circa)	0.519	1.24	Low
24	Somalia	1 100 000 - 1 360 000	n/a	n/a	Low
25	Eritrea	Up to 10 000	0.351	n/a	Low
26	Yemen	385 000 (circa)	0.458	1.66	Low
27	Lebanon	44 600	0.745	n/a	High
28	Syria	3 000 000 (at least)	0.648	0.7	Medium
29	Iraqi	2 100 000 (at least)	0.59	n/a	Medium
30	Indonesia	Up to 170 000	0.629	1.28	Medium
31	Sri Lanka	93 000 (at least)	0.715	0.76	High
32	The Philippines	4 001 200* (at least)	0.654	0.58	Medium
33	Myanmar	450 000 (at least)	0.498	2.23	Low
34	India	540 000 (at least)	0.554	1.5	Medium
35	Pakistan	758 000 (at least)	0.515	1.74	Low
36	Afghanistan	492 000 (at least)	0.374	3.91	Low
37	Kyrgyzstan	Up to 164 000	0.622	0.56	Medium
38	Russian Federation	20 000 (at least)	0.788	0.84	High
39	Azerbaijan	Up to 600 000	0.734	n/a	High
40	Armenia	Up to 8 400	0.729	0.98	High
41	Georgia	Up to 280 000	0.745	n/a	High
42	Turkey	954 000 - 1 201 000	0.722	0.95	High

NB: Undetermined Figures: Algeria, Bangladesh, Ethiopia, Guatemala, Israel, Laos, Liberia, Nepal, Niger, Nigeria, Rwanda, Thailand, Timor-Leste, Togo, Turkmenistan, Uzbekistan and Zimbabwe. Sources: (i) Migration Global Overview 2012 (IDMC, 2013); (ii) Human Development Index Trends, 1980–2012 (UNDP, 2013); \* (iii) The Wall Street Journal, 18/11/2013 (Estimate of IDPs Due to Typhoon Haiyan in Tacloban, the Philippines, is about 4 000 000).

The gloomy picture of internal displacement can be summed up on the basis of the Report of the Representative of the Secretary-General, United Nations, Mr. Francis M. Deng, submitted pursuant to Commission Resolution 1997/39 on Human Rights: Mass Exoduses and Displaced Persons,

Internal displacement breaks up families, cuts social and cultural ties, terminates dependable employment relationships, disrupts educational opportunities, denies access to such vital necessities as food, shelter and medicine, and exposes innocent persons to such acts of violence as attacks on camps, disappearances and rape. Whether they cluster in camps, escape into the countryside to hide from potential sources of persecution and violence or submerge into the community of the equally poor and dispossessed, the internally displaced are among the most vulnerable populations, desperately in need of protection and assistance. (Guiding Principles on Internal Displacement - E/CN.4/1998/53/Add.2, 1997).

The ever-important role of women in helping society to restore the battered image of communities that suffer from internal displacement, can probably be conceptualised using the following statement made by Aung San Suu Kyi, the 68-year-old female Nobel Peace Prize laureate, Burmese politician, and icon of democracy): “The education and empowerment of women throughout the world cannot fail to result in a more caring, tolerant, just and peaceful life for all”.<sup>1</sup> The achievement by humanity of this egalitarian goal is the rationale for this paper.

### **The Case for an Integrated Land Management Approach**

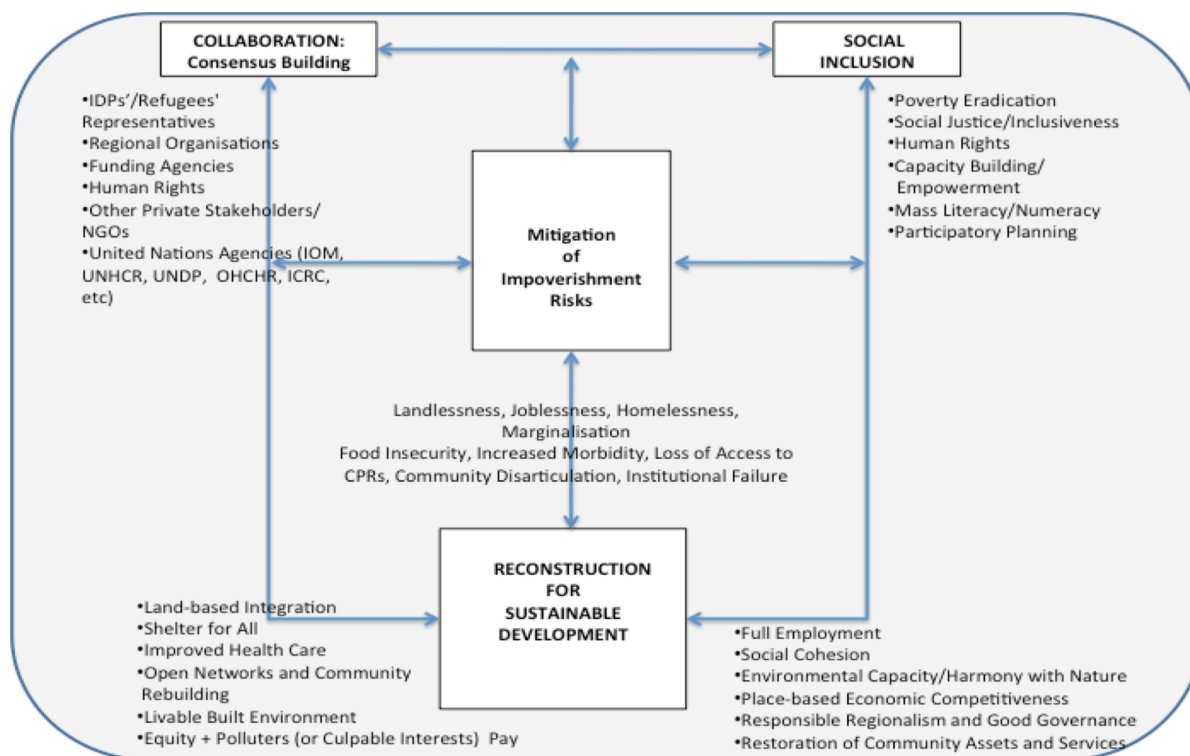
Several attempts have been made to define *Sustainable Land Management and Development* (Brundtland, 1987; UNECE, 1996, 2005; World Bank, 2000/2006):

