

# FORCED MIGRATION review

Issue 57  
February 2018

## Syrians in displacement

With 2018 marking the 7<sup>th</sup> anniversary of the conflict which has displaced millions of Syrians, we explore new insights and continuing challenges.

*plus articles on: Myanmar, the Gambia, the Pacific, Italy, Hong Kong and the Global Compact on Refugees.*



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## Forced Migration Review

(FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford.

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## From the editors

Four years ago we published an issue on 'The Syria crisis, displacement and protection'. In the Foreword to the issue, the former UN Regional Humanitarian Coordinator for the Syria Crisis, Nigel Fisher, observed that "While the crisis may be prolonged, refugees and IDPs need support now for their protection, their recovery, and both their immediate and their long-term prospects." As we mark the seventh anniversary of the Syrian conflict, Syrians are still displaced and still need that support.

This issue was originally intended to be about displacement in the Middle East more generally. However, the vast majority of the articles we received for the issue focused on displacement caused by the Syrian conflict. This issue therefore focuses – as did the 2014 issue – on displacement from and within Syria.

Authors present new insights and reflect on continuing challenges, covering topics which include: local and refugee-led initiatives; identification and understanding of displaced people's vulnerabilities and capabilities; stereotyping on the basis of gender, age or disability; child marriage; the contribution of education to social cohesion; legal identity; preparation for return and the challenges around restitution and property rights; and the potential of economic and development approaches (a topic to be explored more fully in our June issue on Economies, work and displacement).

What we learn from responses to this large-scale, multi-faceted displacement is also clearly relevant to other situations of displacement beyond as well as within the Middle East.

**We would like to thank** Lina Abirafeh (Lebanese American University) and Rebecca Carter and Karin Eriksen (Regional Development and Protection Programme for the Middle East) for their assistance as advisors to this issue.

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- FMR 58: Economies, work and displacement (June 2018)
- FMR 59: Twentieth anniversary of the Guiding Principles on Internal Displacement (October 2018)
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**Marion Couldrey and Jenny Peebles**  
Editors, *Forced Migration Review*



### Front cover image

Some families fleeing Syria brought with them their prized homing pigeons. "I look at them and I remember home," says one refugee at Mar el Kokh informal settlement, in Lebanon, where it is common to see homing pigeons flying overhead. UNHCR/Ivor Prickett.

► The June issue of FMR will include a mini-feature on the relationship of humans and animals in refugee camps.

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Even small donations help to keep FMR going, so please do consider making a donation.

## Foreword: Syria in 2018 – in search of solutions

Noor Al Hussein

This important issue of *Forced Migration Review* draws our attention to the current challenges facing displaced Syrians and the continuing search for solutions. The statistics of Syrian displacement are staggering – and the numbers continue to rise. Half of Syria's population has been displaced: five and a half million are registered refugees and over six million are internally displaced.

The tragedy of Syria's conflict and the levels of displacement of its people reflect specific stresses and shortcomings in our region that often mirror similar global patterns. These stresses and shortcomings include the legacies of erratic modern political and economic governance that we cannot change but they are mostly triggered by issues that are fully within our control: inadequate and wavering political will; poor or absent host state responses to accommodating refugees in the short term; insufficient and uncoordinated humanitarian and development aid; continued internal stresses and violence that perpetuate displacement; and direct participation in warfare inside Syria by half a dozen foreign countries from within and beyond our region.

Many countries and organisations have offered assistance, yet we are also witnessing the world's weariness and its inability to devise a coherent, effective response that could end the suffering of these millions of displaced people. Jordan, Lebanon and Turkey host the majority of Syrian refugees. They have opened their borders, schools and clinics, with the help of substantial international humanitarian assistance. Many communities and individuals have welcomed and helped the newcomers. However, the arrival of refugees in low-income and vulnerable communities also exacerbates existing problems and creates new tensions, notably regarding jobs, wages and overburdened infrastructure. Sadly, some host countries eventually reach a breaking point, and close their doors to new refugees. Donor and compassion fatigue lead to more

restrictive reception and hosting policies within and beyond the Middle East, as fear, anger and even desperation assert themselves.

The traumas that displaced people experience are caused by the same underlying and persistent deficiencies, disparities and dysfunctions that create large-scale human marginalisation and vulnerabilities in some societies. If the underlying drivers of human indignity are not addressed, displacement will continue, with all the accompanying challenges.

Such lessons – including the reality that many displaced people will never return home – have long been debated. Researchers, humanitarian agencies, local non-governmental organisations and host governments should now pursue a vital yet elusive strategy; it must merge temporary asylum and emergency humanitarian aid mechanisms with the longer-term promises of development and dignity that emanate from access to work and residency opportunities. Doing so will lift up both displaced people and host communities.

Refugees need protection and hosting until a durable solution is possible – which for those who choose to return must be under safe, voluntary and dignified conditions. We must generate the political will and international mobilisation that are needed in order to assist displaced people and host communities alike, and must also better resource the work of local humanitarian organisations helping displaced Syrians. Recent initiatives such as the Global Compact for Migration and the Global Compact on Refugees offer the possibility of progress but can only succeed with significant support and commitments by governments. We must support displaced people to regain the chance to live fulfilling, dignified lives – to return home in peace, or to build a new life elsewhere that allows them and their neighbours to flourish together.

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## Protecting the dignity of displaced Syrians

Kholoud Mansour

**What does dignity mean to Syrian refugees and practitioners? And what can humanitarian organisations do – or abstain from doing – to help Syrians preserve and protect their dignity?**

As a Syrian with a background in humanitarian analysis, research and writing, for a long time I have been eager to write about the importance of dignity to Syrians at this particular moment in time. It has repeatedly struck me how I lose my ability to explain even the simplest thing whenever someone asks how I am or how my family back in Syria are doing. Such questions – mostly asked with the best of intentions – reawaken, yet again, the extreme humiliation felt when, within just a few weeks, months or years, you lose control over everything held dear. From the very onset of the popular uprising in Syria, dignity has played a role at both the individual and the collective level. One of the earliest and most prominent slogans during the Syrian uprising and the subsequent conflict was “The Syrian people will not be humiliated”. The notion of dignity has been repeatedly emphasised in subsequent Syrian narratives, mottoes, artwork and political and social discourse. It should therefore come as no surprise how, after the outbreak of conflict and the subsequent massive forced displacement, many Syrians have expressed their dismay at experiencing humiliation not only by those who hold power in Syria but also by those who now control their lives in displacement.

Interpretations of dignity vary widely. A journalist interviewed for this research<sup>1</sup> explained how, for her, “dignity is simply to be treated as a human being. It means that I have rights, I have access to information without being humiliated, and my personal space is respected and not violated.” For one female doctor and aid practitioner, “Dignity is how much you reject humiliation and how strongly you react to it.”

### **Organisations’ impact and representation**

International humanitarian organisations and their staff have rarely been systematically

questioned or scrutinised as to how their behaviour and actions impact – willingly or unwillingly – on the dignity of displaced Syrians. Several Syrian female practitioners said that when Syrian refugees receive aid from international organisations they are shouted at and even cursed by the staff. They explained how men send their wives to receive aid as they assume women will accept and tolerate humiliation more. One Syrian male refugee in Lebanon observed that: “We feel like lab rats. International organisations come to us with countless needs assessments and questionnaires; they leave and we never receive assistance from them. They think we do not have anything else to do in our lives except filling in their forms and answering their questions. This is disrespectful to us. We have dignity too.”

With respect to funds distributed by non-governmental organisations (NGOs), one recipient said: “Humanitarian and development funding offered to us by international organisations is very humiliating. It seems as if we are begging for funds... literally begging.” A Syrian volunteer working in Lebanon said of the international organisations he volunteered for: “As Syrian volunteers, they pay us very little, almost nothing, to do lengthy and demanding tasks on their behalf ... I need to survive in dignity too.” These experiences are examples of the imbalance in power relations that are in place between Syrian refugees and practitioners on the one hand and international humanitarian actors on the other.

The corresponding representation of refugees as helpless, desperate and passive victims is rarely addressed candidly, let alone at policy- and decision-making levels. In their publicity and fundraising materials relating to the Syrian humanitarian crisis, humanitarian organisations have – with a few notable exceptions – depicted Syrians



A young Syrian refugee who is an Outreach Volunteer specialised in education leads a homework support group session for refugee children in Lebanon.

as helpless victims. Several use images of a miserable Syrian child, usually in a refugee camp. This is, depressingly, despite years of campaigning in the 1980s and 90s to encourage more respectful use of images. When asked in informal discussions about the use of such images, some international humanitarian workers expressed their disagreement with their organisation's policy, while others argued that humanitarian organisations' success in raising funds arguably remains significantly dependent on portraying refugees in situations of despair and destitution and as being greatly in need of international assistance.

### Preventing indignity

How we as Syrians in displacement (including those who are also humanitarian practitioners) try to preserve dignity is highly complex and antagonising. I have found myself ignored by decision makers in situations where I am there in my capacity as a consultant or expert and should be in a position of equality. One Syrian woman, a founder of a Syrian organisation for education, aid and development, expressed a similar view: "I, like all Syrians attending meetings with international humanitarian agencies, feel so humiliated. The way they

look and speak to us as if we are kids, idiots or simply worthless ... We nominated three candidates when we were asked by one of the UN agencies to elect a representative to represent Syrian organisations. In the end, they decided to elect a non-Syrian to represent us. This is very disrespectful to us." In such instances, I, and others alongside me, may seek to preserve our dignity by retreating into self-imposed isolation.

These complex and challenging issues are clearly not exclusive to Syria; they are probably in some form applicable to almost every humanitarian response. However, I hope this article encourages international humanitarian actors to debate and to (re-) assess their understanding of dignity and how they conduct themselves in humanitarian responses worldwide. Syrian refugees and practitioners need to be able to engage directly and meaningfully in these debates and in making policies that affect their lives.

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1. The author is indebted to Local to Global Protection (L2GP) for supporting this research. [www.local2global.info](http://www.local2global.info)

# One camp, three refugee groups: challenges for local NGOs

Olfat Mahmoud and Rebecca Roberts

**Local non-governmental organisations in Lebanon's Bourj al-Barajneh camp face challenges in responding to the complex needs of three different refugee groups.**

Bourj al-Barajneh refugee camp is located on about 1km<sup>2</sup> of land close to Beirut's international airport, and is one of twelve official Palestinian camps in Lebanon established following the creation of Israel in 1948. Before the Syrian conflict, it accommodated around 27,000 people, most of whom were Palestinian refugees from Lebanon. By 2017, the arrival of Syrian refugees and Palestinian refugees from Syria had increased the camp population to 41,000.<sup>1</sup>

Bourj al-Barajneh has attracted refugees from Syria because living in the camp is cheaper than living elsewhere in Beirut and some Palestinian refugees from Syria have relatives among the Palestinian refugees from Lebanon in the camp. Like the other Palestinian camps in Lebanon, Bourj al-Barajneh is outside the jurisdiction of the Lebanese authorities which some among those arriving from Syria prefer.

Local non-governmental organisations (NGOs) in the camp face numerous challenges in providing support to the camp's different groups. The Palestinian refugees from Lebanon resent the deteriorating living conditions caused by the increased population. Conditions were already poor before the arrival of these new groups and the influx of people has only exacerbated these pre-existing problems and created tensions among the population. Storeys have been added to the poorly constructed shelters, some of which are now eight or nine storeys high, without proper foundations, and electricity wires and leaking water pipes intertwine at head height throughout the camp as a result of the networks being extended to reach new inhabitants. Local NGOs have received funding to improve shelters but the overall construction quality, camp infrastructure

and lack of space prevent people being accommodated safely and comfortably.

The tense relationship between the Lebanese authorities and population and the Palestinian refugees from Lebanon has meant that the latter are often in a worse situation than Palestinian refugees elsewhere in the region. They are excluded from most professions so legal work opportunities are limited mainly to the construction and agricultural sectors and refuse collection. Palestinian refugees from Lebanon are prohibited from owning property and their freedom of movement is restricted. Unlike other refugee groups, who come under the mandate of UNHCR, the UN Refugee Agency, assistance to Palestinians is provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Palestinian refugees from Lebanon have had to rely more heavily than other Palestinian refugees elsewhere in the region on UNRWA because the Lebanese authorities prohibit Palestinians from accessing state services. UNRWA is the main provider of health care and education and is responsible for sewerage systems and refuse collection in all twelve official camps but the lack of state support and the inadequacy of UNRWA services have led to the development of an extensive network of local NGOs operating in the camps.

## **The differing needs of three refugee groups**

The different legal status of the three refugee groups determines their access to assistance. Palestinian refugees in Lebanon continue to access UNRWA and local NGO services, which they now share with Palestinian refugees from Syria. The Syrian refugees receive assistance from UNHCR and local NGOs, and the Lebanese government allows Syrian refugees some access to state services.

Local NGOs must tailor their responses to the needs of the three groups – a difficult task, as it is easier to secure funding for Syrian refugees than for Palestinian refugees from Syria and from Lebanon, and easier to secure funding for Palestinians from Syria than from Lebanon. Inevitably, the unequal access to assistance and the dual UN structure increase tensions among the three groups, each of which believes the other two groups are favoured over their own.

Local NGOs have also found it impossible to meet the needs of all demographic groups, another challenge that pre-dates the Syrian conflict and is now amplified by the arrival of the new refugees. Donors are keen to fund programmes for women and children but less so for the elderly, youth and men. Local NGOs believe that the elderly are not seen by international donors as ‘a good investment’. The regional response plans<sup>2</sup> emphasise the needs of youth to be positively engaged in their communities, empowered and resilient, but local NGOs have been unable to secure funding for youth-focused programmes. This is particularly problematic in somewhere like Bourj al-Barajneh where, with few employment options, many young people pass the time drinking, smoking and taking drugs, and are vulnerable to recruitment by criminal gangs and armed groups. Male Palestinian refugees from Lebanon struggle to fulfil their traditional roles as breadwinners because of the restrictions on their right to work. Syrian men have, like Syrian women and children, experienced the trauma of the conflict and the flight from Syria and their right to work is also restricted. Local NGOs report that frustration among the men can manifest itself in domestic violence, which may also lead to wives who suffer abuse then in turn abusing their children. Local NGOs find that efforts to implement gender-based programming, in accordance with the regional response plans, are limited to those supporting women and children.

Each refugee group has a combination of humanitarian and development needs. Although donors are anxious to shift from emergency to development projects, some of these projects are poorly targeted. For

example, donors want to fund local NGOs to support livelihoods by providing vocational training or business advice but inevitably such projects have limited impact because of the restrictions on refugees’ rights to work. Local NGOs are frequently offered funding for workshops to raise awareness about rights rather than funding to meet the basic needs of the camp inhabitants. Disseminating information about rights is important but these activities are being duplicated and for people who are unable, independently, to meet their basic needs, the workshops seem inappropriate and are difficult to justify.

### Building on successful projects

Despite these difficulties, local NGOs have some positive experiences. These include the Accelerated Learning Programmes (ALP) which have been implemented by numerous organisations throughout Lebanon to integrate children from Syria into mainstream education. The ALP have educational and psychosocial aims: they are designed to help children catch up on missed education, build skills to study independently, and develop coping mechanisms to help them deal with bullying they might encounter because they are behind or new to the school. The ALP have focused on developing the language skills of children from Syria so that they can participate in schools in Lebanon, where the curriculum is often taught in English and French. Elements of the ALP help children to deal with trauma, and support is provided to parents to help them understand how their children have been affected by their experiences and how they can support them. The holistic approach has been praised by the children taking part, by parents and by the implementing staff. However, the ALP are not joined up with other support, and local NGO staff urge that once the children successfully complete the ALP and enter mainstream school, further support should be available to reinforce what they have learned, including ongoing psychosocial support to the children and their families if required. Children inside Bourj al-Barajneh have sought and received support informally from their



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Rebecca Roberts

Bourj al-Barajneh refugee camp.

former ALP teachers but a formal extension of the programme would be preferable.

Other projects instigated by local NGOs include cash-for-work schemes designed to promote social cohesion through health and hygiene interventions. For example, Palestinian refugees from Syria and Palestinian refugees from Lebanon have been paid to supplement UNRWA's refuse collection services in Bourj al-Barajneh. As well as clearing the refuse, participants deliver basic health and hygiene messages to households. Feedback from participants has been positive, particularly from the women, who enjoy having an activity outside the home and mixing with other people from the camp, and who find the additional money useful. However, the impact has been limited and sometimes negative. Some Palestinian refugees from Lebanon have been offended by the delivery of the health and hygiene messages because it implies that they are dirty. The camps are noticeably cleaner while the projects are being implemented but because of limited funding they operate for only a few weeks at a time.

