

FORCED MIGRATION

review

Issue 52
May 2016

development
TRANSITION
EMERGENCY
emergency

**Thinking ahead:
displacement, transition, solutions**

plus articles on:

Nigeria; resettlement safeguards in mining; Syrians resettled in Canada; asylum in Sweden; AVR programmes; psychosocial age assessment; information on the Thai-Burma border; Iraqi refugees in Lebanon and the region; and LGBT forced migration in East Africa.

Forced Migration Review

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From the editors

Our belief in the need for and the efficacy of humanitarian action is partly based on its actual effectiveness over the years in addressing the needs of, among others, forced migrants. But this belief is tempered by the obvious and manifold failures of such action. The existence of people in very protracted displacement, the inadequacy of the solutions proposed for them and the inevitability that many people now becoming displaced will face the same fate all point to the pressing need for improvement that cannot reasonably be achieved through humanitarian action alone. Far more could be achieved if development and peace-building actors were also involved in responses to displacement.

This is not a new idea in itself, as shown by the statement made in 1967 by Sadruddin Aga Khan, then High Commissioner for Refugees, which we publish on the back cover. This issue of FMR continues to explore the more recent ideas and practices that are being tried out in order to engage development and humanitarian work in support of 'transitions' for displaced people and a variety of 'solutions'.

FMR 52 also includes a range of 'general' articles on other aspects of forced migration.

We would like to thank Alyoscia D'Onofrio (International Rescue Committee) and Kathrine Starup (Danish Refugee Council) for their assistance as advisors on the feature theme of this issue. We are grateful to the Government of Denmark which has provided financial support for this issue on behalf of the Solutions Alliance of which it is vice-chair.

The full issue and all the individual articles in this issue are online in html, pdf and audio formats at www.fmreview.org/solutions. Please help disseminate this issue by circulating it through your networks, mentioning it on Twitter and Facebook and adding it to resources lists.

This issue will be available online in English, Arabic, French and Spanish. Also available is the FMR digest – formerly called 'Listing', now in a new format – to help you gain easy online access to all the articles published in FMR 52. If you would like printed copies of either, please email us at fmr@qeh.ox.ac.uk.

For details of **Forthcoming issues** see www.fmreview.org/forthcoming.

- FMR 53, **Local communities: first and last providers of protection** (due out October 2016) www.fmreview.org/community-protection
- FMR 54, **Resettlement** (due out February 2017).
Submission deadline: 10th October 2016.

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Our thanks to the many people who responded to our **Readers Survey**. We are collating the results and will report back in the coming months. We also hope to be able to take up some of the suggestions you had for us as to how to improve on what FMR can offer.

Marion Couldrey and Maurice Herson
Editors, *Forced Migration Review*

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Forced displacement: a development issue with humanitarian elements

Niels Harild

Work on conflict-induced forced displacement is at a crucial moment, at a tipping point. Now is the time to consolidate the shift towards full global recognition that the challenge of forced displacement is an integral part of the development agenda too.

There are currently an estimated 60 million refugees and internally displaced persons (IDPs) in the world. The related social, economic and fiscal challenges are further amplified if one also takes affected host and return populations into account. In addition, the average length of time that people are displaced has been growing and is likely to increase even further as there is still no peace in sight for many of the ongoing conflicts.

Only a few of the displaced people are currently able to avail themselves of any of the three 'durable solutions'. Resettlement in third countries is limited in numbers and very expensive; voluntary return is hampered by lack of stability and peace, and full local integration and naturalisation are often blocked by policy restrictions. Most displaced are therefore living in 'protracted displacement'. An increasing proportion of displaced people live in urban areas, intermingled with the local communities, but often do not benefit from basic services on a par with the local population and are also excluded from the formal job market and from business opportunities. In large displacement situations the socio-economic and macro-economic impact on host communities and countries can be substantial. In such situations, the needs of the displaced and affected host populations are predominantly developmental.

Challenges, obstacles, opportunities

While there clearly is a continuing need for more humanitarian assistance, there is simply no way that present-day displacement needs can be covered by humanitarian financing and approaches, let alone solved. Given the lack of success by national and international stakeholders in addressing the roots of today's

conflicts, they tend to linger on without any resolution in sight. Yet policymakers, planners and other actors see displacement as a largely humanitarian issue. They ignore its inevitable longevity, and the typical response therefore stays in a short-term mode. However, there is growing recognition that the present system is not working.

Humanitarian agencies are not equipped to address the long-term developmental needs of those in protracted displacement, and yet this has been the default for many years. If the policy framework stays in a short-term humanitarian mode during protracted displacement, there is every potential for this to breed exclusion, poverty, degradation, possible radicalisation, and new conflict



Third-generation refugee children walking to school in Ban Mai Nai Soi refugee camp on the Thai-Myanmar border. June 2014.

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and violence as well as significant economic and fiscal pressure on host countries.

The problems in an inherently humanitarian approach are compounded by policymakers who focus on the negative impacts of the arrival of displaced people and ignore the positives. They often blame displaced people for other pre-existing ailments, and they put in place shortsighted and restrictive policies rather than addressing the problem more jointly and holistically.

This reflects a lack of understanding of short- and long-term social, economic, fiscal and security implications of protracted displacement. There is sometimes a deliberate wish not to want to understand these implications out of fear that this would run counter to short-term political views or trends, leading to loss of electoral votes. Thereby displaced people fall victim to local politics. This negative spiral needs to be reversed.

In practical terms this would require recognition of displaced people's right to work and to move freely. Displaced people need to be seen as potential assets for local growth and development rather than always being viewed as a burden. For this to happen,

there is a need for affected governments and their development partners to understand that forced displacement is a core development issue and that, as such, it belongs in national development plans, even if substantial humanitarian needs mean that humanitarian actors must stay engaged.



There is growing analytical and operational evidence of the benefits of innovative, development-led approaches to displacement. A few countries are beginning to include displacement challenges in their development plans and are thus setting the stage for development actors to support national efforts through loans or grants. The World Bank is getting seriously involved in addressing forced displacement in terms of analytical work, policy dialogue, operations and new financing options, and its partnership with UNHCR, the UN Refugee Agency, is expanding. An increasing number of bilateral donors are beginning to think more in this way about the issue as well.

The issue is attracting attention in 2016 through a number of high-level events; this increased engagement at the policy level is welcome but also essential if we are to achieve the fundamental change that is needed. It is an opportunity that should not be missed. The challenge will be to find a holistic approach that deals with these crises at the source, for neighbouring countries and for countries further afield, under one comprehensive long-term framework where the legitimate concerns of all parties are addressed.

What is to be done?

The first step towards fundamental change would be for all actors to accept that conflict-induced forced displacement is predominantly a development issue with humanitarian elements – and not the other way around. This change in mindset requires an understanding that, while protracted forced displacement often requires short-term humanitarian action, it is fundamentally about responding to the social, economic and fiscal implications for the displaced people and for hosting countries to the benefit of all affected. Often this may require area-based, targeted investments to boost economic activity, particularly in host areas with high unemployment. Real and substantial improvements for those living in protracted displacement and the affected host populations can only come about by addressing housing, livelihoods and jobs, access to services, inclusion and governance in

ways that benefit both the displaced and their host communities, ensuring that displaced people end up being self-reliant rather than needing continued humanitarian aid.

It is important for governments of affected countries to understand that most, if not all, new forced displacement situations may become protracted, and that they need to muster sufficient political courage to make the necessary long-term policy decisions early in the crisis. This is not easy. International development actors and donors should work closely with these governments to help them weigh up the different policy options; they can do this by providing country-specific context assessments (that include joint stakeholder analysis of the policy environment and the institutional frameworks and capacity), demographic profiling and an analysis of the prospects for durable solutions. Hence it is important to map the direct and indirect economic, environmental, social, macro-economic and political impact of the displacement situation on both the displaced and the host communities. This evidence can then be used as an entry point for policy discussions with the host government and local authorities. These analyses should of course include meaningful beneficiary consultation.

Governments need to have such assessments and policy options available to make the needed policy choices. Multilateral and bilateral development actors should work with governments to shift from short- to long-term policies to forced displacement from the beginning. They should also continue to strengthen the design of multilateral and bilateral sectoral programmes and operations so they include a response to the specific needs of the displaced and affected host and return communities within the wider programme. This will include embracing a new policy concept of 'temporary longer-term economic integration', with return or other lasting solutions being the long-term goal. This is a difficult and slow process but it must be done and there is growing evidence that it can work. If displaced people are allowed to be more self-reliant, thereby enabling them to contribute to the economy

and to pay taxes, it can reduce the need for humanitarian assistance and lessen macro-economic and service-delivery stress. In this way the displaced will also be better prepared for return as they are able to build and retain skills and accumulate savings essential for eventual successful return and reintegration.

For a comprehensive approach to work effectively, governments need to exercise strong leadership and provide the required legal and policy frameworks that set the parameters for development interventions and the timing and space for humanitarian interventions. Hence host countries should play a leading role in policy dialogue from the beginning in order to develop long-term comprehensive planning for all sectors, taking into account country-specific needs and political challenges. All government actors should be clear about the short- and long-term economic, social and fiscal implications. A key host country concern would often be a reluctance to entertain the full durable solution of local integration. An approach of longer-term temporary integration until a lasting solution is found would be more applicable to most situations.

Development actors should also continue to deepen their collaboration with humanitarian actors. First and foremost, this should involve developing a situation-specific, multi-year common programme framework with well-defined lead roles and overall objectives and based on joint assessment and analysis. For this to work, all international and local actors need to work together. Donors need more comprehensive, synergetic approaches to funding, UN development agencies need to establish their roles through a more inclusive and open approach towards larger common programme frameworks, and the international financial institutions need to engage in broad partnerships that also include bilateral donors.

By adopting such approaches, it should be possible for development actors to engage from the beginning of crises and to focus on the long-term development needs of the displaced and their host countries or return communities. In this collaborative approach, it is important that they draw

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on their comparative advantages and resist the temptation to get directly involved in humanitarian work. Humanitarian actors on the other hand need a clear exit strategy built in early, taking into account host country capacity and also the continued need for protection of and support to marginalised groups that are not benefitting from wider programmes.

A key part of this is the importance of a joint context assessment which can provide a joint platform for all actors to work from. The World Bank-led joint assessments of displacement in the Great Lakes and the Horn of Africa are good examples of how this can be done differently from in the past.¹ Once the needed policies are in place and operations are designed, all relevant financing sources – including new lending tools and grants – must be activated along with inputs from the private sector and the security sector, in order to project a real sense of responsibility sharing supporting a single policy framework. International development partners can assist affected countries in formulating such policy frameworks.

All this serves to show that development actors have a key role to play in mainstreaming the issue of forced displacement, and they must make the best of current opportunities and platforms to ensure that they meet this challenge. These opportunities include consensus around the need to operationalise the Sustainable Development Goals, the World Humanitarian Summit and global and country-specific efforts, among which the Solutions Alliance stands out as particularly promising. In short, it is time for development actors to work comprehensively on their tools and instruments, to scale up their efforts on forced displacement impacts in fragile and conflict-affected countries and to advocate with governments.

Dialogue on all of these issues is most effective if it addresses the concerns of host countries, if it includes a focus on improving conditions of host communities and thereby of the displaced as well, and if it proves that allowing refugees to use the capacity they have is beneficial to the host country. Above



The 67 families of IDPs living in this collective centre in Georgia fled Tskhinvali in 1991. (photo taken 2008)

all we should not forget that this is about respect for other human beings; our objective is to help them secure a dignified, meaningful and safe life while in displacement and to support them in finding a lasting solution.

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This article draws on work on the displacement challenge with UNHCR, NGOs and the World Bank Group. It reflects the views of the author and not necessarily the views of UNHCR, the World Bank or any of the other organisations.

1. World Bank/UNHCR (2015) *Forced Displacement in the Great Lakes Region: A Development Response* <http://hdl.handle.net/10986/21708>; World Bank/UNHCR (2015) *Forced Displacement and Mixed Migration in the Horn of Africa* <http://hdl.handle.net/10986/22286>

The reality of transitions

Silvio Cordova

Attempts to address the drivers of forced displacement and to provide sustainable solutions for refugees, IDPs and returnees need a more nuanced understanding of the drivers of violence and of war-to-peace transitions.

There is a well-known litany of reasons for obstacles to the engagement of development stakeholders in forced displacement and protracted situations. While factors such as differing mandates, institutional arrangements, funding instruments and programming cycles between the humanitarian and development communities have played a role in creating and perpetuating the 'humanitarian-development divide', little attention has been drawn to the weak conceptual foundations of 'bridges' or 'links' between humanitarian and development assistance and their lack of empirical evidence. Barriers to engaging development and political actors in preventing and responding to displacement, and to the design and implementation of joint humanitarian-development strategies, have primarily been conceptual.

Despite growing recognition that transitions from emergency response to development assistance should not be linear, the idea and practice of humanitarian actors 'handing over' to development actors persist. This is primarily due to a lack of understanding of drivers of violence and of how transitions from war to peace unfold. Indeed, analysts and practitioners have rarely questioned the phenomenon at the core of concepts such as 'linking relief to development': namely the transition from war to peace. The idea of 'links' and 'bridges' is based on flawed assumptions about such transitions, assumptions that are not grounded in the complex reality of countries emerging from conflicts and crisis. As a result, interventions based on such an approach cannot provide a response to and address the unpredictability and multiple variables of transitions.

In order to understand why a linear sequencing of humanitarian and

development assistance is unhelpful and counter-productive, it is of paramount importance to look into the drivers of violence and displacement in the first place. This will also allow us to understand why violence often continues into so called 'post-conflict' settings and hence will provide us with a more nuanced interpretation of war-to-peace transitions.

Continuities and cycles

In many conflicts, the aim of armed groups and other actors is the prolongation of violence in order to achieve economic (and political) gains, rather than outright victory. Economic agendas, though, are not enough to explain why violence may continue into 'peacetime'. Greater attention should be given to communities' socio-economic grievances that are often overlooked and that play a critical role in triggering and fuelling violence. The end of a conflict does not necessarily entail a clean break from past patterns of violence: high levels of violence are a recurrent feature of most countries emerging from conflict. Indeed, legacies of war together with new forms of violence explain why transitions are characterised by repeated setbacks and reversals.

Given the reality of the prolongation of violence into 'peacetime' and repeated cycles of violence and displacement, the debate on the relationship between humanitarian and development assistance should therefore move from a focus on 'gaps', 'bridges' and 'links' between the two communities towards a better understanding of transitions from war to peace.

As transitions are not a one-way process neither should transitions from humanitarian assistance to development be. It would be unrealistic to assume that the international community can address such a fluid,

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complex and unpredictable phenomenon as transition by providing humanitarian and development assistance in sequential ways, and to plan the timing of when humanitarian assistance should 'hand over' to development cooperation. As transitions are particularly susceptible to repeated cycles of violence and displacement, even in situations of relative peace and stability, it is no surprise that the implementation of early recovery initiatives, the 'handing-over' model and other variations of 'linking relief to development' have proven problematic. There may be a need for humanitarian aid, for instance, in 'post-conflict' environments during relapses into violence and new cycles of displacement, as the conflicts in Colombia and DRC have shown, or there may be room for development in emergency settings and on-going violence as in South Sudan.

Changing the discourse

It is important to point out that most drivers of violence – and resulting cycles of displacement and protracted situations – are structural developmental, economic and political factors. In addition, most issues limiting sustainable solutions for refugees, IDPs and returnees – such as land rights, establishment of livelihoods and employment opportunities, rule of law, and freedom of movement – are developmental and political in nature rather than humanitarian. As a consequence, a linear implementation of humanitarian assistance followed by development would not only postpone – rather than address – these underlying issues but also might contribute to the prolongation of crises and conflicts.

Therefore, keeping in mind the drivers of violence and the multi-faceted nature of transitions, forced displacement and, in particular, protracted refugee and IDP situations should be reframed within broader development, peace-building, economic and political discourses. Indeed, preventing and addressing these issues need societal and economic transformation that go beyond the scope and mandate of humanitarian organisations. The strategies that follow on from this should be broader,

multi-sectoral and multi-year interventions that envisage the simultaneous engagement of development, humanitarian and political stakeholders from the onset of and throughout a conflict and a displacement crisis. This will be likely to contribute to enhancing the human development of displaced populations, their contribution to the economy of hosting countries and communities and, as a result, the quality of their protection during displacement.

Reframing the debate on the 'humanitarian-development divide' around the issue of transitions can result in more informed and evidence-based policy and programming and more sustainable solutions for displaced populations. It has also the potential to open up space for a greater involvement of development and political stakeholders in mitigating drivers and impacts of displacement on host communities and countries. In addition, their engagement from the onset of a displacement crisis would be instrumental in conducting advocacy and political dialogue with countries of origin and asylum for addressing the development needs of refugees, IDPs and returnees.

It may be that the narrow way in which the humanitarian community has contributed to depicting displacement and protracted situations for decades has been in part the cause of lack of interest by development actors, who have not seen these issues as being their concern. It is now crucial to address the tendency – within donor and government circles as well as international organisations – to underestimate the implications of labels and rigid categories for policymaking and for developing innovative and more sustainable approaches to preventing and addressing forced displacement and protracted situations.

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The views expressed in this article are those of the author and do not necessarily reflect those of the European Union.

Forgotten people: former Liberian refugees in Ghana

Naohiko Omata

More than three years after the cessation of refugee status for Liberian refugees, the viability of the ECOWAS integration scheme implemented as a solution for those Liberians who continued to stay in Ghana is seen to be limited.

Although exile can be interminably protracted, refugee status is not granted permanently. According to the 1951 Refugee Convention, when the circumstances under which people were recognised as refugees no longer exist (the premise of 'ceased circumstances'), the Cessation Clause may be invoked while they are still in a country of asylum. Through this process thousands of Liberian refugees in Ghana saw the end of their refugee status in 2012, after which UNHCR, the UN Refugee Agency, brought in an integration scheme through the freedom of movement protocol of the Economic Community of West African States (ECOWAS) as a 'sub-regional solution' for Liberians who remained in exile.

Prolonged displacement for Liberian refugees

After the beginning of the Liberian civil war in 1989, the Ghanaian government established the Buduburam refugee camp in 1990 in response to the arrival of displaced Liberians in the country. After the final ceasefire agreement of the war in 2003, UNHCR repeatedly urged the repatriation of refugees to Liberia. The pace of repatriation, however, was sluggish among the remaining Liberians in Ghana due to the precarious political and economic environment in Liberia. Many Liberian refugees in Ghana had been hoping for third-country resettlement but, with peace restored in Liberia, most no longer met the criteria for resettlement.

The other remaining 'traditional' durable solution – local integration – failed to gain support from either the host government or the Liberian refugees themselves. The Ghanaian administration viewed local integration as an imposition on the country and did not offer integration as an option to refugees who remained.

Local integration was also unpopular with refugees, mainly because of the lack of socio-economic prospects for them in Ghana.

Not only did these refugees remain without a durable solution but their living conditions had also become increasingly challenging. After the 2003 ceasefire, the amount of humanitarian aid was continuously reduced and almost entirely terminated by 2010. In addition, refugees continued to face a number of barriers to engaging in economic activities outside the camp, such as local xenophobia and their own lack of knowledge of local languages. Thus, with the exception of a few recipients of remittances, many Liberians were reduced to bare subsistence inside and around the camp.

ECOWAS-based integration as a 'solution'

In January 2012, UNHCR announced the cessation of refugee status for Liberian refugees worldwide as from the end of June 2012. As nearly a decade had passed since the 2003 ceasefire agreement, the international community deemed that the situation in Liberia had greatly improved and that the causes of the displacement no longer existed. At the beginning of 2012, the Liberian refugees living in Ghana were left with two options: either to repatriate by the end of June 2012 before the invocation of the Cessation Clause or to remain in Ghana through an agreement that existed among the member countries of ECOWAS.

ECOWAS is not a refugee-protecting body but a regional confederation of fifteen West African states – including both Ghana and Liberia – which was founded in 1975 to promote trade and economic integration across the region. The sub-regional integration scheme was based on the 1979 Protocol on Free Movement adopted by ECOWAS which confers on community

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citizens the right to enter, reside in and establish economic activities in the territory of any ECOWAS member state.¹ Since the late 2000s, UNHCR had been focusing on this scheme as an ‘innovative solution’ for protracted refugees in West Africa. Staff members of UNHCR Ghana believed that increasing refugees’ mobility offered a means of ensuring their enduring access to sustainable livelihoods and meaningful employment opportunities by providing legal residency and better access to labour markets across ECOWAS countries.

At the end of June 2012, approximately 7,000 Liberians remained in Ghana and continued living in exile under the new label of ECOWAS migrants. Even though the Ghanaian administration officially announced the closure of Buduburam camp in 2012, most of these Liberian former refugees continued living inside the camp area and in February 2014, almost two years after the cessation of their refugee status, Liberians remaining in Ghana were finally issued ECOWAS passports, which included a two-year work and residence permit.

The provision of this migrant status, however, has not brought meaningful changes in their daily lives.

Dearth of economic opportunities

Stephanie, a single mother with a school-age daughter, had been living hand-to-mouth by combining various means of subsistence, such as doing household jobs for other refugee families and receiving charitable assistance from other refugees and her church inside the camp. When asked how her life had changed since the provision of ECOWAS work and residence permit, she responded:



One of the main business streets inside Buduburam refugee camp, Ghana, now relatively quiet since the departure of many refugees due to the invocation of the cessation clause. With the reduced camp population, refugees with businesses experienced a steep decline in sales and found it hard to survive.

“No change. We are living on help from other Liberians [inside the camp]. I wash their clothing and clean their house for a little cash or a portion of food. This is how we have survived for a long time... I do not have any special skills. We cannot manage outside the camp.”

Some Liberians unsuccessfully attempted to explore employment opportunities outside the camp area. Marshall, owner of a small shop in the camp, expressed his despair during this job search:

“I applied for two jobs at local supermarkets but I did not get either of them. I don’t speak local [Ghanaian] languages. Discrimination from locals remains strong. Even if I have a work permit, I don’t think I can get a job in Ghana.”

Adam, a Ghanaian programme officer who had worked for NGOs in the camp for over a decade, questioned the viability of the sub-regional integration scheme:

“I was always sceptical about the feasibility of this ECOWAS option. UNHCR said that the work permit enables refugees to move to a place where they can find good jobs. But where can they find good jobs? Ghana does not have many employment opportunities and many locals are unemployed... The ECOWAS status might be useful for those with special qualifications such as doctors, nurses

or computer experts. But how many Liberians have such technical skills?"

Former refugees who were interviewed in 2015 were in unanimous agreement that the camp economy had been weakening for the last several years. This is in part due to the changing demographics in the camp. In refugee populations, it is common for those who are wealthier or more resourceful to be the first to repatriate or leave. In response to earlier pressure to repatriate and the cessation of their refugee status, Liberian refugees followed a similar pattern. Kevin, a former refugee who lived in Ghana from the mid-1990s, observed:

"The camp economy is dying. Many small enterprises closed down due to the reduced number of customers. Most of the richer ones left Ghana before the cessation. They used to help poor ones but they [richer ones] are all gone. Remaining Liberians are all very poor."

In Ghana, after better-off refugees departed, vulnerable people with few marketable livelihood skills and economic resources were left behind, increasing the proportion of impoverished refugees in the remaining camp population. Put differently, former refugees who were least well-suited to be able to take advantage of the ECOWAS integration scheme were the ones left in exile to survive as 'economic migrants'.

'Solving' the problem or concealing failure?

Given these findings, the feasibility of the ECOWAS-based integration scheme as a 'solution' deserves careful scrutiny. First, the provision of work and residence permits alone has done little to facilitate integration of the remaining Liberians in Ghana. Most of them engage in means of subsistence built on the camp economy and do not require extensive mobility in their livelihoods. In addition, few could afford the cost of transportation to venture out to external markets.

Second, fundamental impediments to integration such as language barriers and xenophobic attitudes among locals remain untouched. Due to the persistent reluctance of the host government to integrate refugees, the Ghanaian government

and UNHCR made little effort to set up a conducive environment for the successful integration of remaining Liberians.

Third, the limited absorptive capacities of the West African region should not be overlooked. Most ECOWAS member countries, including Ghana, have stagnant economies and high unemployment rates. Even if the former Liberian refugees could move freely to markets in neighbouring states, it is difficult to imagine that many of them would be able to secure gainful employment.

The introduction of this sub-regional integration scheme risks disguising the failure of the international community to provide a durable solution for these refugees. Although the Liberians' refugee status ceased, their exile and plight continued. Substituting the label of 'economic migrant' for that of 'refugee' is not a real alternative to a durable solution. It is a 'quasi-solution' that serves to conceal the failure of the global refugee regime to deal with the challenges of former refugees who have been left with ambiguous migrant status and little attention from the international community.²

It is imperative that the international refugee regime closely monitors the situations of former refugees in West Africa to find out whether the ECOWAS integration scheme can really constitute a solution for Liberians who continue in exile. Otherwise, such refugee populations who are not able to attain a durable solution will eventually 'disappear', removed from official statistics by being stripped of refugee status. Given the ubiquity of protracted refugee cases worldwide, we may witness more of these 'forgotten' former refugees in the near future.

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Reflecting on Liberia and Sierra Leone

J O Moses Okello

In post-conflict Liberia and Sierra Leone, partnerships that were mutually supportive and that included the displaced themselves facilitated rapid and enduring results.

Not too long ago, Liberia and Sierra Leone experienced extreme violence with both of them teetering on the brink of being failed states. Today they are on the mend, albeit struggling. What happened in their case and how were their fortunes turned around?

Governments and their international partners tend to prioritise resources aiming at buttressing peace agreements and related political processes such as elections, but in isolation and at the expense of other equally critical needs such as revitalising the economy and restoring basic social services and infrastructure. In both Liberia and Sierra Leone, a deliberate effort was made to tackle these concurrently. Security and a return to law and order were other basic areas that required attention. Restoring governmental authority (such as police and other institutions of governance) and putting in place minimal mechanisms for the delivery of services were priorities. This was also the period when early foundations for the return to rule of law were created, including the rehabilitation of courts and courthouses.

Long years of exile tend to rob people of the opportunity to learn or develop traditional coping mechanisms. People who go through this experience face monumental challenges when faced with re-establishing themselves upon return. In Liberia and Sierra Leone support had to be provided to returnees in the form of cash grants, food, shelter materials and other relief items in the initial stages of the return process. This enabled a 'soft landing' for the returnees but they were, nevertheless, faced with other problems.

It was also important that reintegration programmes avoided unhelpful distinctions between groups of beneficiaries or return areas. It was critical, for example, to ensure that ex-combatants were given special attention so as not to be tempted to sell their only skill – warfare – but counter-productive to treat

them as entirely distinct from returnees. There had, therefore, to be a point of convergence, mostly at the community reintegration level, where assistance saw no distinctions but gave equal recognition and treatment to everyone. Likewise, no distinction was made in respect of internally displaced persons and former refugees returning to the same locations. It was similarly unreasonable to ignore the needs of displaced persons and former refugees returning to urban areas in favour of the rural areas. Attention had to be given also to individuals who were not displaced – 'stayees' – who were equally in need.

Apart from the social provisioning, a very important matter in the post-conflict recovery process was ensuring food security. The wars had debilitated the countries' productive capacity and displaced most of the agriculturally productive segment of the population. Improving food security thus required substantial attention, including extending humanitarian food assistance alongside improving agricultural productivity and supporting small-scale subsistence farming. It had to be recognised that the transition from relief to development was not a linear experience and that relief and development assistance were required concurrently for a number of years.

Partnership between a renewed state apparatus, civil society and the private sector is indispensable for post-conflict reconstruction. Responding to the needs of the forcibly displaced is a complex undertaking that needs broad partnerships to be forged involving all relevant actors – traditional development partners, financial institutions, bilateral donors, agencies with relevant mandates, international and national NGOs with their specialised knowledge, the private sector and, not least, the broader local civil society.

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Peace in Colombia and solutions for its displaced people

Martin Gottwald

With the prospect of peace comes the need to find solutions for those displaced during 50 years of fighting. Solutions will not come without comprehensive attention to the factors affecting IDPs and refugees.

Since 2012, the Colombian government has been engaged in peace talks with the country's largest guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), amidst an armed conflict that has dragged on for over 50 years and has displaced more than six million people. The negotiating parties have reached agreements on rural development, drug substitution, political participation, transitional justice and reparations for victims. The remaining points on the agenda are a deal on how the guerrillas will demobilise and disarm, and how to implement the peace accords.

The peace agreement will be just the beginning of a transition period that will encompass a range of measures aimed at reducing the country's risk of relapsing into conflict. Finding comprehensive durable solutions for the country's displaced populations is a key aspect of that process because, among other reasons, the reintegration of internally displaced persons (IDPs) and refugee returnees will validate the post-agreement political order and contribute to the recovery of licit local economies and to participatory development.

The concept of comprehensive solutions is premised on the belief that both the purpose of solutions and the systemic nature of the problem of IDPs and refugees require that the approach taken to achieve a lasting restoration of human rights must build on a full understanding of the interconnected factors around displacement, and must tackle them in an inclusive manner.¹ This contrasts with non-comprehensive approaches to solutions which address displacement factors, population groups of concern and solutions in isolation from each other, or

which expect solutions automatically to result from generic peace-building interventions.

In substantive terms, the concept of comprehensive solutions requires an integrated and multi-sectoral approach to protection and durable solutions that focuses on self-reliance, with displaced populations meaningfully involved in decision-making processes. Mutually reinforcing synergies need to be created between proposed solutions – whether voluntary return, local integration or resettlement – for IDPs, returnees and refugees. The final purpose and outcome must be the full restoration of human rights in line with the IASC Framework on Durable Solutions for Internally Displaced People² and standards defined by Colombia's Constitutional Court in its landmark ruling T-025 from 2004. In terms of processes and structures, the concept requires that the government and the UN draw up a comprehensive solutions strategy in the framework of coordinated multi-stakeholder partnerships.