Sustainable land management and development is the process by which the resources of land are put to good effect, both from an environmental and from a socio-economic perspective, in which resources aim to meet human needs while preserving the environment and ensuring that these needs can be met not only in the present, but also in future generations in terms of economic growth, environmental protection and social equity. Land management and development instruments include real property and estate management, and the physical planning of towns and the countryside, including the process of managing the use and development of both rural and urban land resources. It also captures the management of both dilapidated housing and housing constructed in violation of legislation associated with land subdivision, land use, construction, or registration of real property. The latter category is widely referred to as informal settlements (shanties), including unplanned resettlement camps, which usually lack basic infrastructure such as paved roads, sewerage, schools, health facilities, organised recreation areas, attention to security, local economic development, social inclusion and environmental improvement, among others”.

To boost the effectiveness of the integrated land management approach, it is suggested that an IDP Integration Approach (Fig. 1) be adopted. This approach seeks to achieve reconstruction for sustainable development through collaboration (consensus building) and social inclusion to reverse the impoverishment risks that are the bane of forced displacement (Babarinde, 2001). The questions, then, are: Why are women better placed than men to act as the driving force behind sustainable resettlement of internally displaced people? What impact does forced migration have on women? These are the two key questions that this paper seeks to answer.

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<sup>1</sup> See, [http://www.searchquotes.com/quotes/author/Aung\\_Suu\\_Kyi/](http://www.searchquotes.com/quotes/author/Aung_Suu_Kyi/), 12 October, 2013.



**Figure 1: A Suggested Framework for Sustainable Refugee and IDP Resettlement.**  
**Source: Adapted from Babarinde, 2001**

### Rationale for Women as Drivers of Sustainable Land Management and Development

Principle 21 of the Rio Declaration on Environment and Development states as follows (Brundtland, 1982; Commonwealth Secretariat, 1992, 2007):

Women have a vital role in environmental management and development, and...their full participation is essential to achieve sustainable development. However, for such a role to be fulfilled, women must overcome many obstacles, which can be broadly categorised as (a) constitutional, legal, administrative (b) cultural, behavioural, social and (c) economic.

Sustainable resettlement of internally displaced people falls within the ambit of cost-effective land use, management and development decisions. Women have a critical role to play in these decision-making processes, given the fact that women and children constitute the majority (80%) of poor people around the world.<sup>2</sup> Any resettlement project that seeks to alleviate impoverishment risks must necessarily have women participation built into its decision-making, planning, advising, and extension services. The poverty of women is rooted in (i) inequalities in their situation in the market, (ii) access to credit, (iii) treatment under social welfare systems, (iv) access to health and education services, and (v) status and power in the family and society. In each of these areas, men have more opportunities than women (Commonwealth Secretariat, 1992). “Women are also regarded as educators. They have knowledge and experience in managing and conserving natural resources. Furthermore, in carrying out domestic duties, women are in intimate, daily contact with their immediate environments, as users and/or collectors of fuel, food and water, *inter alia*” (Commonwealth Secretariat, 2007).

<sup>2</sup> See, <http://www.minister.immi.gov.au/media/kl/2013/kl2045529.htm>, 06 August, 2013.

From an emotional perspective, we can say that women are generally the newborn child's primary caregivers in most societies. The passage below illustrates this postulation more vividly:

The paid nanny, the indulgent grandmother or an older sister is most likely to watch over the child during its first three critical years. From the womb through its early formative years the baby has more direct contact with women. It is during this time that the words, unspoken messages and expectations of the care-giving woman affect and determine the child's future destiny most. A physically abused and psychologically hurt child at this time is likely to project his or her anger on society in later life. On the other hand, a child that is surrounded by the warm embrace of loving women caregivers will most likely spread that love in his or her future dealings with others as the child grows up. Perhaps the truthfulness of this saying is best exemplified in the life of George Washington (1732-1799), the first President of the United States, who said this about his mother: "All I am I owe to my mother...I attribute all my success in life to the moral, intellectual and physical education I received from her.

The Ghanaian writer, Kwegyir-Aggrey (1875-1927), stated: "If you educate a man you educate an individual, but if you educate a woman you educate a family (nation). According to available records Kwegyir-Aggrey probably used this proverb to convince African parents to send both their male and female children to missionary schools instead of allowing only the boys to do so. "Education" as used here is defined as "knowing, through formal or informal means, what is right for the spirit, mind and body and acting upon this knowledge".<sup>3</sup> Women are also known to be versatile farmers in many developing countries, as well as having the capacity to excel in various home-based enterprises in the informal sector of the economy. It is thus an undisputable fact that women are the natural anchors for families. In the traditional family setting, while the men go out daily in search of food for the family, the women stay behind to take care of their children and mould their character to secure a better future for them, even when financial and/or conjugal support is meagre or non-existent. Without the contribution of women, no nation can attain sustainability.

## **Literature Review**

### *Definition of an Internally Displaced Person (IDP)*

Internally displaced persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border" (Guiding Principles on Internal Displacement, Introduction, para. 2, 1998).

### *Salient Features of IDPs*

The definition provided in the Guiding Principles on Internal Displacement (UN, 1998) highlights two elements, namely:

- *The coercive or otherwise involuntary character of movement:*  
The definition mentions some of the most common causes of involuntary movements, such as armed conflict, violence, human rights violations and disasters. What these causes have in common is that they give no choice to people other than to leave their homes and be deprived of the most essential protection mechanisms such as community networks, and access to services and livelihoods. Displacement severely affects the physical, socio-economic and legal safety of people and should be systematically regarded as an indicator of potential vulnerability.

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<sup>3</sup> See, <http://www.afriprov.org/index.php/african-proverb-of-the-month/25-1999proverbs/146-sep1999.html>, 13 October, 2013.