### Improving international support to local NGOs

Bourj al-Barajneh's situation is not unique. Local NGOs are in the frustrating position of knowing the needs of the camp population but unable to fund activities

to meet those needs. Recommendations for improving targeting of international support include the following:

- local NGOs to be consulted about the needs of the local population so that funding is available for all groups identified as vulnerable and not just for those groups donors prefer to support
- funding to be made available for the host as well as the refugee population
- donors to focus on what is possible: rather than trying to create livelihoods opportunities, it would be better to support livelihoods by covering transport costs, funding the purchase of tools for daily labourers or providing childcare
- international organisations to lobby host governments to respect refugee rights as they are in a stronger position to do so than are local NGOs
- donors to operate at a national level: for example, negotiating employment opportunities for refugees and facilitating their inclusion in the workforce for planned large-scale public works programmes
- social cohesion programmes to allow local NGOs to work with people from all populations and to target those most in need
- funding to enable local NGOs to tailor their programmes to complement national and regional response plans
- successful programmes to be consistently supported and extended if necessary, based on lessons learned.

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1. The population figures collated by Bourj al-Barajneh Popular Committee before the Syrian conflict and in August 2017 include all camp inhabitants and not just the Palestinian refugees from Syria and Palestinian refugees from Lebanon that UNRWA registers.

2. UNHCR's Regional Refugee and Resilience Plan 2017-2018 in Response to the Syria Crisis <http://bit.ly/UNHCR-3RP-2017-2018> and the Government of Lebanon and the United Nations' Lebanon Crisis Response Plan 2017-20 <http://bit.ly/LebCrisisResp-2017-20>

## Refugee-led humanitarianism in Lebanon's Shatila camp

Hind Sharif

**Refugee-led humanitarian initiatives by 'established' Palestinian refugees in response to the arrival of 'new' displaced Syrians to Shatila camp raise key questions about the limitations of the humanitarian system and representations of refugees as passive victims.**

Shatila camp, covering less than a square mile on the southern borders of Beirut, is one of the Palestinian refugee camps in Lebanon that was established in 1949, for merely 3,000 people. Today, the camp occupies the same limited space but has around 40,000 residents. While poverty, overcrowded shelters and poor health conditions plague Shatila, the camp has become a space of refuge for new refugees from Syria since 2011. This emergence as a space of refuge for displaced Syrians was facilitated by pre-existing bonds and family relationships between the Syrian refugees – including Palestinian refugees from Syria – and Palestinian refugees from Lebanon already living in Shatila. As a result, the population of Shatila is estimated to have increased more than twofold since the conflict in Syria began. Refugee-led humanitarian responses to the Syrian refugees that arrived at Shatila camp are largely undocumented, yet such initiatives have offered key and palpable forms of support, solidarity and hospitality, in an example of what Fiddian-Qasmiyeh refers to as 'refugee-refugee humanitarianism'.<sup>1</sup>

In spite of poverty, scarce resources and poor services, established Palestinian refugees – those already living in the camp – have used formal and informal resources to provide the new arrivals from Syria with material and non-material support during the initial stages of their arrival. Through informal networks, numerous Palestinian refugees hosted Syrian families in their homes for months, providing them with physical and moral support. More formally, mosques have also been used for housing the new refugees and to host days of solidarity with Syrians, where Palestinian refugees would donate extra clothes, mattresses, blankets and other resources.

Different classifications of Palestinians fall under different international mandates. Palestine refugees, who are "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict" (including the descendants of Palestine refugee males, plus their adopted children), fall within the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).<sup>2</sup> 'Established' refugees in Shatila come under UNRWA's mandate as they are formerly Palestine refugees (now referred to as Palestinian refugees from Lebanon). UNHCR, the UN Refugee Agency, offers its services to anyone who meets the definition of a refugee according to the 1951 Geneva Convention – which includes Syrians (excluding Palestinians). This separation not only produces a legal and social protection gap between Palestinian and Syrian refugees in Shatila but also has an impact on the relationship and power imbalances between the 'new' and 'established' refugees within the camp.

According to Majdi Adam, a Palestinian social activist and captain of Shatila's Palestine Sports Club, Palestinian refugees from Syria have been witnessed in the distribution centres for Syrians calling out for aid for themselves, asking, "We are refugees too – why is the aid only for Syrians?"<sup>3</sup> Majdi told us that Palestinian refugees began using their own initiative to combat this unreasonable separation. One refugee had told him: "We started our own initiatives while working with the NGOs that only help the Syrians. For example, we would register the Syrian refugees on

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paper as required but then, at night, we would also provide the Palestinian refugees from Syria with what they needed."

The established refugee community is also critical of how the limited resources are distributed. For instance, Majdi told us that the aid agencies provide every family with the same amount of supplies, regardless of how many children they have. Established refugees that work with these organisations have used their own initiative in order to fill this gap. "For the families that have many children, we would tell them to come back at night and we would furnish them with more blankets and resources to fulfil their needs," Majdi explained. Such refugee-led initiatives reposition Palestinian refugees as providers of support rather than dependent recipients. Most importantly, such experiences demonstrate the refugees' perspectives on the shortcomings of the humanitarian response and show how refugee-refugee solidarity can help fill these gaps. As one of the Palestinian refugees from Lebanon working with UNRWA put it, "As Palestinian refugees, we know how it feels not to have anywhere safe to go or not to be welcomed. Our human, ethical and national responsibility is to offer them whatever we possibly can and to at least welcome them."

### The sustainability of welcome

It is important, however, not to fall into the trap of romanticising this form of refugee-refugee humanitarianism. There has been a gradual development from hospitality to hostility and tension over the seven years since the Syrians' arrival. The established Palestinian refugees stated that when they realised that the Syrian conflict would extend longer than a year, their relationship with the Syrians in the camp started to change. Interviewees described the increasing pressure of hosting Syrian refugees over the last seven years as inevitable, considering the shortage of resources and poor living conditions that already existed in the camp.

The tension has mostly been felt around schools, jobs and access to health care. The schools have merged classes of Palestinian refugees from Lebanon and Syria, and

the classes have become overcrowded. Accessing health care takes significantly longer than it used to, and the informal job sector has become more competitive. A Palestinian refugee from Lebanon protested, "For someone like me, whose job is to paint walls, I ask a salary of US\$40 per day, while a Syrian accepts \$20."

As UNRWA has been forced by lack of funds to apply austerity measures over the last few years, a decline in services has been evident. In fact, UNRWA's average annual spend per refugee has dropped from about \$200 in 1975 to around \$110 today. Moreover, while UNHCR seeks durable solutions such as resettlement for the registered Syrian refugees, UNRWA does not offer equivalent opportunities to the Palestinian refugees from Syria or Lebanon under its mandate as this may mean them losing their right of return. On the other hand, since Lebanese labour law forbids Palestinian refugees from Lebanon and from Syria to work in 36 occupations (which include medicine, farming and public transportation) and due to the limited legal status of Syrians in Lebanon, both refugee populations are forced to compete in the informal sector. In effect, policies and international regimes contribute significantly to the negative impacts refugees have felt in an overcrowded and under-resourced space – and so hinder the sustainability of refugee-refugee humanitarianism.

Nonetheless, it is important to note that some refugees also felt positive impacts. When established Palestinian refugees were asked if their social life had changed after the arrival of the new refugees, all were positive. For Majdi, their arrival provided him with the incentive to become socially active: "[It] has made us remember our own displacement as Palestinian refugees. This motivated me to provide double the energy that I had for social work. We started welcoming and encouraging Syrians and Palestinian refugees from Syria to join the [sports] club to help them forget their sufferings and integrate with the community." Two Syrian refugees reflected, "When we first arrived here, we felt very uncomfortable and shy, just like strangers – so we always preferred to hang out with

Syrians alone. But today, we feel like we have integrated into the camp and the work life. Nowadays, if you walk on the streets, you will not notice a difference between a Syrian and a Palestinian in the camp.”

Considering the lack of resources, physical space and rights that the refugees endure in Shatila, the shift from hospitality to hostility may be perceived as inevitable. This generalisation does not, however, do justice to the key hindrances to refugee-refugee solidarity, which are largely driven by unjust government policies and an imbalanced humanitarian programme that offers differentiated treatment based on nationality. In order to build development-based approaches that could sustain refugee-refugee humanitarianism and limit the marginalisation of the established Palestinian refugees, it is important to re-evaluate the

effectiveness of current programmes by taking into consideration the refugees’ own perspectives and empowering them as stakeholders in their own futures.

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## The role of municipalities in ensuring stability

Josep Zapater

**Responses to crises in Lebanon’s Beka’a region in 2017 show that refugee-hosting municipalities can be a pillar of peaceful coexistence and must be supported.**

The eastern Lebanese region of Beka’a, which shares a long border with Syria, hosts around 360,000 registered Syrian refugees. This is both the highest absolute number among regions in Lebanon and also the highest proportion of refugees to local population. In 2017 the region experienced a series of upheavals which posed significant challenges to peaceful coexistence between host communities and refugees.

### Crisis in the Beka’a region

In February and March 2017, thousands of Syrian refugees were evicted from the municipality of Zahle and around the strategic Riyak airbase. While security concerns were cited, authorities did not establish contingency plans for alternative settlements. In April, Lebanese host communities demonstrated in several municipalities demanding the closure of shops held by Syrian refugees. In June, fires

destroyed two refugee settlements in the Central Beka’a municipalities of Bar Elias and Qab Elias, killing two refugee girls. And in July and August military operations by Hezbollah and the Lebanese Armed Forces (LAF) effectively cleared the outskirts of Arsal (which hosted around 11,000 Syrian civilians) of militant presence, ending a three-year stalemate. These events have left the refugee community exhausted, more in debt, more vulnerable and filled with uncertainty and fear that these successive crises have been staged to force them to return to Syria. They have also contributed to raising tensions between refugees and host communities.

UNHCR (the UN Refugee Agency) and its partners have made significant efforts in response to these crises. After hostilities ended in Arsal, the municipality, together with humanitarian and development partners, developed an Arsal Action Plan which for the first time includes integrated humanitarian

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and development planning and participation of Syrian refugees in planning. Mediation and advocacy have also been extensively used during the Riyak and Zahle eviction crises.

### **Municipalities: key players in peaceful coexistence**

Against this difficult background, local authorities have generally played a positive stabilising role in the Beka'a region, which is not always sufficiently recognised and understood. This was made apparent by the diverging reactions in Beirut and locally to the fires that destroyed two refugee settlements. Fires in refugee settlements are a recurrent problem, with casualties and deaths (in particular of children) not uncommon. For years, UNHCR and humanitarian partners have been working both on fire mitigation, including the placing of fire extinguishers in virtually all settlements and training in their use, and on contingency response. The municipalities of Bar Elias and Qab Elias responded quickly to the fires, with firefighters and Lebanese Red Cross personnel putting themselves at risk to limit casualties. Local civil society and humanitarian workers gave emergency assistance to Syrian victims and rebuilt the sites in a matter of days. The perception among the donor and diplomatic community in Beirut, however, was initially very different; the rumour that arson had been committed by disgruntled Lebanese host communities reached Beirut much more quickly than did news of the overwhelming solidarity with Syrians that local municipalities and Lebanese civil society actors showed.

In Aarsal, humanitarians and development actors and the municipality have built very positive working relationships. A dedicated monthly coordination mechanism has been established. Perhaps more importantly, UNHCR and other humanitarian actors have fulfilled commitments to respond to the needs of poor Lebanese as well. The municipality has consistently played a moderating role between Syrian and Lebanese communities, taking into account how initial solidarity in 2013 and 2014 has given way to weariness, complaints over

economic competition and fears of collusion between Syrian refugees and armed actors.

In Zahle, UNHCR and the municipality have started a dialogue in which the difficulties of hosting a large refugee population have been expressed. This includes a feeling of abandonment by Beirut elites, who are unable or unwilling (due, in part, to political sensitivities) to reach agreements on concrete policy guidelines on hosting refugees at the local level. Economic considerations also play a role. The agriculture and food industries in the Beka'a region could not survive without Syrian refugees. At the same time, agricultural and urban landlords refuse to pay municipal tax on the rent paid by refugees. Thus, those who gain the most from the Syrian refugees' presence are not assisting municipalities with the substantial extra costs incurred as a result of their presence, such as those associated with water and solid waste management.

### **Increasing support to municipalities**

In Lebanon, as in many other countries, municipalities are the administrative body most directly affected by the presence of refugees. They also have a responsibility and an interest in keeping the peace in their territory – often resisting direct pressure from a part of their Lebanese constituency who may be advocating for tougher measures against refugees. It is questionable, however, whether the humanitarian and development community has done enough to help them in this effort.

Some valuable efforts are in place and the repeated crises in 2017 have actively been used to increase support to municipalities. The United Nations Development Programme (UNDP) and UNHCR co-chair a social stability working group which analyses tensions in the Beka'a region. The Ministry of Social Affairs and UNDP produce maps of risks and resources, designed to channel donor resources to needs identified at municipal level. UNHCR maintains diplomatic ties with mayors, governors and the LAF to keep tensions manageable and to transparently communicate that return is the only sustainable solution for Syrian refugees,



UNHCR/David Aza

An informal settlement hosting 120 families near Barelías, Beka'a Valley, Lebanon.

once conditions allow it – thereby assuaging widespread fears that the international community is aiming for local integration. An increasing percentage of UNHCR's meagre resources goes to assisting vulnerable Lebanese, either through small community projects such as provision of refuse trucks and solid waste management plants, or through delivery of household assistance to poor Lebanese families including fuel cards and rehabilitation of housing. Municipal coordination bodies are in place in three key municipalities (Arsal, al Qaa and Zahle).

All these efforts are, however, partial and relatively fragmented and there is a danger that, without a more structured approach to supporting municipalities, their role in securing peaceful coexistence will be progressively weakened and crises will become less manageable.

### **The importance of area-based coordination and planning**

In order to support peaceful coexistence, the international community must take bold steps to consider the municipality as a natural unit for planning and coordination, transitioning from a traditional sector-based humanitarian coordination structure.

In particular, this needs to take into account key aspects such as assistance to vulnerable Lebanese households, management of informal settlements, dialogue with refugee communities, water and sanitation provision, improvements to local infrastructure and enhancing access to livelihoods. For this to happen several important steps need to be taken.

The Government of Lebanon and the United Nations' Lebanon Crisis Response Plan 2017-2020<sup>1</sup> is, overall, well-prepared and evidence-based. At the same time, its capacity to address local needs and channel resources to municipalities needs to be reinforced, and there is a need to recognise that after seven years local authorities do not need to be endlessly consulted – they need to be supported.

Similarly, while current discussions around the coordination model in Lebanon have introduced some elements of area-based coordination, overall they remain focused on sector and agency responsibilities. What is needed is a clear commitment from the international community, including from donors, to prioritise municipalities on the basis of jointly identified, evidence-based need.

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The local plans that have been developed through the Mapping of Risks and Resources framework, led by the Ministry of Social Affairs Lebanon and UNDP, represent a valid model. Their capacity to channel donor funding into local development, and their synergies with humanitarian planning, need to be reinforced. As a pilot initiative, UNDP and UNHCR are endeavouring to integrate development and humanitarian planning in the Aarsal Action Plan. These efforts will need to be properly evaluated, corrected and scaled up.

Technical staff of humanitarian and development agencies involved in coordination, planning and information management remains overwhelmingly concentrated in the capital. Recognition of the importance of area-based, localised coordination and planning will need to be accompanied by a decentralisation of resources.

Direct assistance by humanitarian agencies to poor Lebanese households

remains insufficient and fragmented, reinforcing a sense of injustice among host communities. Agencies need to undertake more integrated planning and to take into greater account the role of local communities, including mayors and civil society, in identifying persons in need.

In the eighth year of the Syrian conflict and with increased pressure on Syrian refugees to return to an unstable and dangerous situation, the international community needs to provide bolder, more purposeful support to Lebanese authorities. In a difficult environment in 2017 in the sensitive Beka'a region, municipal authorities have demonstrated they have more than earned the right to be a key recipient of and partner in this support.

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1. UNHCR's Regional Refugee and Resilience Plan in Response to the Syria Crisis <http://bit.ly/UNHCR-3RP-2017-2018>

## Competing security and humanitarian imperatives in the Berm

Charles Simpson

**Approximately 60,000 Syrians are trapped in 'the Berm', a desolate area on the Syria-Jordan border. When security concerns are prioritised over humanitarian needs, and aid agencies turn to militant groups to deliver aid, the consequences can be deplorable.**

When the Government of Jordan severely restricted entry through its border with Syria at Rabaa' al-Sarhan in October 2014, 5,000 internally displaced Syrians were turned away. They established temporary shelters within 200 metres of Jordan, and in doing so they planted a seed in the desert that has grown into two informal tented settlements: Rukban, with 60,000 inhabitants, and Hadalat, with 1,000.

Separated from Jordan by a rocky barrier of sand – known as a 'berm' – these settlements have suffered from internal instability, insufficient access to food, water and non-food aid, pervasive health

problems, and regular attacks by both the Free Syrian Army (FSA) and Syrian Arab Armed Forces (SAAF). The vulnerability of the inhabitants of what is now known as the Berm has been perpetuated by Jordan's continuing border closure and restrictions on humanitarian access citing security concerns. Several aid agencies have cooperated with Jordan's restrictions (including on public communications in relation to the Berm) in order to secure limited access to the settlements but this has only served to prolong conditions of vulnerability and create a norm of secrecy that has in turn prevented a candid analysis

of the costs and benefits of Jordan's closed border policy. The situation is complex, and this article is not intended to be accusatory but rather to present information that will allow more balanced cost-benefit analysis of the border closure policy. Security goals and humanitarianism do not need to be in competition but without accurate information policymakers can misperceive or misrepresent these interests as mutually exclusive.