Still displaced

Since 1985, 6.9 million people have been internally displaced, of whom some 60% have fled to the shantytowns of Colombia's 25 largest cities. In addition, there are around 360,000 Colombian refugees in neighbouring countries and other regions. Most of the latter have not been through formal asylum procedures and thus do not possess a regular migration status, leaving them 'invisible' in the territories of asylum countries.³ The majority of the IDPs and refugees (and refugee returnees) live in situations of protracted displacement.

Although armed hostilities have diminished thanks to the peace process

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and related ceasefires, non-state armed groups such as those rooted in the officially demobilised paramilitaries are estimated to have members in more than 400 municipalities, notably in urban areas. Similarly, some guerrilla fronts heavily involved in illicit economic activities may not be convinced by a peace agreement to lay down arms. Conflicts may also arise in connection with the implementation of the peace agreement, particularly over land. In short, the conflict has been transforming; while the number of armed confrontations between the parties to the conflict has been going down, organised violence has taken new forms and continues to trigger emergencies and displacement.

Government's role

While the government has made significant efforts through policies and measures in areas such as public health, education, income generation and the reparation of victims via land restitution, civil authorities are absent or only marginally present in various parts of the country, notably those areas most affected by forced displacement. Equally, their resources and capacities are often inadequate to prevent, respond to and resolve displacement, particularly in low-income municipalities.

The complexity of displacement-related problems calls for collaborative whole-of-government responses and a human rights-based approach; however, limited coordination between authorities – horizontally among different state institutions and vertically between central and local authorities – frequently leads to inefficiencies when it comes to addressing displacement-related matters. For example, although most IDPs have fled to urban centres, the government has not yet adopted a comprehensive local integration strategy for IDPs in urban contexts. Likewise, the capacity and willingness of state authorities to consistently accompany



This indigenous community of Unión Embera Katio, Bajo Atrato, in the department of Chocó, Colombia, has been displaced on several occasions.

and follow up on voluntary return and relocation movements have been limited.

The Victims and Land Restitution Law adopted in 2011 importantly acknowledges the existence of an armed conflict and the scope of forced displacement, and provides for comprehensive reparations for victims of the armed conflict, including IDPs. Reparation is meant to serve as a bridge towards the sustainable reintegration of IDPs. In practice, however, much of the government's work has focused on short-term assistance and financial compensation rather than long-term reintegration processes and the coordinated and sustained intervention of state institutions.

Rural and urban development plans

The negotiating parties of the peace agreement have committed to boosting economic infrastructure, social services and good governance in rural areas that hitherto had been controlled by the FARC. This makes sense given that persistent poverty and inequality in rural areas have been at the root of the armed conflict.

Not surprisingly then, the government's general development plans, the UN Development Assistance Framework which aligns with the government's development priorities, and the UN Peacebuilding

Framework for Colombia all focus on the rural areas. At the same time, most IDPs have fled to urban areas and are unwilling to return to their rural communities of origin. While international actors advocate a holistic approach to development that acknowledges rural-urban linkages, the agreements are virtually silent about the policies needed to integrate the millions of urban IDPs. It is significant that none of the plans proposes a strategic solutions framework for IDPs and refugee returnees.

In a similar vein, the Humanitarian Country Team is focused on meeting humanitarian needs associated with ongoing humanitarian emergencies in the country, and thus ignores longer-term reintegration needs of IDPs and returnees. The absence of structures bridging the humanitarian coordination architecture and the coordination mechanisms set up under the UN Country Team means that development and humanitarian actors are currently not systematically working together to jointly support IDPs and the authorities in finding sustainable solutions for them.

Asylum and repatriation

While the government has started to offer reparations for human rights violations suffered in connection with the armed conflict, it has shied away from elaborating a comprehensive voluntary repatriation and reintegration framework for so-called 'victims abroad'. For example, the government provides repatriation support to Colombians residing abroad who organise their return through consulates in the countries of asylum. Yet refugees who repatriate spontaneously or are forced to return do not receive long-term reintegration support from the state.

Equally, the government has not made efforts to set up tripartite mechanisms with individual countries of asylum and UNHCR for local integration of Colombian refugees who do not want to repatriate. This is despite strong pleas by Colombian NGOs and victims associations abroad to create – in the framework of the peace negotiations – a sub-commission on refugees. Following the example of the CIREFCA

Conference and Process that brought the problem of displacement to the forefront of the peace initiative in Central America and sought to find regional solutions for the uprooted, they also advocate holding a regional conference to promote access to durable solutions for the region's refugees and host communities through an integrated relief and development approach.⁴

The role of UNHCR

UNHCR has so far been the only international actor in the region to draw up comprehensive solutions strategies for Colombia's displaced populations in Colombia and neighbouring countries. In addition to assisting authorities to facilitate displaced communities' return, local integration or relocation where conditions are conducive to solutions, UNHCR works with displaced people and receiving communities at all stages of such processes. It has also helped victims associations in countries of asylum to reconnect to the government.

Under the Transitional Solutions Initiative (TSI)⁵ – a joint project between UNHCR and UNDP, which aimed to bring national authorities together with displaced and host communities and find sustainable solutions – UNHCR selected 17 communities throughout the country, in both rural and urban areas, and pursued three lines of work: improvement in quality of life (land, housing, access to basic services and local economic development), organisational and institutional strengthening, and protection of victims and their rights. TSI encompasses local urban integration projects such as the legalisation of informal settlements and return and relocation projects. UNHCR is now using the lessons learnt from these projects to promote a comprehensive policy on solutions with the national authorities, so that the government may replicate the projects in other areas of the country once a peace agreement has been signed.

In countries such as Ecuador and Costa Rica which host large numbers of Colombian refugees, UNHCR has adopted comprehensive local integration strategies and has also resettled Colombian refugees

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from Ecuador and Costa Rica to other countries in the region. The framework for this has been the Brazil and Mexico Plans of Action and the principles of international solidarity and responsibility sharing between the main countries receiving refugees and the other countries in the region.

Particular attention has also been given to regional migration. For example, in the framework of a transnational labour mobility project, Colombian refugees in Ecuador have access to a two-year residence permit in Brazil without losing their refugee status in Ecuador. The residence permit provides access to rights – notably to work and study – and public services, and can become permanent.⁶

Conclusion

The Colombian government, the UN and donor countries approach the displacement of IDPs and Colombian refugees primarily as a humanitarian issue. This explains why the different peace-building and development frameworks fall short of whole-of-government and whole-of-organisation approaches and thus fail to address displaced populations' reintegration needs in a comprehensive and explicit manner.

If the protracted displacement of 6.9 million IDPs – 14% of Colombia's population – remains unaddressed, it is likely to become a major strain on the peace-building process. At the same time, the search for solutions for

IDPs and refugees may regain momentum once a final peace agreement has been signed. Although the government may not draw up a comprehensive solutions strategy for IDPs and refugees, UNHCR – in collaboration with IDP communities, victims associations and NGOs – may succeed in inserting the topic of solutions into the government's rapid response plan and into local development plans. In line with the 2014 Brazil Plan of Action,⁷ a comprehensive regional solutions strategy uniting Colombia, asylum countries and the international community is also desirable in order to create synergies between the local integration, resettlement and voluntary repatriation of Colombian refugees and other victims of the armed conflict.

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A perspective from the World Bank

Joanna de Berry

The World Bank brings distinctive qualities to the role it can play in furthering the humanitarian to development transition and is significantly scaling up its engagement on forced displacement.

The World Bank's value added is not in identifying and addressing the protection or short-term humanitarian needs of displaced persons, a focus which is well served by other agencies. Instead, as a development institution, the World Bank's lens is focused on addressing the longer-term, systemic impacts of displacement and addressing

them within the wider development context in which those needs are located.

Its current involvement includes the preparation or implementation of financing for projects addressing displacement and impacts on host communities in Azerbaijan, Djibouti, Democratic Republic of Congo (DRC), Ethiopia, Jordan, Lebanon, Tanzania,



23 members of one family live in this community building in the Turkish village of Kanatli, having fled their homes in Kobani, Syria, 2015.

Uganda and Zambia, and reviewing and revising displacement policy such as assessing new directions for IDP subsidy schemes in Georgia.¹ It also includes a wide array of analytic work such as scoping out the development needs of the displaced across the Great Lakes Region of Africa² and Horn of Africa,³ and poverty profiling of Syrian refugees in Lebanon and Jordan⁴ and of the Malian displaced across West Africa.⁵

Identifying a different set of needs

In Tanzania, the ability of long-term former refugees from Burundi to earn an income from their agricultural production is severely compromised by the geographic isolation of their settlements and lack of access to external markets. In this case, the need is to work with the government to open up access to markets through improved infrastructure connecting the settlements with the wider area.

In Turkey, one of the greatest challenges of the presence of Syrian refugees – causing some resentment among local Turkish families – is dramatic hikes in rents related to the increased demand for rental accommodation by Syrian refugees, combined with an already constrained housing market and an estimated housing supply lag of

approximately nine years at the lower end of the housing spectrum.⁶ Here the need is to explore with the Government of Turkey options for responding to the housing needs of refugees – such as vouchers and rent subsidies – without causing distortion to the housing market for local Turkish families.

In Georgia, 45% of all internally displaced person (IDPs) live below the national poverty line as compared to 41% of non-IDPs. The greatest difference, however, is in the sources of household income, with 37% of IDPs' household income derived from subsidies compared to only 26% for non-IDPs. Since this relates to an inability to earn money through agricultural production due to a lack of access to land, the World Bank is working with the government to pilot increasing access to land for IDPs through rental contracts, an approach which creatively tackles constraints on IDPs' ability to own land through formal rights.⁷

Applying a different set of tools

Including refugees, returnees and IDPs in **nationally representative poverty assessments** can generate disaggregated data to compare the poverty and living standards of the displaced with national

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poverty levels and in comparison with hosting communities. All too often needs assessments of displaced persons rely on a small sample size and do not use nationally comparable metrics and indicators of vulnerability or poverty. This constrains the usefulness of the data for targeting and policy purposes. Given the technical support that the World Bank offers to many governments on implementing regular Living Standards Measurement Surveys and other such nationally representative surveys, the Bank is well placed to integrate displaced populations into these instruments either through an adapted methodology or innovative sampling strategies for displaced groups.

Area-based planning involves designing development solutions for displacement settlements and camps through assessment and knowledge of the wider spatial and planning context. In Tanzania, for example, there is extremely restricted access to water for the long-term residents of a settlement for former refugees; the shallow wells and boreholes are dried up, contaminated and poorly maintained. Technical advice has been that a more efficient solution lies in linking the water needs of the settlement into the data collection and planning of the relevant government water basin office. This has not been done to date because the settlement is not considered part of local government structures and is administered through separate, parallel arrangements under national refugee law.

Responses for displaced persons are often financed and managed in parallel to the delivery of mainstream development projects. This can result in marginalisation of the displaced from broader development strategies and in some inefficiencies; in DRC, for example, it was found that health centres funded through humanitarian agencies were 47% more expensive than those funded to the same standard by the government. Since World Bank financing is channelled through government systems, it can facilitate the expansion of existing government structures, processes and resources towards displaced populations. It can also serve to strengthen those institutions in the process.

Opportunities and challenges

As governments and other stakeholders are increasingly looking for alternatives to camps and to the traditional durable solutions of return, resettlement and local integration, and to facilitate the self-reliance of displaced people, new challenges come into play such as socio-economic pressures on host communities, deficits in services and in the labour and housing markets, and the potential for social tensions.

While World Bank tools are highly relevant to identifying and mitigating these issues, the use of World Bank approaches and financing is not without challenges and can only ever be one part of a broader line of action in helping those affected by forced displacement to improve their lives. For a start, there is the political sensitivity for host governments of borrowing and repaying World Bank loans for refugees, that is, non-nationals. Secondly, host governments may compromise a displacement response by restrictions imposed by a government's own policy towards the displaced, requiring careful negotiation. Finally, there are sometimes incentives for governments in keeping humanitarian responses going in order, for example, to maintain the image of the presence of the displaced as temporary or as a source of additional resource injection.

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Humanitarian action and the transformation of gender relations

Melinda Wells and Geeta Kuttiparambil

There is value in creating space within a humanitarian response to invest in interventions that go beyond addressing the immediate risks and needs. This is particularly the case in relation to women's empowerment.

When the Women and Girls Oasis Centre opened in Za'atari refugee camp in Jordan in late 2012, it was a dusty, barren plot, surrounded by prefabricated trailers and a fence. By the end of 2014, the Oasis compound was filled with colourful murals, hanging plants grew out of pots made from recycled water bottles, and the sounds of children shouting, playing and learning drifted from the windows of the children's centre. Women work, chat, drink coffee, cry, comfort, tease and laugh.

Almost all the women who came to the Oasis had been forced by the conflict in Syria to become the heads of their households. Having survived the brutality of the conflict, they were faced with the new and overwhelming responsibilities of life in exile. Few felt equipped to meet this challenge. Life in Za'atari, as many of the women told us, presents a major contrast to a life in Syria defined by culturally prescribed gender roles.

In humanitarian settings, responses targeting women and adolescent girls are often limited to aspects of reproductive health and protection and response to gender-based violence (GBV). Yet a proactive approach creating physical space for women can be a critical catalyst to women claiming more social and political space as well. Where this type of approach has been taken, there are encouraging stories of women refugees developing and articulating individual and collective strategies to address their needs. Women also express an increased confidence in their ability to meet the challenges they will face in displacement over the medium and long term.

Vulnerability and empowerment

Humanitarian crises increase risks for displaced individuals and families in a number of areas, including vulnerability

to all forms of GBV, forced recruitment and labour exploitation, including child labour. Women and girls across all age groups are most at risk. This is due to a number of factors including the separation of families, breakdown of law and order and traditional protection systems, and the inability of displaced people to meet their most basic needs, resulting in the adoption of potentially harmful coping strategies. While prevention and response interventions that address protection issues are critical, it is important to consider the opportunities that such massive shocks can also create. For example, sudden displacement may offer the possibility for a woman to leave an abusive partner, to adopt new roles as she is compelled to support her family in unexpected ways, or to find her voice as she steps forward to advocate for solutions to the new challenges facing her family or her community.

Yet the language of empowerment is not consistently adopted in humanitarian scenarios and gender equality is often put aside as a development issue. It is vital to recognise the criticality of women's empowerment in humanitarian action and of physical, social and political space for refugee women to be prioritised through programmes such as the Oasis. This type of programme emphasises dialogue with women about their needs and aspirations, and results in interventions that take a longer-term view to addressing critical protection, participation and livelihood objectives.

The Oasis has allowed for multiple narratives which go well beyond an analysis of risk and vulnerability to look at capacity and at ways of promoting and supporting mutually reinforcing coping strategies. This is especially relevant when considering the

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physical and social architecture of space for women and girl refugees. In addition to the specific protection issues that they face as a result of their sex, they also need self-reliance and civic engagement mechanisms that facilitate their participation in community life and decision making. With this comprehensive approach, women begin to rebuild self-confidence that may have been eroded by the often forceful separation from their traditional roles.

According to a recent report by UNHCR (the UN Refugee Agency), 145,000 Syrian refugee women now run their households alone¹ and this is the case of many of the women in Za'atari. Despite this evidence, humanitarian strategies consistently – and unacceptably – categorise women and girls as ‘vulnerable’, without clearly articulating definitions of vulnerability.

Programmes like the Women and Girls Oasis do not identify affected people as only ‘displaced’ but bring in their capacities and previous aspirations, as lawyers, teachers, counsellors, doctors, engineers. This model uses the response to immediate protection and safety needs as a stepping-stone to interventions that help shift women’s self-perception regarding their ability to cope with their circumstances, and provides a place where women can more fully explore their capacities and aspirations.

Participation and decision making

In the Oasis, Syrian refugee women are offered information, referral and support to prevent and respond to sexual and gender-based violence. Classes and information sessions are offered, aimed at enhancing life skills, including literacy, language training, health and well-being. As a result of a participant skills assessment, tailoring and hairdressing workshops have also been established. The Syrian women volunteer in these workshops, which, in turn, offer free services to residents of the camp. This provides participants with the opportunity to develop or strengthen their marketable skills while gaining the satisfaction of providing valued services to their community. Finally, programme participants are offered

civic participation training and follow-up mentoring. This training is tailored specifically to refugee women, facilitating the development of strategies and leadership skills for mobilising action on issues of concern within their community.

The goal of safe spaces like the Women and Girls Oasis is to provide the conditions under which women and girls can raise their voices or play a role in community decision making. Participation in decision-making structures is key to accountability commitments in humanitarian response. Yet often we fail miserably to deliver meaningfully on women’s leadership and participation, citing cultural factors or urgency as barriers. Refugee decision making in such a setting often seems elusive or even a luxury, but women at the Oasis say they want the opportunity to define their lives, their needs and their aspirations and many of the women link their participation in the programme to a restored sense of dignity. Similarly, they report that, in their context, committees structured around the concept of a 50% gender balance do not achieve the presumed goal of equal participation of women and men due to cultural roles that dictate the interactions between men and women, and, in some cases, to overt intimidation by male members leading the women to withdraw.

To ensure that community decision-making structures are defined by women’s terms of engagement and that their voices are heard across the agencies in Za’atari, the lead agencies for camp management and community mobilisation have tapped into the Oasis resources to host women’s committees. It is critical to make a distinction between situations where women are not participating, and the assumption that women do not wish to participate. While participation of women, overall, in Za’atari camp committee structures is low, a group of women approached the Oasis staff requesting that, in addition to Arabic literacy, they also receive English classes so that they could better argue their case with the largely English-speaking decision-makers in the humanitarian community.

This is not the story of victims but, rather, of women survivors who are supported in taking steps towards constructing a new world and life for themselves and their families. It should not be forgotten that many of these women were professionals before they became refugees. These women tell us they do not want to be defined solely as victims or aid recipients but rather as women actively engaged in a process of establishing new strategies for moving forward in the face of their current circumstances. Post-conflict recovery approaches need to

create space for women's empowerment to allow this narrative to fully unfold.

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The views expressed in this article are the views of the authors and do not necessarily reflect the views of their respective organisations.

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An age-sensitive approach to durable solutions

Ana Mosneaga and Michaela Vanore

Elderly people are likely to face specific constraints in displacement, yet the durable solutions devised by many states tend to follow a one-size-fits-all approach. The implementation of transitional but workable solutions can at least alleviate some of the adverse socio-economic and psychological challenges that displacement poses for the elderly.

There are few interventions catering to the needs of the displaced elderly, and their situations in conflicts and disasters are seldom documented. The invisibility of the displaced elderly within data and subsequent programming reflects the limited profiling of the specific vulnerabilities and needs of particular population groups within larger displaced populations. Existing examples show, however, that humanitarian emergencies disproportionately affect older populations in both conflict and disaster settings.

In Japan, 66% of 15,681 people who died (and whose age was subsequently verified) after the Great East Japan Earthquake and tsunami of March 2011 were older than 60. Likewise, a study undertaken in the context of the 2012 refugee crisis in South Sudan found that the mortality rate of the population aged over 50 was over four times that of 5-50 year olds.¹

Older people are generally among the last to flee from an unfolding conflict or disaster due to both their often more limited mobility and their reluctance to leave a familiar environment. Once displaced, older persons

may face greater difficulties in restoring their livelihoods and are often economically disadvantaged compared to younger people. Their search for durable solutions, whether through return to their original communities, integration in their places of refuge or settlement elsewhere, can be further impeded by frail health, which often deteriorates while they are in displacement.

Such vulnerabilities specific to the elderly are largely omitted from the existing international instruments that address internal displacement and durable solutions. The UN Guiding Principles on Internal Displacement and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for Internally Displaced Persons (IDPs) do acknowledge older people as one of the vulnerable groups that require attention to their "special needs".² However, despite specifically elaborating on these needs for women and children, the Guiding Principles do not elaborate on the needs of the elderly, and the IASC Framework explicitly mentions the needs of the elderly as a vulnerable group only in the context of family reunification following family dislocation in displacement.

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Ageing societies: Georgia and Japan

Protracted and repeated displacement further exacerbates the vulnerability of older people. In Georgia, over 90% of the 267,323 IDPs registered by October 2015 had been displaced since the early 1990s; over 33,000 of them were aged 60 or older. The 2008 conflict produced a new 'cohort' of IDPs while further enhancing the vulnerabilities of IDPs from the old cohort. The renewed conflict once again disrupted livelihoods and social networks, which presented especially difficult challenges for the elderly struggling to adapt to unfamiliar settings.³

Similarly, the elderly who experienced displacement several times after Japan's 2011 disasters and those who lived alone are considered to be particularly vulnerable. A survey of IDPs since the nuclear disaster in Fukushima found that people have on average moved 4.6 times. Repeated displacement often resulted in a change of household structure, with younger adults moving into different types of temporary accommodation than older generations, splitting up extended families. Older people also tended to stay in pre-fabricated or other temporary housing arrangements for longer periods. In Miyagi prefecture, which was the worst affected by the tsunami, 43.8% of residents in prefabricated housing were over 65 according to a survey conducted in 2014.

In general, the elderly tend to face greater challenges than the young in restoring their pre-disaster standards of living and regaining their economic welfare. In Georgia, high rates of unemployment and low public pensions have been particularly problematic given high and persistent health costs among the displaced elderly. Although Japan has a well-developed pension and social security system, many older IDPs, especially from the rural areas contaminated by radioactive fallout, have experienced soaring living costs. Many previously had land on which to produce most of their food and had often benefitted from rich natural resources available in their communities. Once displaced, their perception was that investing in buying new land or agricultural equipment was both too costly and risky due to persistent



Close-up (taken in June 2014) of pre-fabricated temporary housing for IDPs displaced in 2011 following the nuclear disaster, Fukushima prefecture, Japan.

uncertainty over how long they would remain displaced and for how long they would live.

The elderly among both cohorts of the displaced in Georgia reported high rates of chronic health problems (for example, hypertension, mobility problems, heart disease and diabetes) often exacerbated by poor living conditions, such as those experienced by IDPs resettled in buildings that were hastily re-purposed as collective accommodation centres. Elderly IDPs, particularly those living in collective centres, have also reported psychological health outcomes of concern such as higher rates of life dissatisfaction, depression, and anxiety due to feelings of social isolation combined with exceptionally bad housing conditions.⁴

Protracted displacement resulting from Japan's 2011 disasters has also taken a heavy toll on the physical and mental well-being of the elderly. Living conditions in the prefabricated housing, though much better than in the emergency evacuation centres where people were housed in the immediate aftermath of the disasters, remain dismal. Similarly to the Georgian case, many of the elderly residents have thus experienced worsening chronic health conditions and

higher prevalence of sleeping disorders, anxiety and depression. In Fukushima prefecture, the death toll resulting from health problems and suicides after the nuclear disaster has exceeded that from the direct impacts of the earthquake and tsunami, with people over 66 years of age accounting for more than 90% of such fatalities.

For many of the elderly, the experience of being displaced – particularly the uncertainty resulting from protracted displacement and decreasing prospects of regaining normality with each year that passes in limbo – can erode their sense of agency, making them dependent on assistance from the government or their families. For some of the elderly displaced by the nuclear accident in Japan, this has resulted in a feeling that they cannot independently decide where to spend the remainder of their lives. While many of them wish to return to their native homes and communities, they know that their children and/or grandchildren are often unwilling to do so. This reflects the great inter-generational divide in the perception of return as a potential durable solution: the elderly often see return as more desirable than the younger generations do, as the latter tend to be more concerned about risks posed by remaining radiation. While returnees in Georgia face fundamentally different risks upon return, a recent UNHCR (UN Refugee Agency) study has also found that older people favour return to their original communities much more than do younger people, many of whom see limited prospects for economic and physical security in their communities of origin.

The disruption of community life and social networks can further alter the positions of the elderly in their families and communities. Many of the elderly who were



Pre-fabricated temporary housing for IDPs displaced in 2011 following the nuclear disaster, Fukushima prefecture, Japan. (photo taken June 2014)

displaced by the 2011 disasters in Japan missed tending their land and lacked space to host their children and grandchildren after moving into temporary housing. Elderly men in particular became more withdrawn following the loss of status and authority that they had enjoyed in their communities of origin. Many also experienced disruptions in their kinship networks. Fearing to be left alone, some of the elderly moved to the same towns or cities as their children or their younger relatives immediately after the disaster, but many eventually opted to move back and live in temporary housing closer to their original communities as they felt insecure living in unfamiliar environments.

The displacement from physical spaces has similarly disrupted the way the elderly in Georgia construct their own sense of self and relate to members of their (former) social networks. Many elderly men who were displaced from the conflicts in the early 1990s were reported to have poor psychological health due to feelings of guilt and failure related to their inability to protect their families and homes during the conflict. Moreover, many of the displaced elderly faced further social alienation because a large number of the collective accommodation centres have many floors (and no elevators)

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Tserovani IDP settlement, Georgia, 2012.

and few communal spaces, which limits social interaction, particularly among the elderly with poor mobility. The assignment of individuals from the same villages to different accommodation centres also meant that many elderly were disconnected from their old networks and consequently live alongside complete strangers. Another problem in such centres is the lack of access to plots of land, which many elderly identified as being important not only for their economic stability but for their ability to feel productive.

Appropriate durable solutions for the elderly

Both the Japan and Georgia cases suggest that the elderly are a radically different population cohort when considering durable solutions. While the elderly are often the last to leave in evolving emergencies, the elderly are also often the last ones to transition out of temporary arrangements. The elderly tend to see greater risk in transitioning into unfamiliar environments, and in this sense their concern for losing the little continuity and familiarity that their present situation offers tends to be greater than their concern about the potential risks such situations pose. This reasoning affects elderly IDPs' perceptions of durable solutions. In many

cases, the elderly feel that, owing to their age, health and the disruptive impact of displacement on their economic well-being and social positioning, they do not have time to wait for a genuinely durable solution.

Designing transitional but workable solutions that can at least alleviate some of the adverse socio-economic and psychological challenges that displacement poses for the elderly means paying

due regard to the following factors:

Including the elderly in programme design: The loss of productivity and the resulting dependency on government assistance and/or younger generations affect elderly people's well-being and feelings of self-worth, making them prone to isolation. Response-to-recovery and humanitarian-to-development transition schemes could address such vulnerabilities (while also benefitting from older people's knowledge and experience) by actively involving them as advisors.

Allowing a graduated transition and retention of some continuity: Older people may have a limited capacity to adapt to new solutions in general. Every experience of displacement further exhausts their capacity and willingness to invest in integrating and restarting lives in new environments. Displacement solutions for the elderly should thus aim to ensure some degree of continuity in the process of transition while reducing the overall number of necessary transitions. This means adapting the assistance to changing needs at the same time as enabling the elderly to predict how their lives would be affected by such a transition.

Preserving community cohesion: Disrupted social and kinship networks are more concerning for the elderly than

for the young, with the latter often finding it easier to build new networks. Thus resettlement from emergency shelters to temporary accommodation should, as far as possible, be carried out with an emphasis on preservation of community ties. Supporting the elderly to run their own associations, clubs or cooperatives could also contribute to preserving or building social cohesion in relocated communities.

Weighing up the risks: Planning transitional solutions requires weighing up different risks. For example, while the dire living conditions of the emergency shelters or prefabricated housing may demand speedy transition into better housing, hasty resettlement is likely to result in further disruption of communities and to exacerbate the isolation of the elderly. Thus, where possible, the speed of improving the living conditions of the displaced populations should be balanced with measures aimed at ensuring continuity of social networks and community cohesion.

While any approach needs to be context-specific, the need for age-sensitive approaches to durable solutions emphasises

the importance of better profiling of displaced populations so that the solutions are designed to meet the specific needs and vulnerabilities of different segments of the affected populations.

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New aid architecture and resilience building around the Syria crisis

Gustavo Gonzalez

The international community has been piloting an integrated humanitarian, development and government response to the crisis in the region of Syria.

As middle-income countries, Jordan, Lebanon, Turkey and Egypt to a large extent, and Iraq and Syria to a lesser extent, saw declining official financing flows supporting their development in the years preceding the current Syrian crisis. In middle-income countries, financing for development relies primarily on national resources and international borrowing. The flows of refugees have put national budgets under stress due to the growth in the volume of subsidies for basic goods and services and to mounting security costs, with Jordan and

Lebanon facing higher public debts than their Gross Domestic Products (GDP).

The effectiveness of the support of the international community has also been weakened by the prevalence of separate humanitarian, development and climate adaptation financial 'silos'. The three have different aims and follow different principles. They have evolved separately and operate over different spatial and temporal scales, are aligned with different budget lines and rules, and are managed by different actors. A multitude of

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multilateral, bilateral and non-governmental initiatives exist with their individual funding streams – with communication and coordination among initiatives often lacking even within an individual donor's own aid architecture, within individual governments' line ministries and among UN agencies. Although some donors have been working to overcome the divide between humanitarian and development initiatives and funding channels, the response to protracted crises has remained fragmented. One of the lessons from the Syria crisis is that the prevailing aid architecture for crisis response is not fit for purpose.¹

Towards a paradigm shift in responding to protracted crises

In late 2013, within the framework of the Regional United Nations Development Group (R-UNDG), the United Nations Development Programme (UNDP) established a Sub-regional Response Facility² in Amman, covering the six countries most affected by the crisis, to work closely with humanitarian and development stakeholders and governments to find a more sustainable and affordable response to a protracted crisis. There have been four critical milestones in this challenging journey:

First, the adoption of the **Resilience-Based Development Response to the Syria Crisis**³ by the R-UNDG, which set a new programming and organisational framework for the integration of humanitarian and development interventions. The resilience-building approach included an innovative resilience toolbox (Stress Index, Resilience lens, Vulnerability analysis, Resilience system assessments), an expanded scope of intervention (refugees and also host communities), new partners around the table (private sector, international financial institutions, development funders) and an enhanced role for the governments of the five countries hosting refugees.