- *The fact that such movement takes place within national borders:*  
Unlike refugees, who have been deprived of the protection of their state of origin, IDPs remain legally under the protection of national authorities of their country of habitual residence, and should therefore enjoy the same rights as the rest of the population. The Guiding Principles on Internal Displacement remind national authorities and other relevant actors of their responsibility to ensure that IDPs' rights are respected and fulfilled, despite the vulnerability generated by their displacement.

### *IDPs and Vulnerability*

Although all persons affected by conflict and/or human rights violations suffer, displacement from one's place of residence may make the internally displaced particularly vulnerable. The following are some of the factors that are likely to increase the need for protection (UN, 1998):

- Internally displaced persons may (i) be in transit from one place to another, (ii) be in hiding, (iii) be forced toward unhealthy or inhospitable environments, or (iv) face other circumstances that make them especially vulnerable. In the process, women are known to suffer from discrimination, rape and abuse, among others;
- The social organisation of displaced communities may have been destroyed or damaged by the act of physical displacement; family groups may be separated or disrupted; women may be forced to assume non-traditional roles or face particular vulnerabilities;
- Internally displaced populations, and especially groups like children, the elderly, or pregnant women, may experience profound psychosocial distress related to displacement;
- Removal from sources of income and livelihood may add to physical and psychosocial vulnerability of displaced people, including women;
- Schooling for children and adolescents may be disrupted, but when this happens, women are capable of giving home lessons to their children in the interim;
- Internal displacement to areas which are inhospitable, or where local inhabitants are of different groups, may increase risk to internally displaced communities; internally displaced persons may face language barriers during displacement;
- The conditions of internal displacement may raise the suspicions of, or lead to, abuse by armed combatants or other parties to conflict. Rapes of women tend to feature widely in such conflict areas, such as in the Democratic Republic of Congo; and
- Internally displaced persons may lack identity documents essential to receiving benefits or legal recognition; in some cases, fearing persecution, displaced persons have sometimes disposed of such documents.

### *Designing a National Status for IDPs*

Several countries have adopted legislation providing for the creation of a national status for IDPs or selected groups of IDPs (e.g. those displaced by a particular conflict) (IDMC, 2013). Such a status has, for example, been created by law in Azerbaijan, Bosnia and Herzegovina, Colombia, Croatia, Georgia and the Russian Federation. Though not required under international law, the status usually provides for the registration of entitled IDPs and provides beneficiaries with social, economic and legal assistance to safeguard rights endangered by displacement and support the implementation of durable solutions. Such a status should not deprive IDPs of their rights under human rights and humanitarian law.

### *Sustainable IDP Resettlement Guidelines*

Prior to adopting the resettlement guiding principles, policy makers should revisit the IDP definition so as to ensure that appropriate guidelines are put in place. The purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide by identifying rights and guarantees relevant to their protection. The Principles reflect and are

consistent with international human rights law and humanitarian laws. There are three basic investigations to be carried out (UN, 1998):

- An assessment of the scope of internal displacement in a country of focus based on the IDP definition, to ensure that no IDP group is overlooked, ignored or marginalised, whatever the patterns, causes and background of their displacement;
- Ensuring that humanitarian assessments include displacement as a potential factor of vulnerability; and
- Checking whether criteria and definitions used in legislation, policies and programmes benefiting IDPs exclude certain groups of IDPs arbitrarily.

Once these fundamentals have been confirmed as satisfactory, the following guidelines should be thoughtfully considered for adoption (United Nations, 1998):

- International standards are needed for the protection of internally displaced persons (IDPs) because the world is a global village and all humans should be subject to the same international human rights and humanitarian laws. This is why the International Court of Justice can issue a warrant of arrest to any person who flouts the law on human rights abuses;
- IDPs, like anyone else, benefit from the legal protection of international human rights law and, in situations of armed conflict, international humanitarian law. However, IDPs do not benefit from the specialised protection of international refugee law because they have not crossed an international border. The fact of being displaced from their homes makes IDPs particularly vulnerable to human rights abuses and neglect;
- Concern over the vulnerability of IDPs led the UN Commission on Human Rights (1992; 1996) to ask the Representative on IDPs, Francis Deng, to examine the extent to which existing international law provides adequate coverage for IDPs and to develop an appropriate framework for IDPs. Accordingly, the Representative, with the support of a team of international legal experts, formulated the document "Guiding Principles on Internal Displacement", which was submitted to the Commission in 1998;
- In line with international human rights and humanitarian law, and with refugee law by analogy, the 30 Principles set out the rights and guarantees relevant to the protection of IDPs in all phases of displacement, providing protection against arbitrary displacement; protection and assistance during displacement; and during return or internal resettlement and reintegration;
- The principles provide guidance to all relevant actors. The Representative in carrying out his mandate; states when faced with the phenomenon of internal displacement; all other authorities (including *de facto* authorities), groups and persons in their relations with IDPs; and inter-governmental and non-governmental organizations;
- The principles establish that IDPs must not be discriminated against simply because of their displacement, or because of their race, sex, language, religion, social origin or other similar factors;
- The principles restate the right not to be arbitrarily displaced and prohibit displacement on ethnic, religious or racial grounds; and
- The principles reaffirm that "national authorities" have the obligation to ensure that IDPs' basic rights to food, water, shelter, dignity and safety are met. They should accept the assistance of the international community where they do not have the capacity to provide assistance and protection to IDPs who also have the right to seek asylum in another country. In the return phase, the principles emphasize the importance of voluntary and safe return, as well as the need to assist the displaced to recover their property and possessions.