### Dodging the humanitarian imperative

While Jordan overtly attributed the border closings to security concerns about terrorists among the refugee population, an unspoken motivation was the growing sense of the country's incapacity to support the growing population of 600,000 Syrian refugees (7% of Jordan's total population) which was putting stress on Jordan's economy, services and infrastructures.

In addition to citing security concerns, Jordan, with support from its international backers, avoided international legal responsibility by stating that those people fleeing the conflict who were now sheltering in the border area 'grey zone' were in fact internally displaced persons (IDPs), situated away from Jordanian territory in 'no man's land', flexibly interpreting the Sykes-Picot boundaries established in 1916.<sup>1</sup> Domestically, Jordan had its own interpretation of certain aspects of national laws and the Arab Charter on Human Rights (Jordan has not fully ratified the 1951 UN Refugee Convention nor its Protocol) to authorise both *refoulement* of Syrians from Jordan to the Berm and to prevent the crossing of vulnerable Syrians.

These actions have directly threatened Berm inhabitants' right to life. Temporary shelters are mostly improvised tents, three metres by three metres, constructed of disintegrating materials and occupied by three to ten people. Dusty conditions with limited food, water, medical care and hygiene facilities have resulted in a high prevalence of communicable diseases, malnutrition, and child and maternal deaths.

With restricted access, aid agencies have developed creative ways to deliver relief across the border, including airdrops and

the use of cranes to drop supplies into the Berm, where children with donkey carts then distribute resources throughout Rukban. UNHCR, the UN Refugee Agency, and UNICEF, the UN Children's Fund, have also airlifted Syrian volunteers into Jordan for training in community health and refugee law, and then returned them to the Berm to conduct medical evaluations, polio vaccinations, documentation gathering and shelter repairs.

Only a small minority of Berm residents can cross into Jordan, either for emergency treatment or for settlement in the Azraq refugee camp some 300km away. On average only three Berm families per week are allowed through the Bustana or Ruwayshid Transit Centres for settlement in Jordan. And, citing security concerns, of these few allowed into Azraq, only a quarter are settled with the camp's general population; most are confined to Villages 2 and 5 where they have severely restricted access to the outside world.



UN agencies deliver relief to Syrians stranded at Syria-Jordan border, August 2016.



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### Trade-offs for access

Aid organisations have attempted to circumvent restrictions to the Berm by utilising Jordanian Armed Forces (JAF)-approved contractors such as World Vision, Jordan Health Aid Society International and the First Technical Support Company. With insufficient JAF-approved contractors, aid agencies have also employed paramilitary actors in southern Syria, including the militia (known as the Badia Army) of Rakan Khdeir, a Syrian businessman turned militant who has provided cross-border aid distribution under the auspices of Al Badia Logistics Services.<sup>2</sup> Khdeir's militia may have been instrumental to service implementation but it has also been criticised for rerouting aid to his militia and favouring individuals within his social network.

Coordination with militant actors like Khdeir prompts debate about short-term humanitarian access versus long-term stability. While paramilitary groups have allowed aid to reach the settlement,

these deals also allow misallocation of humanitarian supplies, and expose civilians to military targeting. In December 2016, Khdeir's World Vision-sponsored supply warehouse at Rukban was the target of an attack that destroyed non-food aid and killed a Badia Army soldier. In January 2017, another attack targeted a relief supply warehouse in Rukban controlled by Jeesh Ahrar al-Asha'r militia (Army of the Free Tribes, AFT), killing four in the surrounding market. In response, Jordan restricted travel to 10km from the border and further limited access by aid workers.

The story of the Berm is thus a cautionary tale of the complicated trade-offs when humanitarian agencies rely on militant actors for access to vulnerable civilian populations. At the time of writing, major humanitarian agencies have been discussing strategies for expanding aid and development provision to southern Syria as ceasefire agreements emerge; lessons from Rukban should be considered before following through with plans to utilise paramilitary groups for logistical support and security along roadways in order to access IDPs.<sup>3</sup>

### Governance within Rukban

As the settlements grew, gangs of young men proliferated, committing crimes such as theft, sometimes violently. The Berm's tribal elders have nevertheless worked towards more effective governance. In June 2016, the Tribal Council of Palmyra and the Syrian Badia (TCPSB) was founded, relying on 'soft' power – heritage, customs, a tradition for generosity, *wasta* (social capital) and the reputation of its leaders for fairness – to moderate disputes, allocate resources, manage medical services, oversee construction projects and conduct outreach. Two central aims of the Council were, first, to unify the disparate tribes in the settlement under a civilian governing authority and, second, to provide mentorship for young Berm inhabitants, promoting "the values of citizenship, human rights, and dignity" rather than allowing "youth ... to simply fuel the war".<sup>4</sup>

As the TCPSB consolidated its authority, it ousted leaders of the AFT from Rukban,



WFP/Shaza Moghraby

restricted vehicle movement to reduce the risk of vehicle-borne improvised explosive devices, regulated the carrying of weapons inside the settlement, and established TCPSB police checkpoints. Judicial authority was revoked from FSA factions, ceasing arbitrary arrests and shifting legal power to a civilian Judicial Council and newly drafted internal laws. Despite these achievements, the temporary nature of the settlements means that governance remains largely informal, and the TCPSB must continuously reassert its authority over regional militant groups' coercive power.

### Security versus humanitarianism?

JAF restrictions on access to the Berm have also limited the availability of information, thereby preventing informed advocacy, needs assessments and policy development. Fundamental data like the number of families in the Berm are not accurately known. The UN's Institute for Training and Research relies largely on self-reporting and satellite data to estimate population, and claims a significant but undefined number of fraudulent registrations by families in the Berm. According to one aid agency employee, there are also disagreements between aid agencies and Jordan's Ministry of Planning and International Cooperation on how much aid has actually flowed in. Despite these problems, academics, advocates and journalists have stayed fixated on Jordan's overly researched but more easily accessed Za'atari camp while largely ignoring the more pressing concerns of the less accessible Berm.<sup>5</sup> The moral responsibility of researchers to rigorously project voices of the most vulnerable has been unfulfilled.

Data about the security risk posed by the Berm's population are also limited, resulting in security policy based on conjecture, not evidence. In September 2016 Alice Wells, the then United States Ambassador to Jordan, issued a statement downplaying the needs of those in the Berm and offering an unsubstantiated argument for keeping the border closed, claiming the settlement included "legitimate asylum seekers, those wanting to remain in Syria but seeking

a safe haven from aerial bombardment, traffickers, smugglers, armed groups, and as Jordan knows well – terrorists".<sup>6</sup> The vulnerability of those living in the Berm was perpetuated by this stance. In the same month as Wells' statement, Russian aircraft bombed the camp, killing a leader of the TCPSB. The following month, two children died in Rukban from lack of medical care. Their deaths prompted a meeting on the Jordanian border between the TCPSB, JAF and aid agencies but no resolutions on access or re-opening the border were settled.

There is an ongoing debate about transferring 45,000 of the Berm's inhabitants to Jordan's Azraq refugee camp but for now Jordan's security concerns keep these IDPs at the border, trumping the humanitarian imperative of providing durable protection. Any changes to this policy will inevitably come not from Jordan but from external pressure by international actors, particularly large foreign development donors. There is little evidence of the benefit to Jordan of continuing to hold the Berm's inhabitants in a no man's land. As strategising for expanded aid delivery to southern Syria moves forward, the Berm's lessons should also give aid organisations pause for thought when developing plans to utilise militant groups in order to access Syrian IDPs.

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## Categorising Syrians in Lebanon as ‘vulnerable’

Maja Janmyr and Lama Mourad

**Vulnerability assessments are used by humanitarian actors to identify those at greater risk of harm but their use in the response to displaced Syrians in Lebanon is problematic.**

M, a Syrian man in his mid-30s, living with two children, his wife and his mother, had not received food aid in over a year. He wondered what it was that made his family ineligible for assistance when neighbours had told him that if there was only one provider for five dependents then you were eligible. “I just don’t understand why I was cut off [from assistance]”, he said. “You’re supposed to be a family of five, and we are five. And there’s no one else to provide for the family. My neighbours, they are still [receiving assistance], and they have two males who can work.” Meanwhile, M’s brother, who had two children and a wife, continued to receive aid. Was it because his brother’s wife was sick? Or was it that his own household had three adults? M did not know what made him and his family ineligible for food aid and, in many ways, such lack of clarity is intentional.

Access to food aid for Syrian refugees in Lebanon is, like many other humanitarian assistance programmes, determined by an assessment of a family’s or individual’s ‘vulnerability’. Driven in large part by a scarcity of resources, this practice is inspired by the notion of ‘triage’ as used in emergency medicine to classify individuals based on priorities.<sup>1</sup> While it has become widely used by humanitarian actors, the exact criteria used to determine eligibility is kept obscure intentionally, in part to prevent people making false claims based on the criteria and in part because these criteria, or ‘cut-offs’, change with each new round of donor and budgetary assessments.

UNHCR (the UN Refugee Agency) and other humanitarian actors employ vulnerability assessments as a means of screening to reduce the number of people eligible for protection and/or resettlement. The effect of these categorisations, however, goes well beyond determining access to humanitarian programmes and services. Our

research with Syrian refugees in Lebanon, conducted over 24 months between 2013 and 2017, suggests that differentiating individuals based on these criteria has consequences well beyond questions of humanitarian access, even affecting how Syrian refugees perceive themselves.

Syrian refugees in Lebanon are generally in a deeply precarious social and legal situation. Lebanon has long refused to ratify the key refugee protection instruments, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. It also lacks any meaningful legislation on asylum issues. While UNHCR has been able to operate in the country since 1963, in 2015 the Lebanese government suspended all UNHCR registration processes for Syrian refugees. UNHCR still considers most Syrians in Lebanon as refugees but has in practice come to differentiate between registered, unregistered and what it terms ‘recorded’ refugees, i.e. those who have approached UNHCR after the government’s ban on new registrations. This means that of the approximately 1.5 million Syrian refugees, only roughly two thirds are actually registered with UNHCR. Importantly, these three groups have varying access to protection and assistance.

Only registered refugees receive a UNHCR registration certificate. Following the introduction of Lebanon’s new residency policy for Syrian nationals in 2015, possession of this documentation became one of two means for Syrians to renew their residency in Lebanon, the other being to secure a sponsor under the *kefala* system as an economic migrant. This 2015 policy made the renewal or regularisation of stay so onerous and expensive a process that a considerable number of Syrians are unable to renew their permits and are consequently forced to reside irregularly in the country

– that is, without legal permission or documentation. The Lebanon Crisis Response Plan 2017-2020 estimates that 60% of those over the age of 15 lack legal residency, an increase from 47% in January 2016.

### Constructing vulnerability

The categorisation of certain individuals as ‘vulnerable’ has been critical to the broader humanitarian governance of Syrians in Lebanon, where targeted assistance was put in place as early as 2013. The primary manifestation of this logic has been the annual Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR) survey. This survey provides the basis of targeted humanitarian assistance, allowing the Syrian population to be segmented by levels of vulnerability, and the basis of the review determining the new cut-off for humanitarian assistance. Crucially, the sample is drawn from the population of registered refugees, which structurally excludes a significant (although undetermined) segment of the broader Syrian refugee population.

The 2017 VASyR<sup>2</sup> does not define vulnerability but rather identifies its components, such as shelter conditions, poverty levels, food (in)security, household demographics, and coping strategies. Overwhelmingly, its findings demonstrate that the vast majority of registered Syrian refugees are significantly vulnerable. For example, in 2017, 76% of refugee households – a 5% increase on the previous year – were living below the poverty line. However, the exact criteria used to determine eligibility for assistance remain opaque and what defines the ‘most vulnerable’ is a source of great contention among Syrians.

### Vulnerability and gender

A set of gendered assumptions appears to underlie a humanitarian understanding of vulnerability. For instance, one of the key recommendations of the 2017 VASyR is that “[w]omen in general, and female-headed households in particular, require additional support.” This appears to be driven by two findings: that working refugee women have lower incomes than their male counterparts

despite working almost the same number of hours, and that female-headed households have a lower income than male-headed households. However, the survey also finds that young women are significantly more likely than young men to be enrolled in secondary school. This points to the neglect of important vulnerabilities particular to men that remain under-emphasised in the survey’s recommendations. A 2016 assessment by the International Rescue Committee found that the humanitarian system does not prioritise supporting Syrian men in Lebanon, who are often unable to access the support they need, and who feel, moreover, that they are excluded from it. Their involvement in informal work makes them vulnerable to abuse and exploitation, for which there are no effective or consistent responses. Perhaps more alarmingly, the report finds that the factors that create vulnerability among single and employed men are often either not captured in traditional assessments or are interpreted as actually diminishing their vulnerability.<sup>3</sup> Gendered notions of vulnerability appear to predominate, in which certain demographic groups, such as women and children, are prioritised while others – young and/or single men – are ignored or excluded. For example, being employed is generally seen as reducing one’s vulnerability; however, one in five men surveyed by the International Rescue Committee claimed to have experienced exploitation and abuse at work.

### Vulnerability and resettlement

How vulnerable an individual is considered to be also determines their access to resettlement. Within the assessment procedure for resettlement, vulnerability is again the key determinant. As one senior UNHCR staff member explained: “Firstly we [UNHCR] do a selection where we pick out those who are most vulnerable. And then we look closer and closer: are you really vulnerable? Yes, but really, really vulnerable? And that’s how the pool all the time decreases.”

Certain categories are perceived to be vulnerable by definition. According

to UNHCR, those automatically assessed as vulnerable and to be considered for resettlement from Lebanon are “survivors of violence/torture, women and girls at risk, [and those with] medical needs or disabilities”.<sup>4</sup> This approach is compounded by some resettlement schemes, such as the UK’s programme for Syrian refugees, which officially prioritises “the elderly, the disabled and victims of sexual violence and torture”.<sup>5</sup> Many resettlement programmes for Syrian refugees appear to restrict access to resettlement for single Syrian men, despite the vulnerability they experience.<sup>6</sup>

### Vulnerability and (in)visibility

Notions of vulnerability reinforce perceptions of what a ‘real’ refugee looks like, perceptions that are active among both Syrians themselves, and many local authorities. There is a real risk that labels accentuate the contradictions they seek to reduce. One clear example is how humanitarian agencies in Lebanon have validated the distinction between ‘registered’ and ‘unregistered’ refugees by using only the registered population in the vulnerability assessment.

The 2016 VASyR survey stated uncritically that the number of Syrian refugees in Lebanon had stabilised, without reference to the government’s 2015 residency policy that has restricted the number of Syrians. The 2017 survey now acknowledges explicitly the implementation of a restrictive border policy and a freeze on registration by the Lebanese government. Nonetheless, the survey continues to rely on a sample of registered households. While this is acknowledged in the opening pages, the distinction is blurred within the text where the sample is taken to be representative of all “Syrian refugees”. The result is that the needs and potentially particular vulnerabilities of unregistered refugees – whether recorded or not – are rendered invisible within one of the most significant policy planning and assessment documents of the crisis response.

A similar obscuring operates at a local level, where shelter conditions – one of the components of the vulnerability assessment – become proxies for not only one’s level

of need but even whether or not one is considered a refugee by local authorities. In a meeting with a district official in the north of Lebanon, one of the authors was advised to visit municipalities along the coast because there – unlike in towns more inland – refugees could be found. It became clear that this local official, like others we encountered, understood those living in informal settlements or shelters to be refugees, in contrast to those who had rented accommodation within villages and towns. Local officials also drew a similar distinction between Syrians who have no prior ties to the community and rely on assistance, and those who used to work (or continue to work) in the locality. Neither those who live in rented homes nor those with access to work are the ‘exemplary victims’ that local authorities have in mind.

In an era of increasingly targeted funding, the development of a set of criteria to determine access to services may be inevitable. However, it is critical that, in creating and using these categories, humanitarian actors are aware of how they may reinforce perceptions of refugees’ vulnerability that are not necessarily helpful.

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## Rethinking the lessons from Za'atari refugee camp

Melissa N Gatter

**Humanitarian efforts to build a model refugee camp when constructing Azraq camp in Jordan – drawing on what was supposed to have been learned in Za'atari camp – missed crucial aspects of Za'atari's governance.**

Za'atari refugee camp in Jordan, the second largest camp in the world and temporary home for 80,000 Syrians, was built in 2012, materialising over two weeks as thousands of Syrians fled the city of Dara'a in southwestern Syria. The physical infrastructure of the camp was poor in its early days. Tents collapsed in the muddy sand in the winter, refugees demonstrated against both the conditions in the camp and the war at home, and the environment was one of general distrust. Two years later, humanitarian in Jordan attempted to build a new model camp: Azraq. However, although Za'atari is considered by humanitarians to have failed in many respects, it is by far the more popular camp among refugees.