Second, the formulation of the **Regional Refugee and Resilience Plan (3RP)**, co-led by UNHCR (the UN Refugee Agency) and UNDP, with the participation of five countries and more than 200 partners, including

relevant UN agencies, and national and international NGOs. The 3RP is innovative inasmuch as it (a) integrates humanitarian and development interventions in a single crisis response programming platform, (b) enhances national ownership by centralising the planning process around national plans (for Jordan and Lebanon), (c) refocuses investment in local delivery systems, particularly municipalities, and, finally, (d) has introduced multi-year programming to enhance financial predictability.⁴

Third, the **Resilience Development Forum** in November 2015 at the Dead Sea, Jordan, gathering senior representatives of governments from Egypt, Iraq, Jordan, Lebanon and Turkey, UN agencies, international organisations and international financial institutions, donor countries, international and national NGOs, research institutions and private sector leaders. The output was a resilience-building roadmap, the **Dead Sea Resilience Agenda**,⁵ which has codified and captured in five principles and ten recommendations the new business model for protracted crises. It is intended to inform the next round of responses in the region, including inside Syria, to strengthen the ongoing national planning processes and to continue leveraging development resources and partnerships for durable solutions.

Four, the organisation of the **London Conference – Supporting Syria and the Region** in February 2016 to mobilise financial resources for resilience building, involving traditional and non-traditional donors, governments of the region, international financial institutions, philanthropists, the private sector and a wide range of national and international NGOs. Here, for the first time, a Syria pledging conference was structured around the resilience building themes of livelihoods and education, with protection as the third one.

The Conference also moved away from traditional pledging exercises by introducing 'commitments for policy change'. Jordan, Lebanon and Turkey committed to opening up their labour markets and increasing economic opportunities for refugees and host communities. In turn, external actors

agreed to support host countries in areas such as preferential access to markets, access to concessional financing and increased support for public and private sector job creation. This new deal is a concrete example of how a crisis can be transformed into a development opportunity.

New resilience building opportunities

The resilience agenda in the context of the Syria crisis has introduced a series of new investment and cooperation modalities, which will certainly influence the next generation of crisis response.

Among the most promising are:

Private sector engagement: Across Syria's neighbours, national resilience plans have identified business development as a key pathway to socio-economic resilience building in affected communities. Governments, through special tax and other incentives, could also catalyse, shape and drive foreign private investment (including Syrian investments) to generate jobs for refugees and host communities through Special Economic Zones. The objective is to attract businesses and create jobs along the border to reduce migration and prepare the ground for reconstruction. The role of government in providing security to these special economic zones is fundamental, while aid can serve as seed funding to attract more private investment. In existing industrial zones in Turkey, aid-funded vocational training programmes have been established, gradually receiving more private funding and benefitting from cooperation agreements with governments to use some public facilities.

Pooled funding: This type of funding, administered by a group of international stakeholders, can gather fragmented contributions to reach a critical mass of resources to fill critical funding gaps. It can then provide sector budget support at the request of governments while fostering better coordination and consistency of programmatic objectives and risk management. Pooled funds are in place for Lebanon and Jordan.

Debt to Development, Nature or Equity Swaps (DDS, DNS, DES): These

are instruments that may reduce the indebtedness (currently above 100% of GDP) of some of the countries neighbouring Syria while funding development projects to address the demographic shock. Trilateral coordination among the UN, international financial institutions and national governments provides a negotiating platform for all these development swaps and to identify national capacity gaps for such financial transactions.

South-South and Triangular Cooperation: What is needed is the consistent engagement of national actors in the region with potential suppliers of solutions elsewhere. From efficient energy and water management to high-impact social entrepreneurship and cohesion-building techniques, there are lessons that can be drawn upon by countries affected by the crisis, given the wealth of experience and knowledge of Southern countries in coping with a wide range of human-made crises.

Although resilience building still remains a vague concept in the sub-region (subject to different technical interpretations and political interests), it has played a remarkable partnership-building role by gathering a wide range of stakeholders – humanitarian, development and government – around a common objective of optimising capacities, knowledge and resources for durable solutions. Through resilience, we aim to stop the spread of the humanitarian crisis while preserving human capital and vital assets, creating momentum for reversing the negative impact of the crisis and ultimately ending the tragedy for millions of human beings.

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Development cooperation and addressing 'root causes'

Steffen Angenendt, Anne Koch and Amrei Meier

Development has its place in dealing with the roots of displacement but it is not an alternative either to important measures in the realm of foreign policy, trade policy and humanitarian assistance, or to taking responsibility for refugees coming to Europe now.

Following the significant increase in the number of refugees entering Europe, calls to address the 'root causes' of displacement through development cooperation have become louder across the European Union (EU), and several EU member states have dedicated substantial funds to this purpose. However, the increasing over-use of this terminology and the lack of clarity with regard to its meaning pose a number of risks. First, it is problematic if development funds are not primarily used in compliance with their actual purpose (to achieve sustainable improvement of the living conditions in recipient countries) but are used to prevent undesired migration to donor states. Second, the mantra of addressing root causes of displacement may raise unrealistic expectations about what development cooperation can achieve in situations of mass displacement. Third, a debate that focuses solely on tackling the root causes of displacement threatens to distract attention from the need to reform European asylum policy and to achieve greater responsibility sharing at the European level.

In order to clarify the added value of development cooperation in situations of mass displacement, we need both to differentiate between structural and acute causes of displacement and to identify the range of potential areas of intervention beyond the addressing of root causes.

Approaches to causes of displacement

Structural causes of displacement comprise a broad range of negative political, economic and social developments, including shortcomings in the rule of law, the marginalisation of and discrimination against minorities, widespread poverty,

inequality and the destruction of the environment. Acute causes of displacement can be armed conflicts, civil wars and other forms of generalised violence.

European development actors are well-equipped to address the former, for example through programmes to build up health and education infrastructure, through instruments aimed at improving resource governance, and through anti-corruption programmes. This also applies to the promotion of the rule of law and economic development as well as the fostering of social structures. Measures aimed at climate change adaptation, such as improved methods of cultivation and suitable forms of building and settlement, are of increasing importance. Through careful analysis of the causes of conflict and displacement, the role of development cooperation in the prevention of crisis or migration through desperation can be developed even further.

However, acute causes of displacement such as violent conflict or political persecution can only be marginally influenced by development policy. These scenarios require primarily diplomatic measures, humanitarian aid and crisis management. In cases like this, expanding development cooperation *per se* will not be able to prevent future forced migration. A comprehensive developmental approach to situations of forced displacement therefore needs to include other areas of intervention.

Other areas of intervention

Even though meeting the basic needs of refugees and integrating them into society currently present the EU with great challenges, it must not be forgotten that many developing countries face even

greater challenges regarding the reception of refugees. This is especially so for least developed countries, for example when refugees and the local population compete for jobs or scarce resources such as living space or health care.

Major refugee movements can, moreover, affect the internal security of states. There are situations, for example in Pakistan, the Sahel and East Africa, in which militant groups engage in helping refugees and at the same time try to mobilise them for their own goals. Young people, who usually form the majority of refugees, are especially vulnerable to such actions.

Therefore, one important task of development cooperation is the support of countries hosting large numbers of refugees. Humanitarian responses, though essential, typically fail to address the long-term perspectives of displaced individuals and families. Refugees living in camps for an extended period of time do not have a realistic chance to lead a self-determined life, and in the medium term protracted refugee situations can result in onward migration.

Development-oriented measures, in contrast, can offer hope and support for refugees in first countries of asylum. Examples of important interventions – especially in protracted crises – include education (in order to prevent the development of a lost generation) and the integration of refugees into the labour market, with the right to work, freedom of movement and the right to acquire land.

In addition, development cooperation can support the reintegration of former refugees who choose to return home. The process of reintegration may need to be accompanied by civil mediation measures in order to resolve conflicts over land or other unresolved issues. If refugees return to former war areas, comprehensive support in the reconstruction of material and social structures becomes necessary. Practice shows that the success of any reintegration measures depends on the voluntariness of return.

With regard to any of the measures outlined here it is, of course, crucial that the

local population is not discriminated against but benefits from the measures as well.

Conclusion

In light of the large refugee numbers globally and in the EU, many European countries agree that greater development-oriented engagement is desirable. The often-heard claim of the need to tackle the root causes of displacement is thus helpful in so far as it has contributed to the provision of more financial resources for development-oriented projects in countries of origin or host countries.

At the same time, the focus on tackling the root causes of displacement carries risks. There is the risk that successful structural programmes, aiming at long-term effects, are replaced by short-term projects to prevent acute refugee movements. This would be the case if, for example, development funds earmarked for the development of schools were redirected to the promotion of police cooperation.

In the case of violent conflicts in Syria, Iraq, South Sudan or the African Great Lakes region, development cooperation can only make a partial contribution to tackling the root causes of displacement. Here, involvement of other policy areas, such as foreign policy, security policy, trade policy and economic policy, is primarily called for. Only if these policy areas get involved can the factors driving displacement and the war economies be overcome.

Meanwhile, European host states ought to avoid any trade-offs between developmental responses to situations of forced displacement and the reception of refugees on their own territories.

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Labour mobility as part of the solution

Sayre Nyce, Mary Louise Cohen and Bruce Cohen

While refugee families lack access to work and struggle to survive, there are skills gaps around the world that could benefit from skilled refugees' talents. Developing a system for refugees to be able to compete for international jobs with multinational companies would provide a legal migration path for many.

Syrian refugees have very limited options for supporting themselves. Resettlement in other countries is only available for a very small percentage of the most vulnerable refugees and there appear to be no options either for long-term integration in the neighbouring countries or for imminent return.

Many of the refugees currently living in the Middle East are professionals or other skilled workers whose talents could help fill labour gaps around the world, especially in developing nations. Engaging the private sector to take advantage of this unacknowledged pool of talent could provide a new solution for many thousands of refugee families.

There is a desperate need for alternative solutions. International work opportunities, for example, would enable refugees to find a livelihood and self-reliance. Many countries around the world legally admit labour migrants, especially those with special talents and skills, and many multinational employers globally recruit and deploy skilled workers. A survey by UNHCR (the UN Refugee Agency) in December 2015 found that 86% of refugees who had recently arrived in Greece had a high level of education, at secondary or university level.¹ There are substantial numbers of engineers, accountants, computer programmers, doctors, nurses and teachers among the Syrian refugees living in Jordan, Lebanon and Turkey.

Developing a system for refugees to be able to compete for international jobs with multinational companies would provide a legal migration path for refugees. Refugees who take jobs in other countries would be able to gain an income to support their families, maintain or increase their skills, acquire new work experience and end their dependence on limited humanitarian aid.

Furthermore, facilitating the movement of refugees for work opportunities would alleviate some of the pressure on Syria's neighbours, and on Europe, by providing refugees with safe and legal alternatives.

Need for workers

There are shortages of trained workers in almost every nation, especially in parts of South America, Africa and central Asia where there is a need for engineers, IT professionals, nurses and other skilled employees and professionals. A recent survey of more than 41,000 hiring managers in 42 countries and territories by Manpower Group concludes that "globally, 38% of employers are having difficulty filling jobs in 2015."² Refugee employment can help solve this problem for companies by making available skilled employees for hard-to-fill job assignments.

In recent years there has been much discussion about alternatives to the three traditional durable solutions for refugees of voluntary return home, resettlement and local integration, with labour mobility being one of the ideas widely discussed. Matching skilled refugees and international work opportunities is a pathway that has not been utilised since the period following the First World War, when the International Labour Organization matched refugees with work internationally. Hundreds of thousands of refugees without legal papers were at that time issued Nansen passports that allowed them to travel for work.³

Around the world there are multinational companies currently hiring foreign talent for hard-to-fill jobs. Many countries are open to providing work visas to encourage skilled labour. Migrants, including forced migrants, can contribute to the local economies of other countries and regions, as the World

Bank's 2015/2016 Global Monitoring Report explains.⁴ They can bring productive skills to communities and help complete essential development projects in places where those skills do not exist among the local population.

The fact that several of the Sustainable Development Goals (SDGs) include a focus on migration shows increased recognition that migrants contribute to international development. Labour mobility of refugees could help advance three of the SDGs directly and many more indirectly. Providing productive employment, furthering development and cooperating internationally support Goals 8, 9 and 17. Having skilled refugees engage in productive work has the potential to shift attitudes as more people see how refugees contribute to development, communities and local economies. Skilled refugees will be seen as assets, people who can make valuable contributions.

Opportunities and challenges

Labour mobility opportunities will mean refugees having more options to decide for themselves where to work and how to support themselves. All refugees, including unskilled refugees, should be allowed the opportunity to work locally and internationally. Regrettably, this is currently far from the reality – but labour mobility for skilled refugees is a beginning.

There are a number of operational challenges, including making sure that refugees have access to accurate information, conducting language and skills verification, arranging travel documents and determining post-employment options, but none are insurmountable. Labour mobility supplements the traditional durable solutions – an additional option to address a vast problem and an opportunity to engage new partners and additional countries in a global effort.

A key to moving forward is the desire among the private sector and governments to facilitate these opportunities. Fortunately, there is interest from the private sector in contributing to solutions for forced displacement, and numerous companies have signed up to be members of the Solutions

Alliance.⁵ The private sector is playing an important role with the response in Europe as an increasing number of companies appear to be willing to hire qualified refugees. But more companies need to consider hiring from the refugee talent pool and governments need to support inclusive business practices by providing work visas, in addition to resettlement slots, for refugees. Labour mobility will also allow the private sector – as well as countries that have not yet been part of the response to the crisis in the Middle East – the opportunity to participate while simultaneously benefitting.

The global refugee crisis needs new initiatives and solutions. Labour mobility can become a reality as it was almost 100 years ago. It can be part of the answer to the current humanitarian crisis by granting refugees a legal pathway for becoming self-reliant and building for their future. Companies and countries will have opportunities in September 2016 to pledge their support for labour mobility for refugees at the forthcoming UN and US high-level meetings on mobility and refugees.

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Palestinian professionals in Lebanon: an exception

Palestine refugees in Lebanon, being classified as foreigners or migrants, suffer restrictions on their employment. Generally, non-Lebanese nationals who want to work in the professions in Lebanon can do so under the 'principle of reciprocity' between nations. However, Palestinians were excluded due to the fact that this principle presupposes the existence of a legally recognised state with which to have a reciprocal relationship. So the Lebanese Ministry of Labour had the Cabinet approve an interpretation of the law to grant an exception to Palestinian workers – provided that they were born on Lebanese territory and officially registered with the Lebanese Ministry of Interior.

However, problems remain for Palestinians. The reciprocity principle entitles foreign workers to obtain work permits or receive social security benefits provided that their state grants the same

benefits to Lebanese workers. But the law did not take into account the fact that the Palestinian refugees have no state, and there are cases where the rights provided for in the Labour Code are denied, citing the non-availability of reciprocity, despite Lebanon having ratified the 1958 Convention on the elimination of discrimination in employment and occupation. Whatever the normative position, there have been warnings of the risk, both in human terms and in terms of security, of exclusion of Palestinians from the Lebanese labour market. The work to provide for the rights of self-employed Palestinian workers in professions in Lebanon is a central part of the struggle to provide civil rights for Palestinian refugees in Lebanon.

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Doing business in Ecuador

Oscar M Sánchez Piñeiro and Regina Saavedra

Engaging refugees in the economic development of Ecuador's Esmeraldas Province would provide them with livelihoods and also combat the perception that they are a burden on society.

Esmeraldas, one of Ecuador's least developed provinces, has seen the arrival of over 6,000 refugees and 18,000 asylum seekers in the past ten years, mostly from the Pacific Coast of Colombia. Their considerable humanitarian needs have only increased over time, as have negative local attitudes towards them.

In the complex environment of Esmeraldas with its high unemployment rates and scant industry, UNHCR (the UN Refugee Agency) has engaged with government, private sector, social entrepreneurs, NGOs and academic and financial institutions in a programme that is the first of its kind in Ecuador. The goal of this initiative is to help make refugees economic actors in their communities and agents of their own integration in Ecuador, while also contributing to the development of

the province by generating employment and supporting the creation of small businesses.

The programme concentrates resources on increasing production, manufacturing and service activities, supporting markets and establishing a 'business incubator' to foment private sector development with a social component – in other words, the development of small enterprises that create employment and wealth for refugees and the local community.

The business incubator

The business incubator concept refers to an entity that helps new and start-up companies develop capacities to become successful. In North America, a number of business incubators have been set up in major business

universities or technological hubs but they have also been created to bring economic dynamism to impoverished communities there. In Ecuador UNHCR partnered with the Pontifical Catholic University of Ecuador in Esmeraldas (PUCESE) from 2011 to provide refugees, asylum seekers and vulnerable local people with entrepreneurial skills to develop their businesses in an otherwise under-developed region.¹

In Esmeraldas the business incubator² works like other business incubators but, unusually, offers refugees, asylum seekers and vulnerable local populations an opportunity otherwise inaccessible to them. Its specific objectives – over and above the business development objectives – include local integration and conflict resolution, the fostering of solidarity with

refugees, and the promotion of gender equality through female-led businesses.

The process of securing inclusion in the incubator is competitive, using an assessment of the entrepreneur's capacity and economic and social indicators. A committee composed of private and public entities determines winners against the set selection criteria. The winners receive a range of practical support for the expansion and consolidation of their businesses, including:

- training in, for example, administration, management, accounting, market assessments, business planning and marketing;
- technical assistance and monitoring by PUCESE technicians;



Refugee entrepreneur beneficiary of the business incubator.

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- and finally a grant to be used as growth capital to strengthen enterprises' expansion and consolidation.

Ecuador offers many challenges, with poverty rates for refugees and asylum seekers reaching 25%. UNHCR has mitigated the risk of leaving the most vulnerable of these refugees and asylum seekers out of this business opportunity by encouraging the new businesses to hire other refugees or vulnerable populations.

More than just business

As the idea was for refugees and local populations to share a common purpose around the business interactions, UNHCR has combined traditional business indicators with social parameters in order to monitor and analyse the impact of this model. Thus far, this initiative has supported 26 enterprises. Four that have failed did so due to deaths in the family or resettlement to a third country, not as business failures. For the surviving businesses, 13 achieved a 10% increase in earnings within the first quarter, a further three during the second quarter, and one during the third. The rest are on course to meet their financial targets in the coming year. Some have seen clear success, and have been awarded thousands of dollars' worth of state contracts. Two entrepreneurs have been selected to take part in nationwide business accelerator initiatives which will bring their products to the shelves of the supermarket chains. Data from the Esmeraldas business incubators is being compared to the Global Entrepreneurship Monitor² standards to determine how refugee-led businesses compare to the overall enterprise development. With over 95% of businesses in Esmeraldas failing within their first two years, the failure rate for UNHCR-PUCESE-supported businesses is down to 15%. Given the success of the project this year, 30 ongoing enterprises will enter the Business Incubator for further technical support and capital funding and 15 new female refugee-led start-ups will be supported.

Although the businesses are still, in some ways, lacking in terms of diversity and

innovation, they are finding market niches and capacities for growth. Moreover, some of the enterprises are entering into joint ventures together or with local entrepreneurs to generate greater capacity and scale up their business opportunities. Refugee-led businesses are generating employment for refugees and members of the local population and are combating discrimination and negative perceptions toward refugees.

Another unusual element was incorporated three years ago in the form of follow-up by a social worker to mitigate conflict within enterprises or between entrepreneurs and their families. One of the priorities had been to generate female-led businesses but issues of equal voices within the home and distribution of income had created some domestic conflict. The social worker would incorporate conflict resolution techniques so that families would be able to prosper and share the responsibilities for the house and business equitably.

UNHCR in Esmeraldas also developed a related set of partnerships – with local NGOs, government ministries, business networks, etc – that enabled it to reach beyond humanitarian and social services actors. By helping with the development of public policy in relation to economic development, by supporting small-scale agriculture, markets and service provision, by opening new marketing avenues and by securing micro-finance services (including micro insurance to protect business investments from external shocks), UNHCR secured access to economic development for refugees. UNHCR also supported the development of the provincial development strategy, which focused on agricultural production, entrepreneurial development and productive financing, thus securing the inclusion of refugees in that strategy also.

Conclusions

After four years of interventions, the main lesson to be drawn is that humanitarian aid can be directed towards the construction of small business development, not only creating wealth for individuals but also delivering social goods and promoting the

local integration of thousands of refugees. This experience has shown that even in an economically deprived region it is possible to find ways to generate economic development opportunities for refugees and the local population. Directing humanitarian assistance at creating economic growth through small enterprise development generates economic development and also increases the capacity of the local community to continue to receive refugees. Taking into account that economic factors are often the biggest variables in the integration of refugees, it make sense to invest more in programmes that support the economic viability of refugees. The Refugee Business Incubator could be a model to be explored in other refugee

operations. We are currently approaching existing business incubators to adapt their models and services to accommodate to the particularities of refugees' situations.

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1. Special thanks for their help and support in the development of the Refugee Business Incubator at PUCESE go to Albert Vañó Sanchis, Víctor Pérez Prados, Rafael Luque de Dios and Roxana Benítez.
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The contribution of the private sector to solutions for displacement

Glaucia Boyer and Yannick DuPont

The Solutions Alliance is exploring ways of better engaging with the private sector – local small and medium-sized enterprises as well as international companies – to harness their capacity to turn displacement challenges into development opportunities.

Over recent years businesses with a social conscience have increasingly been moving from pure philanthropy and promotion of responsible business practices to business partnership models. This means the role of businesses has expanded from being donors or service providers to being commercial and entrepreneurial actors in responses to disasters or humanitarian crises, although so far they have mainly addressed short-term life-saving needs.

The scale and complexity of needs emerging from large flows of populations into host communities bring opportunities to identify and open up markets, upgrade infrastructure, create jobs and make profits. However, weaknesses in policy and regulatory frameworks, restrictions on refugees working, over-saturated and unskilled local labour markets, high levels of informality, unreliability in sourcing

materials and simple lack of information have been reasons for businesses not to take up those opportunities. It is therefore important to identify the benefits **to** businesses in engaging in solutions for displacement as well as the benefits **of** engaging businesses in solutions for displacement before looking into matching the needs of displaced people with economic opportunities.

Benefits of engaging businesses

Beyond undertaking outsourced elements of humanitarian response, arguably the private sector's role in potentially generating growth, wealth and jobs is the main reason for engaging businesses in seeking solutions for displaced people and their host communities. In the Kampala area of Uganda a Somali Ugandan-owned oil company employs nearly 60 Somali refugees as shop keepers, cashiers, security guards and clerks in only one of

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its many franchises.¹ The transformative impact of, for example, mobile phone and money transfer groups holds great potential if applied to finding solutions for displacement.

Specifically, making use of market systems can offer greater access to products and services that improve both the quality of life of displaced populations and host communities. Skills upgrading through training, apprenticeships or on-the-job training that are offered directly or in close collaboration with businesses will better address the market demand and effectively enable displaced persons to access job opportunities.

Opportunities to link small and medium-sized local enterprises (SMEs) owned by displaced persons to value chains of more established companies can also help make the former more viable enterprises, capable of accessing new niche markets and increasing volumes of transactions. Working with larger, more established companies is nowadays considered one of the most promising ways to upgrade SMEs in fragile and development contexts. These market-driven approaches have the potential to 'achieve scale' and sustain the impact of interventions. Finally a major shift can be made through the creation of economic zones, with preferential trade access for refugee-made goods and where domestic as well as foreign investors can relocate supply chains.²

Benefits to businesses

For businesses the gains can be in accessing new producers, consumers and markets in displacement contexts – that is, generating revenues while contributing to tackling displacement challenges. Situations of displacement can provide opportunities to innovate, test new products and enter new markets, leading to increasing value and opportunities for the company and its stakeholders, including the opportunity to increase competitive differentiation. In addition a demonstrable commitment to corporate social responsibility can result in positive public image and brand value.

To make this work, businesses will need to gain knowledge about the long-term needs

of displaced persons and host communities as potential consumers and clients, and work out how to mitigate the risks and costs of operating in displacement contexts. In the long term the aim would be for international organisations and local governments to work to secure the sustainability of businesses by creating the conditions for an enabling environment, which would incentivise and attract new investments.

Hygiene specialist Saraya Co., for example, decided to expand the manufacture and distribution of its range of health-related products and services into Uganda, with long-term benefits of their activities to both Uganda and their market share. Opportunities to expand their work into the displaced-affected areas of Uganda could be a concrete contribution to the Solutions Alliance Uganda National Group's efforts to finding solutions for refugees and their host communities.³

"Displaced persons, in particular refugees, should not be singled out for business interventions, but instead be seen as the wider potential labour force, entrepreneurs and consumers."

2015 Solutions Alliance Business Consultation

The way forward: a platform for interaction

A shift towards building resilience in displacement contexts requires genuine leadership in businesses, new thinking about what generates value and innovative ways of connecting with societies. The question is what actors working on displacement issues and businesses interested in contributing solutions for displacement should do differently to ensure that 'offer meets demand'. Conversations between and among the two communities invariably point to the need to explore the creation of a platform for interaction, where 'matchmaking' opportunities could be created in displacement contexts and business commitments consolidated and disseminated widely.

It could be a multi-stakeholder virtual platform and occasionally materialise in the form of 'solutions for displacement business fairs' as well as concrete on-the-ground collaboration. It could be a 'displacement



UNDP/ Dalia Kitarnitsky

Syrian refugees' tented settlement in the village of Gaza, in the Bekaa Valley, east of Lebanon, 2014.

chapter' within the Connecting Business Initiative (CBI) being launched at the World Humanitarian Summit in May 2016. It should also interact with the Business Mechanism established by the Global Forum for Migration and Development⁴ and ensure interconnectedness with the existing UN Global Compact⁵ and Business Call to Action⁶ platforms. It should support the Solutions Alliance Private Sector Group to work with the National Groups to connect them to businesses of all sizes. Finally, it should be user-friendly for businesses and articulate the 'ecosystem' of support for businesses to engage in displacement solutions.

Although this platform for interaction will address practical challenges such as simple lack of information on needs and opportunities, there are other related obstacles to be worked out, whose implications stretch further than the role of the private sector. These include dealing with over-saturated or unskilled local labour markets and finding creative ways to overcome obstacles to the right of refugees to work.

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The authors are the co-chairs of the Solutions Alliance Thematic Group on Engaging the Private Sector and have consolidated this piece on behalf of the members and the Group, which explores ways to better engage the private sector and apply its strengths to turn displacement challenges into development opportunities.

See www.solutionsalliance.org/thematic-groups/engaging-the-private-sector-in-finding-solutions-for-displacement/ for the members of the Group.

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Conceptual challenges and practical solutions in situations of internal displacement

Chaloka Beyani, Natalia Krynsky Baal and Martina Caterina

In situations of internal displacement, a variety of political, operational, ethical and practical challenges complicate our understanding and response, and the adequate implementation of durable solutions.

As of January 2015 there were an estimated 38 million persons internally displaced by conflict and another 19.3 million displaced by disasters in 2014 alone.¹ The parameters of internal displacement – from its causes to its solutions – are broadly clear at the conceptual level and well documented in the legal and policy spheres. The Guiding Principles on Internal Displacement² and subsequent regional and national legal frameworks provide clarity on the causes and rights of internally displaced persons (IDPs) before, during and after displacement. The 2010 Inter-Agency Standing Committee’s Framework for Durable Solutions for Internally Displaced Persons (the IASC Framework) has complemented this by defining and describing what constitute durable solutions for IDPs.³ However, on the ground one of the challenges is determining the end of displacement and therefore appropriate support for the search for durable solutions.

The IASC Framework – widely recognised as the internationally agreed benchmark for work towards solutions for IDPs – says that “a durable solution is achieved when IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement”. It further outlines three routes to durable solutions – sustainable reintegration, local integration or integration in another part of the country – through which this can be realised and thereby provides a clear starting point for comprehensive analysis, advocacy and programming.

The Framework goes on to outline eight criteria that can be used to determine the extent to which a durable solution

has been achieved: safety and security; an adequate standard of living; access to livelihoods; restoration of housing, land and property; access to documentation; family reunification; participation in public affairs; and access to effective remedies and justice.

This highlights the fact that the search for durable solutions is a complex process that requires the timely and coordinated intervention of humanitarian, development and peace-building actors. That is, solutions-oriented responses to displacement require a wide variety of stakeholders (with their different areas of expertise), potentially significant resources and a comprehensive analysis of the situation on the ground in order to most effectively target interventions and ensure complementarity between actors.

A solutions-oriented analysis of any displacement situation should be broad in order to take into account the different facets of the eight criteria outlined, rather than narrowly looking at a few in separation from the rest. The need to strengthen efforts to pursue such a shared and comprehensive analysis is becoming more widely recognised and advocated for at a high level but it is not yet common practice and pursuing this goal is more easily said than done.

Not only return and reintegration

Governments and other actors are sometimes eager to promote return as the preferred (and in some cases only) solution, and are often pressurised to accept something that is less than ideal by reducing a ‘solution’ to the mere physical movement of return or resettlement, bringing down the IDP population figures accordingly. However, durable solutions strategies must consider IDPs’ preferences and should take into account whether

conditions are conducive to return and what possible obstacles may persist; they should also keep open other appropriate channels for seeking solutions such as local integration and integration elsewhere in the country. Comprehensive analysis of the preferences, opportunities and obstacles to pursuing durable solutions through processes such as profiling can help in advocacy for more appropriate strategies and approaches.

For example, a profiling exercise carried out in Yemen in 2010 helped to inform the government's durable solutions strategy. Undertaken by the Government of Yemen, UNHCR (the UN Refugee Agency) and the Danish Refugee Council, the exercise provided the evidence required for the strategy to promote alternative solutions instead of focusing only on return, as the policy had previously done. A crucial finding of the profiling in Yemen concerned IDPs' intentions to return to their pre-displacement place of residence and compared this with the conditions upon which possible return was based. Results showed that around 25% of respondents were at risk of protracted displacement, should a narrow focus on return alone remain.