## **Methodology**

During his tenure as a Visiting Research Fellow at the Refugee Studies Centre, Oxford University, in 2001, this author developed a keen interest in sustainable forced migration. Since then, he has continued to work as a land management and urban planning consultant and academic. This paper is an offshoot of his many years' experience of working with local





The amount of compensation as of the effective date of acquisition must be fair to the public as well as to the property owner (*Searl v. School District No. 2 of Lake County*, 133 U.S. 553, 10 S. Ct. 374, 33 L. Ed. 740 [1890]). However, because no precise formula exists for determining compensation, just compensation is the subject of frequent litigation. The quantum of compensation paid is often the fair market value of the property that is acquired in the public interest, with emphasis placed on the rights of the claimant as the following description shows,

The market value is commonly defined as the price that reasonably could have resulted from negotiations between an owner who was willing to sell it and a purchaser who wanted to buy it. The value of real property is assessed based on the uses to which it reasonably can be put. Elements for consideration include the history and general character of the area, the adaptability of the land for future buildings, and the use intended for the property after its taking. Generally, the best use of the land is considered to be its use at the time it was condemned (acquired), even though the condemnor (acquiring authority) might not intend to use the land in the same manner as the owner. Crops, grass, trees, minerals, rental income, and all other items that fairly enter into the question of value are taken into consideration when determining just compensation. The amount of compensation should be measured by the owner's loss rather than by the condemnor's gain, and the owner should be placed in as good a financial position as he or she would have been in had the property not been taken.... The compensation should be paid in cash, and the amount is determined as of the date title vests in the condemnor. Interest is paid on the award until the date of payment.<sup>4</sup>

Ondangwa, with a population of about 30,000 residents, is one of the oldest historic towns in the North-Central part of Namibia; it is home to the only international airport in the north of the country and only 60 km away from the Namibia-Angola boarder. The town, originally established as a missionary centre in the 1800's, later gained popularity as a centre of assembly for the majority of people in the north who used to travel to the town in search of employment opportunities in companies including the South African mines in the late 1950's and 1960's. The town caters for more than half of the population of Oshana and Oshikoto regions in terms of shopping and other vital services. As a result of its central location, Ondangwa was later used by the South African Army as their administrative headquarters up until Namibia's independence in 1992. After independence the town was proclaimed as an autonomous town in 1998, having its own Town Council under the supervision of the Ministry of Regional Local Government and Housing.

Oshakati, the second town in the study area, is a town of about 65,000 inhabitants in the Oshana Region of Namibia. It is the regional capital and was officially founded in July 1966. The city was used as a base of operations by the South African Defence Force (SADF) during the South African Border War and Namibian War of Independence. Oshakati, considered to be the largest town and capital of the northern area of Namibia, is Namibia's second largest city after Windhoek (the capital). The town is located near the B1, Namibia's main highway, which stretches from South Africa through the capital up to the Angolan border.

One of Namibia's major challenges since independence has been how to resolve the land question. Following the establishment in 1990 of the Ministry of Lands, Resettlement and Rehabilitation (now known as the Ministry of Lands and Resettlement) and the enactment of the Agricultural (Commercial) Land Reform Act of 1995 and the Communal Land Reform Act of 2002, the government has committed itself to addressing injustices experienced by Namibians prior to independence. The government has set up resettlement programs in an effort to settle landless Namibians including women IDPs, allocating to them

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<sup>4</sup> See, <http://law.jrank.org> 11 November 2013.

plots of usable land and trying to provide them with the necessary technical training and other forms of support to enable them become economically independent and self-sufficient.

The compulsory acquisition of land in Namibia is governed by Article 16 of Namibia's Constitution as well as the provisions of the Agricultural (Commercial) Land Reform and Communal Land Reform Act (1992). The Constitution and the Acts provide the legal framework for acquiring and redistributing commercial and communal land in Namibia in order to address the inequality and injustice brought about by the old discriminatory laws of apartheid that Namibians experienced during the colonial era. Section 14 of the Act requires the policy of "willing seller, willing buyer" to be applied when estimating "Market Value" for compulsory acquisition and compensation purposes. The Namibian law also makes provision for resettling people dispossessed of their property.

Against this background, it is worth recalling the operational policies of the IFC/World Bank Group (2002) that seek to regulate payment of compensation and resettlement issues regarding sponsored projects, particularly in the emerging economies. The World Bank Group (comprising the World Bank and the International Finance Corporation) believes that a project that involves involuntary resettlement - the economic and/or physical displacement of people - represents a significant challenge. "Without proper planning and management, involuntary resettlement may result in long-term hardship for affected people and environmental damage to the locations in which they are resettled. Involuntary resettlement may also cause severe long-term poverty unless appropriate measures are carefully planned and carried out".

For reasons stated above, the World Bank Group permits payment of compensation in the form of loss of business income to affected persons who may not necessarily have legal or customary interests in the affected real property, such as vulnerable women. Such payments are made to a category of persons where the involuntary taking of land or real assets results in relocation or loss of shelter, loss of any kind of asset or access to it, and loss of income sources or means of livelihood. As a principle, displaced persons are to be assisted in their efforts to improve their livelihoods and standards of living at least to restore them, in real terms, to levels prevailing prior to the beginning of project implementation, whichever is higher. In this paper, it is intended to examine how far the application of the power of eminent domain in Namibia complies with the World Bank Group's guidelines.

Namibia has two main land tenure systems, namely (i) the freehold tenure in 'declared urban areas' and (ii) the commercial farms and customary tenure on communal lands in the rural areas. Commercial farms were originally reserved for private ownership by the whites during the colonial era, while homelands or tribal lands for non-whites were re-designated as communal lands at independence in 1990. According to the Namibia Statistics Agency (2013), about 57% of Namibians now live on communal lands and the remaining 43% on freehold properties, largely in towns. About 38% of Namibia is communal land, 44% is freehold farmland, 17% is covered by national parks and 1% is 'declared urban areas'. Over one million people live in communal areas. This is just over half of the total population of the country, whilst the remaining people (42%) live in urban areas and on freehold farms (6%). Matters pertaining to tenure in communal areas thus concern high proportions of Namibia's land and marginalised people, including women IDPs.