### Za'atari

Za'atari's rapid development into the fourth-largest city in Jordan<sup>1</sup> is often credited solely

to the resilience of its entrepreneurial camp dwellers. But the camp's humanitarian governance also played a key role in this, as public spaces for refugees were allowed to form on an impromptu basis using facilities provided by non-governmental organisations (NGOs) such as schools, bread distribution centres and medical clinics. When the first arrivals took advantage of regular foot traffic along the camp's main road to open up independent shops, creating what is known as the Shams Élysées (playing on the name of the Avenue des Champs Élysées, a prestigious street in Paris, with *Sham* meaning Syria in Arabic), UNHCR, the UN Refugee Agency, did not shut it down but rather negotiated with shopkeepers to regulate its size and electricity usage. In fact, NGOs make constant concessions to allow a degree of camp development that can be regulated for the sake of security but that allows



The 'Shams-Élysées', Za'atari refugee camp.

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conditions to remain livable for residents. Former camp manager Kilian Kleinschmidt made it a part of his job to get to know the leaders of Za'atari's informal networks, many of which had transferred from Dara'a, in order to establish trust between humanitarian and refugee leadership.

The original blueprints for Za'atari had envisaged tents, and eventually caravans, organised in neat symmetrical rows – easier to manage and more presentable for visiting donors. Those in charge even created a map of Za'atari, the first ever satellite map of a refugee camp.<sup>2</sup> But as refugees shifted their temporary homes to be closer to relatives or to join up with other caravans, the map became less aesthetically geometric, revealing unplanned cul-de-sacs, improvised home expansion and uneven crowding. As Za'atari appears today, no two caravans look the same, much of the infrastructure has been painted to imitate Dara'a's greenery, and hundreds of small private and public gardens have been planted in the desert terrain.

Za'atari's humanitarian apparatus, while limiting refugee activity, has also made an effort to engage with refugees on an individual level. Although humanitarian interventions in the camp could do better to address men's needs, many women are being supported in taking on the role of primary provider for their families. Young women who attend NGO programming are finding the courage to resist early marriage in favour of school or work. Young men who need to earn money can train in technology, barbering and sewing so they do not have to resort to physically arduous and often exploitative labour for little pay, such as transporting wheelbarrows of gravel around the camp. Aid workers have acted as mentors to children to encourage them to attend school regularly and work towards the profession they want.

### Azraq

The drive into Azraq reveals a striking contrast to Za'atari. The entrance to Za'atari is always filled with aid workers and refugees coming and going. In Azraq, NGO vehicles are the only traffic heading down a long one-

way road. At first glance, rows upon rows of caravans conceal any evidence of activity. Neglected basketball courts give the camp an air of dereliction. Azraq looks more like a storage depot than a long-term home for people fleeing violence.

Azraq's planners wanted to construct the camp in such a way as to create villages within the camp in order to preserve traditional Syrian community structures while also accommodating the needs of those deemed more vulnerable: single women and mothers, people with disabilities, and the elderly. However, there was also an overarching – and overwhelming – objective to ensure security. Built in an isolated region of the northeastern desert, Azraq is far more secluded than Za'atari. Jordanian army vehicles are stationed at high points on the outskirts of Azraq, facing outward to the desert, as well as at the camp's entrance and exit where officers check permits for both aid workers and vehicles. While these measures point to efforts to keep the camp's refugees safe from external threats, a drive through Azraq reveals that security in reality prioritises the safety of humanitarian workers. The administrative base camp for NGO offices is a ten-minute car ride to the nearest of Azraq's villages. Compared with Za'atari's dense layout of markets, NGO centres and caravans across twelve districts in five square kilometres, Azraq's four villages, designed to accommodate up to 130,000 refugees, are separated across 15 square kilometres by large plots of unoccupied space – and the emptiness is overwhelming. Ironically, the abundance of space in Azraq is designed to limit refugees' movement; political demonstrations are harder to organise when mobilisation is a challenge and the community is physically disconnected.

Many aid workers state that Azraq's organisation is what sets it apart as a model camp. In addition to the security benefits, it is meant to make things more convenient for aid workers, with one humanitarian citing camp NGOs' unprecedented use of data sharing via Google Drive. This implies that the camp runs more efficiently than Za'atari but instead it has in fact introduced layers of bureaucracy

that Za'atari's comparative disorderliness has managed mostly to circumvent. The result: a heavily controlled, miserable and half-emptily enclosure of symmetrical districts that restricts economic activity, movement and self-expression. Some refugees have likened the camp to an outdoor prison, while humanitarian observers have described it as a dystopian nightmare.

### Critical differences

Azraq's humanitarian planners missed a critical difference between the populations of both camps. Za'atari is refuge to Syrians who fled Assad's crackdown on Dara'a, the city where their revolution began, and many had participated in the early demonstrations against Assad. Some of those who arrived or were assigned to Azraq had also come from Dara'a but many had fled from Homs and Aleppo, and a significant portion fled ISIS in Raqqa and are less likely to be politically active than their Dara'awi counterparts in Za'atari. Thus, despite Azraq's extensive planning of the first two villages constructed (Villages 3 and 6) to prevent the kind of political expression witnessed in Za'atari, those in charge found themselves continually improvising, adding the next two villages (5 and then 2) to respond to groups of Syrians fleeing new developments in the Syrian conflict. 21,000 Syrians who were kept at the Rukban border after fleeing ISIS in 2016 were accepted into Jordan on condition that they would be held in Village 5 until cleared to move to the newly built Village 2.<sup>3</sup> Two years later, the lack of electricity in both of these villages is in stark contrast to the image of preparedness projected in 2014.<sup>4</sup>

By prioritising organisation and security, Azraq's humanitarian system has restricted the potential for refugee livelihoods activities. Separating the villages to limit political mobility also interferes with daily routine, making it difficult for refugees to go to the supermarket or to attend meetings hosted by NGOs. Aid workers are also affected, having to wait hours sometimes for transport to travel between villages. Unlike in Za'atari, where unofficial public

spaces arose spontaneously in the many areas where refugees were undertaking daily activities, Azraq's endless space has actually left little room for meaningful communal areas. Featuring a few rows of benches squared in by caravan offices, the community centres in each village are designed more for refugees to wait to speak to officials than for community building. Created and managed by Azraq's governing agencies, the marketplaces are quieter and emptier than Za'atari's bustling Shams Élysées and offer only a small number of shops that refugees are allowed to run. Apart from the market, Azraq runs an incentive-based volunteering scheme for refugees to work for NGOs on a rotational basis but the high demand means that the 14,000 refugees who have registered usually spend 11 months of each year waiting for their turn.

Of course, the resilience of Azraq's residents can be seen: families enjoying tea in the shade in the mornings, the makeshift shelving units that transform one-room caravans into a more functional space, the gardens that many have planted, and the small independent shops or salons run out of caravans. As the Syrians of Za'atari have adapted, so too have the Syrians of Azraq. But what makes Za'atari work – for a refugee camp – is everything that Azraq has chosen to prevent from the start: organic development, economic opportunity, a sense of community. While Za'atari did not have time to prepare for the arrival of refugees, it has nevertheless grown into a space where there is always something for residents to participate in. Azraq, on the other hand, is designed for waiting: waiting for services, waiting for work, waiting for return.

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1. <http://bit.ly/Oxfam-Zaatari>
2. Maps for Za-atari and Asraq available at (respectively): <http://bit.ly/Zaatari-map> <http://bit.ly/Azraq-map>
3. <https://apnews.com/5782dcbf32af4fb19f78de317717bd1b>
4. <http://bit.ly/UNHCR-2014-Azraq>



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# The neglected health needs of older Syrian refugees in Jordan

Sigrid Lupieri

**Older refugees are often a neglected population, particularly when it comes to health. In Jordan, the specific health needs of older Syrian refugees tend to be overlooked, due in part to a lack of data, institutional biases and the nature of the humanitarian response.**

Despite increasing international recognition of their specific needs and the challenges that older people face during times of crisis, this age group remains one of the most neglected within the humanitarian and development response, in particular when it comes to health. Older Syrian refugees in Jordan are no exception. According to HelpAge International,<sup>1</sup> an estimated 77% of all refugees over the age of 60 have specific needs related to mobility, nutrition and health care, and more than half of them report suffering from forms of psychological distress. However, according to UNHCR statistics, 57% of refugees with chronic conditions in Jordan say they cannot afford the care they need.<sup>2</sup>

Despite several mentions of the health needs of older Syrian refugees in the Jordan Response Plan for the Syrian Crisis 2017-2019 (a document outlining the Jordanian government's short-term development objectives), interviews with policymakers and humanitarian responders have consistently shown gaps between policy and implementation. Some of the reasons which have emerged include a lack of data on the needs and vulnerabilities of older refugees, the nature of the humanitarian response, and a narrowing of institutional mandates.

## A lack of data

HelpAge International has documented both the widespread neglect of older Syrian refugees in Jordan and the contributions that older refugees make within their families and communities. While many older refugees have been left behind in Jordan to fend for themselves while family members leave to search for better opportunities, other older refugees have

taken over caring responsibilities for sick relatives and orphaned grandchildren.

However, when asked about health programmes catering for the needs of older Syrian refugees, most humanitarian responders pointed to the lack of data regarding the number of older refugees in Jordan, their particular health-care needs and what would be required to improve their health. "There is a perception that older people are being taken care of by their families, and there is a lack of data," a health adviser from a donor organisation said when asked whether older refugees are integrated into any of the organisation's refugee programmes. "And what would we do in particular?" she added.

In many cases interviewees reported that, despite guidelines indicating the need for data disaggregated by age, organisations often fail to collect data about older refugees.<sup>3</sup> Even when the data are collected, older people are often categorised as a single group of those aged over 60, despite the varying health status and needs within this heterogeneous population. There is also a dearth of research on the vulnerabilities which can arise from the intersecting dimensions of age, gender and disability. "There is an enormous evidence gap that relates to domestic abuse perpetrated against older women," said one interviewee working with refugees in Jordan. "We know it exists but because we haven't evidenced it, it is hard to start a discussion."

Part of the reason for the neglect of older people's health needs during a crisis is tied to the overwhelming focus on women and children's health both in terms of data collection and the overall medical response. The lack of data and research on the specific health needs of older refugees

appears to contribute to a cycle of neglect in which older refugees consistently fall through the cracks. With little data on this age group, international donors prefer to focus on populations whose health needs are well documented and to invest in organisations that have well-established technical procedures and mechanisms in place to assess and respond to these needs.

### Institutional mandates

In addition to a lack of attention to chronic diseases, the increasing specialisation of humanitarian and development agencies has also contributed to the overall neglect of the needs of older refugees. Individual organisational mandates often prioritise categories considered vulnerable such as women, children and persons with disabilities, resulting in a lack of expertise on cross-sectoral issues such as ageing. And while specialisation can bring about positive developments for some of the most vulnerable populations, for older people it means they have few advocates for their cause. As one policy advisor said, “the idea that we might add older men and women to the discussion is not even on the table because we are so focused on women and girls.”

### The refugee health response

With Syrian refugees now having resided in Jordan for almost seven years, many humanitarian responders say that an overwhelming focus on an emergency situation and life-saving treatment is no longer adequate for a protracted crisis. In fact, the refugee response – and more specifically the medical response – is based on decades of experience responding to emergencies in sub-Saharan Africa: providing basic primary care and emergency care, preventing the spread of communicable diseases, and vaccinating children. Though these are valuable public health interventions, the demographic make-up of the Syrian refugee population, from a former middle-income country, presents an older population with more complex health needs which often require costlier and longer-term interventions.

More than half of all Syrian refugee households have at least one member suffering from a non-communicable disease such as hypertension, arthritis or diabetes.<sup>4</sup> Non-communicable diseases are in fact one of the most common causes of mortality and morbidity across Jordan and account for more than 70% of deaths;<sup>5</sup> as time wears on, the needs of refugees with non-communicable diseases – which disproportionately affect older age groups – become increasingly more acute and costly to treat.

One interviewee, who works at a non-governmental organisation (NGO) providing health care to refugees in Jordan, expressed her frustration with the lack of a model for managing the health-care needs of populations affected by a protracted crisis. “...all the handbooks like the Sphere Standards are for a rapid onset crisis. It doesn’t deal with what you do if it lasts seven years like the Syria crisis.”

In recent years, national policies appear to have started taking these factors into account. The Jordan Response Plan for 2017-2019 focuses heavily on the need to strengthen national health-care systems for secondary and tertiary care in order to prevent and treat chronic diseases. Implementation, however, has been slow. The task force on non-communicable diseases within the UN’s Health Sector Working Group is no longer active, and most agencies and international NGOs tend to focus exclusively on primary care and maternal and neonatal health. According to many interviewees working within the sector, focusing on chronic diseases is expensive, entails large amounts of coordination with the existing national health-care system, and would require a longer-term outlook.



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65-year-old Syrian refugee living in Jordan with his wife; both have disabilities.

### The way forward

With many Syrian refugees in Jordan now approaching their eighth year in exile, the health needs of this population are aggravated by their lack of legal status. Refugees are by definition a vulnerable population with restricted access to health care, livelihoods and, arguably, a sustainable future. This precariousness is further exacerbated by the fact that Jordan is not a signatory to the 1951 Convention Relating to the Status of Refugees and its generosity towards refugees is being tested to the limit. In 2014, the government rescinded its free health-care services for Syrian refugees, who now pay the same rate as uninsured Jordanians. With extremely limited employment opportunities, many refugee households are now sliding further into poverty. For older refugees, health care is often unaffordable and bills can place a heavy burden on entire families.

While no one argues for diverting attention and resources from women and girls, advocates in the field as well as some humanitarian responders are calling for greater inclusiveness in the humanitarian and development response. Data collection and analysis could be more representative of the needs and voices of older refugees. Concerted efforts to include older people's feedback – especially at the level of

programme monitoring and evaluation – would ensure that this demographic is more visible within overall response efforts.

Other ways to integrate the needs of older people can be relatively inexpensive. Experts on ageing say that small changes such as using larger print for signs and leaflets would help older people and people with visual impairments access the services they need. Another simple intervention would be to offer meals and food assistance packages which also cater for the nutritional needs of older adults as well as any adults who have particular dietary requirements due to chronic conditions such as diabetes or hypertension. Cataract surgery is another cheap and easy intervention which could greatly improve the lives of older refugees.

In addition to ensuring that older refugees receive the care they need, enhanced awareness and greater integration into the overall humanitarian and development response would allow older people to actively participate in their communities. More importantly, this would allow older people to gain recognition for their contributions as caregivers, as experienced and respected community members, and as potential volunteers.

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1. An organisation which advocates for the rights of older people in humanitarian crises.
2. UNHCR (2015) *Health access and utilization survey among non-camp Syrian refugees in Jordan* <http://bit.ly/UNHCR-health-Jordan-2015>
3. See Sphere Project's *Handbook on Minimum Standards in Humanitarian Response*, Core Standard 3 injunction to "Disaggregate population data by, at the very least, sex and age". Accompanying guidance note 4 states: "At the earliest opportunity, further disaggregate by sex and age for children 0–5 male/female, 6–12 male/female and 13–17 male/female, and then in 10-year age brackets, e.g. 50–59, male/female; 60–69, male/female; 70–79, male/female; 80+, male/female." [www.spherehandbook.org/en/core-standard-3-assessment/](http://www.spherehandbook.org/en/core-standard-3-assessment/)
4. Doocy S et al (2015) 'Prevalence and care-seeking for chronic diseases among Syrian refugees in Jordan', *BMC Public Health* <http://bit.ly/BMC-2015-Doocy>
5. According to the Jordan Noncommunicable Disease Alliance <https://ncdalliance.org>

## The importance of social capital in protracted displacement

Ana Uzelac, Jos Meester, Markus Goransson and Willem van den Berg

**By understanding the role that social capital plays in the lives of Syrian refugees in Lebanon – how it is created, sustained, converted and what happens when it breaks down – we hope to generate discussion about ways to further tailor assessments, targeting and programming in this and other situations of protracted displacement.**

Through a series of focus group discussions held among refugees across Lebanon and follow-up interviews in selected communities we aimed to capture the state of the four key ‘capitals’ at refugees’ disposal: material, financial, social and human. Although generally these resources were in decline, refugees were in some cases managing to create significant new social capital. That social capital is in many cases their most important asset in protracted displacement.

Social capital refers to those resources that are embedded in social networks. Our research in Lebanon<sup>1</sup> indicates that social capital appears to be the only capital that can be created even in situations of relative vulnerability, and then exchanged for access to livelihoods or used in cost-saving measures or as a form of basic social insurance. Two types of social capital are especially important for these purposes: ‘bonding’ capital, which is created among members of refugee groups, and ‘bridging’ capital, which refers to the connections between individual refugees and outside actors, such as citizens of the host community or aid agencies.

### Convertible capital

Although displacement disturbed both their access to, and the functioning of, their old support systems, many refugees have been able to revive and grow their social networks in Lebanon. Refugees often use their pre-existing social networks to inform their choice of location, choosing to move where they can enjoy social and economic support. The strong ethnic/kinship clusters we encountered during our research reflect this. In Bourj Hammoud in Beirut we came across a tightly knit community of Syrian Kurdish

refugees who had influenced each other’s choice of where in Lebanon to settle. Similarly, the news that a small Sunni community of Hebbariyeh in the predominantly Shi’a-controlled south of Lebanon was highly accepting of conservative Sunnis from Syria has convinced a relatively large number of refugees from the wider Damascus area to settle in this remote part of the country.