Another common challenge is the increasing urbanisation of displacement coupled with limited availability of relevant information about displaced people in urban areas. Often the urbanisation of households and communities can render returns to rural areas less feasible and, especially in protracted urban displacement situations, displaced and non-displaced persons can face similar living conditions but distinct protection challenges, while the paucity of disaggregated information can leave the differences unnoticed.

A comparative analysis between displaced and non-displaced (or other relevant groups, such as economic migrants or returning refugees) can be a game-changer. Such an analysis often informs a more targeted response by building on a more nuanced analysis of the skills and capacities as well as the needs and protection concerns of the different groups. With this comes a better understanding of development issues faced



Home destroyed by airstrikes in the Nahdah neighbourhood, Sana'a, Yemen, January 2016.

by displacement-affected communities in common with their non-displaced neighbours, and identification of specific vulnerabilities displaced persons may have.

A recent example comes from two urban profiling exercises in Mogadishu and Hargeisa in Somalia that focused on populations living in informal settlements across the two cities. Undertaken in collaboration with central and local authorities, both exercises have provided a clearer picture of the scale of displacement in the two cities and solid evidence for development actors and urban planners to pursue a more displacement-sensitive approach to their planned programmes. The findings from Hargeisa show very small differences in the living conditions of economic migrants, IDPs, host communities and refugee returnees in the settlement. The implication is for longer-term solutions for the displaced to be pursued as part of urban poverty reduction strategies and for inclusion of the settlements in city-wide urban planning.⁴ However, findings from the same exercise also highlight that IDPs from south-central Somalia are more vulnerable, which means that continued protection monitoring and advocacy interventions are required,

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UNHCR/Yahya Ahtab

particularly regarding their access to public services.

Displacement data for development actors

There is widespread agreement within the international community on the need for greater involvement of development actors in displacement response, the importance of considering forcibly displaced persons not only as recipients of assistance but as active economic agents, and the value of supporting their self-reliance and resilience in pursuit of sustainable solutions.

These discussions have been present both in the lead-up to the 2016 World Humanitarian Summit and within the 2030 Agenda for Sustainable Development.

Central to this debate is the need for more 'development-relevant' data and analysis on displacement to help justify or trigger a more 'displacement-sensitive' development approach in affected countries. Discrete efforts are underway in different contexts to address this gap including large-scale studies undertaken by the World Bank in the Great Lakes⁵, the Middle East and elsewhere, increased support for academic research that focuses on the economic impact of displacement⁶ and multiple household survey exercises that aim to compare the living conditions of displaced and non-displaced people residing in similar areas. In addition to these country- and region-specific initiatives, there are also early stages of work at the global level going on.⁷

However, truly common analysis between humanitarian, development and peace-building actors generated through genuine collaboration during the research, design and implementation process remains rare. Due to the different 'logic' of each discipline (including differences related to planning cycles, mandates, priorities, terminology,

resources, government relations, and approaches to partnership), it is difficult to generate an analysis that serves all actors' information needs and to reach agreement on evidence-based priorities for response. When this does happen, more often than not it relies on personality-driven rather than institutionally supported momentum. Even so, the trust and ownership generated through the collaborative process can pave the way for hugely increased impact and use of results.

Although this very practical challenge is difficult to overcome, there are a growing number of cases of significant positive impact. In order to develop the Durable Solutions Strategy in Côte d'Ivoire, for example, UNHCR and the United Nations Development Programme (UNDP) supported the government and worked closely with the National Statistics Office to conduct a profiling exercise in Abidjan and displacement-affected areas in the west of the country during 2014-15. Although the process faced considerable delays, particularly because of the outbreak of Ebola and planned national census activities, it used a list of indicators based on the IASC Framework developed jointly by humanitarian and development actors (a detailed methodology shaped for both urban and rural displacement-affected areas) and ultimately produced analysis of the displacement situation that fed directly into the national development plan for the coming years.

In other examples, similar profiling processes, jointly shaped and implemented by humanitarian and development actors (often alongside relevant government ministries and national statistical offices), have enabled results to feed into the development of policies and joint durable solutions programming. Importantly, these processes have also provided crucial baseline data for monitoring progress of solutions-oriented action in displacement contexts. This has happened (or is happening) in contexts as varied as Colombia, Kosovo, Iraq and Somalia.⁸

Limited guidance

Despite broad conceptual clarity around durable solutions for IDPs through the

IASC Framework's definition, principles and criteria, there are a number of obstacles to overcome when trying to apply this analytical framework in real-life displacement situations. A non-exhaustive selection of these includes: political challenges such as the common prioritisation of return and the tendency to count physical movements of return or relocation as a durable solution; operational challenges that often peak in busy urban areas, alongside ethical challenges related to invisible populations and the protection concerns of urban IDPs; and practical challenges associated with enabling humanitarian, development and peace-building actors to genuinely collaborate and 'read off the same page'.

Profiling, as a context-specific information-gathering process that prioritises collaboration, transparency and joint decision making at every stage, is a useful tool to overcome (or at least minimise) some of these challenges. Done well, it can provide a common evidence-base to be used for advocacy, strategy development and programmatic decision making in response to IDP situations.

A frequent request from government, and humanitarian and development partners directed to the Special Rapporteur's Office is for help to 'operationalise' the text of the IASC Framework, in particular for help to use the eight criteria it lays out, in order to better analyse the displacement situation on the ground. In response, the Special Rapporteur's Office and the Joint IDP Profiling Service (JIPS) have teamed up to try to fill this gap by combining the IASC Framework's definition, principles and criteria for durable solutions with JIPS experience in facilitating collaborative profiling processes. The aim is to develop a global toolkit for analysing durable solutions and developing a strong baseline against which to monitor progress over time.



IRIN / Mohamed Amin Jibriil

IDPs in Mogadishu, Somalia, 2011.

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www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx

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2. <http://tinyurl.com/GPsInternalDisplacement>
3. <http://tinyurl.com/IASC-IDP-Framework>
4. www.jips.org/files/1076
5. See article by Joanna de Berry, pp17-19.
6. This topic has been prioritised by the Solutions Alliance's Thematic Working Group on Data, Research and Performance Management: <http://bit.ly/1VY6FIY>
7. See for example the 2015 workshop <http://bit.ly/236hFWf> and a forthcoming report by World Bank's Global Programme on Forced Displacement and the German Institute for International and Security Affairs (SWP).
8. For more details of different examples see www.jips.org

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Potential of protection capacity building to assist transition

Sarah Deardorff Miller and Julian Lehmann

If protection capacity building is successful, it can contribute to establishing asylum systems that lead to local integration.

UNHCR (the UN Refugee Agency) frequently seeks to develop protection capacity of refugee-hosting states, for example through creating or adapting national legal frameworks; assistance in registration and status determination; knowledge transfer in government institutions; support of civil society institutions through training or material support; and assisting governments with creating frameworks for economic, social and legal integration of refugees.¹ However, the extent to which such efforts successfully help the transition to durable solutions is not clear.

Protection capacity building can induce host states to bear more of the responsibility for refugees, simultaneously building up national authorities to be able to better respond to future refugee situations, and freeing up UNHCR resources. It can be an opportunity to bring refugees into mainstream national development plans, and to professionalise sometimes small and under-funded national refugee authorities. Yet protection capacity building also faces political and administrative challenges.

First, donors and host states have contrasting interests in undertaking protection capacity building. Host states tend to want to have as much control as possible over refugee situations, while having to pay for and be responsible for implementing as little as possible. Protection capacity building for them is often linked to failures in responsibility sharing, pointing at disproportionate admission of refugees in regions of origin, or fear that a high level of protection will lead to readmission of refugees from other countries. Besides, they often have little appetite to formalise refugee protection through legal frameworks. In contrast, donor states are likely to want

host states near refugees' countries of origin to bear the bulk of the burden and to replicate formalised refugee protection as found in the Global North. For them, protection capacity building is primarily about assisting host states in 'doing their job', either by adhering to their legal obligations or by establishing a (legal) framework for refugee protection in the first place.

Second, in situations where the basic functions of an asylum system are not assured, UNHCR is likely to prioritise setting up systems for registration, refugee status determination and securing *non-refoulement*. In these instances, it is particularly challenging to make durable solutions part of a clear roadmap beyond the 'protection basics', to remain engaged, and to secure funding for durable solutions once the 'basics' are met.

The examples of UNHCR's cooperation with the European Union (EU) and its attempts to hand over status determination to the Kenyan and Ugandan governments can serve to illustrate these opportunities and challenges.

UNHCR and partners building capacity

Amongst cooperation priorities between UNHCR and the EU, durable solutions tend to be a low priority. From 2006 to 2013, the EU's Thematic Programme for Migration and Asylum funded projects primarily on reception and registration capacity but also on promotion of ratification of refugee law and on local integration. The biggest projects, called Regional Protection Programmes and implemented by UNHCR, did also attempt to foster durable solutions – for example not only to ensure *non-refoulement* but also to improve access to health care and education, and to provide aid, counselling and opportunities for self-reliance in Egypt.²

However, the final evaluation of the EU funding instrument concludes that donor and host states were most eager to cooperate on projects against irregular migration, and that the link between migration and development was insufficient.³ A discussion paper, relying on UNHCR project reports, concludes that these programmes did not sufficiently coordinate with development and humanitarian aid policies, and that local buy-in was insufficient.⁴ Current EU aid to Turkey, in particular the EU Regional Development and Protection Programme for the Middle East, could be an improvement in that respect, because it does attempt to foster socio-economic development for host communities and refugees in addition to improving asylum procedures.

Some of UNHCR's most visible protection capacity-building efforts relate to establishing refugee status determination (RSD) procedures. In some protracted refugee situations, UNHCR has carried out RSD for decades, and now seeks to hand over these responsibilities to a newly built-up national authority for refugees. Kenya's Refugees Act of 2006, for example, was meant to bring RSD, and reception and care of refugees, fully under the responsibility of Kenyan authorities by 'constitutionalising' RSD, establishing a Department of Refugee Affairs and setting out a comprehensive institutional framework for RSD. While there has been some success in this ongoing handover, a number of challenges have emerged, including: building up and retaining national staff to carry out RSD at the same qualitative and quantitative level as UNHCR; data sharing and technology transfers between UNHCR and the Department of Refugee Affairs; maintaining funding levels for nationally run RSD; and creating additional institutions and legal tools needed to carry out RSD.⁵

In central Uganda in the late 1990s, UNHCR sought to shift responsibilities for the Kiryandongo refugee settlement to Ugandan authorities, despite the authorities insisting that the international community continue to pay for refugees, whom they saw as an international, not national, concern. At the same time, Uganda insisted that it maintain

full control over refugee settlements, having a role in decision making on all matters. As in the case of Kenya, resources were a constant concern for those involved in the handover. This case also demonstrates the importance of tone and rhetoric in a protection capacity-building endeavour of this nature; Uganda did not like UNHCR's language that the settlements needed to be 'handed over' because Uganda did not ever see them as being out of its possession. Other lessons learned include: the need for careful planning whenever the actors in charge of refugee protection change; setting and adhering to realistic timeframes; committing and ensuring delivery of sufficient resources from UNHCR and national authorities; and the importance of a strong national legal framework that reflects international refugee and human rights law.⁶

Both of these UNHCR handover cases demonstrate that protection capacity building can in theory foster a new division of labour and free up UNHCR resources for work on durable solutions. However, success in handing over responsibility for legal protection may mean that UNHCR and its partners are tempted to pull out once the basics of registration and *non-refoulement* are secured, leading to a deterioration on the ground. National authorities and UNHCR are theoretically committed to using protection capacity building as an important step toward local integration – for example, bringing refugees into national development plans and national judicial processes – but they have not yet found clear roadmaps for translating handovers and protection capacity-building efforts into durable solutions for refugees. Rather, then, handover transitions have only changed actors' responsibilities and capabilities.

Conclusion

Protection capacity building can at worst entrench a purely material understanding of burden and responsibility sharing in refugee protection, by which donor countries seek to 'contain' refugees to their region of origin and transitions to durable solutions are lost out of sight. Yet, branding all efforts

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at protection capacity building as part of an externalisation strategy would miss the point, for it would inhibit the analysis of concrete shortcomings and achievements in contributing to durable solutions, and deter addressing other questions. For example, will refugees be more likely to find prospects for local integration when protection capacity-building efforts result in more national institutions, processes and procedures? Is the formalisation of refugee protection through legal frameworks always the best approach to improve the situation for refugees?

Whatever the answers, the goals of protection capacity building should be to achieve results for refugees, to strengthen access to asylum and international burden and responsibility sharing. Protection capacity building does have the potential to be an important step in working towards durable solutions. Host states that are better equipped to deal with incoming or long-staying refugees, and that are well supported by other states and international actors, may also be more likely to work

in cooperation with refugees and other actors to facilitate local integration.

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Energy solutions with both humanitarian and development pay-offs

Owen Grafham, Glada Lahn and Johanna Lehne

The normal approach to energy delivery during refugee crises tends to lock in reliance on dirty, dangerous and expensive fuels. Sustainable energy solutions require a long-term planning framework. There are opportunities to align the energy resilience and access goals of host nations with the greening of humanitarian operations and objectives for refugee self-reliance.

Energy services are essential to the most basic human needs. Whether for eating (fuel to cook), moving (fuel for transportation of people and goods), maintaining a liveable temperature (heating or cooling), education (light to read by) or earning a living (electricity to power homes and businesses), energy underpins almost all daily activities.

But people who have fled their homes due to conflict have special needs and face acute difficulties in obtaining energy services. These include long distances

(from urban centres, public services and utilities), temporary forms of shelter, health problems, insecurity of settlements, lack of legal status, low and insecure incomes, and the need to communicate with relatives.

Recent research undertaken by Chatham House suggests that approximately 90% of displaced people in camps have minimal access to lighting and approximately 80% have only the absolute minimum amount of energy required for cooking.¹ Negative coping strategies such as under-



UNHCR/ Sija Ostermann

In Dadaab's Ifo 2 refugee camp in Kenya, a girl shows her ration card for firewood collection from UNHCR. 98% of households in the camps use firewood as a cooking fuel.

cooking of food or reducing the number of meals are commonplace for almost all displaced people – those living in rural and urban areas as well as those in camps.

Globally, forcibly displaced populations are overwhelmingly reliant on dirty and inefficient fuel sources, with a majority predominantly using firewood or charcoal. Although the per capita fuel use among forcibly displaced populations is small, the relative inefficiency of the fuel they are using means that much more has to be combusted and more emissions released in order to generate the same amount of energy. Deforestation is also a major problem for many regions hosting refugees.

These conditions have huge impacts on health and protection, especially for women and girls who often carry the greatest burden in terms of household cooking (indoor air pollution) and in going out to collect firewood (high risks of gender-based violence). Applying global estimates from the World Health Organization would suggest that some 20,000 displaced people die prematurely each year due to indoor air pollution. Médecins Sans Frontières have reported that 82% of 500 women and girls receiving treatment after sexual violence over one four-and-a-half-month period in South and West Darfur reported that the violence occurred when they left camps in search of firewood, water or animal fodder.²

Improving the way energy needs are met therefore has significant benefits for health, protection and livelihoods. So why has energy not been a greater focus before now?

What's the problem with energy?

A range of factors have contributed to energy's relatively low priority in humanitarian response. The first is underfunding for humanitarian crises in general. But beyond a lack of funds, energy has not been seen as of equal priority with other issues such as food, shelter and protection. This has resulted in a dearth of qualified personnel with the requisite technical skills. As a result, there is a system-wide failure to collect the kind of data that would be essential to implementing systematic energy planning in and around humanitarian crises.

Humanitarian agencies are, moreover, ill-equipped to respond to protracted crises, while energy infrastructure and sustainable financing schemes are likely to require a longer time frame. The approach of humanitarian organisations to energy management has most often followed a short-term emergency approach. Products such as stoves or solar lanterns are distributed (almost always for free), with little attention paid to maintenance arrangements, cultural appropriateness, distribution mechanisms or the effects on local markets.

While a handout strategy of this nature may be the most appropriate response in the immediate aftermath of a crisis, refugee crises tend to be protracted, and many refugee settlements have grown into small cities. If energy planning is not taken into account in the initial humanitarian response, displaced people and the agencies serving them can end up locked into prohibitively expensive and inadequate energy practices.

Za'atari camp in Jordan is a case in point. When the camp was first built, aid operations were connected to the national electricity grid but no provisions were made for energy to households themselves. In order to power their homes and businesses, refugees therefore resorted to informally tapping into the grid through street lights and thus ramping up consumption to the extent that UNHCR (the UN Refugee Agency) was landed with an electricity bill of \$8.7 million for 2014-15. The agency then cut informal connections and in response those running businesses bought in diesel generators,

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UNHCR/Assadullah Nasrullah

In order to support school children in their studies, UNHCR recently distributed over 12,000 solar lamps in 48 schools in the five Dadaab camps. Priority has been given to female students, who have less time to study after school.

increasing reliance on fuel supplies as well as sources of local pollution. While a new system is now being implemented to ensure adequate access to energy for households and businesses at a more reasonable cost to the agency, greater foresight in the initial crisis planning process could have mitigated the financial and human costs.

The short-term nature of humanitarian responses is not just a product of the system but a reflection of the fact that governments and donors often remain reluctant to admit that refugee crises are anything but short-term emergencies. Most governments do not allow long-term infrastructural investment in settlements. In addition, communities living side-by-side with large refugee populations are often not much better off, and providing hi-tech facilities exclusively to refugees would be likely to breed resentment.

Budgeting in the humanitarian sector tends to be structured around donor funding time frames of one year or less. This means that agencies cannot justify capital investments in efficiency upgrades or renewable energy equipment that would have a payback period of several years. Where such investments have been funded by specific donations, they

tend to be limited pilots that do not make provision for sustainable scale-up.

Bridging development and humanitarian modes

Key questions with regards to energy provision are thus also central to smoothing the transition from short-term humanitarian responses to national resilience, and ensuring that responses to crises do not hamper longer-term development. Development solutions aimed at improving energy provision have tended to focus on national energy access, neglecting those people who fall outside national strategies, such as displaced people. Energy provision in humanitarian response for the displaced has tended to coalesce around ad hoc distribution of products without provision for local market development and better quality services. Development actors and private sector companies working on energy access, whose expertise is crucial when it comes to designing viable energy systems, have valuable experience to contribute to meeting humanitarian challenges.

Modelling done by Chatham House as part of the Moving Energy Initiative³ suggests that the introduction of simple

technological solutions could save money and lives. For example, even basic changes such as the worldwide introduction of more efficient cooking stoves and solar lanterns could save forcibly displaced people around US\$323 million annually after an upfront capital investment of US\$335 million by humanitarian agencies. Such an intervention would reduce indoor air pollution and reduce the amount of time women and girls spend collecting firewood.

Field surveys in Dadaab (Kenya), Goudoubo (Burkina Faso) and Dollo Ado (Ethiopia) show that most refugee households are already paying for energy. Indeed, forcibly displaced people pay over the odds for the meagre amounts of energy they consume. In the Dadaab refugee camps in Kenya, households spend roughly 24% of their income on energy (firewood and torch batteries for the most part), as opposed to 4% in the UK.⁴

Private sector energy companies have developed technologies and services that address low incomes and the disparate geographical locations of low-income consumers in rural locations. The energy access field is quickly gaining experience from a rapid expansion of small- to medium-sized technology companies taking risks and exploiting mobile money services, pay-as-you-go energy systems, smart-grid technology, and remote sensing (allowing companies to monitor from HQ the performance of their technology). A 2015 UNHCR study in south-east Nepal found that for example some 80% of households in two refugee settlements had photovoltaic solar panels, most of which they had purchased themselves.⁵ The fact that refugee populations are often concentrated in a geographical location, and supported by international donor agencies, also offers private sector companies the opportunity to overcome barriers normally associated with the off-grid energy market. Finding the right financing models and the right distribution of responsibility is key in this situation. The increasing use of cash grants and pre-loaded debit cards by humanitarian agencies is likely to support this momentum.

However, in order to make real structural changes to the way energy is used and supplied, energy systems must be understood holistically. Making real structural changes, such as introducing market-based solutions, genuinely clean cooking solutions and renewable power systems, is not cheap and will involve an increase in capital costs for humanitarian agencies and potentially also an increase in annual energy costs for displaced people. But, if implemented well, these can yield significant health, livelihood and social cohesion benefits for displaced people and the host populations that live alongside them, as well as protecting local environments, which are often both fragile and highly contested. The economic case does exist and valuing these outcomes will be critical to funding the shift in technology and practices.

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Uganda's approach to refugee self-reliance

Kelly T Clements, Timothy Shoffner and Leah Zamore

Uganda has chosen inclusion over marginalisation; rather than coerce refugees into camps, Uganda upholds their rights to work, to attend school and to move freely.

Headlines and hashtags speak of the refugee 'crisis' as if the mere presence of people from another country poses a threat. Even among humanitarians, refugees are often understood as a 'burden' to be shared. This rhetoric obscures the reality that refugees' ability to contribute to the societies where they are living depends precisely upon those factors most outside their control: the policies of host governments; the availability of public services; the health of local and regional economies; the budgets of humanitarian organisations; the priorities of international development actors; national and regional security; and so on.

More often than not, these factors – individually or together – deny refugees the very rights and opportunities that enable people to take care of themselves. As the heads of the United Nations development and refugee agencies recently explained, refugees' vulnerability is not inevitable; rather, it stems from circumstances that are "imposed upon [them] and reinforced by the world's incomplete response."¹

But the opposite effect is also possible. Properly aligned, the above-mentioned factors can empower refugees to **benefit** their host communities and not to burden them. This is no surprise. Nationals and refugees are similarly affected by local and regional development challenges, such as inadequate access to health care or education. Addressing those challenges benefits everyone in the area, like a rising tide lifts all boats.

Such enabling environments are tragically rare. Uganda, where refugees have consistently found asylum since the Second World War, offers an important exception. Today, Uganda hosts more than 500,000 refugees. More than 100,000 arrived in 2015, mostly from the Democratic Republic of Congo, Burundi and South Sudan, where conflict and instability foreclose the possibility of repatriation any time soon.

Uganda has chosen inclusion over marginalisation; rather than coerce refugees into camps, Uganda upholds their rights to work, to attend school and to move freely. And it has striven to do so sustainably, by cultivating an environment that supports the self-reliance and resilience of entire communities, including the refugees among them. The three pillars of its refugee policy are:

- **equality, dialogue and mutual support**, leading to community resilience
- **sustainable livelihoods support** that takes account of the demographic, cultural and economic contexts of each community
- **inclusion of refugees in local government-managed systems**, such as for public health and nutrition, the environment, education, gender-based violence prevention and response, and child protection services.

Crucially, this pioneering approach is based on two premises: **firstly**, that displacement is an area of shared **responsibility** for governmental, humanitarian and development actors; **secondly**, that it is an area of shared **opportunity** for refugees and Ugandans alike.

Shared responsibility

As to the first premise, a notable feature is the division of the work among the various stakeholders in ways that play to everyone's strengths. Development actors and donor states support agricultural projects, including by promoting access to land, introducing new techniques that lead to more lucrative crops, and improving market linkages. Private sector and other actors such as microfinance institutions and employers – working in conjunction with international NGOs, multilateral development banks and UN agencies – support non-agricultural livelihoods by promoting waged employment, identifying viable livelihoods opportunities and providing credit as well as skills training in business



UNHCR/Frederic Noy

Joël Mutabazi, a tailor and a Burundian refugee now living in Kashojwa village, Nakivale, Uganda. Refugees in Uganda have the right to work and start their own businesses.

literacy and small business development. The Ugandan government also enhances social service delivery capacity in refugee-hosting areas, with a view to integrating services for refugees into local government systems.

Within this cooperative environment, new ideas and new approaches are proliferating. Uganda has already incorporated refugees into its National Development Plan. In rural areas, refugees have long received plots of land to grow crops for personal consumption. The government, along with its international partners, is now exploring larger-scale agricultural projects that are designed to benefit both refugees and host communities.

Any programme of this size has its pitfalls, and Uganda's history reveals mixed results. Past efforts have been hampered by, for example, insufficient consultation with affected communities, who are not only the beneficiaries of a self-reliance programme but also its agents. This fact requires a pragmatic approach to ensuring that each individual, whether refugee or citizen, gets the support they need until they are actually prepared for the transition away from assistance. Adequate funding is essential, as is pragmatic engagement with the political economy in which the programme

must operate. The competing priorities and interests of local governments, for example, have sometimes resulted in refugees being disfavoured when funding began to dry up.

Fortunately, Uganda has been learning from those past lessons and is moving forward with a holistic approach that addresses the distinct development needs of girls, boys, women and men, whether Ugandans or refugees. The model that Uganda has adopted sequences short-/intermediate-term humanitarian interventions and longer-term development approaches in order to help participants gradually increase their degree of self-reliance and resilience.

Shared opportunity

This welcoming environment is bringing tangible benefits and renewed dignity for both Ugandans and refugees. Hence the second premise of Uganda's policy: that displacement represents a shared opportunity. A recent economic study of refugees in Uganda described a "refugee community that is nationally and transnationally integrated, contributes in positive ways to the national economy, is economically diverse, uses and creates technology, and is far from uniformly dependent on international assistance."²

The evidence presented is strong: of refugees living in rural Ugandan settlements, just 1% depend entirely on humanitarian assistance. Many operate their own businesses and even employ Ugandans. Likewise, in the capital Kampala, an estimated 1 in 5 refugees employs non-family members, and roughly 40% of those employed by refugees are Ugandans.

Rather than stealing jobs, "refugees are more likely than nationals to start new businesses, increasing rather than reducing the number of available jobs". Refugees contribute in other ways as well, including by paying taxes, by stimulating demand

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and by bringing new ideas and skills that local residents may not have. Together, these benefits “significantly outweigh the costs of additional social services and environmental protection measures”.³

Of course, economic inclusion of refugees is also the **right** thing to do. Pope Francis recently lauded how Uganda enables refugees “to rebuild their lives in security and to sense the dignity which comes from earning one’s livelihood through honest labour”.⁴ Many of Uganda’s leaders, including President Museveni, were once refugees. They are well-placed to appreciate the dignity and hope that self-reliance can bring. Through their inclusive vision, Uganda and its international partners have discovered what much of the world has refused to accept: the benefits of refugee self-reliance outweigh any associated costs.

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Limitations of development-oriented assistance in Uganda

Ulrike Krause

In camp-like settlements, the aid provided by aid agencies with a development orientation can do little more than improve livelihood conditions.

The idea of linking refugee protection and assistance programmes with development aid is far from a new idea, with its potential as a win-win situation for donors and asylum states and, in theory at least, for refugees as well. As long ago as the 1960s, UNHCR (the UN Refugee Agency) tried to link its refugee assistance programmes with development aid. It moved from an ‘integrated zonal approach’ during the 1960s to Refugee Aid and Development in the 1980s and Returnee Aid and Development in the 1980s and ‘90s. Since the new millennium, Targeted Development Assistance (TDA) and the Transitional Solutions Initiative (TSI) have been used to make the link.

What all these approaches have in common is the attempt to link short-term refugee aid with medium-term development projects, offering both refugees and the host

population access to services, and using a local settlement approach instead of camps. Yet, each approach did it differently. Since the 1980s, the idea has been promoted of refugees becoming self-reliant especially through agriculture, a concept that is related to recent debates about resilience and is still used today.¹ In the 1990s, quick impact projects (QIPs) were used to promote efforts through small-scale and short-term measures.

Although the approaches had benefits and disadvantages, the main reasons for failure were similar in each approach: insufficient support by and cooperation of humanitarian and development agencies, ineffective (short-term) programme planning, polarised positions between Northern donor states and Southern refugee-hosting states, lack of political will and insufficient funding.² Hence, despite these initiatives over several

decades, refugee protection and assistance are still characterised as humanitarian, short-term emergency assistance, differentiated from medium- and long-term development aid. Ironically, these 'short-term' interventions are – given the global trends of protracted refugee situations – lasting for an average of nearly twenty years.

The case of Uganda

Refugee assistance in Uganda is seen as progressive due to a new refugee policy and its development orientation. The new refugee policy entered into force in 2009 and included a number of revisions to the previous relatively restrictive policy. For example, refugees now have rights to property, work, agriculture and freedom of movement.³ In recent years, the Government of Uganda has also included refugees in its national development and poverty-reduction plans.

Since the 1960s, Uganda has hosted refugees especially from neighbouring countries, with refugees located in rural settlements close to the borders in northern and western Uganda. Refugee assistance in Uganda has development-oriented components as evidenced by the nationwide use of local rural settlement for which the government has allocated more than 3,300 km².

There are three explicit strategies outlining the development orientation of refugee aid: the Self-Reliance Strategy (SRS), the Development Assistance for Refugee Hosting Areas (DAR) strategy and the Refugee and Host Population Empowerment (ReHOPE) strategy. SRS was established in 1999 and aims to promote refugees and nationals living in refugee-hosting areas to be able to support themselves, as well as to integrate local service structures into national systems. Building on SRS, DAR was established in 2003 and targets improving the living conditions of refugees and nationals. The more recent ReHOPE strategy also aims to empower refugees to become self-reliant through livelihood measures.

All three strategies therefore are directed at integrating service structures into national systems and promoting

refugees to become independent from aid structures and deliveries. The integration of local services not only allows nationals to have access to services such as education or medical care established in a humanitarian context but also to sustain such facilities on a long-term basis even after refugees have repatriated to their countries of origin. Refugees' independence from aid structures is especially pursued through agricultural approaches. For that, refugees receive two plots of land – one to live on, one to farm – as well as the necessary means to work the land.