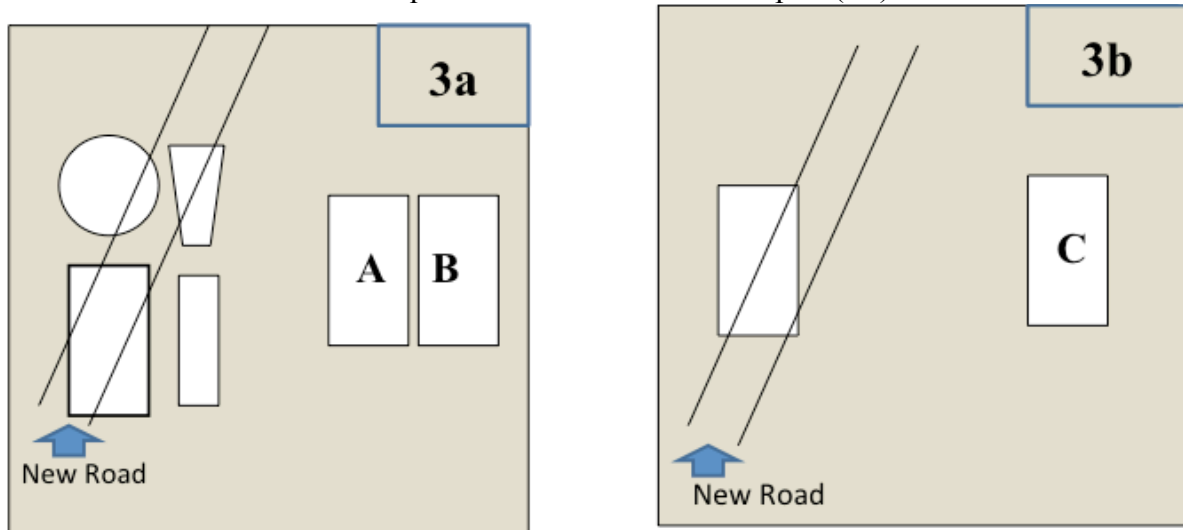
Uses of communal lands vary as a result of differences in soil fertility, types of vegetation and aridity. Agro-pastoralism is the predominant use of land in the somewhat semi-tropical climates in north-eastern and central-northern Namibia. Residences with nearby fields usually have a single, clearly defined property while households with fields further away often have several pieces of crop land. In some areas there are also large areas of remaining commonage which are used for grazing, hunting and the harvesting of plant products, including timber, fruit, firewood and thatch. Staple foods include pearl, millet,

maize and sorghum, while small areas of vegetables are also owned and managed. About half of all families have no livestock or just a few goats and cattle. Agro-pastoralism activities are opportunities that women IDPs utilise in the two towns of Ondangwa and Oshakati to impact livelihoods in their communities.

Out of the 273 properties compulsorily acquired by government, 50 were owned by women. Due to the small number, all the women were interviewed using purposive sampling technique after obtaining their informed consent for participation in the survey and letting them know that their names would not appear in any survey findings. In the next section, the results of the survey are analysed and presented.

### Findings

The author designed a questionnaire containing questions focusing on women's challenges and levels of satisfaction with the process of compulsory acquisition and displacement. Two types of displacement (Figs. 3a and 3b) were observed: (i) displacement arising from substantial acquisition of homesteads on a plot (erf) of communal land, and (ii) displacement due to limited disturbance or acquisition of homesteads on a plot (erf) of communal land



**Figure 3a** – An Illustration of Substantial Expropriation of Homesteads in Ondangwa / Oshakati  
**Figure 3b** – An Illustration of Limited Expropriation of Homesteads in Ondangwa / Oshakati

Note: A, B and C are new plots of land allocated by government to replace the old ones severed by a new project or road proposal. Source: Own Compilation, 2013

In the first type, where the owner's entire homesteads were almost totally severed by a proposed project (new road), the owner is given two new plots (erven) to replace the homesteads destroyed, but they will have to be developed at the owner's expense. In the second type where there is limited disturbance, especially if the homestead fairly complies with local planning standards, the acquiring authority gives out one new plot (erf). In both cases, the displaced owner is paid a sum of N\$78 000 (1 USD = N\$10.05) in cash as compensation, in addition to the new plot(s) of land offered to him or her. Meanwhile, part of the land in question has been severed and rendered unusable thereby destabilising the owner's livelihoods as such land could no longer be used for cultivation.

Namibia has no existing legal procedures for guiding the determination of compensation payable to dispossessed communal landholders as a result of expropriation by the State or any public agency authorised by law. Compensations for structures are determined by government valuers, while market value depends on the quality of finishes as

well as the condition and workmanship of the building structures as of the date of expropriation.

*Compensation for Land, Improvements, Fruit-bearing trees and Disturbance*

Compensation for cultivated land (Table 2) is based on the cost of preparing virgin land per hectare to the point where it is ready for crops to be planted on it. The average estimated cost of preparing land for cultivation is approximately the same per hectare for both commercial and communal farming land. Uncultivated land with cultivation potential demarcated within a homestead and used for grazing purposes attracts a rate of N\$2 500.00/Ha.

**Table 2: Compensation Payable in Respect of Land Taken from Owners in Namibia**

Type of Land	Rate (N\$)
Cultivated Land	N\$5 000.00/Ha
Uncultivated Land (with cultivation potential)	N\$2 500.00/Ha

Source: Ministry of Lands and Resettlement, Windhoek, 2009

However, in cases where grazing land is shared by communal farmers, no compensation shall be paid.