Once settled, refugees typically restored contact with relatives – some of whom had also fled to Lebanon – and established new relationships with other refugees, aid actors and members of the Lebanese host community. Beka’a Valley and Akkar in northern Lebanon have exerted a relatively strong pull factor due to pre-existing connections and the availability of cheap housing as well as seasonal or manual employment. Several years into the humanitarian crisis, however, their popularity as destinations began to wane. Nowadays it is through ‘in-group’ social networks – bonding capital – that the refugees we met are able to identify new locations with better employment opportunities and/or lower housing costs and to move within Lebanon.

For Syrian refugees in Lebanon, the restoration of social capital serves several significant functions. First, refugees may create a security net by pooling their resources. Examples of this include the communal cooking and emotional support in times of crisis witnessed in Bourj Hammoud. They may also form relationships with representatives of aid agencies, communicating with them to ensure that emergencies are rapidly reported to the appropriate organisations, as witnessed in Akkar and Beka’a.

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Social capital may also provide opportunities for improving livelihoods. Refugees who have access to information-sharing and mutual assistance networks may increase their chances of being matched with paid work, identify cost-saving opportunities for important goods and services, and attract support from individuals who can exert influence on their behalf. Across all locations, improving livelihoods is perhaps the most important usage of bridging capital and it is a resource that is shared more commonly than one might expect. Refugees with access to Lebanese employers often shared any additional labour opportunities that had arisen with the members of their social networks. Refugees with non-competing skills (for example, in Hebbariyeh, a repairman and an IT specialist) also shared their client base.

Social capital also helps refugees to optimise the use of their limited resources and opportunities. Refugees may be able to considerably reduce rental costs by finding more affordable accommodation through their in-group network, or improve each other's access to livelihoods by looking after each other's children, thus allowing parents to work. Social capital may also strengthen the position of people vulnerable to exploitation, as in-group networks can warn them of exploitative or unreliable employers or landlords. An important tool for maintaining these social networks is the smartphone, and most refugee households we interviewed had at least one. It enabled them to break out of geographical and social isolation and, most importantly, to communicate with potential employers about work opportunities.

Although it is arguably their most convertible capital, refugees' ability to both create and then convert social capital into tangible benefits fluctuated considerably across locations, appearing to be determined by the extent to which refugees had other resources to share or invest into the network. Social networks can sometimes also work in exclusionary way, and benefit people who are socially privileged at the expense of those who are not, diverting

aid and employment opportunities towards a select few. Non-governmental organisation workers frequently pointed out the pernicious role that informal kinship and patronage networks could play in the delivery of aid to refugee communities.

### **Social capital as indicator of refugee well-being**

In places where vulnerability was more pronounced and immediate needs outweighed any considerations of future benefits, social networks appeared to break down completely. As refugees came to regard each other as direct competitors rather than potential supporters, their ability and/or willingness to share information and jointly benefit from opportunities disappeared. We noticed this phenomenon in Beka'a and Hebbariyeh among particularly impoverished refugee households. In all cases the breakdown patterns looked similar – the efforts required to meet essential needs resulted in the gradual decline of social connections and, with it, the disappearance of social security. As one refugee in Beka'a, a place where large numbers of refugees competed for the same low-paid agricultural jobs, explained: "We do not have time to take care of each other ... we do not have even time to talk to each other anymore."

This breakdown of social capital is, we believe, a sign of extreme vulnerability. The loss of this kind of capital severely undermines refugees' capacity to recover from catastrophic events. It can also increase the likelihood of refugees resorting to negative coping mechanisms such as begging, prostitution or returning under unsafe conditions. The degree to which a household is vulnerable is therefore both a symptom and a cause of the breakdown of social capital, and this loss could therefore be considered as an important practical indicator of a household's extreme vulnerability. Based on the evidence available, we believe a socially isolated household would need more urgent and/or specific interventions than would a household that is equally poor but has not lost its social capital. Earlier or more targeted intervention could help bring



UNHCR, Andrew McConnell

Workers, who are mostly Syrian refugee children and teenagers, work in the vineyards in the Beka'a valley, Lebanon, from 7am until 1pm; many also work a second shift in the afternoon. One 13-year-old girl, the youngest of seven children in her family, said: "I haven't been to school for two months. It is high season for work and I have to work double shifts. We need the money to survive."

affected households back to the point where they would be able to rebuild and maintain both bonding and bridging social capital.

### Including social capital in aid interventions

We have come across sporadic attempts by United Nations (UN) agencies and international non-governmental organisations (INGOs) to capture and use household social capital in their assessments – looking at indicators such as homogeneity of refugee communities, or density of social networks. But the use of social capital could be much broader, if sufficient efforts were invested in understanding how it works and operationalising it further.

Although including social capital would be out of place in the initial stages of response, we believe it is an important dimension of protracted displacement and may warrant inclusion in assessments, targeting and programming. We believe it would be important for large actors such as UN agencies and WFP to try to design and pilot effective ways of capturing this dimension in the key needs and vulnerability assessments. We would also encourage INGOs to try to capture and include social capital in specific sectoral and project needs assessments, and use those findings to tailor interventions and/or prioritise households with little social capital.

In situations where social capital is almost depleted, we would advise agencies to ensure that assistance is made available until households build up sufficient capacity to resume normal social interactions, and replenish their social capital to the point where it can be converted into sufficient in-group support. We believe it would also be worthwhile to develop and pilot intervention strategies that build on existing in-group social capital in order to ensure the resilience of a wider

social network of refugee households. These strategies could explore interventions such as community-based pooling of funds and community-based savings, loans and micro-credit schemes. At a minimum, the do-no-harm principle should be applied to ensure that interventions that separate closely knit communities or extended families, or separate refugees from their existing bridging contacts, are avoided. Finally, agencies must be helped to understand and quantify social capital so that it can be measured cost-effectively. We hope that our findings resonate with aid agencies' experiences and help make a case for additional research and pilot programming in this area.

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1. The research was conducted in the second half of 2017.

## From vulnerability to resilience: improving humanitarian response

Emma Pearce and Boram Lee

**Lessons from responses to the Syrian displacement crisis can inform broader discussions on how to build responses that better address vulnerability, support resilience and include displaced women, children and young people in all their diversity.**

Recent international frameworks all reference the importance of strengthening resilience, both at the global level and the individual. Resilience efforts should target not only regions, countries and systems but also individuals and groups, including women, girls and minority groups. Stakeholders engaged in the World Humanitarian Summit process widely endorsed a 'new way of working' that both addresses need and reduces risk and vulnerability. These efforts all reflect the 2030 Agenda for Sustainable Development pledge to leave no one behind.

The regional response to the Syrian humanitarian crisis has both challenged and advanced how the humanitarian community understands this 'new way of working' and its implications for humanitarian practice. In light of reductions in funding and the transition into a protracted displacement situation, humanitarian programming in the Syrian context now increasingly targets assistance toward those considered the most vulnerable and to integrating resilience-based approaches. The formation of a Sub-Regional Response Facility in 2013 (mandated to work with humanitarian, development and government stakeholders on the sustainability of responses) and subsequent regional and national Refugee and Resilience Response Plans (3RPs) marked an important shift, strengthening alignment between humanitarian and development planning and priorities, enhancing the role of host governments, and bringing new partners to work with refugee populations.<sup>1</sup> These plans include explicit commitments to target 'the most vulnerable' for resilience building.<sup>2</sup>

Vulnerability and need have typically driven the design and implementation of humanitarian programmes. Specific groups

are defined as vulnerable, and criteria are established to target and prioritise the 'most vulnerable', with little attention paid to their skills and capacities. Vulnerability and resilience, however, can be seen as a continuum. At the vulnerability end of the spectrum, assessments and interventions address immediate material- or protection-related needs; at the resilience end, they look at positive coping strategies or capacities. Vulnerability and resilience factors can change over time and according to opportunities or interventions, and are affected by contexts. Hence, resilience-based approaches should support individuals, households and communities to move along this spectrum by strengthening their assets and skills and their capacity to cope with, adapt to and recover from the stresses and shocks they experience.

### **Vulnerability-based approach: gaps and promising practices**

United Nations (UN) agencies, host governments and non-governmental organisations (NGOs) responding to the Syrian displacement crisis have worked together to establish more nuanced vulnerability criteria for the purposes of targeting assistance, particularly within cash-based interventions. However, assessments and analyses often fail to efficiently and effectively identify and prioritise households with individuals who have compounding vulnerabilities, such as new disabilities which can require additional health care, and adolescent girls who may be increasingly assuming care-giving roles. This idea of compounding vulnerability is also relevant to households with women, children and young people, where vulnerability

to wider protection concerns such as abuse, exploitation or violence may be exacerbated by economic vulnerability.

For example, the Multipurpose Cash Assistance Programme in Lebanon, implemented by six international NGOs who comprise the Lebanon Cash Consortium, determines beneficiary households by calculating their per capita monthly expenditure in relation to a range of variables. One such variable, the 'disability-adjusted dependency ratio', considers all persons with disabilities as 'dependent' and categorises them as affecting a household's vulnerability to the same degree, regardless of their gender, age, needs, skills and capacities. A 2015 impact evaluation of the programme highlighted examples of female-headed households and households with children with disabilities who were not prioritised for assistance because vulnerability assessments failed to fully recognise care-giving responsibilities, lack of income generation opportunities and even added medical costs.<sup>3</sup> More recently, the Vulnerability Assessment Framework in Jordan was updated to include additional guidance and functional questions relating to disability.<sup>4</sup> Valuable lessons on how to reflect intersecting vulnerabilities in such assessments may well emerge after further roll-out and analysis of the Framework.

Targeted protection assessments of population groups, meanwhile, do better in identifying protection risks and apply some analysis of the intersections of age, gender and disability. For example, the inter-agency standard operating procedures for gender-based violence and child protection in Jordan demonstrate a more comprehensive integration of inclusion and participation of persons with disabilities, recognising gender and specific age groups.<sup>5</sup>

### **Resilience-based approach: gaps and promising practices**

Multi-sector vulnerability assessments used in the Syrian displacement crisis response often fail to integrate positive coping or resiliency traits in analysing need. The Vulnerability Assessment Framework in Jordan recognises 'coping strategies' but only

as additional indicators of vulnerability, with a focus on extreme or unsustainable coping mechanisms (including begging, being in informal or dangerous employment, and depletion of resources, savings or assets).<sup>6</sup> Positive coping strategies that support resilience, such as tapping into support networks, are generally not identified or not considered in these assessments.

Community-based protection efforts remain at the centre of the protection and humanitarian components of the 3RPs for 2017-18. Such approaches assess the resources, skills and experiences available in a community, and strengthen positive community-led solutions to protection concerns. Refugee and host communities, however, are diverse and the varying status and power of community members often exclude and marginalise certain individuals and groups. Humanitarian actors still rarely explore the self-protection capacities, positive coping strategies or the assets of women, children, people with disabilities and other groups perceived to be vulnerable. As a result, these populations are often relegated to the vulnerability end of the spectrum and seen as beneficiaries of aid rather than as partners for capacity development and resilience building.

At an individual level, using strengths- and assets-based approaches in programming can strengthen the resilience of women, children and young people, including those with disabilities. Adolescent and youth programmes in Iraq and Lebanon run by partner organisations, which have engaged girls and boys with disabilities, focus on building: personal assets through training in vocational skills, communication and literacy; social assets through strengthening social support networks, participation in sport, and mentorship; and physical assets through the establishment of safe spaces. Participants describe acquiring new skills and expanded protective peer networks of friends, facilitators and mentors.<sup>7</sup>

As a target group, girls and boys with disabilities are seen almost exclusively from a vulnerability-based perspective yet these pilot projects suggest that resilience traits such as skills, capacities and protection strategies



can be identified on the same continuum that incorporates vulnerability. These traits not only mitigate risks but also support an individual to move along the spectrum towards a more positive, sustainable outcome.

### Next steps

Humanitarian responses rarely identify and leverage the positive coping strategies and capacities of women, children and young people, and certainly fall short of engaging diverse individuals within these groups in resilience-based approaches. Humanitarian actors need further guidance to identify the factors that enable access, participation and empowerment, and on how those factors can be strengthened and supported through humanitarian programming. We can also draw on the resources and experience of the development sector, adapting and piloting operational guidance, documenting outcomes and sharing learning on gender, resilience and social inclusion in humanitarian contexts, in turn realising the shared goal of leaving no one behind.

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## Syrian refugees: thinking beyond gender stereotypes

Michelle Lokot

**The dominant gender narratives among NGOs responding to Syrian refugees, and their subsequent interventions, are based on sometimes simplistic understandings of the 'traditional' Syrian household and power dynamics.**

According to the narratives of many non-governmental organisations (NGOs), the displacement of Syrians is widely held to have disrupted 'traditional' family life. Large numbers of households are said now, for the first time, to be headed by women, and these female-headed households are considered as a new sub-category of the 'vulnerable'. This narrative fails to recognise, however, that women may have been heads of households before their displacement.

Historically, for many Syrian households, obtaining seasonal work in Gulf states was an important way of sustaining economic stability. We cannot therefore assume that all displaced Syrian women are suddenly

seeing seismic shifts in their household duties and roles due to displacement. Certainly, there is a difference between caring for the family alone for defined periods compared to indefinitely in some cases, and there are challenges associated with fulfilling these roles in an unfamiliar setting, or dealing with the death of a husband. Nonetheless, it is not as simple a case as displacement being the trigger that leads to family life and traditional gender relations being disrupted; some disruptions were already in process. As such, Syrians may already possess some of the coping strategies and abilities to adjust to different household structures.

In analysing the gender roles of Syrian refugees the term 'traditional' is inevitably used to refer to women who never worked, had little education and were primarily responsible for caring for their husbands and children. NGOs then tend to focus on deviations from the 'traditional' that refugees have experienced in displacement. This analysis lacks contextual analysis that would explain, for example, how class or the type of urban or rural environment in which they lived may have determined their experience. The label of 'traditional' is used indiscriminately and Syrian women are amorphously grouped as a homogenous collective whose life experiences are similar, and who therefore all need 'empowering' or their 'awareness' increased. In contrast, comments by some of the respondents I interviewed in my research<sup>1</sup> among Syrian refugees in Jordan, both men and women, rather debunk such views on the status of women and their access to education and work. One young man told how his mother's work outside the home – as a nurse in Syria – had made it possible for their family to pay for their house and car. One woman spoke of running her own medical practice and working in a government hospital in Syria, contrasting it with how she now has to stay at home all day with her children. The tone in which she described her frustration echoed how refugee men talk about their desire to work, yet this narrative – about women feeling a loss of purpose due to lack of work – is often missing from NGO analysis.

### Looking beyond husband-wife relations

There is a tendency among NGOs to analyse gender solely through the lens of the husband-wife relationship. Interventions look to raise the awareness of the husband – who is seen as being prone to violence – in order to avoid any potential mistreatment of his family members, and to raise the wife's awareness of her rights in order to enable her to play a more assertive role within the family. Together, they are seen as the main decision-makers within a family unit, and as shaping the lives of their daughters in particular, often in negative ways, by

marrying them early, removing them from school and treating them as lesser than their brothers. The consequence of these narratives is NGO interventions that are focused on changing attitudes, providing services for female survivors of violence, engaging with girls to help them assert their views and, occasionally, working with women to help them negotiate with their husbands. These are all positive interventions that can and do help individuals but analysing gender based only on the husband-wife dynamic misses other complex power struggles within the family.

My research findings suggest that NGO interventions should also consider the role of sons. The experiences of Syrian refugees in Jordan demonstrate how (both before and during displacement) the role of a young man is critical to understanding power in Arab families. Syrian women respondents talked about how their teenage sons are asserting power over their sisters, urging them to dress more conservatively and to be wholly responsible for household chores that were previously shared with male siblings. Significantly, this is not necessarily only because they are living in Jordan. Women, for example, explained that in Syria their brothers made the decisions about when sisters would stop attending school and/or were involved in their marriage negotiations. In some cases, both in Syria and now in Jordan, brothers are involved in resolving disputes between a sister and her husband. In each of these examples, the son seems to have taken over from the older male patriarch. Many respondents said that they privately disagreed with the decisions of their sons but they did not stop them. These examples suggest that shifts in power occur in families over time as young men mature.

Limiting analysis to male-female dynamics may also neglect power struggles between older and younger women. Syrian refugee women spoke of relationships with their mothers-in-law in often very negative terms, including accounts of verbal and physical abuse. Some described their husbands as being passive in the face of the often overt actions of these mothers-in-law, explaining that these men respected

and loved their mothers and did not want to cause problems. These interactions have somehow not been framed as ‘gendered’ by NGOs although they are about unequal power and reflect the actions of women within a patriarchal system. An NGO worker interviewed as part of this research thought that the focus on interactions between women and men was because NGOs believe “women are peaceful, men are violent”. This “easy narrative”, she suggested, has resulted in us being unable to understand how women negotiate power throughout their lives. In emphasising the need to address issues like gender-based violence, especially during displacement, many NGOs have unintentionally perpetuated the idea of women as always weak and always vulnerable – generalisations that can be problematic when we consider the often complex power relations, which can include violence, that women themselves engage in.