The refugee settlements are all relatively extensive. For example, Rhino Camp Settlement in the North West, established in 1992, has a carrying capacity of 32,000 refugees and covers an area of about 225 km². Kyaka II Refugee Settlement in central Uganda was established in 1983 with an area of about 84 km² and a capacity of 17,000 refugees. The settlements are village-like where refugees live side by side with nationals and both are able to access the services provided by aid agencies. Several primary schools (although very few secondary schools) are spread throughout the settlements. In each settlement, there are markets where refugees and nationals can buy and sell harvest and other products. Rhino Camp also has a skills training centre where a certain number of refugees and nationals received vocational training in, among other skills, carpentry, tailoring, tinsmithing and blacksmithing. In Kyaka II, refugees produce locally made sanitary pads, MakaPads.⁴

Constraints

However, these settlements are geographically limited spaces in remote rural regions which are relatively isolated from flourishing urban areas. The land was allocated because it was sparsely populated before the refugees settled there. Notwithstanding the development orientation of refugee aid that aims to improve livelihoods, refugees still face various restrictions and limitations in the settlements, and despite the revised refugee policy, the refugees are unable to manage without external aid. They have few opportunities to find formal employment,

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restricted in how far they can travel due to decisions made by the Office of the Prime Minister's local office and the high travelling costs; the allocated plots are too small and the soil quality is often too poor to yield a sufficient harvest; and the area is also too small to leave parts fallow for a season, which is necessary for long-term production. Hence, refugees remain partly dependent on aid.

In spite of the development orientation, aid agencies' programme-planning cycles are annual which does not adequately allow for medium-term planning. Also, the assistance in settlements is mainly carried out by implementing partners of UNHCR, not by development agencies, which leads to the question of where these agencies are. If the work is supposed to be development-oriented, why are there seemingly no or very few development agencies implementing programmes? Thus, the kind of aid that has been provided remains similar to humanitarian aid rather than medium-term development aid.

At a policy and strategy level, criticism could be levelled at programmes which work for the integration of services into the national system locally but not for the integration of refugees. Politically the aim is the repatriation of the refugees – rather than allowing them to stay and integrate locally – while the service structures remain for the locals.

More questions than answers?

The refugee assistance strategies in these settlements in Uganda reveal a certain political willingness and an interest in linking refugee protection with development aid. However, challenges remain which render the whole structure questionable.

It may initially seem obvious that refugee-hosting regions should benefit from development measures such as improving infrastructure and service delivery. But do refugees benefit from such measures? Despite the village-like rural settlements, in effect refugees remain encamped, facing restrictive living conditions and with a certain dependency on external aid. Moreover, by focusing on agriculture as a means to become self-reliant, refugees are implicitly assumed

all to be farmers but their diverse interests, capacities and competences are neglected.

There seems to remain an overall question unanswered: why are aid agencies, donors and asylum countries interested in linking refugee and development aid?

It seems that each of them is pursuing specific goals which may not overlap with each other. For refugee aid organisations suffering from limited funding especially in protracted situations, the development orientation offers a way to access other funding pots or possibly to reduce costs. While donor countries may provide additional funds, they may also be trying to find ways to keep refugees in the Global South. Countries of asylum such as Uganda use the approach in a smart way to improve the infrastructure of the refugee-hosting region which is often remote and neglected. And as for the development agencies, they were reluctant to factor in refugees in order to promote sustainable development, although several of them have been showing more interest and commitment in recent initiatives such as TSI.

These institutional discrepancies reveal that it is not clear whether the aim of development-oriented refugee assistance in the case of the settlements in Uganda is to develop a region, to improve the living conditions of refugees in camps and settlements, or to enhance programming efforts in protracted situations. For as long as the overall aim is unclear, the potential to make effective linkages will be thwarted.

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Telling it like it is

Tammi Sharpe and Elias Schneider

Oral histories provide a means to productively include forcibly displaced people, through their voices, in the work and practices of those looking for solutions for displacement crises.

A central element in the search to better understand and find durable solutions for displacement – and one that regularly eludes us – is how those directly affected by displacement can best contribute towards this process. Often lost in the search for solutions are the voices of those who faced discrimination, have been marginalised and denied basic rights, and have experienced displacement first-hand. They have perspectives on their plight and on the roots and drivers of the conflict and they also hold views on what is needed to heal and rebuild the torn fabric of their community.

Oral histories collect memories, personal commentaries and data garnered through interviews with participants in, or observers of, significant events or times. Oral history interviewing is “a field of study and a method of gathering, preserving and interpreting the voices and memories of people, communities, and participants in past events”.¹ Open-ended questions are posed to the interviewee who therefore retains control of the interview. The practice of building oral histories is not new and is relatively common in many social contexts; it has been used, for example, in Australian resettlement programmes to better understand newly arrived refugees from South Sudan.² In such contexts there has to be a mutual, clear understanding between interviewer and interviewee that participation in the project will not yield any physical or asylum- or protection-related benefits.

In the past, the recordings of refugees’ stories has been limited to either a technical determination of refugee status – generally of a confidential nature and limited in their use – or isolated glimpses into individual testimonies that were suitable for advocacy purposes. Especially in a refugee camp context, and following successful repatriation or resettlement, current and former refugees could be interviewed to allow them to share their insights, experiences and views for finding solutions. In the future

the interviews would not only add to the historical record of the crisis but could also inform reintegration, stabilisation, peace-building, transitional justice and reconciliation strategies. The interview on its own can also have a healing impact.

Such stories can be a powerful tool for necessary political change. The author of the blog *Humans of New York*³, which regularly features individual anecdotes or life stories of the city’s inhabitants, travelled along the Balkan route and recorded testimonies from Syrian, Afghan and many other refugees. These accounts generated widespread support and sympathy for the plight of these persons.

A side-event to the 2015 High Commissioner’s Dialogue for Protection yielded insights as to what kind of a role oral histories could play in volatile contexts where the work of humanitarians is dominated by curfews and securitised compounds that tend to separate aid workers from the very populations they aim to help. In such instances, oral histories would serve as a valuable tool to circumvent security constraints and bring about a better understanding of the fears, hopes and incentives of affected populations. This would in turn enhance programme and policy development by providing first-hand insights for human rights activists, peace mediators and state officials.

Oral histories could be relevant for the future of countries at war and thus the solutions for their displaced. In Syria, for example, prior to the war the different communities co-existed in peace. The memory of this is increasingly overshadowed in the context of the unfolding of the conflict and biased narratives being crafted to serve political agendas. Similar challenges face other war-torn countries such as the Central African Republic or South Sudan. Recording such individual experiences and histories will

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allow for a more comprehensive historical record of the conflict. Such a record will help to mend the torn social fabric of the country and thereby help to lay the foundation for a renewed peaceful coexistence. Such stories would be of value to peace actors, researchers and transitional justice actors to enable a better understanding of the roots of conflict in the search for lasting solutions.

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Somalia-Yemen links: refugees and returnees

Maimuna Mohamud

The strategies of Yemeni refugees in Somalia are extensively based on the social networks and cultural linkages that exist between the Horn of Africa and Yemen. Meanwhile, Somali refugees returning from Yemen need to find safer areas within Somalia.

Many of the hundreds of thousands of Somali refugees to whom Yemen offered *prima facie* refugee status over the decades are having to return as a result of the fighting in Yemen. Meanwhile, uprooted Yemeni populations have been crossing the Gulf of Aden in ever greater numbers in hope of finding refuge and protection in Somalia and other states in the Horn of Africa.

It is at reception centres that Yemeni refugees and Somali returnees meet their first challenge – if they survive the perilous sea journey. As part of the registration process, refugees are required to produce documents that prove either Yemeni nationality or, in the case of returning Somali refugees, refugee status in Yemen. These centres – such as in the port cities of Berbera and Bossasso – are set up under the auspices of the regional Somali governments of Somaliland and Puntland to register refugees and returning Somalis. They are intended only to provide arriving refugees with emergency assistance like food and shelter, and as such are not equipped to make provision for the long-term settlement of the refugees or the returnees.

Somali returnees

Somaliland, Puntland and the Federal Government in Mogadishu have all expressed willingness to take back their returning refugees. However, such rhetoric

is problematic. The governments seem to advocate assisting returnees to go back to their regions of origin soon after their arrival, regardless of whether the factors triggering their displacement still exist there. Each of the administrations have thus far been reluctant to put in place overarching policies and frameworks that can ensure the safety of returnees by supporting their relocation to safer regions. Each of the political administrations is unable (and in some instances unwilling) to protect and integrate Somalis who are faced with the abrupt transition from being refugees in Yemen to being returnees.

Yemenis' strategies

In the context of Yemenis displaced to Somalia, UNHCR's encampment approach is being challenged by refugees. Many refugees have come to believe that registration and encampment will render them helpless in making important decisions like where to live and when to return home.

Because of the long history of contact, Yemeni refugees consider Somalia to be culturally familiar, despite the linguistic differences; this helps to instil confidence in their ability to navigate the challenges of urban life there. There is a trend of Yemeni refugees preferring to 'self-settle' in the capital cities of Hargeisa and Mogadishu,

where help can be obtained from the existing populations of Yemenis. To date, the policy of the government of Somaliland allows Yemeni refugees to settle in urban areas with relative ease and many Yemeni refugees in both Hargeisa and Mogadishu have set up small businesses. In each of these two cities there are Yemeni Diaspora Chapters. These Chapters work to track the numbers of Yemenis arriving, informally register them and assist them with finding information and shelter. The Yemeni Diaspora Chapters also fulfil the purpose of coordinating between refugees and authorities, whether local or national. These Chapters play an essential role in refugees' decisions about where and how to settle.

Yemeni refugees in Somalia draw on two important resources to survive with autonomy: long-standing economic and cultural ties between the two nations, and the support of other Yemenis in the diaspora. These resources enable refugees to explore alternative means of survival rather than relying on assistance in refugee camps. However, despite the high level of self-sufficiency of Yemeni refugees living in Somalia's two largest cities, the protection of their legal rights remains largely unaddressed.

Self-settlement and assistance

There are two important questions, not only for UNHCR and its partners but also for the Somali governments: firstly, how the government(s) can provide institutional protection and assistance to refugees and, secondly, how the aid agencies can provide assistance and protection to urban communities who are



The market place in Basateen, the Somali-majority area of Aden in south Yemen.

opposed to resettlement in rural camps and deterred by the long-term consequences of encampment on their freedoms and dignity.

Given the consequent reluctance of most refugees to register officially with UNHCR, promoting better relations between Yemeni Diaspora Chapters and international organisations is critical for gathering information about urban refugees in order to support their needs over time. It is also essential that local Somali governments maintain and encourage favourable attitudes towards refugees regardless of residency; if the Somali authorities allow Yemenis to establish businesses with as few restrictions as possible, the refugees can contribute positively to the economic development of the region.

The Somali authorities' political and practical capability to coordinate responses to refugees and returnees must start with revising current ad hoc policies and laying the groundwork for realistic institutional responses across the Somali region – for Somalis to return sustainably and for Yemenis to be able to create active lives in exile.

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A role for market analysis

Host governments and communities are often concerned with the impact refugees will have on their economy. One idea for addressing this concern is to guide response – from the moment of refugees' arrival – in a way that capitalises on refugees' economic involvement that is helpful to a host community. In order for a response to be designed in a way that does this, a market analysis detailing both the gaps in the domestic labour market and the skills present in the new refugee community – matching a country's market needs with an available workforce – needs to be conducted. With this information, governments and practitioners could identify housing, work and aid dissemination options with an eye to self-sufficiency.

The skills needed to conduct quick and accurate market analyses are not abundantly present within the current refugee response community. It is therefore important to partner with research institutions that collect data and can offer templates for swift data collection by academics or practitioners. Institutions like the World Bank or various private sector organisations are skilled in quick and sometimes complex market analyses. This kind of expertise could help refugee response practitioners quickly suggest alternatives to encampment which are capable of promoting economic development in the early stages of

displacement and also of informing policy advocacy efforts aimed at helping refugees in protracted situations to access markets.

Market access alone does not guarantee that refugees are protected from exploitation, however. For this reason, there must also be guidance on practical access to formal employment and labour protections, including minimum wage protection.

Livelihoods programmes that are informed by market analyses and that prioritise formal, non-discriminatory access to the market are only some of the pieces of a broader roadmap. Other pieces of an effective roadmap may include approaches for connecting livelihoods programmes with partners skilled in work rights advocacy, approaches for helping refugees access vocational training, and approaches for building shared economic spaces accessible by both refugee and local populations.

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Family allowance extended to refugees in Brazil

The Brazilian government has extended an allowance, which was created to assist poor Brazilian families, to refugees. The family allowance (*Bolsa Família*) consists of a small cash transfer programme granted to poor families. Established in 2004,¹ it unified scattered initiatives, such as school, food and fuel allowances which previously came under the responsibility of the Ministry of Education, Ministry of Health and Ministry of Mines and Energy respectively.

The purpose of the allowance is to reduce poverty in families and break the cycle of poverty, primarily by keeping children attending schools and promoting better health practices, thereby also promoting the Millenium Development Goals of reducing malnutrition, achieving universal education and reducing child mortality.

It has been successful in achieving its goals so far since it boosted the middle class from 45 million to 105 million in about a

decade, remarkable progress in a country with a population of 200 million people.²

The extension of the allowance to refugees was made possible on the grounds of the Foreigner's Act of 1980 which provides that: "the foreigner who has residence in Brazil enjoys all the rights recognised for Brazilian nationals".³ In order to receive this benefit, the migrant or refugee has to be a legal resident in Brazil, has to be registered in the Unified Household Registry (Cadastro Único para Programas Sociais), has to meet income eligibility criteria and must comply with the standard conditions attached to receiving it such as school attendance, vaccination and so on.⁴

In response to the criticism that migrants and refugees have different needs from Brazilians, Brazil's National Committee for Refugees (CONARE) argues that it meets those different needs by additional grants to states, local governments and civil society organisations, which are then responsible for providing them with

shelter, Portuguese language classes, legal and mental health assistance and, if necessary, financial assistance as well.

Although providing the same allowance that Brazilian nationals receive to refugees and migrants is a good step, it should not prevent the government from developing specific public policies for refugees since their inclusion in assistance designed for Brazilians can serve to conceal the refugees' specific problems.

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3. Article 95 of Foreigner's Act No. 6.815/1980

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Transitional policies and durable solutions for displaced Kashmiri Pandits

Sudha G Rajput

The continuation of the predicament of those who remain displaced from the Kashmir Valley since 1989 results from the unintended consequences of past policies. Transitioning from the 'temporary' policies that keep the displaced communities intact in 'safe zones' to policies that aim to secure long-term solutions presents moral dilemmas for policymakers.

The lives of those displaced by a conflict are greatly affected by the initial policies formulated to address the crisis as it unfolds. In addition to the challenge of 'starting over', groups displaced by conflict continue to be marginalised by members of host communities as well as by the policymakers, who may label them as, for example, migrants, minorities or guests so as to obscure the real cause of their displacement. Often the policies formulated to address the crisis of such displacement is an outcome of such labelling; this was the case with the policies

that were crafted to address the forced eviction of Kashmiri Pandits from India-administered Kashmir Valley in 1989.

Those who fled now constitute the approximately 250,000 displaced Kashmiris dubbed by the Indian government as 'migrants'. Added to these numbers is a full generation of youth born and educated outside Kashmir. The displacement of this community has now extended beyond 25 years, yet the 'temporary' policies embedded in the initial positions of the policymakers – designed to serve the 'transitional needs' of those displaced – remain intact.

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As for all displaced communities, the unplanned move was a daunting challenge for those displaced from the Valley. Forced eviction broke up families, cut social and cultural ties, and interrupted employment, education and marriage opportunities for many. In addition to the social and psychological trauma, the community faced the challenges associated with the hot climate of Delhi and Jammu and having to navigate larger, more congested and more bureaucratic societies.

Females of the community were, on the whole, more resilient and able to regain their sense of composure at a faster rate than the men; men's experience of trauma was aggravated by having to take on what they perceived to be humiliating jobs required for survival in new cities. The women, however, acquired new business skills to support their spouses in managing the 'temporary' shops allotted to those displaced. The metamorphosis from respectable traders and Pandits of the Valley to anonymous migrants made for an extraordinary experience for all community members, complicated by the ambiguous and ad hoc 'migrant' and 'temporary' policies.

Policy framework

Even after 25 years, the national government continues to characterise this displacement as the outcome of a "temporary disturbance in the Valley", tenaciously holding onto its position that the "families must go back". Consequently, a spectrum of official policies has evolved over the decades to "serve the transitional needs of the migrants"¹. This contrasts with the families' own understanding that this crisis is irreversible, having permanently "damaged their community". Consequently, the families judge the transitional policies as "useless", "humiliating" and even "irrelevant"². Over the years, policies have evolved in response to the changing needs of this community; however, the policy portfolio has yielded mixed results, for both the beneficiaries and the policymakers.

Official classification: Social inclusion and access to services for the Kashmiri

community have been limited, given their official categorisation as migrants. While recognising the importance of using labels as tools for identifying legitimate members of a group for the purpose of distributing rations and benefits, such labelling has led to the host communities of Delhi and Jammu keeping the Kashmiri community out of their social and economic circles. In addition, as the 'migrant' label suggests a voluntary departure from the Valley, such labelling has allowed officials to avoid the need to confront the perpetrators of the forced evictions, who still remain unaccountable.

Housing: The official response to what was called the "temporary disturbance" was to provide this community with township-like settlements outside the Kashmir Valley as a safe haven and a 'close to home-like experience'. Consistent with the official position that saw this displacement as a temporary crisis, the government retains ownership of the townships, allowing the residents to stay till normality returns to the Valley. As temporary occupants of two-room tenements in multi-storey complexes in Jammu, the families continue to lament the loss of their ancestral homes. The transitional nature of this accommodation does nothing to address the deeper concerns of this community – restoring their sense of normality and providing long-term security. However, policymakers face a moral dilemma; transitioning the families into the mainstream community would signal the recognition of the crisis as more than temporary and might crush all hope among those who wish eventually to return.

Livelihood: Securing access to economic opportunities is challenging for any displaced community, and the added pressure that spills into the host communities often manifests as heightened tensions between groups. To alleviate such pressures, the policy package for the families included the temporary use of shops made available for their use in the host communities. In the short term, this allowed families to at least partially regain their sense of dignity and economic well-being; however, the government retains the ownership of the shops and prohibits expansion. A transition

from these temporary shops to more durable means of income generation requires the recognition that the displacement has rendered return to home impossible.

Education: In contrast to the policies that have had less than the intended impact on the beneficiaries, one policy has been praised by the families as having made a positive impact in their overall displacement experience. Under the Special Allocation for Children of Kashmiri Migrants, children of the displaced families have been able to take advantage of the host societies' school systems, bypassing the bureaucracies required for school admissions. This thoughtful initiative not only kept the children from becoming victims of the streets and child labour but it also empowered young Kashmiris with survival tools, instilling in them a sense of resilience and confidence. This contrasts with the survival strategies of many displaced communities around the world. The education policy for the displaced Pandits is a commendable example of a policy that can yield visible rewards, not only for those displaced but for members of the host communities and the nation as well. Such practices serve as an exemplary model to replicate in similarly displaced communities around the globe.

Acknowledging the hazards of 'transitional policies'

While the townships arranged by the government had a crucial role to play in the initial years of displacement, over the years of protracted displacement these townships have in fact created a cultural and societal divide between the local communities and those displaced, and have reinforced the stereotypical image each has of the other. Ironically, despite being surrounded by members of their own community, with temples, schools and shops, Kashmiri Pandit families resent living where there are no economic opportunities or political space.

It is time to recognise that a policy which continues to reinforce parallel societies makes a breeding ground for new conflicts and creates moral hazards for all involved,

including putting the host community in jeopardy.

Unfortunately the policies will continue to deepen the divide even as the new national government unfolds its plan of designating a piece of land in Kashmir for those willing to return. Such a plan may only guarantee the continued separation of the two communities that once co-existed in Kashmir, thus aggravating the policymakers' moral dilemma.

In search of durable solutions, the Kashmiri Pandit youth, born and brought up in communities outside Kashmir and now empowered by their education, should capitalise on newly acquired skills by partnering with local non-governmental organisations, grassroots leaders and policymakers to ensure that community building rather than community divide becomes the policy. These young people have an important role to play in planning and achieving durable solutions, and are in a position to demand participation in bringing about the required community development and societal reforms – for community members not only to move from transitional accommodation to mainstream housing but also to be recognised as productive and contributing members of society. It is time for the inclusion of new voices in the decision-making process.

Whatever policymakers do they will continue to face moral dilemmas and hard choices, whether unveiling policies for return or for integration into the host communities.

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This article is based on research carried out for the author's doctoral dissertation (see endnote 2 below).

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Gendered limits to the returnee village programme in Burundi

Yolanda Weima

While officially refugee return is counted as return to within the borders of one's country of citizenship, 'home' for returnees must also be considered against other parameters. Gender and kinship intersect with other important factors in differential experiences of return.

Following conflict in 1972, and then a decade-long civil war beginning in the 1990s, over a million Burundians sought refuge in neighbouring countries, predominantly Tanzania. After the signing of peace accords in 2000, subsequent ceasefires and changing regional and global asylum policies, over 700,000 former refugees returned to Burundi between 2002 and 2009.

The Rural Integrated Villages (VRIs) programme in Burundi was designed to meet the immediate shelter and other humanitarian needs of returnees who were no longer able to access their land, or were now unsure of where it was, or who simply had no land. It was envisaged by policymakers as contributing to reconstruction, longer-term sustainable development, peacebuilding and social cohesion in a post-conflict context. Instead, it created a situation that many returnees experienced as continued displacement even in their country of citizenship and generated feelings of disappointment, abandonment, and social distance from family and Burundian society.

Return to a country of origin, like displacement itself, can differentially affect men and women, and affect and be affected by pre-existing gendered relationships, as individuals, households and communities re-negotiate and re-establish their lives in new places. While many other factors such as the lack of genuine peace at the national level are fundamental to the failure of these villages, important lessons about gender and transitions can be learned from the ways that gender and kinship relations were transformed by return and villagisation, making certain returnees more vulnerable.

The first 'Peace Villages' programme in 2004 provided housing but many of the

villagers lacked adequate access to basic services. The subsequent VRI programme took a more holistic approach, providing land – although many households have yet to receive arable land – and including a range of supporting projects, with the expectation of long-term sustainable integration of returnees in a predominantly agrarian setting with limited land and livelihood opportunities.¹

Village creation programmes are not new in this region of Africa and have often been criticised for the ways in which they changed resource use with detrimental effects for surrounding environments and gendered division of labour. For example, a higher concentration of people makes the everyday task of collecting firewood more difficult as all village residents need to walk longer distances to seek wood, compared with when they had lived in dispersed rural homesteads. Where firewood collection is considered women's work, as in Burundi, this impact is clearly gendered.

Counting women

Gender analysis in the VRI programme seems to have been largely limited to aiming for gender parity in activities. In a statement echoed by staff of several agencies, one UN agency employee stated simply, "We had transversal themes like gender; ... in the identification of beneficiaries [...] at least 50% had to be women."

It is often supposed that there are more women than men in refugee populations but when counted there were nearly equal numbers of men and women Burundian refugees in Tanzania in the 1980s.² This makes the results of counting women in this village creation programme even more striking, because there are many more

women than men in the VRIs. This is largely because of the parity aims mentioned above, and the consequent inclusion of female-headed households. While male-headed households usually also have adult women present, most female-headed households do not include adult men.

Village residents and programme staff alike surmised that the reason for the high number of women in the villages was related to laws and practices around women's land inheritance. Most women do not inherit land from their parents, widows do not inherit land from their spouses, and divorced women usually do not have a right to land from former husbands. The gendered effects of land inheritance did not only affect women but also determined the presence of many men, including those whose mothers were divorced, or those who had not been acknowledged by their fathers and therefore had no recognised right to inherit land.

It is true that the VRI programme did provide housing in Burundi to returnee women who may not otherwise have had access to housing of their own upon return. However, the fact that more women are affected by villagisation becomes problematic because of the disproportionate challenges to reintegration and the re-establishment of livelihoods faced by women in this resettlement programme.

Gendered labour

The presence of large numbers of landless villagers increased the supply of agricultural labourers so that waged work opportunities in surrounding villages are scarce. Wage rates have decreased, and to meet their basic needs many households rely on the labour migration of family members to other regions of Burundi or back to Tanzania. As women are more likely to have responsibility for children, they are less able to migrate for work. Consequently female-headed households do not have access to sources of income which are vital to the survival of other families.

Returnee women highlighted the transition from livelihoods established over decades in Tanzania, where they had

greater access to land and resources, or rights to the distributive humanitarian regime in refugee camps that assured the basic necessities of daily life. For villagised returnees the inability to consistently provide meals for their families was tied to gendered expectations of women's role in the household, gendered labour, and the ways in which prior experiences shape perceptions and expectations of life in the village.

Related and important factors for many returnees were whether they considered the village to be in their region of origin, and whether they had extended family in the region to which they returned. Returnees for whom village resettlement is near to extended family highlighted the importance of family to having access to land to cultivate, opportunities for compensated labour or mutually shared labour in cultivating and building, childcare, assistance when ill, and participation in ceremonies.

Sinarizi, a returnee in one of the villages, described being resettled far from his region of origin: "...living here we continue to live like refugees, even though there was a village near [our place of origin] where we could have easily had family I've spent five years here and I've never seen anyone [of my family] come to visit. ... The UN, together with the Tanzanian and Burundian governments, said that each person will return taking the direction of his province of origin. Which is why we found it interesting then, because we wanted to return, to see our home. ... Because a person cannot be planted like the banana."

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Naturalisation of Burundian refugees in Tanzania

Amelia Kuch

Tanzania's offer of citizenship to some 200,000 refugees received international attention and support. Acknowledging the strengths and flaws of this model could potentially help unlock other situations of protracted displacement around the world.

In 2007 the Tanzanian government, in partnership with the Burundian government and UNHCR (the UN Refugee Agency), adopted the Tanzania Comprehensive Solutions Strategy (TANCOSS) which outlined a plan for durable solutions for the Burundian refugees who had been in Tanzania since 1972. Initially, TANCOSS included three pillars: voluntary repatriation to Burundi, processing of citizenship applications for those who opted for naturalisation in Tanzania, and relocation of the naturalised refugees from the refugee settlements to other regions of Tanzania. 79% of refugees opted for Tanzanian citizenship while 21% opted for repatriation (and duly returned to Burundi). The relocation plan was subsequently suspended, however, with naturalised refugees permitted to choose if they wish to be relocated or remain in the areas of the settlements.

Conditions and drivers

The close affinity of the groups living in the area of Burundi and western Tanzania and their historical mobility across what is now the border were important preconditions for local integration of refugees. The refugees often cited historical affinity and acquired familiarity with Tanzania as important factors in their decision to opt for naturalisation. Similarly, many Tanzanians expressed the opinion that living with the refugees was possible due to ethnic, religious and linguistic similarities.

After fleeing Burundi in 1972, the refugees had been allocated land to farm and live on in three sites in western Tanzania. This policy of refugee protection was motivated both by President Julius Nyerere's genuine commitment to Pan-African ideals and the opportunities that refugees provided for attracting resources for the development

of remote and under-populated regions of the country. The nature of the rural refugee settlements in which access to land was provided played a central role in the implementation of TANCOSS and what became known as the Old Settlements turned out to be a success in terms of agricultural production and trade. To a certain extent, the design of the policy was only viable because the refugees had land, becoming self-sufficient and indeed contributing greatly to the local economy. Moreover, refugees' decision to opt for Tanzanian citizenship was in many cases motivated by their inability to obtain land in Burundi. This is not to say that land is a prerequisite for successful local integration but that the ability to achieve sustainable livelihoods is crucial, and in many places in Africa this is synonymous with securing access to land.

On a macro-political level the key drivers of implementation of TANCOSS were exceptional leadership and the responsiveness of donors – that is, the availability of funding. The UNHCR Representative and the Tanzanian Home Affairs Minister were determined to negotiate a solution for the 1972 group of Burundian refugees, and UNHCR put out a quick and successful supplementary appeal, calling on donors to support the design and application of TANCOSS. Ultimately, a total of \$103 million was included in the 2011-15 United Nations Development Assistance Plan (UNDAP) for Tanzania meant for relocation and integration of naturalised refugees.

Lessons of TANCOSS

Approximately 45,000 refugees decided to repatriate as part of the UNHCR-organised repatriation scheme (and many others left individually over the years). Those who



Burundi refugee woman applying for Tanzanian citizenship in 2008 in Ulyankulu Settlement for the '1972 Burundi refugees'.

still had relatives in Burundi and were able to regain their property settled in the areas they were familiar with. Many others, however, were housed in Peace Villages built for the purpose of reintegrating IDPs and returning refugees.¹ Access to land became an immediate point of conflict and contestation. People's social networks had become extremely weak back in Burundi and when in May 2015 civil unrest broke out many repatriated refugees fled again to Tanzania. Some of them wanted now to receive Tanzanian citizenship but TANCOSS had stated clearly that the decision to opt for repatriation could not be reversed.

The situation of 'recycled' Burundian refugees confirms the necessity of adopting more flexible approaches to repatriation. In this case refugees themselves suggest that possible solutions could include: allowing a certain amount of time for the repatriates to determine if they wish to remain in Burundi or still apply for Tanzanian citizenship; special affordable channels for the 'recycled' refugees to apply for residence permits and work legally in Tanzania; and further strengthening of regional cooperation, which could ultimately enable people to travel freely between the

countries and to establish livelihoods and businesses in both Burundi and Tanzania.