**Table 3: Rates Used for Determining Values of Improvements (Structures) for Compensation Purposes**

Structure	Rate (N\$)
Conventional Buildings (Brick wall, IBR roofing, Concrete floor)	N\$ 3 000.00/m <sup>2</sup>
Corrugated structures	N\$ 75.00/m <sup>2</sup>
Huts (pole wall, grass roof & earth floor)	N\$ 150.00/m <sup>2</sup>
Huts (mud-brick wall, grass roof & earth floor)	N\$ 225.00/m <sup>2</sup>
Huts (cement-brick wall, grass roof & earth floor)	N\$ 260.00/m <sup>2</sup>
Huts (cement-brick wall, grass roof & cement floor)	N\$ 300.00/m <sup>2</sup>
Homestead enclosures (with strand, wire, poles and droppers)	N\$ 105.00/m (perimeter fence)

Source: Ministry of Lands and Resettlement, Windhoek, 2009

Determining the replacement cost of improvements (Table 3) is expected to be based on the depreciated replacement cost (DRC); however, in practice, the element of depreciation is not taken into consideration when assessing improvements for compensation. Therefore, the compensation policy provides that the government valuer must review the amounts contained in the policy on a regular basis using the Consumer Price Index (CPI) rate to reflect the prevailing replacement value of new building materials. The policy also provides for payment of compensation in respect of fruit-bearing trees, water and electricity services destroyed during expropriation.

*Disturbance Allowance*

The compensation policy also allows for an additional allowance for disturbance, to be added to the total amount payable. This is normally 15% of such total amount, but cannot be more than N\$15 000.00, calculated in accordance with the following formula (Ministry of Lands and Resettlement, Windhoek, 2009): Disturbance Allowance = Total Compensation x 15%. Moreover, compensation for displacement is subject to the following conditions (Table 4):

**Table 4: Levels of Satisfaction of Women IDPs with Compensation for Expropriated Rights**

How satisfied are you with the various aspects of compulsory acquisition and displacement?				
	Government Valuers' Market Value Estimate	Chance to buy 1 or 2 plots Elsewhere	On-site Resettlement	Time it takes to get paid
<b>Score</b>	114	116	124	145
<b>Rank</b>	1st	2nd	3rd	4th

Source: Niiipare (2013) and Own Compilation (2013)

*Assessing the Satisfaction of Women IDPs with Compensation*

During the questionnaire survey administered on the 50 women (60-year olds and above) who had been displaced as a result of government acquisition in Ondangwa and Oshakati, the following findings were recorded:

- **Adequacy of government compensation:**

The 50 women IDPs in the government acquisition area were asked to rank the following aspects of compulsory acquisition in the order of their level of satisfaction (#1 being the highest satisfaction and #4 being the least satisfaction). A ranking method was used to analyse the women's responses to 4 questions raised regarding their levels of satisfaction with 4 aspects of compulsory acquisition.

- **Challenges Faced by Women IDPs:**

The questionnaire survey also revealed that women IDPs faced many challenges as a result of government's decision to expropriate their property in the public interest. When the women were asked by interviewers who speak the local language to rank their challenges in the order of seriousness of challenge experienced (#1 being the most serious challenge and # 10 being the least serious challenge), the author obtained the following findings by ranking (Table 5):

**Table 5: Ten Most Serious Complaints against Compulsory Land Acquisition and Displacement in Namibia**

What is your most serious concern about this Government acquisition and displacement?										
	Being a widow at this time/ Not fit for acquisition hassles	New land is too small for profitable cultivation and to feed family	Harsh obligation to pay municipal rates (water, electricity, sewerage, roads, garbage collection)	Gender Discrimination/ Denial of Access to Land and Important Facilities	Disarticulation and Disorientation of family	Compulsory acquisition is bad for me	Difficulty in getting a new settlement area outside urban areas/ Cannot live in a city	Forced displacement from my ancestral lands	Need government assistance to move and construct a new property elsewhere	Trauma/ Stress/ Finding schools for kids in new settlements
<b>Score</b>	274	235	253	261	270	288	318	298	278	332
<b>Rank</b>	5th	1st	2nd	3rd	4th	7th	9th	8th	6th	10th

Source: Niiipare (2013) and Own Compilation NB: Each score represents the total responses (1 - 4) of the 50 women who participated in the survey.

It is interesting to note that none of the women IDPs interviewed complained about rape which is a common story in some internal displacement camps elsewhere. Even then, it is evidently clear that the majority of the women IDPs interviewed in the study area were generally not happy with the way their livelihoods had been battered by the implementation of government's expropriation policy.

## **Discussion**

### *Notable Land Management Responsibilities: Securing Tenure and Access to Land and Housing*

"Land" has been defined as the "material in the top layer of the surface of the earth in which plants can grow, especially with reference to its quality or use".<sup>5</sup> According to the IDMC (2013), "land has been a source of conflict and displacement in numerous countries such as Colombia, Guatemala, the DRC, Kenya, the Philippines, Rwanda and Zimbabwe". An extended definition of land implies that land ownership, depending on the title, whether freehold, leasehold or communal, "may also give the holder the rights to all natural resources on the land. These rights may include: water, plants, human and animal life, fossils, soil, minerals, electromagnetic features, geographical location, and geophysical occurrences".<sup>6</sup>

Therefore, restitution of land and property rights to IDPs upon their return or wherever they are given government support to resettle is an important consideration in post-conflict reconciliation (ECA, 2003). Nevertheless, this issue may be "particularly challenging in countries with less formalised legal systems, where it can be hard for displaced people to prove their ownership rights" or where state resettlement efforts are not fully supported by the host communities. As can be seen in this paper, the illustrated case study in Namibia clearly shows that even when women IDPs were given extra plots of land adjacent to their old lands that were expropriated by the government, the dispossessed and displaced communal landholders were not better off (Table 5).

Provision of security of tenure is generally regarded as both a prerequisite to intensification of agricultural production and cost-effective natural resource management and sustainable development. Most IDPs generally need both secure individual rights to farm plots and secure collective rights to common pool resources upon which whole resettlement camps depend. Despite the fact that security of land tenure is required for agricultural production and poverty eradication, cases of land tenure insecurity have been reported in many developing countries. The status of women's land rights under the current land tenure systems in most countries, such as in Southern Africa (ECA, 2003) and elsewhere in regard to internal displacement is precarious, with serious barriers to women acquiring land rights. The issue of gender discrimination against women IDPs in Namibia where traditional councils are reluctant to give land to women appears to be the rule rather than the exception in many developing countries, particularly in nations where religion is used as a tool to deny women of their fundamental human rights.