There is a need for more comprehensive, historicised gender analysis to inform NGO interventions. While recognising the pressure to implement programmes quickly and report to donors, NGOs must do the necessary groundwork in order to thoroughly understand the realities of gender norms for refugee communities. Analysing power in more complex ways may offer new opportunities for engaging with strategic actors like sons or mothers-in-law. NGOs should invest in robust qualitative research on gender that draws on people’s lived experiences, and takes into account how Syrians lived before the war.

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1. This research took place in Jordan from September 2016 to May 2017 among Syrian women and men living outside camps in the areas of Zarqa, Amman and Irbid. The research was funded in part by the Lionel Murphy Foundation.

## How migration to Europe affects those left behind

Megan Passey

**Families are frequently separated as a result of migration and displacement from the Middle East to Europe, yet humanitarian aid is often difficult to access and insufficient to meet the needs of those left behind.**

Family members play an important role in the decision to leave home, including those who do not intend to travel. Decisions about leaving are usually discussed over several months, with the well-being of all family members considered, yet the extent of planning and preparation for those who stay – be it temporarily or indefinitely – can vary significantly. Research conducted in 2017 by REACH and the Mixed Migration Platform into the impact of family separation as a result of migration from Syria, Iraq and Afghanistan<sup>1</sup> indicated that, despite a relatively high awareness of European Union (EU) migration policies, all participants had underestimated the time needed to reach their planned destination and for their asylum claim to be processed. As a result, preparation and planning for those

left behind was limited, often with negative consequences for those still at home.

### Changes in vulnerability

Those left behind can be both positively and negatively affected. Since family members may face different levels of risk depending on their age, gender, occupation and political affiliation, the departure of just one individual can sometimes have positive implications for rest of the family. This was especially common for the families of young men approaching the age of military recruitment but was also relevant in other cases where one family member faced a specific risk. “My wife was feeling very unsafe [as a Christian woman] because of the presence of ISIS,” explained one Iraqi man, whose wife travelled to Germany to join their

daughters. "Now I feel safer because she is safe." In other cases, however, migration could lead to multiple challenges, preventing those left behind from accessing basic rights and meeting their everyday needs.

Restricted access to livelihoods or reduced household income was the most commonly reported change, particularly if the person who left was the main earner. In order to cope, people left behind sold assets, such as cars and furniture; moved to lower-quality accommodation; reduced expenditure on essentials such as winter heating; took on illegal work; and removed children from school so that they could work instead. Several of these strategies placed families at risk of apprehension by authorities, jeopardised their access to protection and services, and increased their vulnerability in the longer term.

Access to basic services, such as healthcare and education, could often be more challenging for those left behind. Simply physically reaching services was sometimes harder than before due to a lack of funds to pay for transport, while the lack of a male chaperone could also be problematic. Even when access was possible, limited financial resources affected families' ability to pay for consultations, medicine and school books.

The safety and security of those remaining could vary considerably, depending on which member of the family left. The departure of a dependent son or daughter seldom had negative consequences in terms of access to protection; in contrast, women and children generally felt more vulnerable when an adult male left. Several women reported struggling to reach the local market or accompany older children to school because there was nobody else to care for infants. In other cases, women deliberately limited their movements outside the house because of fear of harassment.

Roles and responsibilities within the family often changed. As before, changes were most marked when the main earner or head of family was the one to leave, generally leaving women or older sons to assume the role of head of household. Greater reliance on extended family networks was

also common, although this came at the expense of a shifting balance of power. "I used to have more control of my life and my children's lives before we moved," explained one Syrian woman, who moved in with her brother-in-law after her husband left.

The psychological effects of family separation on health also emerged as a common theme. Many families spoke about the pain of separation, and their fear for the safety of those who had left. In several cases, this had contributed to depression or exacerbated existing medical conditions.

Humanitarian assistance for family members left behind was often difficult to access and insufficient to meet needs. Following the departure of a male head of family, female-headed households faced particular difficulties in re-registering to receive aid in their own names, in one case leading to a twelve-month delay. Once registered, families were generally entitled to lower levels of assistance than before, since their family size had decreased, even though their needs were sometimes greater.

### What exacerbates vulnerability?

A little over half of the families interviewed had made no contingency plans at all, reducing their ability to cope after separation. Those least likely to make contingency plans were families who imagined only a temporary separation, and whose preparations, made on the assumption that reunification would be possible in a matter of months rather than years, proved insufficient. Although families who envisaged a longer-term separation were more likely to take steps to protect those who stayed, these measures could also fall short, especially if they were hoping to rely on remittances from Europe to repay debts associated with migration. Of those Syrian and Iraqi families who had hoped to receive remittances, over half had received nothing at all.

The situation of families left behind can deteriorate very quickly. The short-term nature of contingency planning meant that many families were forced to turn to other solutions within a matter of months. Coping strategies such as

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dropping out of school in order to work were typically employed shortly after a family member's departure, highlighting the importance of early identification and intervention if recourse to such hard-to-reverse strategies is to be prevented.

The single most important strategy observed to protect those left behind was for the household's main earner to stay behind. This enabled families to maintain access to a monthly income, allowing them to continue more or less as before. In contrast, families comprising a woman on her own with young children were typically the most vulnerable. These families were the most likely to report a range of protection concerns, suffer from reduced incomes and describe difficulties accessing civil documentation and aid.

Limited access to humanitarian assistance can further exacerbate difficulties. Our research found that families were most likely to require humanitarian assistance shortly after a family member's departure. Paradoxically, this was when aid was most difficult to access due to a lack of knowledge about the need to re-register, challenges navigating the system, and delays while requests were processed.

### Implications for aid providers and policymakers

Humanitarian responders could better respond to changing vulnerability following migration in several ways:

- speed up re-registration processes to avoid gaps in access to aid
- incorporate 'contingency planning' into vulnerability and targeting criteria, allowing those vulnerable as a result of migration to be identified and assisted more easily
- provide targeted livelihoods support for families who lose their source of income as a result of migration, together with practical skills training for those managing family finances for the first time
- mobilise trusted channels to share accurate information about migration (including safe legal alternatives) to enable



UNHCR/Tanya Habjouqa

A Syrian refugee is showing her son text messages from his father who left months before for Europe, leaving his 15-year-old son as the only breadwinner at home. The children send photos and their father responds with advice for studies – and lullabies for the youngest.

individuals to make informed decisions and prepare adequately for the time it takes to reunite

- facilitate access to support, including peer-to-peer counselling, to help families deal with the psychosocial strain of separation.

It is important to recognise, however, that recourse to irregular migration is a coping strategy in itself. For many of the families interviewed, irregular migration was a last resort, only considered after attempts to use safe and legal pathways had failed. Although fewer than half had plans to reunify once in Europe, all had been affected by restrictive policies and slow asylum processing. For those hoping to reunite, prolonged family separation places lives on hold, adds to psychological distress and erodes families' ability to cope. Current EU and member state policies mean that safe and legal alternatives to irregular migration are too often inaccessible, while the slow and uneven implementation of existing policies often exacerbates challenges for those at home, as well as those on the move.

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1. REACH/MMP (2017) *Separated Families: who stays, who goes and why?* <http://bit.ly/REACH-MMP-separated-families>

## Peace education and psychosocial support for social cohesion

Ruth Simpson

**Evidence from psychosocial support-based peace education work with young displaced Syrians shows that addressing trauma is critical in overcoming psychological barriers to social cohesion.**

Conflict has extensive psychological impacts on children and young people, and anxiety among young refugees is widespread. Refugees may suffer from various emotional, cognitive, physical, behavioural and social problems, as well as from the impacts of negative coping mechanisms. Withdrawal as a form of psychological safeguarding is regularly reported, while the traumatic experiences of war are further exacerbated by the “daily stressors of displacement, poverty, lack of resources and services to meet basic needs, risks of violence and exploitation, discrimination and social isolation”.<sup>1</sup> Many young Syrians have little hope for the future, and feel themselves to be in a state of limbo between a Syria they cannot return to and a host country where they cannot integrate.

In protracted conflicts, the social networks and social systems which provide support and regulate well-being often disintegrate; the resulting lack of family and community cohesion, shared identity or supportive relationships can lead to mental health issues and stress disorders, particularly in children and young people. Although there is widespread recognition that humanitarian responses should include mental health and psychosocial support services, the role of trauma in social cohesion processes is often overlooked. As a result, programmes do not consistently address the psychological needs that have an impact on how people relate to each other.

Up to now, the major focus of such programming has been on addressing tensions between communities over jobs and services, or on establishing mechanisms for interaction, without much thought given to addressing the trauma that limits chances for social cohesion in the first place.

This often limits programme effectiveness. For example, practitioners working with refugees in Tripoli in Lebanon have experienced challenges in implementing cash-for-work, vocational training and social entrepreneurship programmes with young Syrians and Lebanese because of heightened tensions related to sporadic clashes between communities in Tripoli, and recurrent interpersonal and social issues – including social and workplace tensions, bullying, stress and anxiety – that lead to participants dropping out of the programme or unable to hold down steady work.<sup>2</sup>

### Providing the tools

Trauma-sensitive approaches, however, can have a positive impact on social cohesion between refugees. Peace education projects led by International Alert’s local partners in Syria, Lebanon and Turkey involved training educators and support workers to deliver regular sessions in schools and community centres to promote peaceful interaction, and to provide outreach, mentoring and referral services for children and young people.<sup>3</sup> Although the projects were adapted to the specific needs of local contexts, they all aimed to address barriers to social cohesion and restore social networks by building respect for diversity, promoting agency and providing avenues for action which benefited the wider community.<sup>4</sup> Primarily, the partner agencies created safe spaces to allow children to develop a sense of physical and psychological safety and supported young people to deal with traumatic memories.

The approaches were assessed before and after the intervention through Knowledge, Attitudes and Practice (KAP) surveys, in addition to qualitative interviews and

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focus group discussions. The survey data consistently demonstrated that children and young people had increased their knowledge and skills in peace, tolerance and other life-skills areas, across the different locations and approaches. The most significant improvements attributable to the programme were in understanding how tensions can be eased by dialogue and listening to others, in self-expression and discussing problems, and in openness to diversity – all attitudes which are conducive to social cohesion.

Young people were being equipped with the tools to manage and express their anger in a non-violent way, and facilitators observed reduced bullying and increased cooperation and play, including between girls and boys. In the words of one facilitator: “We give them tools to express themselves in the community rather than using weapons to express anger at their losses.” Interviews and focus group discussions with parents and communities corroborated the data, with participants stating that the desire for revenge and aggressive behaviour that many young people had exhibited before the start of the programme had decreased. Although it is important to monitor these changes over the longer term in order to assess long-term impact, these initial results show that programmes focusing on addressing social cohesion between refugees through psychosocial support can have a positive impact.

### Limitations

There are four main factors that influence – and may limit – the potential of these psychosocial support-based approaches to have a lasting impact. Firstly, the need for longer-term social cohesion or peacebuilding approaches can be eclipsed by emergency humanitarian and psychosocial needs. Secondly, there are very real physical barriers to interaction between host and refugee communities – for example, roadblocks or separate schooling – that reduce opportunities for social cohesion. Thirdly, the impact of psychological-based approaches will be limited where there is a lack of complementary support to enable access to education, employment, health, cultural and other services. Finally, the lack

of qualified staff and high staff turnover rates due to short-term funding and gaps between projects compound these problems.

Receptiveness of the host community also has significant influence on social cohesion. It can be challenging to engage the host population in mixed group activities, especially where there is little trust and high levels of fear. For example, practitioners in Lebanon have consistently found it challenging to engage host communities in joint psychosocial support activities with refugees due to the stigma and mistrust between communities. In order to overcome this, psychosocial interventions need to be part of a holistic, tailored package of support which benefits both refugee and host communities. This could include interventions that bring children and young people from the host community to shared safe spaces and engage them in activities that challenge existing stereotypes and build trust.

### Conclusion

Psychosocial support-based peace education approaches can help individuals to heal, regain a sense of self and positive identity, and lay the foundations for building supportive social networks across communities, which are all integral to building social cohesion. Without consistently addressing trauma, social cohesion programmes are likely to have limited sustainability and potentially risk doing harm. Rather than being seen as a separate albeit complementary programming focus, addressing the impact of trauma should be a building block for all social cohesion efforts when working with communities affected by conflict and displacement.

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1. UNHCR (2015) *Culture, Context and the Mental Health and Psychosocial Wellbeing of Syrians A Review for Mental Health and Psychosocial Support Staff Working with Syrians Affected by Armed Conflict* [www.unhcr.org/55f6b90f9.pdf](http://www.unhcr.org/55f6b90f9.pdf)

2. Skype interview with Syrian psychologist, March 2017

3. Working with 7,000 young Syrians aged 6-18 and youth aged 18+ inside Syria and living as refugees in Lebanon and Turkey.

4. For more information, and a full evaluation, see International Alert (2016) *Teaching peace, building resilience: Assessing the impact of peace education for young Syrians* <http://bit.ly/IA-2016-peace>

## Private sector engagement in refugee education

Zeena Zakharia and Francine Menashy

**The involvement of the private sector in providing education for Syrian refugees has much to commend it but greater consideration needs to be paid to the ethical and practical concerns that may arise.**

Private sector engagement in education has become increasingly appealing to a growing portion of the international community. In the Syrian context, with public education systems in the Middle East struggling to provide for growing refugee populations, high-profile businesses such as Goldman Sachs, Google, Hewlett-Packard, LinkedIn, McKinsey & Company, Microsoft and Pearson Education have made funding commitments, proposed new initiatives and developed partnership arrangements to advance the cause of educating Syrian refugee children.

On the surface, the mobilisation of these and other private sector actors appears commendable. Prominent actors are voicing their concern for refugee education, and businesses may be able to help address crucial educational gaps. Critics, however, argue that the involvement of the private sector can weaken public education systems, undermine state responsibility and even, in contexts of crisis, be seen as exploitation.<sup>1</sup>

In pre-war Syria, 94% of children were enrolled in primary and lower secondary education. In August 2016, enrolment figures for Syrian refugee children in formal and non-formal education were estimated at a total of 52% of registered school-age children (aged 5-17) across the region of Jordan, Lebanon, Turkey, Iraq and Egypt.<sup>2</sup> Regionally, it is estimated that 739,000 registered Syrian refugee school-age children and adolescents are not enrolled in any type of educational programme.

Based on data collected in the second half of 2016, we identified 144 non-state organisations engaged in Syrian refugee education in Lebanon, Jordan and Turkey, of which 32% were businesses and 10% were foundations. Of these, 77% were headquartered in the Global North (that is,

in high-income countries) and 62% did not have education as part of their mandate. Interviews with private sector actors and their partners, including representatives from businesses, corporate foundations, UN agencies, local and international NGOs and bilateral donor agencies, indicate some major areas for concern.

### **Mass proliferation and limited coordination:**

The surge in private participation in the education of Syrian refugees is very recent, with most actors beginning to engage only since 2015. The rush to involvement was largely seen as problematic because of the lack of coordination and knowledge sharing among actors.

**Dominance of technology:** A dominant form of engagement is through the provision of education-related technology, such as online digital learning platforms, online courses, tablets and handsets, portable WiFi hubs for use in schools and the development of new operating systems. Many actors were very critical of this over-emphasis on technology, seeing it as contextually and logistically inappropriate and pedagogically problematic, particularly where it was formulated as an alternative to teachers.

### **Support for private/non-formal schooling:**

Many business actors work collaboratively with governments and ministries of education but many others do not, instead bypassing the public sector and establishing privately run schools. Critics argue that such schools foster a lack of accountability, often hire non-unionised and poorly trained teachers, and lack an exit strategy, potentially leaving students stranded when profits and other forms of returns are no longer considered sufficient and schools have to close.



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**Ethics of motivation:** There are also ethical tensions between humanitarian and profit motivations. While some private actors express humanitarian aims, for others creating markets, increasing visibility and developing brand loyalty are central motivations.

We found that, despite serious concerns about their motivations, businesses and foundations have a potentially important role to play in supporting the education of Syrian refugees. Given the scale of the impact of the Syrian crisis, it would seem that a reliance solely on traditional public sector engagement in education is both limiting and unrealistic. Furthermore, several corporate actors – both businesses and philanthropic foundations – have made significant strides in meeting educational needs, including by providing financial support to local and international NGOs working in this field.

However, our study also sheds light on the limitations of the private sector in understanding and working within rapidly evolving humanitarian contexts. The global education community needs to ask how to harness the expertise and funds of the private sector in a coordinated and ethical way that is mindful of the state's responsibility to be the primary provider and regulator of quality education.