In the years 2010-14 the process of naturalisation stalled and it was unclear if it would be completed. In fact, several statements by the Government of Tanzania during this period suggested declining government commitment to the process and the possibility that the decision to grant citizenship could be reversed.² The lack of information provided about what was happening caused fear and anxiety among the refugees, and it highlighted UNHCR's inability to intervene and encourage the completion of the process. The delay in naturalisation came from a combination of factors but included refusal at the district level to resettle refugees. Clearly, if future cases of naturalisation are to be encouraged, it will be necessary to ensure that local representatives are better included in the process.

In October 2014 refugees who opted for naturalisation finally received citizenship certificates. However, there are still at least 40,000 applications pending and it is unclear how and when they are going to be dealt with. This is a pressing issue, which causes continuing uncertainty in the lives of many families.

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Thinking ahead

As refugees changed their status from non-citizens to citizens, one of the settlements, Ulyankulu, which for over 40 years was largely marginal and isolated, is now being naturalised and incorporated into a new district. Over the years many Tanzanians from the neighbouring villages moved to the area of the settlements in search of fertile land and business opportunities. The space and the demographics of the settlement are transforming rapidly as more and more Tanzanians by birth are coming in, attracted by the prospects of district formation and hoping for better access to infrastructure and

services. The transformation of a camp into an urban centre provides an opportunity for development actors and the national government to further aid the integration of the new citizens and the local population.

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Displacement and development solutions in Tanzania

Tanzania's refugee integration could serve as a blueprint for expanding the framework of durable solutions globally. In 2007, Tanzania developed a Comprehensive Solutions Strategy in coordination with UNHCR (the UN Refugee Agency) to create a lasting solution for the Burundian refugees still in Tanzania. This involved closing the settlements and integrating the refugees into 21 different communities around the country.

While many refugees were naturalised in the following years, the effort was halted briefly, and reopened again in late 2014. With the reopening, Tanzania shifted its focus to coincide with the current global emphasis on sustainable development within the refugee context. Tanzania decided to offer citizenship to over 162,000 Burundian refugees, placing them at the centre of their effort to create sustainable local integration alongside development. This historic decision is unique and the result of a host government working with the international community to facilitate creative solutions for refugees. The former refugees are now full-fledged citizens of Tanzania, their new status allowing them to carve out a living and a future in what is now their country.

Many challenges still lie ahead. The socio-economic integration of a sizable group of people will require significant

investments in the infrastructure of the affected areas. Local government will have to work closely with the central government in Dar es Salaam and the international community to secure adequate resources to support integration. Moreover, efforts to make improvements in local communities must ensure that all segments of the society benefit, both the newly naturalised refugees and the existing Tanzanian population.

Such processes can only happen if the new Tanzanians are incorporated into the existing development plans of their country.

To truly bring this initiative to fruition, Tanzania will need to wholeheartedly continue with its own implementation strategy. The central government will naturally take the lead, but the role of new Tanzanians, provincial and local governments, international and local humanitarian relief and development agencies, as well as the private sector, will have to be fleshed out. Tanzania must not stand alone but rather walk together with an ever more varied group of international and regional partners.

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Transitional solutions for the displaced in the Horn of Africa

Nassim Majidi and Saagarika Dadu-Brown

Refugees can contribute significantly to the economy of countries of refuge. Legal, structural and political backing is crucial to strengthen this contribution and maximise the opportunities that are present.

If the search for durable solutions could be disengaged from the migration agenda, rather than focusing on movement itself and its causes, it could highlight some of the economic, political and social benefits of durable solutions for countries of asylum as a whole. The wide gap in some countries between existing provisions in the laws to provide for refugees and the implementation and just application of these laws on the ground result in frequent, severe and troubling restrictions on refugees' access to documentation and services, freedom of movement, right to work and right to own property.

What is needed is a mechanism – a system – to bring together fragmented efforts under a collective agenda to incorporate all actors working on solutions, beyond humanitarian to include development actors, private sector, academia and civil society, and beyond national government to include local and regional authorities. Such a collaborative system is needed to shift public narratives beyond insecurity and threats towards more innovative discussions and entry points for solutions. Security considerations, rather than humanitarian and development concerns, dominate many of the policies regarding refugees in the Horn of Africa region, greatly diminishing institutional support structures for the local authorities which bear the responsibility for refugee issues.

The case of Turkana, Kenya

In Kenya, the process of devolution – the transfer of government power from the centre to the county level – is a key to transitional solutions for refugees.¹

Kakuma refugee camp is located in Turkana county of the north-western region of Kenya. At the local level, a

partnership between local actors through local interventions is critical to enhancing the self-reliance of protracted refugees and host communities alike. A key example is taxation and county revenue. Refugees are an untapped fiscal resource through taxation of businesses run by refugees; while refugees are indirectly taxed through the consumption of products and other payments, refugees themselves welcome the need for formal taxation mechanisms if it comes with formal authorisation to run a business.

According to a representative of the Department of Refugee Affairs in Turkana: “Turkana is learning to tap into the importance of the refugee camp. The county is collecting money from the Kakuma refugees – it is one of the collection points for the county.” In Kenya, as in other countries of the region, locations where refugees live are often marginalised, low-revenue and arid or semi-arid areas. The local need for greater fiscal strength to support county development plans can turn into a benefit for the refugees who are ready to work or run businesses and pay taxes.

If refugees are to be able to make greater fiscal contributions, they will need to be given work permits. At the moment, work permits are issued centrally in the capital, Nairobi, under the responsibility of the Department of Immigration. If this power were devolved to the counties, it could benefit refugees more quickly, and allow the local administration to register them and their businesses, in order to tax them. Decentralising other Department of Immigration services to the camps could provide other avenues for local economic integration and local revenue generation, giving local economic impetus.

Establishing a working framework between the national government and counties that

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host refugees would be a starting point to effectively engage counties on refugee management. Currently with devolution of power in Kenya, decisions that once used to be made by the central government are now made by the county in consultation with the community. County administrations are in charge of service delivery, conflict resolution and development in their jurisdiction – three key mandate components affecting refugee issues. The five-year development road maps of counties' integrated development plans are the place to build on the potential for positive impact of the presence of refugees, such as trade, education and livelihoods, and to address negative repercussions on infrastructure and the environment.

With counties having control over resource allocation and funding mechanisms, there are ways that they can have a positive impact on refugee affairs. Local and international civil society are calling on counties to use a part of their budget for programmes for refugees. This is already happening indirectly in Turkana, where parts of the county budget and programmes benefit both host and refugee communities.

There are three core components for initial engagement of county governments with refugee issues: community-based development, conflict resolution, and health and education. The refugee-hosting counties of Garissa and Turkana, and aid organisations, already engage in service provision to refugees and host communities, as they recognise the role of refugees as key economic agents. Such local-level engagement is a necessity for turning transitional solutions into durable solutions and can be replicated and scaled up in protracted refugee settings.

Good practice

There are some other examples of good practice. They include:

- **Kenya**, where 1,500 hectares of land has been made available by the local government for a new settlement, Kalobeyei, for up to 60,000 refugees, thereby decongesting the Kakuma refugee
- camp. In a new approach integrating local and refugee economies in the planning of the new site, about 900 hectares will be used for settling refugees while the remaining 600 hectares will be allocated for economic activities, including agriculture.
- **Ethiopia**, where there has been an out-of-camp policy that has allowed Eritrean refugees in Ethiopia to live outside refugee camps in urban settings. This has been seen as a strong start for urban solutions as alternatives to encampment. A positive sign of engagement in seeking solutions, the implementation has so far been slow.²
- **Uganda**, where the 2006 Refugee Act and 2010 Refugee Regulations enshrine many of Uganda's international obligations in domestic law, and the Settlement Transformative Agenda (UGSTA) aims to bridge the gap between emergency life-saving responses and more long-term development approaches by including refugee response in the National Development Plan.
- **Somalia**, where efforts at durable solutions have included advocating for Somalia's displaced to be integrated into the government-led and donor-supported development framework for Somalia that ran from 2013 to 2016. This advocacy has led to the inclusion of displacement and solutions as a key issue in consultations for the National Development Plan currently being drafted by the Federal Government of Somalia.

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This article is based on research conducted by Samuel Hall for the Regional Durable Solutions Secretariat (ReDSS).

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2. See also Samuel Hall (2014) *Living out of camp: Alternative to camp-based assistance for Eritrean refugees in Ethiopia*
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Repatriation and solutions in stabilisation contexts

Giulio Morello

So-called stabilisation contexts are risky for repatriation and therefore it is especially important to maintain the legal and practical difference between mandatory and voluntary repatriation.

Primacy is normally given to voluntary repatriation as the preferred durable solution for refugees. This is for reasons that are dictated partly by the socio-political context generally surrounding refugee crises, and partly by the explicit obligation of states under international law to admit their own nationals. This raises questions regarding the meanings of 'repatriation' in the 1951 Refugee Convention and in the 1950 UNHCR (the UN Refugee Agency) Statute and on the relation between refugee repatriation and cessation clauses. This issue is especially relevant in contexts where large-scale voluntary repatriations are actively encouraged but where the change of socio-political circumstances in the countries of origin is not such as to bring about a cessation of refugee status. Stabilisation contexts, such as Somalia where the same conditions that resulted in massive refugee outflows still largely persist, are such contexts.

Under the 1951 Convention, when refugee status is lost due to a change in circumstances in the country of origin the host country has a right to repatriate a former refugee regardless of their intention to return, as long as it does so in accordance with applicable provisions of human rights law. The change of circumstances needs to be fundamental, enduring and resulting in a restoration of protection. By contrast, the 1950 Statute authorises UNHCR to facilitate repatriation efforts only if they are voluntary and "even where UNHCR does not consider that, objectively, it is safe for most refugees to return".¹ The difference is thus between **mandatory repatriation**, based on the strict cessation clauses of the 1951 Convention to which signatory states are subject, and **voluntary repatriation**, which can be facilitated by UNHCR even before a change of relevant circumstances in the

country of origin, based on a refugee's free and informed decision. Confusion between or poor understanding of these two different repatriation frameworks can have negative protection consequences for refugees.

In countries that are sometimes optimistically deemed to have reached the stabilisation phase after a protracted conflict, refugees returning from neighbouring states are made more vulnerable by the conflation of Convention mandatory repatriations with voluntary repatriations. The case of Somali refugees in Kenya is an example of these dynamics. Under the umbrella of the voluntary repatriation framework introduced with the 2013 Tripartite agreement between Somalia, Kenya and UNHCR, 2,589 Somali refugees returned from Kenya in a pilot scheme during the first half of 2015. This pilot has been replaced by a more ambitious operational plan with a larger geographical coverage. Unfortunately, the momentum surrounding the voluntary repatriations was accompanied by an increase in forced deportations – 359 during April and May 2014 alone according to Human Rights Watch – in breach of the central Convention principle of *non-refoulement* to which Kenya is bound – almost as if the existence of the voluntary repatriation framework could imply a blanket cessation of refugee status for a very heterogeneous refugee population.

It is well known in non-refugee migration contexts that the success of Assisted Voluntary Return and Reintegration programmes partly depends on a credible threat of forced return. A similar dynamic is at play in the case of Somali refugees in Kenya. Frequent statements by Kenyan and Somali leaders, either lamenting that the return process is too slow or setting very high targets for the voluntary repatriation programme, reflect the reality that the

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issue is heavily politicised. In this context, pressures to hasten the process are high and the rights of refugees tend to be overlooked.

The centrality of protection

Protection considerations must be central to the search for solutions for displaced Somalis, and these must be rooted in a correct understanding of relevant Convention provisions. Anecdotal evidence indicates that in the pilot phase of the Somali voluntary repatriation programme a number of returnees had to seek shelter and humanitarian assistance in IDP camps. Cases of 'revolving door' were also reported, with returnees going back to Kenya after receiving their reintegration assistance packages in Somalia. To avoid such outcomes, it is essential that Somali refugees in Kenya do not feel in any way constrained to choose between facilitated return and forced deportation.

Similar challenges have been reported in other stabilisation contexts, most notably Afghanistan,² and they reveal the intrinsic limits of voluntary repatriations to fragile states, particularly when these are assumed by host countries to open the possibility for mandatory repatriations. The different legal frameworks regulating mandatory and voluntary returns must be clarified to avoid potential opportunistic behaviours by states. At the very minimum it is advisable to

- clarify that voluntary repatriation activities do not *per se* authorise other forms of repatriation
- reinforce states' commitment to the principle of *non-refoulement*
- strive to preserve and reinforce the asylum and protection space in host countries during the implementation of voluntary repatriation initiatives.

A durable solution is not automatically attained upon repatriation but depends on a complete restoration of rights and protection ('re-establishment', using Convention language). Including displacement issues in stabilisation agendas therefore requires constructive dialogues between humanitarians and policymakers, as well as between humanitarian and development actors. These dialogues should recognise that in complex settings, such as Somalia or Afghanistan, humanitarian and development needs coexist at the same time.



IDPs in Kabul, Afghanistan.

In situations of chronic instability it would be unrealistic to assume that voluntary repatriations could offer a solution to very large caseloads. In the case of Somalia, UNHCR and the international community firmly hold that the situation in South-Central Somalia is not conducive for large-scale returns. In addition, a strong culture of mobility and transnationalism could make the very idea of 'returning home' unappealing to many Somali refugees in protracted displacement.

Mobility, besides being a fundamental human right, can also be part of a durable solution strategy.³ A refugee could voluntarily decide to 'return' by resuming their home country citizenship, while at the same

time remaining in the host country (or moving to a third country) with a long-term residential permit. A similar solution was adopted in 2007 in Nigeria with residual refugee populations from Liberia and Sierra Leone, as part of a multipartite agreement based on ECOWAS treaties. While this may be less viable in the East Africa context for lack of a comparable regional legal framework, the possibility to reconcile temporary host-country residency with the resumption of home country citizenship deserves to be explored further.

According to UNHCR, 12.9 million refugees were living in protracted displacement at the end of 2014 and only 126,800 repatriated voluntarily in the same year. With current global trends, it could take more than 20 years for refugees currently living in protracted displacement to return to their countries of origin, irrespective of whether such a large-scale return is possible or even desirable. Besides

moving forwards with new repatriation initiatives – with the important caveats discussed above concerning the distinction between voluntary and mandatory regimes – the modalities of voluntary repatriation should ideally be expanded to include the possibility of alternative solutions based on transitional migration frameworks.

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The opinions expressed in this article are those of the author and do not necessarily reflect the views of DRC.

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Pathway to peaceful resolution in Myanmar's Rakhine State

Ronan Lee and Anthony Ware

Loud nationalistic voices and powerful vested interests stand in the way of cooperation between the Rakhine and Muslim communities and solving displacement.

In 2012 communal violence erupted between Rakhine State's Muslim and Buddhist populations. The Muslims – known as 'Rohingya' – bore the worst of the conflict and continue to bear the brunt of the consequences. The ensuing 'solution' has involved actively separating Muslim and Buddhist communities and severely limiting Muslim rights. An estimated 140,000 people, mostly Muslims, remain in internally displaced people's (IDP) camps or trapped in the Aung Mingalar quarter of the state capital, Sittwe. As their lives have become increasingly fragile, marginal and insecure, many have taken to the Bay of Bengal in rickety boats in an effort to migrate. Life for the state's Buddhist majority is also far from

rosy. Rakhine State is the second poorest in Myanmar with a poverty rate of 78%, almost twice Myanmar's national average.

The ethnic conflict appears to have reached a stalemate but there is widespread uncertainty about what is likely to happen next. Reducing ethnic tensions and preventing communal conflict are crucial to ensuring a better future for all the residents of Rakhine State, including the reduction of further displacement of Muslims and the potential for ending their internal displacement.

When undertaking research in poor and urban communities in the north of the state in 2015, we had expected to find two communities wanting little or nothing to do with each other and having little or no respect

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UNHCR staff visit villagers living in makeshift shelters after their homes were burnt down in inter-communal violence in Kyauk Tauw township, north of Sittwe, Rakhine state, Myanmar, 2012.

as those most responsible for the conflict of 2012, having permitted, if not instigated, the extreme nationalism that fuelled the violence. A widespread opinion was that Rakhine nationalism was being used rather than it being a primary driver of the conflict. Each community we spoke with expressed the view that the problem was caused more by the state than

for one another. What we found, however, was people ready to consider putting aside their prejudices and fears of the other.

There was, at times, among the Rakhine a naivety about the Muslims' plight and maybe a willful blindness to the systematic marginalisation of Muslims but, far from displaying an aggressive anti-Muslim attitude, the overwhelming majority of urban and rural Rakhine expressed a cautious desire to live peacefully with their Muslim neighbours whom they were willing to see granted human rights and opportunities for greater integration – in the right circumstances. They wanted to see the laws applied transparently and without corruption and for the Muslim community to demonstrate a commitment to the responsibilities of citizenship. But official recognition of the name 'Rohingya' they see as a political claim which they cannot accede to.

The peaceful and conciliatory tone of the Rohingyas' responses in turn surprised us. Those in the IDP camps were keen to talk about the specific injustices they have suffered but after that they were ready to talk about peaceful solutions and reintegration.

A common theme throughout was that the government and military should be seen

by either the Rakhine or the Muslims.

The Rakhine and Muslim communities each suggested the government's aim was to distract them from the appropriation of the region's gas and other resource revenues by the state. And since they each see the government as having fuelled the crisis, they each believe the government has the power to fix the issue whenever it is willing to address it. Optimism about the potential for Myanmar's new government to address long-standing local grievances was shared by both the Rakhine and the Rohingya Muslims.

The Muslims want to return to their former lives in the community, they want peaceful relations with their neighbours, and they want to have their rights recognised, granted and respected. They believe the government can easily address their situation if there is the necessary political will and leadership.

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Refugee-run organisations as partners in development

Evan Easton-Calabria

Incorporating refugee-run organisations into development programmes, potentially as implementing partners, provides a means to capitalise on refugees' skills, reach refugees who may not be affiliated with international organisations, and take steps to close the relief-development gap in protracted refugee situations.

In Kampala, Uganda, refugee-run organisations host activities which aim to foster refugee self-reliance and – with their focus on language and skills training – to actively contribute to local integration and development efforts. These organisations arose out of grassroots efforts by refugees to help each other and are now nationally registered or community-based non-profit organisations with their own committees, boards of directors, websites and logos. In short, these are professional organisations with hard-working staff, which are important to the material and social well-being of many refugees in Kampala.

Refugee-run organisations, such as Hope of Children and Women Victims of Violence (HOCW), Young African Refugees for Integral Development (YARID) and the Bondeko Refugee Livelihoods Center, are important sources of social and practical resources for refugees in Kampala. These organisations offer skills training in a variety of areas such as tailoring, arts and crafts, hairdressing and computer literacy. Functional adult literacy classes and basic to advanced English lessons are also provided. Organisations also offer community-based micro-savings and lending groups run by refugee leaders, which address refugees' abiding exclusion from formal micro-finance institutions.

Importantly, refugee-run organisations provide refugee-serving organisations such as the Refugee Law Project (RLP), Finnish Refugee Council (FRC) and International Rescue Committee (IRC) with refugee community 'hubs' that can be utilised to implement livelihoods trainings and programmes to sensitise refugees to a variety of issues such as maternal health and

gender-based violence. Several initiatives led by refugee-run organisations began with support and training from IRC and FRC.

However, these activities are not labelled as partnerships, and thus the integral role of refugee leaders and organisations in these operations, which are not simply a case of benefactors serving beneficiaries, remains under-recognised. Instead, these interactions comprise a nuanced interplay of organisational resources, existing community hubs created by refugee-run organisations and refugee initiative and leadership for particular livelihoods training and enterprises. Together, these resources enable livelihoods training for refugees that may be impossible to operationalise without both refugee and non-refugee actors taking part.

Importantly, directors and members of refugee-run organisations do not feel sufficiently included in the livelihoods creation or development process. Many refugees with advanced skills are involved in initiatives run by outside organisations but only in limited capacities. For example, a refugee working at the Bondeko Center¹ was a trained nurse in his home country yet is prevented from practising as a nurse in Uganda due to the cost of becoming re-certified. He emphasised, however, that he and his fellow refugee nurses could be tremendous assets to the refugees at Bondeko Center, as well as to Ugandans in the area, if they were to receive support to treat instead of just educate refugees. Describing a health training offered by InterAid, the main implementing partner in Uganda of UNHCR, the UN Refugee Agency, he said, "InterAid gathered all the refugee nurses for a meeting but trained us only to sensitise refugees in

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malaria.... refugees must go all the way to InterAid just to get paracetamol. Or they go and wait two days to go to Mulago [Uganda's national referral hospital] for malaria. But there are many nurses here. We can diagnose and treat from right here at the Center!"²

Although sensitisation on health issues is a valuable contribution to communities, the main health struggle cited by refugees is in obtaining medicine and good treatment at hospitals and clinics. Yet the health skills of the nurses at Bondeko Center remain unutilised, despite their eagerness to work and the desperate need for health care in Uganda. This example highlights a struggle for involvement and partnership that extends across the many sectors that refugees are qualified to work within.

An example of refugee-led development and integration

In efforts to share their skills with others and in the face of inadequate assistance, refugees across Kampala have founded their own organisations. HOCW³ was created in 2008 by Congolese refugees and a Ugandan pastor, and expanded through the support of international volunteers who fundraised and provided materials. Located on the outskirts of Kampala, this organisation provides various livelihoods activities for both refugees and local Ugandans, as well as English lessons and programmes for children. The initiative began after women expressed the need to diversify their skills, as the majority could only find work in Kampala washing clothes; it started in 2013 with a tailoring programme, and now runs a range of programmes including arts and crafts, hairdressing, mushroom-growing and business skills. An estimated 40% of training participants at HOCW are

Ugandans. Such refugee-run organisations have the ability to advance local integration through building community networks and fostering self-reliance, supporting non-refugees as well as refugees in their area. There is an opportunity for national or international organisations already working with these communities to support them

through, for example, paying rent, either in part or in full, for the spaces that refugee-run organisations base their operations out of. This seems especially reasonable given that UNHCR's implementing partners and other organisations serving refugees also utilise these spaces for their own operations, and through them gain

access to refugees who otherwise might not be identifiable among local members of the urban poor. However, of the organisations researched in Kampala, only FRC had a programme specifically focused on building the capacity of refugee-run organisations. In addition to training on leadership and finances, it offers refugee-run organisations 5 million Ugandan shillings (approximately US\$1,500) per year to start or expand programmes that contribute to organisational sustainability. Refugees involved in FRC's programme have found this useful and felt that their own work and skills in creating organisations was acknowledged and called upon through this support.

Conclusion

The potential of refugee-run organisations to contribute to local integration and development is enormous, and in Uganda this is already being actualised on a small scale. However, these organisations' capacity to reach more refugees is limited by their ongoing struggle to meet the basic needs of running an organisation – paying rent, accruing funds and tools to implement



Evan Easton-Calabria

livelihoods training, and providing stipends to volunteer teachers and staff. The significance of these organisations in the lives of refugees as well as in the ability of international and national non-refugee organisations in Kampala to implement activities should be more widely recognised. The relative lack of written documentation on refugee-run organisations occludes recognition of them not only as stakeholders but as important partners in livelihoods interventions. The capacity for refugees to self-organise and provide support is similarly unrecognised and this, whether unintended or not, serves to perpetuate the perception of refugees as merely beneficiaries, even where

guidance documents are designed to utilise their agency. Providing funding dedicated to sustaining and strengthening refugee-run organisations is an important step to take. A shift in current rhetoric and practice from seeking refugee participation in programmes to forming refugee partnerships to implement them is perhaps an even better one.

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3. www.hocwug.net

A new approach to old problems: the Solutions Alliance

Alexander Betts

Over the last three years, the Solutions Alliance has gradually emerged as a multi-stakeholder initiative to overcome the so-called humanitarian-development divide.

The question of how to engage the development sector – actors, ideas and resources – in responses to refugee and IDP situations is not new. There is already a history of initiatives aiming to overcome the humanitarian-development divide in order to empower displaced populations, strengthen their resilience and harness their capacities.

However, while the theme is old, the Solutions Alliance's approach to achieving these goals is attempting something new.¹ Its aims to reconceive displacement as potentially a win-win opportunity for hosts, donors and displaced people. The underlying premise is that displaced people can become agents of change and development – for themselves, their own countries and the communities that host them.

Local and global

The model begins with a focus on the national level. Specific countries with a particular commitment to promoting self-reliance

opportunities for refugees are selected as 'champions' and the starting point for National Groups. These groups include a range of national and local actors capable of working towards operational change on the ground. They seek to empower the country in each case to fully include displaced populations in national development plans, to build evidence and conduct joint analysis, to develop solutions strategies and operations that address the specifics of their national situation within such frameworks, and to draw on the legitimacy and support provided by the Alliance thereby benefitting from being connected to a global network of actors.

So far four **National Groups** have emerged, all in Africa: Zambia, Uganda, Tanzania, and Somali refugees (with a focus on Kenya). These National Groups have outlined their work plans, focusing on clearly defined challenges, including supporting pioneering naturalisation processes within Tanzania and Zambia, enhancing self-

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reliance and resilience in Uganda, and improving synergies between refugee return and internal displacement in Somalia.

Alongside the National Groups, **Thematic Groups** have been constituted comprising a global support network committed to offering a resource to the National Groups. These serve as a potential source of expertise, further networks and good practice, from which situation-specific strategies can draw. The first three of these are: the **Private Sector Group**, which will engage business actors and work with National Groups to connect them with business (local small and medium-sized businesses as well as international companies); the **Rule of Law Group**, which will consider regulatory barriers to progressive solutions and document rule of law lessons and achievements; and the **Research, Data and Performance Management Group**, which will offer access to existing research, promote relevant new research and support shared analysis to inform joint strategy development.

The Alliance's particular mechanism for achieving change is therefore to connect the field and global levels of this multi-stakeholder network. It brings together host and donor governments, international organisations, civil society, business and academia. Each of these can add value in context-specific situations through concrete, innovative actions and through advocacy for communities affected by displacement. Different countries have unique histories and challenges, and in each the roles of humanitarian, development and private sector actors will vary significantly.

The Alliance itself

Although the Alliance is still emerging, a number of elements of the process are innovative and promising. First, its focus on and willingness to reward countries as 'champions' for including the displaced in national development plans and supporting self-reliance. Second, its creation of a genuinely multi-stakeholder approach. Third, its focus on supporting concrete, operational change at the national level through connecting the local to a global support network.

The activities have involved a process of iterative learning, and at a Roundtable in February 2016 a significant amount of clarity emerged on what the Solutions Alliance is, and what makes it a potentially original approach to forced migration governance.² It aims to transform internal cultures in the humanitarian and development fields and to incentivise structures, systems and procedures, based on recognising a range of systemic challenges that hinder our ability to bring together the two fields of work.

The interest and engagement of the champions depend on their governments perceiving a value to participating in the initiative. Meanwhile, the support capacity of Thematic Groups also depends upon access to funding. So far the only resources the Alliance can command are the voluntary commitments of others – donors, business and academia.

The Alliance is still in the process of defining itself. Nevertheless, the evolution of the Alliance model over the last three years suggests it has the capacity to resolve the question of how to locate itself on the spectrum between network and institution. On the one hand, as a network it is intended to be loose, dynamic and informal. On the other hand, it requires institutional capacity and resources in order to act. It still lacks the resources to directly support the work of the National and Thematic Groups and this in turn creates a challenge in terms of managing expectations, for both host governments and those active in the global network.

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1. www.solutionsalliance.org

2. This article draws in part upon the Summary Statement from the 2016 Solutions Alliance Roundtable. <http://tinyurl.com/SolutionsAllRoundtableSummary>

What's going on in Nigeria?

Toby Lanzer

Huge numbers of people in Nigeria's north-east have been affected by poverty, environmental degradation and, specifically, Boko Haram violence. The need to bring our collective understanding and resources to such a setting is obvious – so why does action to do so remain elusive and what can be done to set things on the right course?

When one thinks of Nigeria lots of things come to mind: energy, money and, increasingly, Boko Haram. The group has existed in the country's north-east for years but gained international prominence on the night of 14-15th April 2014 when over 200 girls were abducted in Chibok. This incident was a precursor of yet more outrages, and over the past eighteen months the number of people forced from their homes in Nigeria's northeast has risen to a staggering 2.2 million. Further, what was largely seen as a 'Nigerian problem' has taken on a regional dimension across the Lake Chad basin encompassing northern Cameroon, western Chad, south-eastern Niger and north-eastern Nigeria.

Why is there seemingly little reporting about what is happening and what is needed now in order to effectively provide protection and assistance?

There is a lack of news from the country's north-east – and indeed the entire Lake Chad basin – for all the wrong reasons. Perhaps we live in a world of too much news, and too many, too severe crises. Remember the Sahel in 2013? Or Gaza in 2014? Both were overshadowed by Syria. There are only so many crises that can make the headlines and which the world at large (including government officials and aid agency managers) can handle. The severity of each crisis also seems to have deepened. More people displaced; more towns destroyed; more villages torched; more lives lost,

women raped, and children out of school. And so one might argue that there is an inability to deal with 'yet another crisis'.

Just a few days after assuming my current role in July 2015, I visited Nigeria's north-east. The numbers of people in need and displaced, and the lack of action to address the situation, surprised me, and I asked my most trusted adviser, "How did I miss this?" "You were quite busy in South Sudan," she answered. This incisive comment led me to conclude that senior leaders and managers in capitals or indeed in my own institution were "quite busy" with Syria, Ukraine and the fast-evolving European migration crisis. And when I called on embassies in the Nigerian capital Abuja, on donor capitals and on my own institution for funding, a common comment was, "This is Nigeria, a rich country which can help its own people."