With regard to affordable housing, the displacement cycle can be very stressful, particularly for the vulnerable groups including women and children. Once these groups are forcefully displaced from their place of origin, they can face serious challenges in finding adequate shelter and land to ensure minimum food security and self-reliance. If they are not provided with alternative solutions, IDPs tend to encroach on the land of the host communities thereby creating further tensions as the Kenyan experience reveals. Subsequently, when the security situation improves or a peace treaty is signed, property disputes associated with the return phase are another potential source of tension (IDMC, 2011).

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<sup>5</sup> See, <http://www.thefreedictionary.com/Land>, 12 October, 2013.

<sup>6</sup> See, <http://www.thefreedictionary.com/Land>, 12 October, 2013.

Furthermore, according to the IDMC (2012), “.....even after returning home, IDPs often find their houses and land destroyed or occupied by other people, as in Peru, Guatemala, the Balkans and in Sudan’s Darfur region. For this reason, it is crucial that peace agreements between warring factions in battered countries should take into account the plight of IDPs as well as make provisions for the lasting resolution of property and land ownership crises. Such provisions currently exist in 17 countries affected by internal displacement, including Nepal where a peace agreement was signed in November 2006. This accord stated the commitments of both the government and the Maoist rebels to return land and other property seized.

At the regional level in Africa, a protocol on the property rights of returnees was adopted in December 2006 within the framework of the Great Lakes Conference process, and model legislation was drawn up in September 2006 with the objective of protecting the property rights of IDPs in countries such as Burundi, the DRC, Rwanda and Uganda” (IDMC, 2011). In the Goma area of the DRC, the UNJHRO (2013) documented “59 cases of sexual violence perpetrated by M23 combatants in and around Goma during the period of M23 control”. The report also confirmed that at least 49 cases of sexual violence were committed against women in the Katindo military camp in Goma, North Kivu province, by M23 combatants between 21 and 25 November 2012. “The victims, mostly wives of FARDC soldiers who had fled during the M23 advance, were raped, often as they returned to the camp to pick up belongings they had left behind”.

#### *Redefining an Institutional Framework for Compensation, Resettlement and Conflict Resolution*

Experience shows that in most countries of the world, government and public parastatals are usually vested with the power of the eminent domain to compulsorily acquire or expropriate land and property rights, backed with measures aimed at adequately compensating or resettling the owners deprived ownership of their property. However, expropriation policies do not always get implemented smoothly as expected in many developing countries, such as in Nigeria. This is sometimes due to lack of agreement between the acquiring authority and the aggrieved owners who may prefer to engage in litigations for claims settlement that may drag on for decades, even when the acquiring authority has already developed public projects on the acquired land. People who are displaced in the process are left to fend for themselves while their appeal case is being heard by the court.

Similarly, in many post-conflict situations, “institutions have been set up to process property claims and resolve disputes”. In 2006, new restitution or compensation mechanisms were created in Iraq, Georgia, Lebanon and northern Cyprus. Obstacles in the way of these mechanisms range from the authorities’ lack of will, the weak role of the international community and the fragility of the rule of law, to the shaky state authority inherent in post conflict situations” (IDMC, 2012). For example, in northern Cyprus, a Property Commission was set up in March 2006 as requested by the European Court of Human Rights (ECHR). In Turkey, an ECHR decision issued in January 2006 ruled that the country’s 2004 compensation law provides an effective legal remedy, which applicants must exhaust before filing a case with the European Court.

#### *Correcting Non-inclusive Land Titling/Registration Processes*

It has been reported (e.g. ECA, 2003; 2012) that tension exists between customary and statutory law in most countries in Africa, Asia and Latin America, while the same countries have a very low level of formal land registration. It is estimated that in Africa only 1 % of land and property are registered under the cadastral system, mostly in urban South Africa. “In the absence of reliable property registration and cadastre, displaced persons do not have the



possibility of presenting ownership titles to prove their possession of land or property. In addition, informal ownership is usually based on customary law and linked to the right of use, and this right becomes limited in case of displacement and may favour those who have been using the land” (IDMC, 2012).

Furthermore, land registration is recognised by many countries and some international organisations as a way to increase security of tenure and better protect property rights. However, land titling (land registration) is not without some adverse consequences. For example, “in countries such as Indonesia, Sudan and the Philippines, natural resources and unoccupied land, including some land held under customary law, have been declared state-owned and later sold into private ownership” for projects that are then operated for the profit motive. “In Sudan and Colombia, the state used this process to grant concessions to oil and mining companies, which resulted in the forced displacement of the resident population” (IDMC, 2013). The same issue has unleashed untold hardship on the people of the Niger Delta in southern Nigeria and it is interesting to recall that some of the aggrieved local communities recently took the Shell Petroleum Company to a court in The Hague. The decision of the court in favour of the aggrieved local communities received wide international publicity as confirmed below (Fig. 4):

It’s big news. For the first time, Shell has been found guilty in a court outside of the country in which it inflicted damage; in this case, in a court in The Hague for oil spill in Nigeria. Shell will be forced to pay compensation to a farmer whose land and livelihood was ruined by the spill. This might seem a small step and a long time coming but it is very significant because it could open the floodgates to similar cases and bodes well for cases against Shell in the US Supreme Court and UK High Court for crimes committed in Nigeria. The cost to Shell is incalculable and should be enough to rattle investors and may even force change at the highest levels of the company. As Andy Rowell pointed out in his blog for Oil Change International, “this is the first time a multinational has been held accountable for the actions of its subsidiaries in its home nation. This is truly a David vs Goliath moment. Congratulations should go out to Environmental Rights Action and Friends of the Earth Netherlands who supported this case and to the farmers that had the courage to stand up to Shell. This win cannot right all the wrongs that Shell has done in the Delta and amidst the sense of victory it’s important to remember that Shell are still operating in ways that seriously impact communities and ecosystems in the Niger Delta. Nigeria-based Environmental Rights Action pointed out the environmental-racism inherent in companies like Shell operating to very different pollution standards in countries like the Netherlands vs. Nigeria<sup>7</sup>.