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1. Research undertaken 2016-17, funded by Education International. See Menashy F and Zakharia Z (2017) *Investing in the crisis: Private participation in the education of Syrian refugees* <http://bit.ly/Menashy-Zakharia-2017>

2. UNHCR (2016) *3RP Regional Refugee and Resilience Plan 2017-2018 in response to the Syria crisis: Regional strategic overview* <http://reporting.unhcr.org/node/16434>

## Caring for male and LGBTI sexual violence survivors: learning from local organisations

Sarah Chynoweth

**Local organisations responding to the Syrian humanitarian crisis are at the forefront of providing care for both male and LGBTI survivors of sexual violence.**

Awareness of the vulnerabilities of boys and men and of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals to sexual violence has increased among humanitarian actors responding to the Syrian humanitarian crisis. Sensitised, targeted services, however, remain scarce. While services for boy survivors do exist, international humanitarian personnel often say that they do not know how to assist either adult male or LGBTI persons who have suffered sexual violence. These concerns are understandable, given the potential for harm in poorly designed interventions and that evidence-based guidance on how to develop effective interventions for these populations is limited. Replicating models designed for women and girls or simply rebranding gender-based

violence (GBV) services as 'gender-neutral' is ineffective and may be harmful.

### Learning from local organisations

A number of local and community-based organisations across Iraq, Jordan and Lebanon are spearheading the provision of critical services for these two groups of survivors. They are often local women's, LGBTI or human rights organisations that have been confronted by the needs of 'untraditional' survivors (those not usually identified) and have then adapted their programming. In the Kurdistan Region of Iraq (KRI), for example, Rasan Organization, a local women's rights organisation, began engaging with men around issues of gender equality. LGBTI Syrians who had suffered sexual violence started coming forward

to seek services, and the organisation expanded and tailored its programming to include them. Another group in KRI, the Women's Rehabilitation Organization, which provides GBV services to women and girls, began encountering a number of men and boys who had suffered sexual violence in Syria and in refugee camps, and so adapted and extended its programming to them.

Key to the success of these organisations in meeting the needs of both male and LGBTI survivors is their close collaboration with affected communities and their decision to provide targeted, complementary services. They recognised that both male and LGBTI survivors require specialised and differentiated care, and that people from both groups can feel uncomfortable accessing care through female-oriented service points. The organisations also identified areas of overlap with traditional GBV interventions, such as community awareness raising around sexual violence, into which addressing male and LGBTI survivors could be appropriately integrated. They worked to tackle the many barriers to accessing care that male and LGBTI survivors share, such as negative attitudes from care providers, destructive socio-cultural norms and lack of awareness of available services.

For example, the Institute for Family Health in Jordan only discovered that a number of men in Za'atari refugee camp had experienced sexual violence in Syria when women began coming forward to ask for services for their husbands. Their response was to: ensure providers were trained in the clinical management of male rape survivors; integrate awareness raising on sexual violence services for men and boys into their mobile medical team; engage community and religious leaders to raise awareness about sexual violence, including against males; establish men-only support activities, facilitated by male counsellors; and conduct outreach to refugee men and boys to engage them in group activities.

### Forming networks for more effective response

No single organisation can meet all the needs of either male or LGBTI survivors,

and a referral system is necessary for effective responses. In Beirut, local agencies have established a small yet impressive network of trained providers offering case management and support services to both male and LGBTI survivors, including refugees.

Agencies involved include MOSAIC, an LGBTI organisation, which developed guidance on the provision of clinical management of rape for male survivors and trained more than 30 local doctors to be able to provide this. Marsa Sexual Health Center has skilled health providers and therapists supporting straight and LGBTI adolescent boys and girls and adult men and women survivors. The Makhzoumi Foundation provides sensitised clinical management of rape and financial assistance to both male and LGBTI survivors. And Centre Nassim for the Rehabilitation of Victims of Torture and the Restart Center for the Rehabilitation of Victims of Violence and Torture provide mental health services for male survivors of sexual torture. However, the network is small and these agencies do not have the ability to meet the needs of all male and LGBTI refugee survivors who require care.

As with other areas that were once deemed too challenging or too specialised and which are now core components of humanitarian response (such as child protection and GBV), sexual violence against both male and LGBTI persons can also be addressed in crisis response – without compromising targeted services for women and girls. International humanitarian actors can learn from, support and build on the work of existing local organisations in order to provide accessible, good-quality care for all survivors of sexual violence.

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1. This article draws on the 2017 report "We Keep It in Our Heart": Sexual Violence Against Men and Boys in the Syria Crisis, commissioned by UNHCR and written by the author. [www.refworld.org/docid/5a128e814](http://www.refworld.org/docid/5a128e814)

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## Child marriage in Jordan: breaking the cycle

Georgia Swan

**In seeking to combat the growing phenomenon of child marriage among Syrian refugees, it is vital to engage the whole range of actors involved, and to recognise that girls and boys have the capacity to address this issue in their own communities.**

The protracted displacement caused by the Syrian conflict has exacerbated pre-existing drivers of child marriage. The practice of child marriage is rooted in gender inequality; however, high levels of poverty and lack of opportunities for girls also contribute to the practice, and displaced Syrian families are increasingly resorting to child marriage to cope with economic and social pressures. Yet child marriage is far from safe.

Both boys and girls who are married as children are vulnerable to dropping out of school early, while girls are at risk of early pregnancy and a range of serious reproductive health concerns.<sup>1</sup> Young girls married to older men are often socially isolated and disempowered, heavily dependent on their husbands to secure their rights. High levels of trauma facing the Syrian refugee community have also increased the risk that child spouses may end up in abusive or exploitative situations. This is reflected in the Jordanian Higher Population Council's report that 60% of recorded female victims of violence have been subject to forced and child marriage.<sup>2</sup> Since they have limited, if any, educational and economic opportunities, married underage girls have been identified as the group with the lowest participation in the Jordanian economy and are thus more likely to live in poverty.



UNHCR/Annie Sakkeab

A 15-year-old Syrian refugee girl in Za'atari camp runs painting and acting classes to educate young girls and parents about underage marriage. "I started hearing about girls as young as 12 or 13 getting married. They would come to the school to say goodbye. I remember thinking they were making a big mistake, even before I knew the facts."

In the Jordanian context, what constitutes child marriage is a complex question.

According to the Jordanian Personal Status Law, the legal age of marriage is 18, with marriage involving minors aged between 15 and 17 years of age only permitted by sharia courts in circumstances deemed to be in the 'best interest of the child'.<sup>3</sup> In practice, however, these marriages are frequently approved. In July 2017, nine new restrictions were added to the Personal Status Law in order to limit the discretionary power of sharia court judges to approve a marriage involving a child. While some have criticised the amendment for failing to completely outlaw child marriage, it is hoped that this will lead to a decrease in legally sanctioned child marriages.

Girls and boys who are married unofficially by local sheikhs find themselves in an extremely vulnerable situation, without documentation and liable for a fine of 1,000 Jordanian dinars (US\$1,410). Without proof of the marriage of parents, births cannot be registered, with potentially serious future child protection implications. In the four years since she was married at the age of 14, one young woman we interviewed, Layla, has given birth to three children; her second child died at two months old with neither the birth nor the death registered, while the births of her first- and third-born children have also not been registered.

Yet many men and women in the Syrian community continue to advocate for the practice of child marriage. A 40-year-old Syrian woman justifies her decision to marry her daughter at the age of 14: "The men in our community want to get married between 18 and 21 years old. And the men will always want a younger bride. This is the way it works. If you wait too long you will miss out."

Understanding the different manifestations of consent of minors is important to combatting the practice. While many marriages take place overtly against the expressed will of the bride, the notion of will is often blurred. A hidden element of coercion may be involved in otherwise seemingly willing brides who are under great familial, social and economic pressures. Girls may have little exposure to other life options or understanding of their life choices, and thus 'willingly' accept marriage as their fate.

### Recommendations

The International Catholic Migration Commission (ICMC) has been working with refugees in Jordan since 2007 and with Syrian refugees since 2012. Its activities focus on both prevention of and response to child marriage, taking account of the diversity of circumstances in which child marriages take place, the multiple drivers of child marriage, the range of actors involved in decision making, and the potential negative impacts. From its experience of programming come the following recommendations:

#### Change the behaviour of key actors:

Awareness-raising messages about the risks involved in child marriage and the benefits of waiting until children reach legal maturity should be tailored to be appropriate for all key actors – girls and boys, parents and caregivers, sheikhs, community leaders, courts and judicial staff.

**Keep girls and boys in schools:** When girls are enrolled in school, parents are less likely to consider marrying them before the age of 18; early school drop-outs are directly correlated with increased risk of being married.

#### Engage girls and boys as peer-to-peer educators:

It can be too easy for interventions to focus entirely on parents and caregivers and ignore the agency of young people themselves. Awareness-raising sessions and support groups can help to empower young people and also to identify potential leaders and change-makers who can speak to their peers and their community at large on the issue of child marriage.

**Address basic needs:** The provision of non-food items and emergency cash can help eliminate immediate financial need that might encourage early marriage to be used as a negative coping mechanism.

**Increase livelihood opportunities for the whole community:** Enabling skills development that leads to income generation for the refugee population can help mitigate the longer-term economic drivers of child marriage.

Through initiatives that support girls and boys as leaders and enable their voices to be heard in their own communities, young people can positively influence harmful perceptions and practices surrounding child marriage, thereby creating sustainable social change. A young Syrian woman who attended ICMC's awareness-raising sessions captures how this influence from within takes place:

*"My grandmother was married as a child, my mother was married as a child, and I was married as a child. Before attending these sessions, I would have probably also married my daughter as a child. Now I understand that this will harm my daughter, and I want better for her. I will break the cycle."*

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1. While child marriage is a reality for both girls and boys, girls are disproportionately affected. ICMC data indicates that 89% of identified child marriage cases involve girls.
2. Higher Population Council (2017) *Policy Brief – Child Marriage in Jordan* www.share-net-jordan.org/jo/?q=en/node/12144
3. It is worth noting that the legal age of marriage is as low or lower in many other countries. Many countries also provide for multiple exceptions allowing marriages to take place under the age of 18.

## Expanding economic opportunities in protracted displacement

Miki Takahashi, Michael Moroz, Jonathan Peters, Jason Pronyk and Richard Barltrop

**Welcome progress has been made towards realising commitments made by international donors and host country governments to expand economic opportunities for Syrian refugees and host communities in neighbouring countries. However, targets and commitments also bring new challenges, and evidence must underpin new policies.**

By 2017, the countries immediately bordering Syria (Turkey, Lebanon, Jordan and Iraq), in addition to Egypt, were between them hosting around five million Syrian refugees, the majority of whom had been living in exile for four or more years. With little immediate prospect of large-scale returns to Syria, most face an indeterminate future in displacement, while the host countries, in particular Jordan, Lebanon and Turkey, have had to cope with widely varying impacts on housing demand, public services, infrastructure, public budgets, labour markets, local security and overall stability.

International recognition of these host countries' efforts has grown. The guiding strategy for international aid for the region is the Regional Refugee and Resilience Plan ('3RP') – launched in December 2014 and considered an example of best practice<sup>1</sup> – which encourages donors and aid organisations to increase their support for national response plans<sup>2</sup> and for multi-year programmes and projects that build resilience and coping capacity in the hosting countries.

At the Supporting Syria and the Region conference held in London in 2016, international donors pledged more funds than ever before and made the first multi-year commitments for the Syria crisis response. The conference also effectively set a target of creating up to 1.1 million new jobs for refugees and host communities by 2018. Neighbouring host country governments made commitments to open up their labour markets and improve the domestic regulatory environment. And the international community pledged to

support employment creation programmes and access to concessional financing.

These were bold and welcome steps, consolidating the drive to invest in resilience and longer-term development in the region. But targets and commitments are also a challenge and if they are to be met, questions need to be answered. How can up to 1.1 million jobs be created, and exactly where and for whom can this best be done? What policies and frameworks can help achieve the target and really open up labour markets? What other measures have been taken to improve refugee hosting and meet the needs of host communities? And what evidence underpins new policies?

To help answer these questions, in 2016 the International Labour Organization (ILO), the UN Development Programme (UNDP) and the World Food Programme (WFP) organised a joint assessment of the economic opportunity situation in Egypt, Iraq, Jordan, Lebanon, Turkey and Syria.<sup>3</sup> Drawing on insights from 120 interviews with representatives from governments, donors, non-governmental organisations (NGOs), international organisations and the private sector, and analysis of evidence and existing studies, the report allows comparison of those aspects of the crisis response across the region that relate to economic opportunity. Building on this report and its recommendations, UNDP has been carrying out further research and stakeholder policy dialogues in partnership with the Regional Development and Protection Programme (RDPP) to develop specific evidence-based policy options and frameworks for hosting refugees in Iraq, Jordan and Lebanon.<sup>4</sup>

## Recommendations

The report makes recommendations about positive approaches to generating economic opportunities. Each of these approaches has been found to have been successful in at least one country already, and all have characteristics which, to at least some degree, can be replicated in other countries in the region:

**Expand access to markets in the European Union (EU):** The EU's decision to widen access for certain Jordanian exports to the EU market has been seen as the single biggest step in promoting investments that support Syrian and Jordanian employment in the country (although meeting European quality assurance standards has posed difficulties).<sup>5</sup>

**Facilitate Syrian private investment and allow Syrians to start businesses and access industrial infrastructure:** In Egypt and Turkey, the process of encouraging investment by Syrians and allowing Syrians to start businesses has led to significant growth in some economic sectors, with the businesses concerned hiring both national and Syrian workers.

**Expand refugees' access to information:** In Turkey, local authorities and national and international NGOs have cooperated on establishing community centres in refugee-hosting communities, which – among other services – provide information about work opportunities.

**Encourage aid organisations to use direct, local procurement:** UN agencies including UNICEF and the United Nations Relief and Works Agency procure from local businesses and suppliers. Where needed, small producers can be trained in meeting required standards and organising cooperatives to generate economies of scale.

**Provide concessional financing for infrastructure:** In Jordan international donors have provided concessional financing for projects to improve roads, energy, health and water infrastructure, thereby helping the government to meet the need for improvements in these areas.

**Allow Syrians to provide services for other Syrians:** In Turkey the government has long taken a proactive approach to employing skilled professionals from the Syrian refugee population to provide social services to their own communities. By the middle of 2017 more than 13,000 Syrian teachers and 400 Syrian medical professionals had received special permits to provide services to Syrian refugees.

**Include both refugees and host communities as beneficiaries in all projects:** In the Kurdistan Region of Iraq, programmes implemented by both the Ministry of Labour and Social Affairs and NGOs have typically been designed to include host, refugee and displaced populations.

## Challenges

The joint assessment report also highlights five principal challenges which relate to coordination, work permits, vocational training, information, and designing humanitarian assistance to encourage work. These have a direct bearing on the formulation of effective policy and frameworks. In a crisis of such complexity, it is perhaps inevitable to cite coordination as a challenge – but it is no less important to do so. Other challenges are more distinctive, and arise partly because of the middle-income context. For example, the willingness of bilateral and multilateral partners to sustain their investment in economies in the region at the end of the protracted conflict is doubtful, given those countries' middle-income status. As has been shown by the varying approaches pursued in Egypt, Jordan, Iraq and Lebanon, merely creating access to work permits is not enough to expand decent economic opportunities for Syrian refugees; political and economic capital must be expended in other areas relevant to improving work prospects. Improving access to residency permits, for example, may need to take place in tandem with widening access to work permits. More needs to be done to improve the human resources capacity among some potential employers, so that skills development efforts for potential employees are not fruitless.

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Better use of data can also help to better align livelihoods programming with local market needs and the skills of refugees.

Building on the report, UNDP has been working with national authorities and other stakeholders to develop specific evidence-based policies and frameworks for improving the hosting of refugees in Jordan, Lebanon and the Kurdistan Region of Iraq.<sup>6</sup> This work has the potential to have a positive impact on policy, provided that it gains traction with national stakeholders and that political factors, for example, do not obstruct efforts to put recommended policies into practice. Plainly, however, there remains an enormous amount to do if refugees are to be sustainably hosted and if the commitments and targets announced at the London Conference are to be met meaningfully. Two particular challenges come to mind:

First, it is one thing to conduct assessments and formulate recommendations about policy and its implementation, but it is quite another to get firm decisions about policy and have those policies put fully into practice. The chances of the latter happening can be increased – though not guaranteed – through close engagement between relevant national bodies and international organisations offering assistance, and steady support from international donors. Formulating laws, regulations and reforms, and putting them into practice, tends to be

a slow process anywhere, and vulnerable to domestic political dynamics; it requires concerted effort to accelerate the process and ensure the quality of ensuing policies.

Second, more thinking may be needed about what types of jobs national and international actors are trying to create. Considering job growth rates elsewhere in the world, it would have been unrealistic to expect to create 1.1 million sustainable jobs in the refugee-hosting countries in the space of just two to three years. Initiatives generating short-term employment may make the target attainable. But if this path is taken, efforts should be made to couple the creation of short-term employment opportunities with longer-term approaches – such as boosting investment and access to finance.

### Looking ahead

Significant progress has been made in international aid responses to support Syrians both inside Syria and in neighbouring countries.<sup>7</sup> In its shift towards investing in resilience, human capital, jobs and longer-term programmes, such progress may also be instructive in current efforts to develop a global comprehensive refugee response framework. We must, however, remain alert to the risks of future setbacks, deteriorations and new crises, which might affect how countries in the region host and treat refugees.