Addressing a crisis in a relatively rich country is problematic. Yes, Nigeria is wealthy and should have the resources to help its own people but issues of governance are often a factor as is the matter of the 'marginalised north-east'. Yes, aid agencies have been known to substitute for institutions of the state instead of supporting them, and we certainly would not want this to be the case in a setting such as Nigeria. And, yes, there is always the matter of national pride which nobody wants to dent and in that sense bringing attention to the situation in Nigeria's northeast is politically

Nigeria: Total population 182,200,000

- Almost 2,152,000 internally displaced (as of end 2015, IDMC estimate)
- Plus almost 555,000 internally displaced or Nigerian refugees in Cameroon, Chad and Niger (as of April 2016, OCHA)

Of the total figure of IDPs, it is estimated that 12.6% were displaced due to communal clashes, 2.4% by natural disasters and 85% as a result of Boko Haram violence. See IDMC www.internal-displacement.org/sub-saharan-africa/nigeria/figures-analysis

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Displaced villagers, now in Bama, Borno State, Nigeria, April 2016.

‘tricky’. Given the number of people in need, however, much more had to be done, and with a greater sense of urgency.

Listening to what people want

In Nigeria’s north-east, I asked people in the city of Maiduguri open-ended questions, starting with “How are things going?” What I heard was enlightening and reassuring. The main message from people was, “We can and want to take care of ourselves.” The main help they needed was for the authorities to take back control of their towns and villages and to ensure security and safety for them, their children and their livestock. People also spoke of the need for roads to be safe and markets to be open and in so doing they underlined their wish to work and trade. Parents told me of their concern that children were missing the school year. One proud woman spoke to me of her nine children, whom she had raised almost single-handedly and who had become doctors and lawyers. “I don’t need your blankets and buckets. I need to know that my town is safe once again, and then I’ll walk home!”

Nobody uttered a word to me about ‘humanitarian’ this or ‘development’ that. For people struck by crisis, especially in already fragile settings, such constructs are only present in outsiders’ minds, not in those of the people affected by violence and displacement or of the authorities charged with helping them.

The case of Maiduguri is instructive: a city whose population ballooned from

1 million to 2.6 million in a matter of months because of the atrocities committed by Boko Haram. Upon arrival the displaced people needed shelter, food and water. These basic needs persist and the temptation is to carry on with an emergency approach to providing shelter, food and water – that is, ‘business as usual’. Upon reflection, however, we should recall what has happened in similar settings elsewhere when largely rural populations are forced from their homes or off their land and who seek refuge in cities. The desire to return home does eventually cool as time goes on. Accordingly, in the case of Maiduguri, creating a city that can cope in the long term with a population of 2.6 million is what is really needed. Aid agencies would do well to bring together their short- and medium-term work to help the authorities and local people create sustainable shelter in settings that have sufficient water and sanitation, clinics and schools.

Other organisations, such as the World Bank (not typically associated with response in crisis settings), now plan to accelerate their work in Nigeria’s north-east and indeed the entire Lake Chad basin. Across the Lake Chad basin the roots of instability and misery lie in the abject poverty of the region and in the degradation of its environment. Since the 1950s Lake Chad has shrunk to 20% of its former size, making it harder for the population to access water for its needs, whether for people, farming or livestock. At the same time, the population has soared and is predicted to double in the next two decades.

If they are poor and lack water we can be sure that social tensions will mount, and could do so even more if violent extremists remain there to meddle in an already complex setting.

Stepping out from our 'silos'

Different parts of the international community need to collaborate with Nigeria's authorities to support their attempts to stabilise the situation and lay the grounds for peace and stability. First and foremost, countries of the region have come together to form a Multi-National Joint Task Force to address instability. Support has been forthcoming from different parts of the international community such as the African Union, France and the United Kingdom, which has itself established a team in Maiduguri providing advice to the Nigerian security forces on how to tackle Boko Haram (and to do so with due respect for human rights). While always heeding the principles of operational independence and impartiality, aid agencies need to collaborate more closely with other parts of the international

system – actors who are part of the setting even if they are not aid agencies. In the case of Nigeria's north-east, where various institutions work inside the development, environmental, humanitarian, human rights, political and security 'silos', the relevance of collaboration and the need for it should be self-evident. The alternative – remaining in our respective silos – is to lose an opportunity to build on the collective understanding and resources that we can bring to such a setting. This is so seemingly logical, yet illusive.

If we can learn to collaborate more effectively, in line with what the communities themselves are telling us about the situation and in support of the legitimate authorities on the ground, we can help people not only to survive but also to find their way out of the crisis and make their lives better sooner.

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The weakness of resettlement safeguards in mining

John R Owen and Deanna Kemp

Given the levels of uncertainty that surround mining activities, it is questionable whether current planning practices can safeguard against the risks associated with displacement and resettlement, and whether industry practice is consistent with the responsibility to respect human rights.

Studies of displacement and resettlement associated with mining operations continue to demonstrate consistently high levels of impoverishment among displaced people,¹ and that knowledge-building and management practices within the mining industry to uphold international standards are weak.² The implications of this are far reaching. Host and settlement communities will confront heightened risk of human rights violations, poverty and social instability. Governments will bear long-term liabilities caused by the displacement, including pressure to address impoverishment risks in

remote locations. Companies will experience increased opposition and reputational risk as well as higher operating costs when resettlement issues remain unsolved. Finally, international financial institutions (IFIs) will feel the effects of heightened public scrutiny over their adherence to due diligence vis-à-vis basic human rights in their lending practices to the extractives sector.

In 2001, the World Bank established its Operational Policy on Involuntary Resettlement (OP 4.12), based on a set of known displacement and resettlement risks, to guide lenders and states in

undertaking due diligence for large-scale development projects. Michael Cernea's Impoverishment Risks and Reconstruction model for resettlement³ is widely recognised as the conceptual foundation of both the World Bank's resettlement policy framework and the International Finance Corporation's Performance Standard 5 (IFC PS5) on Land Acquisition and Involuntary Resettlement.⁴ The IFC PS5 has become the default international standard for the mining sector and while civil society organisations have not explicitly endorsed the IFC standards, there is nonetheless a practical acceptance that the standards provide a minimum for protecting affected populations from known resettlement risks.

Displacement is a common occurrence in mining developments but there is a marked absence of data on its scale and frequency. Data are available on a case-by-case basis but this is dependent on developers or third parties disclosing planning documentation. Individual cases include:

- Construction phase of the Ahafo Gold Mine in Ghana involved the resettlement of 823 households (2004)
- Nui Phao Gold Mine in Vietnam resettled 884 households (2005)
- Anglo America's Limpopo mine in South Africa resettled approximately 957 households (2005)
- The Phulbari Coal Mine in Bangladesh reportedly resettled 9,760 households (circa 2008)
- Glencore's Xstrata's Prodeco coal mine in Colombia resettled 600 households (2010)

Planning in a highly volatile market

The primary underlying assumption in international safeguard standards is that the risks associated with displacement and resettlement can be predicted and mitigated. If developers make efforts to identify the risks, and plan accordingly, it follows that fewer risks will materialise for the displaced population. A second assumption is that developers will actively work to protect their own self-interest. The standards are thus designed to assist companies to diagnose and respond to project-based risks and protect their so-called 'social licence to operate'.

Taken together, these two assumptions suggest that resettlement risks can be managed and that mining companies will invest in resettlement planning because it is in their best interests to do so. However, there is little evidence to suggest that mining companies agree that investing in social safeguards makes 'good business sense'. On the contrary, many mining companies fail to calculate the full cost of resettlement and tend to defer allocating the necessary resources.

The ability of developers to pre-define the scope of a large-scale capital-intensive project is critical to the 'planning as a safeguard' proposition. Knowing what land will be needed and what impacts will be felt in which locations and at which phase of the mine's life cycle under which market conditions is pivotal to whether a developer will be able to effectively design and resource a programme of appropriate and affordable measures to minimise the negative impacts on people of being resettled. But pre-defining these elements is difficult when bringing a large-scale mine into production, especially given variables such as the availability and affordability of land, water, energy and new technologies, and rapidly changing market conditions, including consumer demand for commodities. This can result in projects taking over land (and causing displacements) on an ad hoc, opportunistic basis rather than as an organised 'front-end' activity (that is, at the commencement of the mining project). A high proportion of resettlement events occur as the result of project expansions during the operational phase of mine life, once a project has proven its profitability. Unless mining and resettlement planning takes into account this element of uncertainty, and occurs within an institutional framework of responsible governance, planning may not be the safeguard instrument that it is so readily assumed to be.

Uncertainty, regulation and informed consent

When governments initially permit a mining project, permissions are based on a project design with stated risks and plans for mitigation. Where communities are

involved in consultation processes, it is the initial project design that is presented and discussed. What the project may actually look like in future is unknown. Mine expansions, even if incremental, result in changes in land use, as well as social and environmental impacts. A project that – on paper – did not involve involuntary resettlement in the early stages may soon after necessitate resettlement in order for the project to remain economically viable. Newmont's Ahafo Gold mine in Ghana, for instance, resettled communities in four separate stages between 2004 and 2012 in order to accommodate additional infrastructure and an increasing need for land.

As a front-end activity, resettlement planning allows developers and governments to make decisions about what social and economic services are needed to support displaced and receiving communities, and how those costs will be met over and beyond the life of the project. The planning window for displacements that may occur in the operational phase of mine life is often narrow. This tends to result in short-term reactive planning without clear strategies for how resettlement risks will be resourced and managed into the future. At the Porgera Gold Mine in Papua New Guinea, for example, over the last thirty years many households have been relocated on more than one occasion within the geographical area covered by the mine's lease. This practice of ad hoc relocation and the uncertainty as to whether additional relocations will be needed constrain both the mine's ability to operate and the ability of residents to maintain a basic standard of living.

Other front-end considerations bring human rights to the fore. The issue of 'free prior informed consent' (FPIC) raises important questions about how power is exercised in major development projects. Although the interpretation of what FPIC can offer communities varies, it is generally understood as advancing the rights of indigenous people, with advocacy organisations emphasising the right of communities to veto development projects. While many in-country jurisdictions do not

support the right of local communities to reject projects outright, FPIC is increasingly being promoted as a means to strengthen the voice of communities in consultation processes, including relating to resettlement.

As above, a major challenge exists in terms of communities providing consent for a mining project to have the right to proceed when it will inevitably evolve beyond what the parties had originally agreed to. While in some cases companies may defer resettlement until it can no longer be avoided, it is also true that companies may not have information at hand about how the project will develop in future. Even in instances where companies have access to this information, they may not engage in a process of meaningful dialogue with affected communities.

This is not to suggest that planning cannot or does not occur in these circumstances. The issue is rather whether planning under these circumstances has the safeguarding effect that is pre-supposed in international and corporate policy frameworks. The provision of information, choice and opportunities for consultation are all possible, even when resettlement planning occurs on an ad hoc or opportunistic basis. Participatory activities can be constructed even within heavily compressed timeframes, and information can be disseminated in a fashion that satisfies



Local people against the Phulbari Coal Project on a seven-day, 250-mile protest march, October 2010.

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basic compliance requirements. However, integrity of process is clearly critical to the underlying value of planning as a safeguard. This would involve resource developers taking active responsibility for planning and managing resettlement risks. The particularities of the mining industry and the tendency of companies to defer resettlement until deferral no longer makes good business sense cast serious doubt on the ability of companies to safeguard through planning. Unless there is a greater commitment to resourcing resettlement – not just planning for displacement – impoverishment will continue to be forced upon people resettled by mining.

Ineffective incentives and deterrents

Nation states are progressively updating mining and environmental laws relating to resettlement in order to bring national regulatory instruments into closer alignment with international standards and policy frameworks. At the same time, NGOs are more actively campaigning against mining companies that fail to protect displaced persons from resettlement risks. Even with stronger incentives in place to plan for displacement and resettlement, however, the particular characteristics of the mining industry will continue to militate against front-end planning.

The mining sector has long promoted the view that it is in the industry's best interests to invest in corporate social responsibility initiatives and to maintain strong relationships with host communities. According to concepts such as 'social licence to operate', mining companies need to achieve an 'agreed' level of social performance in order to continue operating within a given context. Social licence assumes that communities can and will withdraw their support for a mining project, that withdrawing support will have a major detrimental effect on the economic viability of the business, and that mining companies proactively manage the risk of losing their social licence out of self-interest.

Current evidence would suggest, however, that mining companies do not see resettlement as a significant risk to social licence or to the viability of their operations. It appears rather that companies ignore that risk until such time that impacts ensue and a crisis presents a risk to the business. In other words, companies are unlikely do the right thing solely on the basis that it will be bad for business if they do not.

When lenders are directly involved in enabling displacement, one might expect their additional oversight to yield an improvement in the way developers approach the management of resettlement risks. However, a recent internal review by the World Bank Group and reports by various consultants and academics highlight the lack of enforcement by lenders, even after repeated instances of non-compliance have been identified. Rather than reducing resettlement risk, lenders have instead become complicit in mining's impoverishing effects.

When resettlement risks materialise, displaced persons face real harms and deprivations. Significant shifts in mining industry practice are required if social safeguards are to have a meaningful effect on the ground.

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Anita F. Khan

Causes and consequences of Canada's resettlement of Syrian refugees

Anne-Marie Bélanger McMurdo

By the end of February 2016, Canada had fulfilled its promise to resettle 25,000 Syrian refugees. However, this initiative has put a considerable strain on the settlement services that refugees receive after arrival, and raises questions about fair treatment for other refugees.

Canada's pledge in late 2015 to accept 25,000 Syrian refugees for resettlement came at a time when certain other countries were considering measures such as confiscating assets of refugees, registering Muslim refugees entering their country or closing borders to refugees altogether. Why did Canada buck a growing trend and what have been the consequences?

A few factors can help explain Canada's action. First, Canadian public response to the Syrian refugee crisis had gathered a significant amount of momentum over time. This was further reinforced by the news of the death of three-year old Ayan Kurdi, a Syrian child who drowned while travelling by boat from Turkey to Greece with his family – a family who, it emerged, had previously been refused resettlement to Canada. This event marked a tipping point, strengthening the public outcry for the Canadian government to change its previously more restrictive policies towards refugees.

Secondly, national elections in Canada in October 2015 proved timely. During the pre-election phase, prime ministerial candidates responded to public opinion in favour of increased resettlement by each offering their own pledge to resettle Syrian refugees.

Thirdly, citizens wanted their government to match the rhetoric of Canadian identity as compassionate, actively engaged in the international community and open to newcomers. It was no surprise that citizens pushed the government to make an effort towards resettling Syrians, given the long-standing willingness of many citizens to be actively engaged in sponsoring refugees themselves. Civil society in Canada plays a significant role in resettlement as individuals

can resettle refugees through what is known as the 'Group of Five' scheme, whereby five or more Canadian citizens or permanent residents apply to sponsor refugees to come to Canada and take responsibility for supporting them after arrival.¹

Resources for resettlement

Resettlement is a form of responsibility sharing and a recognition of international cooperation between countries. However, there is no legal imperative to resettle refugees, and countries choose to accept refugees voluntarily and may set their own quotas and criteria. Canada's decision to accept 25,000 Syrian refugees² was, in this sense, its own choice.

The newly elected government's commitment to resettle Syrians was primarily driven by the momentum of the elections, and later by the need to demonstrate the new government's capacity to swiftly implement promises. In fact, once the government had been voted into power in October 2015, it was not clear how it would fulfil its promise to resettle 25,000 Syrian refugees to Canada. As a result, deadlines had to be pushed back from the end of 2015 to the end of February 2016. Since being elected, the federal government has made huge efforts to meet its target of resettling 25,000 Syrian refugees but the focus on quantity to be



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resettled may have been at the expense of the quality of settlement services provided.

Disappointingly, settlement services in Canada have not yet received the same support from the government as was offered in physically resettling the refugees to Canada. In other words, with such a huge and rapid influx of refugees, settlement services have been stretched beyond capacity, without sufficient resources to adequately address the refugees' needs, or the time to invest in additional fundraising.

After repeated cuts in the settlement sector by the previous government, 'newcomer' services – those engaged in welcoming and assisting resettled refugees and other immigrants – have been struggling to respond to the increase in arrivals. As a result of the scale of arrivals, enrolling the refugees in language classes and/or schools and allocating housing, to name but a few services, have proved challenging. For

example, refugees have been staying in temporary accommodation for weeks longer than usual.³ In response, the private sector and civil society have played an extremely active role in responding to the needs of the thousands of Syrian arrivals to fill this gap. Yet there is also a need for trained professionals to support this specific group of

people and their varied and complicated needs, particularly for government-assisted refugees, who have greater needs and more vulnerabilities than other newcomer groups.

Fair treatment?

In responding to popular opinion, the Canadian government has been offering special benefits to arriving Syrian refugees. For instance, Syrian refugees who arrived after the new government came to power do not – in contrast to refugees of other nationalities and previous Syrian refugees –

have to repay the government's travel loan which enabled their journey to Canada. But what of Syrians who came while the previous government was in power? What about other refugees who are resettling at the same time as the Syrians? By trying to put forward a helpful and empathetic view towards the Syrian population, the government has effectively created two classes of refugees, disregarding fairness and equity. Others – including many in the private sector and social services – have followed suit in offering various benefits to newly arriving Syrians in Canada. Yet this welcome has the effect of making invisible any other refugees. Refugee experts, practitioners and advocates in Canada have been calling for fairness and equity in this response.

Canada is, at a national and international level, making a clear and very positive commitment to refugees. The amount of action taken in the last few months has been remarkable for a national government body, as has been the welcoming response by the general Canadian public. Furthermore, Canada has a high standard of settlement services given the country's priority to integrate newcomers and the existence of an already established settlement system. But what thought has been given to the long-term settlement implications of these refugees – and of others? Given that approximately 10,000 refugees resettle to Canada in any given year,⁴ 25,000 Syrian refugees in the space of four months on top of the resettlement of 10,000 additional government-assisted Syrian refugees by the end of 2016⁵ will surely put a substantial strain on the provisions of services to refugees for the next year and beyond.

With the recent attacks in Paris and Brussels, and subsequent waves of Islamophobia, the initiative to resettle Syrians to Canada has come in for increasing challenge by Canadians. Security in resettlement processing has become a point of public discussion and contention, with the new government undertaking regular information sharing about resettlement in order to ease the fears of Canadian citizens.

Only time will tell whether the new government will continue to bolster support



to the settlement sector and demonstrate – after the deadlines have passed and targets have been reached – that it values the successful integration of refugees. But if this much action can be successfully achieved, and ambitious quotas can be met given the right circumstances, many are hopeful that the momentum of this response can be maintained for future resettlement initiatives in Canada. The question now is whether this extraordinary support for refugees in Canada will translate into a full-scale, stronger post-arrival network of support and services for the refugee arrivals as

well as into maintaining support for large-scale resettlement in the years to come.

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Assisted Voluntary Return: implications for women and children

Monica Encinas

Assisted Voluntary Return programmes often send women and children back to places of insecurity and uncertainty. Analysis of practice in the UK highlights the inherent problems and the need to re-examine this type of programme.

Assisted Voluntary Return (AVR) programmes are schemes to assist asylum seekers to return to their countries of origin. The programmes normally help refugees by arranging their travel and providing them with some financial support for establishing a new life on return. UNHCR (the UN Refugee Agency) and the International Organization for Migration (IOM) have promoted these schemes for more than a decade, and millions of dollars have been pumped into them.

In the UK, AVR is divided into three separate programmes: Assisted Voluntary Return for Irregular Migrants (AVRIM), Assisted Voluntary Return for Families and Children (AVRFC) and Voluntary Assisted Return and Reintegration Programme (VARRP). All three programmes are open to failed asylum seekers, and AVRFC and VARRP are open to those with pending asylum applications. The programme pays for travel home and participants are given a cash grant up to but not exceeding £2,000 (US\$2,800). However, having an AVR application approved leads

automatically to an individual's application for asylum being withdrawn and initiates a five-year ban on re-entering the UK.

Causes for concern

Firstly, there are serious doubts about how 'voluntary' AVR programmes actually are, especially for women. Repatriation schemes are done in close partnership with national governments who have a vested interest in limiting the number of migrants and refugees trying to enter each year. Some NGOs feel that many refugees participate only because they are pushed into a corner after governments strategically cut them off from basic services and threaten deportation. They are not alone in thinking this. Researcher Anne Koch suggests AVR programmes launched by UNHCR and IOM should be considered 'state-induced' as they allow Western governments to outsource deportation to UNHCR and IOM. She further points out that "when forced and voluntary returns are pursued in combination, the notion of voluntariness becomes compromised".¹ In 2013 another

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study showed that government officials admitted to using threats of deportation in order to increase participation in AVR programmes.² According to recent research, one consequence of the AVR model – with its emphasis on ‘choice’ – is that it makes the refugee responsible for the consequences of their return, absolving the Home Office of any responsibility for returning refugees to dangerous, life-threatening, situations.³

An assessment by the UK’s Home Office found refugee women felt they had little say over whether they participated in the UK’s AVR programmes as decisions were made by the males in their communities and/or households.⁴ They also feel increasingly pushed to sign up for AVR programmes, given continuing cuts to essential services. For example, in the UK and EU, Afghan women are offered more money than men to leave, the implication being that if they leave they will take their children with them.

It is worth noting that some NGOs who were previously critical of AVR programmes have since warmed to the idea on the basis that AVR is a more humane option than deportation and that it has the side-effect of strengthening public and political support for the institution of asylum as a whole. Still, serious concerns remain over the voluntariness of AVR programmes, especially for women and children who may have little say or be coerced into returning to countries where human rights and security remain highly questionable.

Secondly, return to areas of conflict is particularly dangerous for women and children. The majority of asylum seekers who participate in AVR programmes are returning to areas still in conflict (such as Afghanistan and Somalia) where safe, long-term reintegration is nearly impossible. A July 2013 UNHCR self-assessment report on its programme to return Afghans to Afghanistan – UNHCR’s largest ever repatriation programme – highlighted how the organisation continues to struggle to provide support for social and economic reintegration in Afghanistan.⁵ Later that year, Human Rights Watch recommended that UNHCR and IOM discontinue their emphasis

on AVR programmes in light of increasing insecurity and the inability to adequately provide support services following return.⁶

The reality for women facing return to a home country in crisis is frightening. In many of these fragile states, gender-based persecution remains a constant threat. One study showed that several Afghan women opted to have a tubal ligation (surgery to prevent conception) prior to travel, as they feared that health services in Afghanistan would be unable to provide contraceptives.⁷ In another study, Somali women expressed concerns that they would be subjected to rape and oppressive cultural and religious requirements upon return. China’s forced sterilisation practices have also left many resisting return. The same report highlights the added danger of secondary or tertiary displacement for women unable to settle safely after returning.⁸

For child refugees who return to areas of conflict, traumatic experiences of crisis and displacement are compounded, leading to immense psychological harm and mental distress, and often there is little or no psychosocial support available.

AVR programmes returning people to areas of conflict are unable to provide one of the most important things for sustainable return: access to networks. Networks provide returnee women with access to land, employment, education and other basic services, as well as to valuable information and support from others. These are essential for securing and leading independent lives. However, building and participating in networks is particularly difficult in areas of conflict where communities and contacts have been severed by years of war.

Thirdly, there are potentially dangerous legal implications in participating. All participants of AVR programmes must sign a ‘voluntary return declaration’. This is a legal document by which they affirm their willingness to return voluntarily to their country of origin. This is cause for great concern as claims for asylum hinge upon one main factor: proving a legitimate fear of persecution in the country you are fleeing. Signing an AVR voluntary return declaration

implies you no longer fear persecution and is likely to make any future claim – were conditions in the return country to change for the worse – lose credibility in the eyes of the law. A new application for asylum would face serious legal barriers given that the applicant has gone back home in the past.

Conclusion

What is clear is that the principle that underpins the creation of AVR programmes is highly problematic, from both a legal and a human rights policy standpoint. It puts international actors such as UNHCR and IOM in a difficult relationship with national governments, with the agencies effectively supporting the latter in migration and border control through encouraging returns. For many, the decision to participate is made with the shadow of deportation hanging over their head. Decisions to return may not always lie with women themselves. Moreover, the majority of women and children participating in AVR programmes return to areas of conflict where they face additional hardships, persecution and possibly further displacement. National

governments, UNHCR and IOM need to rethink this type of migration policy.

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Psychosocial age assessments in the UK

Debbie Busler

Poor age assessment procedures may have devastating consequences. New guidance for social workers in England aims to help ensure that the age of asylum-seeking children is assessed more fairly, more ethically and more accurately.

Age assessment is a process for determining the age of unaccompanied young people without documents (or who have not shared their documents) in countries where they are seeking refuge. As the European refugee 'crisis' continues, more unaccompanied children are travelling to Europe. And the increase in migration makes it ever more likely that families will be separated, leaving young people to find their own way.

International law, including the UN Convention on the Rights of the Child, and an array of national legislation are designed to protect children, including children

seeking asylum. These laws and policies aim to ensure more protective immigration systems, and/or child welfare systems that offer particular benefits and safeguards. It is critical for children to be protected appropriately, and to receive the services they need and are entitled to, such as appropriate accommodation and school placements. For this, it is necessary to determine the age of anyone seeking asylum who may be a child.

Across Europe, a range of methods is employed, from medical to dental to psychosocial assessments, or any combination of these, but none produces

exact results.¹ In only a handful of countries in Europe are social workers involved in age assessments; most countries use an age determination interview undertaken by immigration officials. The majority (24 out of 30 countries) use carpal (hand/wrist) X-rays, with approximately half using collar bone and/or dental X-rays as part of their age assessment process. About one-third use sexual maturity observations. The use of X-rays is in itself controversial; the British Dental Association, for example, has stated that it is “inappropriate and unethical to take radiographs of people when there is no health benefit for them”.²

Regardless of the type of age assessment, the usual range of possible ages is two to three years on either side of the suggested age. For a young person, this can make a huge difference. Approximately two-thirds of European countries give young people the benefit of the doubt during age assessments. The controversial and inexact nature of age assessments means that the practice is discussed regularly in various fora but change to the process has been slow.

New developments

The UK has recently strengthened its move toward a purely psychosocial model for age assessments. Psychosocial assessments involve interviews with and observations of the young people (with contributions by any other professionals working with them), exploring their lives (physical, emotional, familial, educational and beyond) particularly in relation to their social environment, both current and past. These types of assessments, carried out by social workers, have been undertaken for more than a decade in the UK but without any official guidance, despite years of requests by social workers and NGOs for help completing these specialist assessments. With no guidance, the quality of age assessments varied widely and the resultant legal challenges meant that local authorities were spending more time and money completing second age assessments or fighting judicial reviews. Finally in 2013 a task force was created to address this gap, and in October 2015 the

Association of Directors of Children’s Services published guidance for social workers in England conducting age assessments.³

The new social work guidance seeks to provide a framework for the least invasive, most multi-disciplinary process that adheres to international law and protects children. Though the guidance does not necessarily contain new ideas, it does consolidate case law and good practice in social work principles that have not been brought together in one place before.⁴ It also supports and recommends, for example, the principle of the ‘benefit of the doubt’ being weighted towards assessing a young person as a child. The guidance was written by social work practitioners and managers and a young person’s asylum advocate, with legal advice provided by a barrister; the process was overseen by the Age Assessment Strategic Oversight Group, comprising representatives from a range of government and non-governmental agencies.

The advantages of social workers undertaking age assessments are many:

- The assessments produced by social workers are psychosocial assessments. They do not include medical models, which continue to be controversial.
- Social workers focus on the well-being of children (and adults), not on immigration control, so are (theoretically) neutral in matters of immigration.
- Social workers practising in the UK undergo years of training – both theoretical and in practical placements – on child development, child protection, how to complete assessments and, increasingly, human trafficking.
- There are parallels between age assessments and needs assessments, which demand that social workers assess a young person holistically, searching for an understanding of a range of factors including health, education, individual experiences and family background.
- The nature of their work and their workplaces ensure that social workers are likely to be able to provide a more

informal, comfortable environment (in contrast to an immigration centre, for example) for assessment of a young person who may have experienced fear, exploitation, torture or abusive behaviour in their country of origin or during their travels.

Pitfalls and concerns

The ultimate goal of the Age Assessment Strategic Oversight Group in the UK is to have each of the professions that may play a role in the age assessment process to complete its own guidance, and for these chapters to be merged into one book to facilitate collaboration between all agencies involved. At present, however, the social work guidance is the only one that is complete.

Even with social workers being responsible for undertaking age assessments in the UK, immigration officers may make an initial determination on individuals who approach the Home Office, and so already influence the trajectory of the case. Those whose appearance 'strongly suggests' – in the opinion of the immigration services – that they are over the age of 18 will not be referred by immigration officers to a local authority for social work assessment.

Informed consent is another critical issue when dealing with children. In the UK, social workers are responsible for judging whether young people have the maturity to understand what is being asked of them and to provide informed consent to participate (or not participate) in the activity. This judgement, however, can be quite subjective. Furthermore, in some other European countries, not all applicants are informed about the possible health consequences of medical procedures used, which calls into doubt how informed their consent can actually be. This is compounded by the fact that the person being asked to provide consent may well be a child, with limited understanding of what is being explained to them in a language that may not be their mother tongue. In about a third of European countries, the refusal to undergo a medical age assessment can result in automatic

presumption that the young person is an adult.

It is also critical that young people know how to challenge an outcome if they do not agree and have the means to do so. In the UK, young people can request a judicial review of the local authority's work if they disagree with the age they have been assigned (assuming that they can secure legal aid and representation). In many European countries, advice about, availability of and access to appeal are severely limited.

Conclusion

The guidance for social workers in England has been downloaded more than 20,000 times in the first six months since publication, and some local authorities have revised their policies and procedures based on the guidance. It will take some time for the practice to become embedded and for it to be seen if it leads to better assessments and fewer legal challenges.

A primary consideration of any age assessment should be the repercussions that may ensue if the assessment is not accurate. If a child is assessed as an adult, immigration detention and removal are very real possible outcomes. The psychological effects of detention cannot be overemphasised and for children detention can be even more destructive. Removal to the country from which they have fled is devastating. Regardless of the age assessment methods employed, those undertaking them have a responsibility to ensure the safety of those in their charge.