**Fig. 4:** Representatives of the Niger Delta Community’s IDPs at a Court in The Hague



<sup>7</sup> See, <http://platformlondon.org/2013/01/30/shell-guilty-court-in-the-hague-orders-shell-to-pay-compensation-over-oil-spill-in-nigeria/>, 13 October, 2013

In countries such as Uganda and the DRC, political and economic elites, with the collaboration of certain traditional chiefs, have taken advantage of land titling programmes to obtain private ownership over customarily-owned land. In Uganda, land held under customary ownership was privatised during displacement, leaving IDPs without land to which to return” (IDMC, 2012).

The land titling/registration process is also said to be experiencing similar controversies in Asia. For example, some reports claim that in the Philippines, “Christians who are seen to be benefiting from better access to information about land titling programmes have been able to obtain titles over land owned under customary law by indigenous Lumads and Muslims, as clearly enunciated in some related reports.<sup>8</sup> This has led to widespread displacement of the latter groups. Now that the majority of lands in conflict-affected areas are titled, it is difficult for ancestral land claims to be adjudicated”. Despite government attempts to recognise the right of indigenous people to hold lands under their ancestral claims or ownership through the adoption of an Indigenous People’s Rights Act (IPRA), there has been little result. The Muslim population in particular refuses to be considered as indigenous people, and the IPRA is not, in practice, applied in the Autonomous Region in Muslim Mindanao. In India, property rights violations are a constant source of displacement in tribal areas, where customary law has been the rule until the government decided to use the land. Large development projects initiated by the state have provoked several waves of displacement. In the absence of alternative solutions, people displaced by those projects have often occupied others’ land, thereby creating a new source of tension and displacement. There have been numerous instances of this in northeast India.

In Brazil, reports by *Mazon Watch* publication dated 7 October 2013 confirm that hundreds of planned laws and constitutional amendments that target the rights of indigenous and traditional communities are being debated in Brazil's Congress making some recent mobilizations both urgent and timely so as to pre-empt adverse internal displacement. Hundreds of indigenous peoples representing Brazil's native communities converged on government buildings in the nation's capital on September 30 “to decry unprecedented and growing attacks on their constitutional rights and territories” against the backdrop of the country’s “groundbreaking affirmation of indigenous rights whose aim is to preserve these rights in the face of powerful economic interests behind a spate of pending laws seeking access to resources on native territories”<sup>9</sup>.

Among the proposed changes are the Proposed Complementary Law (PLP) 227, which would modify Article 231, eliminating the indigenous right to resources in cases of “relevant public interest,” clearing the way for industrial farming, dam-building, mining, road building and settlement construction on indigenous lands”.<sup>10</sup>

## Conclusion

This paper was intended to answer two key questions. First, it was meant to explain why women can be a driving force behind sustainable resettlement of internally displaced people. The paper attempted to answer this question in the rationale used to justify the focus of the paper by positioning women as vitally important in environmental management, conservation and development, while it stresses that their full participation is essential to achieving sustainable development. Any resettlement project that seeks to alleviate impoverishment risks must necessarily have women participation built into its decision-making, planning,

<sup>8</sup> See, <http://www.culturalsurvival.org/ourpublications/csq/article/indigenous-peoples-ancestral-lands-and-human-rights-philippines#sthash.jcQK4F4b.dpuf>, 12 October 2013; Elder, 1994.

<sup>9</sup> See, <http://www.culturalsurvival.org/news/massive-indigenous-rights-movement-launches-across-brazil#sthash.mhfsIXtp.dpuf>, 7 October, 2013; Amazon Watch, 2013

<sup>10</sup> See, <http://www.culturalsurvival.org/news/massive-indigenous-rights-movement-launches-across-brazil#sthash.mhfsIXtp.dpuf>, 7 October, 2013.

advising, and extension services. Women, given the necessary education and empowerment, have a critical role to play in these decision-making processes because women and children constitute the majority (80%) of poor people around the world. Consequently, it can be inferred that women's participation in resettlement decision-making can have a huge positive impact on livelihoods in communities inhabited by IDPs. In response to this question, we must accept the fact that women are educators and great users, managers and conservers of environmental resources. If women who constitute a huge percentage of internally displaced people worldwide can have secure tenure and access to affordable land and housing, they will be more than able to impact their families and communities judging by their pivotal role as family anchors in their local communities.

The second key question addressed by this paper relates to the impact that forced migration has on women. Paradoxically, women who are posited as a driving force behind sustainable resettlement of internally displaced people are themselves more vulnerable than men even with their great potential of being capable of bringing about a new lease of life to battered communities. In reality, women's vulnerability in IDP camps has to be resolved before humanity can profit from their unparalleled potential to engineer sustainable development. Based on the data in Table 6, we can visualise how some of the vulnerabilities faced by women IDPs may end up demoralising and adversely affecting the potentials of the same women. Here lies the invaluable role that land management and development can play in empowering women IDPs with the gift of those corrective tools that they need as drivers of societies' hope that, some day, battered communities can rise up and live again.

Given the positive correlation that exists between environmental degradation (which may be exacerbated by poorly managed internal displacement of large populations), impoverishment and a nation's low ranking on the Human Development Index (HDI), the author argues that women, who constitute 80% of the world's poor, hold the panacea to helping bring about the realisation of the long-awaited dream of sustainable development in our world of inequalities. The higher the numbers of internally displaced people in any country or community, the more impoverished the majority of the populations, such as in the Niger Delta. In the same vein, the less sustainable a nation, the more aggressive the snowball effects of unplanned and forced intra-national population movements and vice versa. It is therefore reasonable to conclude that poorly managed internal displacements can have devastating consequences on both micro- and macro-economic variables and no serious nation can ever afford to tread these ignoble paths.

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### **Acknowledgement**

The author gratefully acknowledges the kind support of the Ministry of Lands and Resettlement in Namibia, Ambrosius Niipare, Laimo Lukas, the women IDPs who were interviewed, the anonymous reviewers and the Refugee Studies Centre, Oxford University.