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Sweden's U-turn on asylum

Bernd Parusel

Sweden's recent turnaround on asylum was triggered by various factors, including insufficient domestic preparedness and the humanitarian failures of other EU countries.

Sweden has long been one of the main destination countries within the European Union (EU) for people seeking protection, and almost 163,000 people – mainly from Syria, Afghanistan and Iraq – applied for asylum in Sweden in 2015. The country's good reputation among asylum seekers is not without foundation. Sweden has had one of the highest protection rates in Europe for many years; refugees and beneficiaries of subsidiary protection were granted permanent residence; asylum seekers had access to the labour market directly after lodging their application; and the standards of accommodation and of legal and social assistance during the asylum procedure were comparatively fair. Many new arrivals had heard from relatives, friends or smugglers that Sweden was a good place to start a new life in safety, and that – regardless of whether refugee status or subsidiary protection was granted – beneficiaries of protection had a right to reunite with their families in Sweden. After four years, recognised refugees could become Swedish citizens.

By the end of 2015, much of this had radically and suddenly changed. While in 2014 there had already been serious bottlenecks in the reception and accommodation provision for asylum seekers, when asylum seeker numbers climbed to record highs during the late summer and autumn of 2015 Sweden could no longer guarantee new arrivals

a roof over their head. Municipalities were unable to provide social services and schooling as required by law, and the processing times for asylum applications stretched longer and longer.

In October, the central government suddenly started reacting. A plethora of draconian restrictions was announced to provide 'respite' for the Swedish asylum reception system. The number of asylum seekers had to be drastically reduced, it was argued. Beneficiaries of protection would in the future only be granted temporary stay, and their right to family reunification would be limited to the minimum required by international and EU law.¹ At Sweden's Schengen borders, border checks were temporarily reintroduced and, since January 2016, bus, train and ferry companies are no longer allowed to carry passengers without identity documents from neighbouring Denmark or Germany to Sweden. Even the approach towards



Öresund Bridge, which links Denmark and Sweden and serves as the main entry route for refugees into Sweden.

unaccompanied minors was soon to become tougher, according to the government.

After these announcements, and probably also as a result of seasonal variations and the closure of the irregular migration routes across the Western Balkans, the number of asylum seekers decreased almost at once. In March 2016, weekly arrivals were only about 5% of those recorded in early November 2015. And while many Swedes probably felt relieved at reduced immigration pressure, others were taken aback by Sweden's new restrictive stance.

The government continues to state that its turnaround on asylum is temporary, and that Sweden will return to openness as soon as the reception situation is under control again. Yet any normalisation of the situation will inevitably take a long time: many thousands of affordable rental apartments will need to be built, steps will need to be taken to improve the ability of new arrivals to integrate into the labour market, and a large number of teachers and medical staff will need to be recruited to keep the education and welfare systems functioning. Moreover, the Migration Agency has a backlog of pending asylum applications (more than 157,000 cases as of 1st April 2016).

Prime Minister Stefan Löfven and Minister of Justice Morgan Johansson have said that Sweden's new restrictive approach is intended not only to mitigate domestic problems but also to encourage other EU Member States to accept more refugees, thus easing the burden on Sweden. Yet measures introduced by Denmark, Norway and others have been even more hostile towards those seeking protection.

So, what can be learned from this?

First of all, a majority of the Swedish people, and their political representatives (except those on the extreme right), have long held a positive view of migration and the need to grant protection yet they failed to establish systems that could absorb a rapid and substantial increase in numbers. Most strikingly, there has been a grave lack of affordable housing for quite some time, aggravated by the fact that the Migration Agency normally rents ordinary apartments

as accommodation for asylum seekers. Those who are then granted protection are required to move out of these facilities but in practice they will most often need the same type of housing even after the asylum procedure, while other groups with below-average financial means – such as pensioners, students and young people – compete in the same market segment.²

More generally speaking, there is widespread anxiety that the largely deregulated Swedish welfare state is no longer strong enough to integrate a greatly increased number of beneficiaries of protection and subsequent family-related immigration. Thus, even if the mainstream discourse about immigration and asylum is essentially compassionate and many people understand why Syrians, Eritreans or Afghans are not safe in their home countries, this does not guarantee a welcoming and inclusive attitude to protection seekers in the longer run.

Another point is a lack of solidarity within the EU and the inability of its member states to adequately deal with what has been described as the worst refugee situation in modern history. Politicians and commentators have sometimes argued that if all EU countries had welcomed refugees to the same extent as Sweden (in relative numbers), Europe would not even have had a refugee 'crisis'. In a common market and political union such as the EU, when a few countries accept large numbers of asylum seekers while others do not, people inevitably question the imbalances and inequities. When calls for solidarity fall on deaf ears, more societies will start closing their doors.

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1. People with refugee status will still have a right to family reunification (spouses, partners and children under the age of 18) but not people with subsidiary protection.

2. Parusel B (2015) Focus Migration country profile Sweden, Osnabruck/Bonn: Institute for Migration Research and Intercultural Studies/Federal Agency for Civic Education www.bpb.de/system/files/dokument_pdf/Country%20Profile%20Sweden_2015_0.pdf

Responding to LGBT forced migration in East Africa

Gitta Zomorodi

Following the passage of Uganda's Anti-Homosexuality Act in December 2013, hundreds of LGBT individuals fled to Kenya seeking safety.

Over the past decade, lesbian, gay, bisexual and transgender (LGBT) Ugandans have sought safety and asylum in various countries but never in such numbers or with such a high degree of visibility as following the passage of Uganda's Anti-Homosexuality Act in December 2013. Data provided by UNHCR (the UN Refugee Agency) and other service providers in Kenya indicate that at least 400 LGBT Ugandans sought safety and asylum in Kenya between January 2014 and February 2015. The overwhelming majority of those identified were in their late teens or early twenties and identified as gay men. In addition to asylum seekers, there were also reports of LGBT Ugandans relocating temporarily to Kenya, both legally – by passing through an official border checkpoint – and illegally.

International donors, local organisations and refugee service providers including UNHCR struggled to respond. Meanwhile, the Kenyan government had initiated a series of severe measures affecting refugees in Kenya.¹ Given the complexities of the push and pull factors involved, as well as the challenging context in Kenya, stakeholders must consider a variety of strategies both to address the causes of the outflow from Uganda and to respond to the current needs of LGBT forced migrants in Kenya.²

Push and pull factors

While the Anti-Homosexuality Act was the most obvious motivating factor, the unprecedented exodus of LGBT Ugandans cannot be attributed solely to its passage. There were many pre-existing push factors in Uganda but these were exacerbated by the perceived green light for discrimination and abuse given by the law's passage. Ugandan organisations working with the LGBT community documented an overall increase in 2014 in reported threats and

incidents of violence, blackmail, media 'outings', loss of employment, and expulsion from school.³ A widely held belief that the Anti-Homosexuality Act required citizens to turn in suspected LGBT individuals led to pre-emptive family rejections, evictions and reports to the police even before the bill was signed into law. At the same time, under threat of the law's clause outlawing 'promotion' of homosexuality, many organisations providing services to the LGBT community initially suspended or scaled back their programmes. Demands to support the relocation and welfare of LGBT individuals experiencing threats were beyond the capacity of such organisations.

The annulment of the Anti-Homosexuality Act by Uganda's High Court in August 2014 did little to change the hostile environment. Some Ugandan activists suggested that, since the law was struck down on a technicality and not because of its substance, its nullification emboldened the public to take matters into their own hands. This was reinforced by Ugandan members of parliament petitioning for the bill's re-introduction and by reports in November 2014 of politicians considering a new law targeting the LGBT community, the Prohibition of Promotion of Unnatural Offences Bill. While specific incidents of arrest or violence played a large role in driving individuals' migration, in the general climate of fear created by the bill others simply did not want to wait for something to happen.

In Kenya, UNHCR and its partners initially prioritised the unexpected new caseload and expedited the resettlement of LGBT Ugandans. In a country where refugees wait years hoping for resettlement, at least one Ugandan case sped through in a record eight months between entry into Kenya and resettlement to the United States. For those who chose not to go to Kakuma refugee camp, a UNHCR partner provided a monthly

stipend, at first made available to all LGBT Ugandan asylum seekers in Nairobi. Several Kenyan LGBT-led organisations made their pre-existing services available to the new arrivals or created new programmes to address their specific needs. The services and support available in Kenya and the rapid processing by UNHCR acted as increasingly powerful pull factors as news of these resources made its way back to Uganda. This draw may have been especially strong for young LGBT Ugandans whose education and employment opportunities are limited by stigma and discrimination, and whose lack of social safety nets makes them particularly vulnerable.

Challenges

LGBT Ugandans who fled to Kenya expecting a safer, friendlier environment and automatic passage to the West were quickly disillusioned. In terms of homophobic attitudes, Kenya differs little from Uganda, and Kenya also has anti-sodomy laws used to harass and arbitrarily detain LGBT individuals. In Kakuma, LGBT Ugandans reported discrimination by staff of UNHCR implementing partners and by the police, threats and harassment from other refugees, and physical attacks. Most moved into 'protection areas' which offered more safety but also increased their visibility.⁴

Those in Nairobi fared little better. The Kenyan government's encampment policy makes it illegal for asylum seekers or refugees to live outside designated refugee areas, meaning those found by the police outside those areas face fines and imprisonment; at the same time, the government's anti-terrorist stance has made all foreigners in Kenya more vulnerable to arrest, detention, abuse and deportation. LGBT Ugandans struggled to find safe, affordable accommodation. Some were reported to the police by their neighbours or experienced violent attacks. Despite access to financial and social assistance from UNHCR and other organisations, many LGBT Ugandans found it difficult to support themselves in Kenya's comparatively expensive environment where they have no legal right to work.

The initial prioritisation of all Ugandan LGBT cases by UNHCR and provision of

financial assistance to those in Nairobi fostered the belief that all Ugandan LGBT asylum seekers would receive the same support, regardless of differing levels of vulnerability, and that seeking asylum in Kenya was a sure route to quick resettlement. But with a growing caseload and limited financial resources, UNHCR and its partners were forced to reconsider whether they could sustain this approach. Allegations of human smuggling and asylum fraud further complicated circumstances. By the end of 2014, UNHCR and its partners no longer automatically categorised all LGBT Ugandans as vulnerable but instead began assessing needs on a case-by-case basis.

UNHCR increasingly looked to Kenyan LGBT organisations to provide humanitarian aid to the Ugandan migrants but the forms of assistance that UNHCR hoped they would provide, and that migrants demanded, had not been part of these groups' programmes, even for LGBT Kenyans. Kenyan LGBT groups that did extend their existing services to the Ugandans, such as health services and counselling, or that created temporary housing and assistance programmes for them, faced significant strains on their human and financial resources. Many also feared that providing services to a population in Kenya possibly illegally could endanger their work, and worried that heightened attention to the LGBT community more generally could jeopardise the gains made by the Kenyan LGBT movement. Meanwhile, in Uganda organisations working with the LGBT community, while deeply concerned for the well-being and safety of those in Kenya, felt that providing direct support across the border was beyond their capacity and jurisdiction.

The situation was exacerbated by international activists who launched fundraising appeals, sent funds to enable LGBT Ugandans to flee to Kenya, and made promises to help them 'escape' to a safer life. The migrants had high expectations of their helpers and, as refugee processing times lengthened, the challenge became how to support a group so focused on resettlement to become self-sustaining.

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Recommendations

Information dissemination is critical for helping individuals make informed decisions. Ugandan LGBT organisations should provide reliable and accurate information on the asylum-seeking process, the realities of refugee camp life, risks in Nairobi, and chances of resettlement. This information should be integrated into legal and protection trainings for LGBT activists and organisations, and disseminated to LGBT community members through informal networks, using social media, and ensuring outreach to rural and poor LGBT people. International allies should provide the same information and messages as local organisations to those seeking assistance.

In order to determine how to make temporary relocation to Kenya, and other countries in East Africa, a safer and more viable option, LGBT-led organisations working in the region should collaborate in assessing risks, identifying and mapping relocation possibilities, and developing more proactive and structured means of communication. Ugandan organisations should also assess whether 'know your rights' trainings in-country have had their intended impact.

Donors and local organisations should a) assess current funding and programmatic priorities to determine if they address the vulnerabilities that lead to asylum seeking or migration; b) explore opportunities to support and expand programmes on health, psychosocial support and livelihoods; and c) more explicitly examine how a greater focus on these issues could bolster the protection and security of LGBT community members.

In Kenya, refugee service providers and LGBT organisations working with forced migrants should provide more information to new arrivals about their options and not immediately advise individuals to seek asylum, as many assume it will lead directly to resettlement in a third country. Resettlement is not and cannot be the solution for all LGBT forced migrants.

Donors and groups in the region should support LGBT refugee groups in organising themselves and in their work to

identify their needs, priorities and possible solutions. Support from local advisors, such as Kenyan LGBT groups and refugee service providers, is vital for providing knowledge on the local context (such as how to get work permits, access services and identify safer neighbourhoods) and help with personal security strategies, and for referrals to LGBT-friendly service providers.

Given resettlement processing times and the fact that not all refugees will be resettled, there needs to be support for scattered-site housing options in Kenya and the development of training and income-generation programmes. It should be borne in mind, however, that protection strategies that may work for a small number of LGBT asylum seekers may be difficult to scale up or sustain with larger numbers.

Sensitivity training for refugee service providers and local LGBT partners is critical to ensure that services are accessible and responsive to the particular needs of this community. More work needs to be done to engage Kenyan police and to sensitise community and faith leaders, particularly in the refugee camps, to reduce stigma and harassment.

Joint mapping of roles and resources by LGBT organisations in both Uganda and Kenya would help to build a picture of the overall needs related to the situation and to identify funding gaps. This should also strengthen their ability to address problems, to plan ahead and to advocate jointly – to UNHCR, service providers and funders.

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1. See Wirth A (2014) 'Reflections from the encampment decision in the High Court of Kenya', *Forced Migration Review* issue 48 www.fmreview.org/faith/wirth
2. Based on research conducted between December 2014 and May 2015, commissioned by the Global Philanthropy Project <http://globalphilanthropyproject.org/>. Full report available at: <http://tinyurl.com/Zomorodi-2016-east-africa> See also *Forced Migration Review* issue 42 on 'Sexual orientation and gender identity and the protection of forced migrants' www.fmreview.org/sogi
3. See HRAFPF (2015) *Uganda Report of Violations Based on Gender Identity and Sexual Orientation* <http://hrapf.org/publications/research-papers/>
4. See Freccero J (2015) 'Sheltering displaced persons from sexual and gender-based violence', *Forced Migration Review* issue 50 www.fmreview.org/dayton20/freccero

The legal status of Iraqi refugees in neighbouring countries

Mohammad Abbas Mohsen

There is little protection and assistance available for Iraqi refugees in neighbouring countries, especially as these countries are predominantly non-signatories to the 1951 Refugee Convention. It is consequently hard for refugees to support themselves – and to keep safe.

UNHCR (the UN Refugee Agency) estimates that approximately 4.5 million Iraqis – one sixth of Iraq's population – have been displaced. Nearly four million are internally displaced, and most of the rest are living in countries in the region, such as Lebanon, Jordan, Turkey, Iran, Syria and Egypt. However, Iraqis entering and residing in these countries without official documentation are considered illegal and therefore benefit from only limited legal protection.

Although Turkey has signed the 1951 Refugee Convention, it does not grant refugee status to people who are coming from countries other than European countries. As such, Iraqis are only allowed to stay in Turkey for a limited period until they get asylum in a third country. Lebanon and Jordan are also not signatories to the Refugee Convention. Iran acceded to the Convention but expressed reservation on four articles, including article 26 which allows freedom of movement for refugees. Egypt is a signatory but refuses to allow refugees to work (although without officially stating so) and also restricts their access to services provided by the state; in addition, entry to Egypt has become very difficult because refugees are required to first have a face-to-face meeting at an Egyptian embassy which is only possible in Amman or Damascus. The difficulty of getting entry visas results in Iraqi families being separated; additionally, it reduces the opportunities for making journeys back to Iraq to realise assets to support life in exile.

The legal protection granted to Iraqi refugees and asylum seekers in neighbouring countries is restricted to the legal principle of preventing of *refoulement*, according to which host countries must, as a minimum, adopt measures to protect refugees on

their territory from expulsion back to their original country when the conditions that caused them to flee are still in place.

Although the governments of these countries allow UNHCR or the International Organization for Migration (IOM) to register the refugees, the protection granted by such registration is limited. It may enable access to services but this does not give the refugees the right to seek asylum or to obtain legal residency or refugee status. This legal situation affects many aspects of displaced Iraqis' lives. They are unable, for example, to access basic services and employment, nor do they have access to registration of births, deaths and marriages.

Iraqis in this situation continually fear arrest, detention or deportation to Iraq. Men are usually more at risk of being arrested and therefore need to stay out of the authorities' sight; as a consequence, women have to take the lead in accessing assistance. This increases the risk of sexual harassment and exploitation while out in the streets and at assistance centres but because of their illegal status in the country they very rarely approach police or concerned authorities if they suffer harassment. Even people who have some legal status send their children out to work instead of themselves because of the fear of arrest; as a result, children are being deprived of schooling and are more likely to be victims of abuse and exploitation.

With little likelihood of a decrease in the number of Iraqi refugees in the neighbouring countries, the most urgent need is to resolve the problems associated with legality of refugee status.

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Imprisonment and deportation of Iraqi refugees in Lebanon

Qusay Tariq Al-Zubaidi

A non-signatory to the 1951 Refugee Convention, Lebanon does not grant refugee status to Iraqis, many of whom end up spending long periods of time in detention.

The lack of legal status for Iraqi refugees in Lebanon has a variety of unwelcome consequences. For example, if they find themselves exploited or abused – by employers or landlords – they are unable to approach the legal authorities to file a complaint. Moreover, under article 32 of Lebanon's 1962 law regulating the entry of foreigners into Lebanon, their stay and their exit from Lebanon, foreigners entering Lebanese territory illegally are liable to imprisonment (from one month to three years), fines and deportation. For Iraqi refugees, if they are arrested and proved to be there illegally, they are liable to the same punishments, treated as criminals, not as refugees.

UNHCR (the UN Refugee Agency) can grant theoretical legitimacy to Iraqis by registering them as refugees and providing a document which confirms that the bearer of the document has been accepted by UNHCR as a refugee. But as Lebanon has not signed the 1951 Refugee Convention, it does not consider itself bound by this designation. When a UNHCR-registered refugee is imprisoned on charges of illegal stay, UNHCR tries to persuade Lebanese officials to recognise the individual as a refugee, and also regularly visits the Iraqi in prison. All detained Iraqis are eligible to register with UNHCR if they have not already done so.

As an Iraqi I worked as a volunteer in a humanitarian organisation helping other displaced Iraqis in Lebanon but someone notified the authorities, telling them that I was working for money, rather than as a volunteer. The authorities gave me 15 days to leave and told me I could not return for five years. I could not risk death by returning to Iraq so now I move from house to house, always in fear. I have come to know the reality

of living illegally, with no right of residency, at risk of imprisonment at any minute.

I, my friends and thousands of other Iraqi refugees are in constant fear of arrest and detention. Some try to remain unnoticed by refraining from work while others, who do work illegally, face exploitation in the workplace but are unable to approach the authorities to file a complaint.

Ahmad, a 23-year-old Iraqi refugee in Lebanon, was arrested at a security checkpoint and imprisoned for one month – which was extended to six or seven months, and then for a further six months. Eventually UNHCR took up his case and was able to secure him temporary refugee status in Lebanon. Ahmad's story is one of hundreds of stories of Iraqis in this miserable situation.

UNHCR estimated that there were more 500 Iraqi refugees detained in Lebanese prisons in 2015. Once Iraqis have completed their prison sentences for staying illegally, Lebanon is obliged under international law not to deport them by force to a place where their lives are at risk; however, rather than releasing them, the authorities usually continue to keep them detained indefinitely. UNHCR is only able to help in the release of a very small number of them; the majority only gain their release by agreeing to return to Iraq.

Even if Lebanon is not bound to help and support refugees by giving them the opportunity to integrate into local society, Lebanon is nevertheless required to respect fundamental human rights; they could in addition provide temporary work permits renewable until it is safe for Iraqis to return to Iraq.

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Communication of information on the Thai-Burma border

Victoria Jack

Communication of information has emerged as a particular concern for camp residents in Thailand since discussions about repatriation gained momentum in the past few years.

Roughly 110,000 camp residents – mostly ethnic Karen – live in nine camps on the Thai-Burma border, where humanitarian programmes now focus on preparedness for return. The general consensus among the humanitarian community is that conditions in Burma are not yet conducive to promote repatriation.¹ However, the lack of official information and the uncertainty caused by cuts to funding and consequent service reductions in the camps have made refugees anxious to obtain reliable information about their options for the future.

The Karen Refugee Committee formally highlighted the need for improved information sharing with refugees as a priority concern at the first workshop on repatriation in June 2012. UNHCR (the UN Refugee Agency) and the Committee for the Coordination of Services to Displaced Persons in Thailand (CCSDPT) – which coordinates the involvement of 19 NGOs providing services in the camps – have acknowledged that refugees lack access to formal channels through which relevant and credible information can be requested and accessed.²

In 2013 I conducted an ethnographic study that sought to understand how camp residents perceived the role and importance of communication in camp settings, particularly in light of the prospect of repatriation. Many camp residents I spoke to explained that a lack of access to trusted information about the situation in Burma and plans for repatriation heightened their concern and uncertainty. For instance, a woman with two children said, “I don’t know anything, any information, about where they will send us and what they will do.”

Camp residents also wanted to know about alternative options for those who did not wish to return to Burma. Would they

be permitted to stay in the camps or move to a third country? Or would the camps be forcibly closed and repatriation forced on those who are ineligible for resettlement because they arrived after the Thai government’s November 2005 moratorium on screening new arrivals? Moreover, camp residents wanted not simply to be the recipients of information but to give voice to their concerns and questions about the negotiation of conditions for return.

“We stay here for so long, but no one gives us a chance. We can’t meet with the UN or NGOs. We can’t say anything; we just close our mouths and stay quiet. ... No one comes down to speak with us, to give us a chance or to give us a human right to say what we need to say.” (elderly male resident in Mae La camp)

Dialogue about these and other matters is necessary if camp residents are to make informed decisions about whether, when and how they feel safe to return, which is surely a prerequisite for ‘voluntary’ repatriation. As preparations for repatriation progress, camp residents will need to know about matters such as relocation areas, livelihood opportunities, safeguards for human rights, clearance of land mines, location of troops, and whether education and training received in camp will be recognised in Burma.

“If you decide your fate on rumours, it is all wrong; that is the point I want you to understand,” a man in Nu Po told me. Likewise, a young man in Mae La explained: “The refugees need to know the right information. ... If they don’t, they will do the wrong thing for their future, so their life will never improve.”



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Main sources of information

Information flows in the camps follow a hierarchical structure of authority in a manner that simultaneously facilitates and restricts camp residents' access to information. 'Section' meetings (for different geographic sections of each camp), loudspeakers and noticeboards – all managed by the camp committees – are the primary conduits used by humanitarian organisations to disseminate information to the camp populations. In practice these mechanisms do not function consistently nor are they accessible to all sections of all camps. Camp residents felt the information-sharing mechanisms provided information predominantly relating to rules and procedures to be followed in camp but failed to address in detail the matters they deemed most important.

Humanitarian practitioners form the upper tier of the hierarchy of control over information disseminated in the camps, as they are the primary sources of information accessible to the camp committees, and their decisions about what information is provided or is not provided directly affect camp residents. Humanitarian practitioners described making decisions about what information to disseminate on an ad hoc basis in accordance with their own notions of the relevance of certain details to the camp populations. However,

there is a lack of structures to better ensure that these decisions respond to the actual information needs of camp residents, which will inevitably change over time.

Additional 'gatekeeping' of information occurs when the camp committees make decisions about what parts of the information provided by humanitarian organisations should be passed on to section leaders, who then pass that information on to camp residents. The camp administrations have been dominated by Christian Sgaw-speaking Karen, who make up only a third of the Karen population but who are generally the more educated and prosperous Karen. The representativeness of the camp committees is also undermined by the exclusion of unregistered camp residents from the right to vote or be nominated in the camp committee elections. This is particularly problematic in Mae La, Umptiem and Nu Po camps, where a substantial number of unregistered people are not part of the majority ethnic group. Non-Karen camp residents frequently expressed a belief that the Karen received preferential treatment in camp and that other ethnic groups were marginalised and voiceless. Accordingly, humanitarian organisations should communicate the most important issues directly to camp residents.³

Given that only one person per household is permitted to attend the section meetings, the attending member of a household also exercises significant control over the information that other household members access. A woman in her mid-20s explained that her grandfather had withheld from other family members information about the brief period of registration conducted by UNHCR prior to the commencement of the resettlement programme in 2005. Her grandfather harboured hopes that it would one day be safe enough to return to Karen State, and he wanted his relatives to return with him. By the time the rest of the family found out about the opportunity for registration, it was too late for them to have their cases considered.

A clear theme to emerge is that camp residents at the bottom of the hierarchy of camp communication are least likely to



Loudspeaker in Umptiem camp.

obtain timely and reliable information. Camp residents who cannot attend the section meetings, are illiterate, cannot speak Karen or live in an area where the loudspeaker is broken or inaudible – or where there is no loudspeaker – are forced to rely heavily on word-of-mouth accounts from camp residents who have better access to the information-sharing mechanisms. Camp residents from the most vulnerable households are less likely to attend section meetings because they are preoccupied with the daily struggle of trying to eke out a living. One young woman said she and her mother were unable to attend the meetings because they were busy struggling to make ends meet since her father died some years ago. “We go outside and work in a village so we do not attend the meetings,” she said.

The accessibility of printed materials – such as on the noticeboards – is limited given that illiteracy is common among camp residents. An additional problem is that each individual announcement is typically printed in only one language – Karen, Burmese or English (depending on the majority ethnic makeup of the camp).

Some camp residents tried to obtain information independently but they have very limited access to news media and communication technologies. In the absence of other sources of information, the sharing of rumours was a way for camp residents to collectively speculate about, give meaning to and thereby make sense of their experiences.

Since the fieldwork for this study was completed, CCSDPT has worked with the Karen Refugee Committee to develop a model for information sharing. Camp Information Teams made up of personnel recruited from the camp populations now operate in the seven ‘Karen camps’. The Karen Refugee Committee is responsible for training the teams in a variety of information dissemination activities, including community screenings, community forums, home visits, in-office DVD shows, and leaflet distribution. CCSDPT provides technical support and funding.

Conclusion

The challenges around information sharing on the Thai-Burma border are indicative of the humanitarian sector’s historical tendency to focus aid efforts on physical needs, while information and communication are treated as secondary concerns. If humanitarian organisations fail to provide access to timely and accurate information, this can have a significant impact on the mental well-being of refugees, as well as inhibit their ability to make informed decisions. Moreover, there is an established link between dialogue – that is, ensuring that beneficiaries of aid not only have access to information but also that humanitarian organisations listen to their voices – and improvements to the design and delivery of aid, relationship building, accountability, transparency and trust.⁴

Information provision needs to be carefully planned in order to reflect the diversity of camp residents, and so as not to perpetuate and exacerbate social inequalities, and therefore further marginalise and disempower. In the past decade, a range of humanitarian organisations have re-envisioned communication as both a fundamental need of crisis-affected communities and a service that can improve the quality and effectiveness of aid efforts across sectors.

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1. The Border Consortium (2015) Programme report: January-June 2015, p11

www.theborderconsortium.org/media/62531/2015-6-mth-rpt-Jan-Jun.pdf

2. See CCSDPT Information sharing terms of reference and updates www.ccsdpt.org/information-sharing/

3. See UNHCR (2006) Operational Protection in Camps and Settlements, p57-63 www.unhcr.org/448d6c122.html

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We have, I believe, won acceptance for the argument...

Sadruddin Aga Khan (UN High Commissioner for Refugees, 1967)

From a statement made to the United Nations General Assembly, 20 November 1967.¹

I should like to return for a moment to the question of Africa, and to the comment I made at the beginning of my statement when I mentioned the close relationship between the High Commissioner's work and development. [...] agricultural resettlement is the best solution for the situation prevailing in Africa. This brings me to two observations which, I believe, are most important.

First, there is the interdependence between the refugee problem and the problem of development, an interdependence which comes to the fore in the consolidation phase, which in turn is possible only within the context of the total development of the regions where the refugees are settled. This is a fact that must be taken into account from the very outset. This integrated approach to the refugee problem and the development problem, this union of all forms of multilateral aid and, eventually, of bilateral aid, alone make it possible to achieve maximum economy in the use of resources and to avoid duplication and waste.

The second observation ... is the need to ensure co-ordination between the assistance of the High Commissioner's Office [UNHCR] and the continuation of development programmes which the other United Nations organs are able to provide. For if there was no co-operation, if there was no continuation,

some Governments would be confronted with a new emergency once the High Commissioner's assistance programmes had ended. For the High Commissioner cannot take on a task which is not within his realm and involve himself in development matter for other agencies to handle and involves not only refugees, but also the indigenous population of the countries where our programmes exist.

Now, if our programmes were to end before other national or international agencies were ready to take over, we might well find ourselves in a very serious situation requiring further intervention by the High Commissioner and additional expenses. It is therefore imperative that we co-ordinate our efforts; the United Nations development agencies and the specialized agencies must grant top priority to requests from countries and for regions in which there are refugees.

With that aim in view, I have expanded my contacts and efforts with all the United Nations development agencies. The understanding and support I have encountered are most encouraging. We have, I believe, won acceptance for the argument that development plans which disregard the presence of large numbers of refugees, often as many as hundreds of thousands of persons amidst the indigenous population, would quite simply be doomed to failure.

1. <http://tinyurl.com/SadruddinAgaKhanGA1967>