One risk is that the level of concessional financing ultimately delivered by multilateral institutions and donor countries fails to meet the expectations or the needs of the governments of Jordan, Lebanon and Turkey. Encouragingly, so far this looks unlikely to happen. Another risk, more profound, is that economic pressures, political developments or a combination of the two lead to scapegoating of refugees and to countries turning away from hosting.

However, building on the 3RP and the London Conference commitments, there is now a stronger shared vision for humanitarian assistance,



UNHCR/Mohammad Hawari

This Syrian refugee works as a butcher in Amman, Jordan, having been granted a work permit by the government.

resilience and development in the region, and multi-year financing, concessional finance, trade access, economic opportunities and jobs are important elements of that vision.

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1. High-Level Panel on Humanitarian Financing (2016) *Too important to fail – addressing the humanitarian financing gap*, Report to the UN Secretary-General, p8 <http://bit.ly/UN-HumFinancing-2016>
2. Two of these plans have since become multi-year: the *Jordan Response Plan for the Syria Crisis 2017-2019* <http://bit.ly/JordanResponse-2017-19> and the *Lebanon Crisis Response Plan 2017-2020* [www.un.org.lb/lcrp2017-2020](http://www.un.org.lb/lcrp2017-2020)
3. UNDP, ILO and WFP (2017) *Jobs Make the Difference: Expanding Economic Opportunities for Syrian Refugees and Host Communities, Egypt – Iraq – Jordan – Lebanon – Syria – Turkey* [www.jobsmakethedifference.org/full-report](http://www.jobsmakethedifference.org/full-report)
4. The Regional Development and Protection Programme (RDPP) is funded by a consortium of eight European donors to support Lebanon, Jordan and KRI to better understand, plan for and mitigate the impact of forced displacement of Syrian refugees. <http://rdpp-me.org/RDPP/index.php>
5. See article by Lenner and Turner in this issue.
6. UNDP and RDPP (forthcoming 2018) *Development of evidence-based policy options and frameworks for the accommodation of refugees in countries affected by the Syria Crisis*.
7. UNDP (forthcoming 2018) *The Resilience Agenda: a progress report*.

## Learning from the Jordan Compact

Katharina Lenner and Lewis Turner

**Analysis of the implementation of the Jordan Compact offers three key lessons: governmental approval is important but not sufficient, the incorporation of critical voices is crucial, and meeting numeric targets is not the same as achieving underlying goals.**

The formal integration of Syrians into the labour markets of Syria's neighbouring countries was something of a taboo for the first five years of the Syria crisis. Middle Eastern governments steadfastly refused to contemplate it. Nor, typically, did they allow humanitarian actors to undertake livelihoods programming for Syrians. This changed in February 2016, at a donor conference in London, when Jordan, Lebanon and Turkey all publicly committed themselves to improving economic opportunities for Syrian refugees.

Jordan has gone furthest in seeking to make its general commitment a reality. The 'Jordan Compact', announced at the end of the donor conference, envisaged the provision of up to 200,000 work permits for Syrians over the coming years.<sup>1</sup> It has since become a laboratory for livelihoods programming with refugees in protracted displacement.

Just over 80,000 work permits were issued to or renewed by Syrians by January 2018, yet – almost two years in – the initial enthusiasm of humanitarian actors has given way to surprise at the challenges they face in implementing the Compact. The overall count used in official reporting is somewhat misleading – it includes not only renewals but also several thousand permits issued to the same people upon switching jobs, as well as a few hundred temporary (that is, non-annual) permits. The number of work permits valid at any one point in time is considerably lower than the overall figure (estimated at around 35,000-45,000), and there is a widespread perception among humanitarian actors that it will be extremely difficult to reach the 200,000 target by whichever metric. A number of lessons can be drawn from analysing implementation of the Compact.<sup>2</sup>



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### Lesson 1: Governmental approval is necessary – but not enough

Experiences with the Jordan Compact show that while the approval of governmental actors is crucial to shifting policy, effecting real change on the ground requires more than this. Implementing agencies have shown great sensitivity in scoping out what is politically acceptable in the given context, and have built strong cooperative relations with the Jordanian government. However, governmental positions do not necessarily reflect or fully account for the deeper dynamics shaping a state's political economy or labour market. Incorporating the rationales of other stakeholders is equally crucial for the success of any intervention.

This is illustrated by the strong initial focus on recruiting Syrians to work in the garment industry. In negotiations, government representatives emphasised employment in this sector because a) it is labour-intensive and could thus potentially absorb many Syrians, and b) the workforce is predominantly migrant labour, so 'substituting' them with Syrians would mean that Syrians were not 'competing' with Jordanians. This proposed substitution implies a disregard for the rights and circumstances of the existing migrant workforce in Jordan, and attempts to effect it have been unsuccessful to date. In spite of holding job fairs, and offering Syrians information sessions and invitations to visit factories, by the end of 2016 only 30 Syrians, out of a target of 2,000, were being employed in the garment sector.<sup>3</sup> Employers did not consider that their existing workforce, of mostly South Asian migrant workers, would be easily replaced by Syrians since the working conditions – with long hours, low wages, long commutes – and lack of childcare made working in the factories very unappealing to most Syrians. These exploitative working conditions have been imposed on migrant workers in Jordan for many years, as human rights advocates have highlighted.<sup>4</sup>

A new round of recruitment began in the summer of 2017 when work permits were also introduced for camp residents. This time,

with UNHCR, the UN Refugee Agency, and international non-governmental organisations (NGOs) organising transportation and training, and since some of the camp residents' basic living expenses are covered by humanitarian actors, this has proven somewhat more attractive to employers as well as Syrians, thereby pulling more Syrians into this exploitative labour regime. Yet some of the aforementioned factors remain unchanged, which have, to date, prevented the recruitment of Syrians on a substantial scale. This would have been clear in advance if the views and needs of Syrians had been taken into account from the beginning of the scheme, demonstrating that labour market interventions for refugees must account for the perspectives of the populations they target, even when these perspectives run contrary to the government's preferred solutions.

### Lesson 2: The critics are sometimes right

Secondly, critical voices were marginalised during the development and implementation of the Compact. Much of the deepest and most relevant knowledge regarding Jordan's economic circumstances is found among Jordanians affiliated with research centres, NGOs or working as consultants but this expertise was not often called upon, nor was it well integrated into programming. Similarly, foreign experts on Jordan and the region were largely excluded from the design process and their words of warning ignored. Instead, those drafting the Compact pursued a generalised blueprint which failed to take sufficient account of the intricate and specific dynamics of Jordan's political economy and labour market.

The consequences of this have become apparent, as for example in the plans to use Special Economic Zones (SEZs) as an incubator of change. It was expected that stakeholders would be able to encourage investment in SEZs, particularly in manufacturing, and thereby provide employment for Syrians and Jordanians alike. The centrepiece of this was renegotiated terms of trade between the European Union (EU) and Jordan, which

now allow preferential access to European markets for firms based in particular zones and employing Syrian refugees as a minimum proportion of their workforce.

Yet as activists, NGOs and labour market experts have long argued, employers in these zones favour workers whom they see as more productive, and whom they can exploit more easily. Migrant workers living on site, who are separated from their families who live outside Jordan, can be compelled to work longer hours than city-based Syrians with families waiting at home. This has prevented large-scale recruitment of both Jordanian and Syrian workers throughout the manufacturing sector.

Similarly, academics and practitioners have pointed out that SEZs, in Jordan and elsewhere, regularly fail to attract the desired investment or to positively affect the broader economy. Regarding Jordan specifically, country experts have highlighted that SEZs remain unattractive investments for many firms because of relatively high production and transportation costs compared with competitors. They have also stressed that manufacturers working within SEZs are largely oriented towards markets within the region, especially Iraq and Syria. As a result, they have little experience with the import standards required by the EU single market and often lack the ability to meet those standards.

The EU-Jordan trade renegotiations,<sup>5</sup> pushed through in a hurry to demonstrate successful follow-through, did little to tackle such factors. Had the critical expertise on such dynamics been appreciated differently and incorporated from the start, the Jordan Compact might have set off on a very different path.

### **Lesson 3: Do not lose sight of underlying goals**

Thirdly, in the process of implementing the Compact, much of its progressive potential has been lost. Many stakeholders initially envisioned the Compact as a tool for improving the working rights and conditions of Syrians, while also benefiting Jordanian workers. Faced with the long-standing and deeply-ingrained dynamics of the Jordanian

labour market, however, implementing agencies have abandoned such goals. Rather, meeting formal targets set by donors and implementing agencies themselves has turned into a goal in and of itself.

This is clearly demonstrated by attempts to formalise the labour of Syrians who were already working in Jordan informally. These attempts have been confronted with the reality that huge swathes of the Jordanian economy have operated informally or semi-formally for decades, and many of the actors involved have strong incentives to keep it that way. In sectors such as agriculture and construction, for example, jobs are often obtained with the assistance of brokers. Egyptian migrants have long dominated these sectors – both as workers and brokers – and to re-populate them with registered Syrians runs strongly against their interests. Similarly, employers in various sectors benefit financially from informality, for example by not having to pay social security contributions or work permit fees for (any of) their employees. Employees, in turn, may prefer the flexibility that informal work affords them, compared with the one-year commitment to a specific employer that most work permits in Jordan entail. Each of these practices makes informal labour difficult to formalise.

Faced with such challenges, implementing agencies have focused more and more on ways to increase the number of work permits issued, this being the most important condition for obtaining more funding from the World Bank and donor governments. They have done this, for example, by using cooperatives and unions as proxy employers, enabling Syrians to get work permits in sectors where labour is seasonal and employees move between individual employers. Any concerted attempt to tackle the conditions that push Syrians into poor and precarious working conditions and keep them there, however, has been lost along the way. As a result, Syrians now holding work permits typically report that while they feel less exposed to the risk of deportation, they have seen no substantial improvements in their working conditions and they shoulder most of the costs associated

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UNHCR/ivor Prickett

This Syrian refugee now works for a Jordanian farmer, having obtained (with help from his employer) a work permit from the government.

with formalisation, such as paying fees that are legally supposed to be borne by employers. Furthermore, other populations that are not covered by the work permits target, including Jordanian workers, migrant workers and non-Syrian refugees, do not stand to gain much from its implementation. In effect, a lot of the progressive potential of the formalisation drive has been lost.

### Conclusion

Labour market access can be crucial for refugees seeking to build dignified lives in exile. Facilitating that access can therefore have the potential to significantly improve refugees' material and psychosocial circumstances. That does not make success a foregone conclusion, however. As this article has outlined, recent experiences in Jordan offer at least three key lessons for humanitarian actors attempting livelihoods interventions.

First, governmental approval is necessary for livelihoods interventions to take place but a government's position may not accurately reflect the reality of complex labour market challenges, nor the perspectives of other stakeholders who will be crucial to an intervention's success. Second, humanitarian agencies and NGOs should seek to utilise existing expertise and knowledge, particularly from individuals and

organisations from the host country itself, even when they voice concerns rather than enthusiastically embrace proposed strategies; fully understanding the challenges, which are often both structural and long-standing, must be the starting point for humanitarian livelihoods interventions. Third, formal targets and indicators should reflect the underlying goals of a scheme, otherwise the potential for progress may never be realised. Only by learning and acting on these lessons – and, additionally, by incorporating refugees' voices and perspectives into livelihoods interventions from the start – will it be possible to develop strategies that can actually offer dignified, decent and sustainable work opportunities for refugees.

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1. <http://bit.ly/JordanCompact>
2. This work was supported by the Council for British Research in the Levant; and the Economic and Social Research Council [grant number ES/j500021/1].
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4. Tamkeen Fields for Aid (2017) *Walled in by Alienation: Working and Living Conditions of Migrant Workers in Jordan* [www.tamkeen-jo.org](http://www.tamkeen-jo.org)
5. <http://bit.ly/EU-Jordan-trade>

## Designing refugee compacts: lessons from Jordan

Cindy Huang, Nazanin Ash, Katelyn Gough and Lauren Post

**Analysis of progress to date under the Jordan Compact highlights a number of shortcomings that need to be addressed if the model is to be used effectively elsewhere.**

Livelihoods opportunities are an essential component of refugee well-being and self-reliance but it is often very difficult for host countries to make progress in this area. This is particularly so in countries with high unemployment and slow economic growth – such as Jordan. The challenges faced by Jordan's workforce are compounded for refugees, who face specific vulnerabilities when seeking livelihoods, particularly when they are working informally, exposed to risk of exploitation, abuse and other poor working conditions. In Jordan, 73% of Syrian refugees in Jordan were living below the poverty line in 2015, rising to 93% by June 2017.<sup>1</sup>

The Jordan Compact was created to provide sustainable livelihoods solutions, as well as infrastructure and basic services, for Syrian refugees and their Jordanian hosts through grants and concessional (low-interest rate) loans to the country. Initial pledges at the Supporting Syria and the Region conference in London in February 2016 totalled US\$1.8 billion, including \$700 million in grants and an indication from multilateral banks of the potential to increase their lending by \$1.1 billion.

The most innovative support came from the World Bank's Global Concessional Financing Facility (GCFF). This new facility supports middle-income refugee-hosting nations with concessional loan rates normally reserved for low-income countries, and its flexible, multi-year funding represents a major new tool to address protracted displacement. Both the Jordan Compact and the GCFF embraced the twin goals of meeting the needs of refugees and host communities and increasing refugee self-reliance, offering an opportunity to transform a humanitarian crisis into a development opportunity.

The Jordan Compact also included commitments beyond traditional aid and assistance projects. As part of the Compact,

the European Union (EU) relaxed the EU's Rules of Origin to improve access of companies operating in Jordan to the EU market. Businesses in Jordan's Special Economic Zones (SEZs) receive incentives to employ refugees in order to benefit from these trade opportunities. Jordan agreed to a goal of issuing up to 200,000 work permits to Syrian refugees.

### Game-changing progress, with obstacles

Some significant strides have been made: some 83,000 work permits issued, work permits no longer tied to a single employer in the agriculture and construction sectors, provision of basic vocational training to approximately 2,600 Jordanians and Syrians, and 18 new categories or sub-categories of work opened up to Syrian refugees as of July 2017.<sup>2</sup> Five companies have started exporting from the SEZs. However, progress in achieving the Jordan Compact's goals has been hindered by a number of factors, and the needs of refugees and Jordanians remain considerable.

The targets set through the Jordan Compact focus on outputs (number of permits issued) rather than outcomes (jobs secured, increases in household incomes), which led from the start to insufficient analysis of, and attention to, the investments and policy changes necessary for success. This has meant that some of the interventions selected do not strongly reflect the evidence of what works to generate livelihoods opportunities for refugees and host communities, and do not address the unique needs of affected communities. For example, trade concessions and SEZs – two areas that received the greatest attention – have a mixed overall record, especially in advancing decent opportunities for vulnerable populations.<sup>3</sup> They are also interventions that are unlikely to generate

or improve the quality of jobs available to refugees or Jordanians in the short term.

While the issuing of roughly 83,000 work permits since January 2016 represents important progress, this number includes all work permits issued, including those renewed annually or quarterly to the same workers, and the total number of active work permits (permits held by refugees currently working) is lower at approximately 40,000.<sup>4</sup> The sectors in which refugees are permitted to work also remain too narrow, reducing employment opportunities and delaying progress towards the goal of 200,000 work permits. Expansion of the sectors refugees can work in has largely still been limited to low-skilled jobs. Furthermore, many of the work permits have gone toward formalising existing jobs rather than being issued to refugees who are engaging in new avenues of formal employment. Formalisation of informal work is an important step – many refugees wish to formalise their jobs and this can raise wages, reduce exploitation and improve the quality of jobs – but this only addresses one part of the employment problem. Advances in employment will continue to stall so long as they are issued only for existing jobs without the creation of new ones for both refugees and hosts.

In most cases, Syrian refugees continue to face significant barriers to owning a business. Under the Compact, the Jordanian government agreed to allow refugees to formalise their existing businesses but the extent to which this policy has been implemented is unclear. To open a business, refugees would need to demonstrate a significant amount of investment capital to gain investor status, and would need to provide documentation proving legal residency status (which many Syrian refugees do not have). Syrians may also be required to partner with a Jordanian to legally open a business, which can put refugees at risk of exploitation. These delays or barriers to refugees formalising their new or existing businesses can stunt local market growth, as Syrians – who could be strong contributors as producers and consumers in their host economies – are

kept back from full participation. This contrasts with Turkey where Syrian business owners have invested more than \$334 million into the Turkish economy through roughly 10,000 businesses, many of which hire Turkish citizens and refugees alike.

Many of the challenges stalling progress are not unique to the Compact design but are instead endemic challenges that must be addressed more broadly. Compared globally, Jordan's business climate overall is less conducive to entrepreneurship and private sector investment, which are key avenues to job creation. A cumbersome regulatory environment and high business tax rates reduce the attractiveness of opening a business in Jordan, leading some investors to look elsewhere in the region, such as the Gulf. While there is no silver bullet to job creation and economic development, greater attention should be paid to how refugee-related efforts connect with analyses and plans focused on broader trade, investment and growth promotion.

### **Making compacts work**

To make improvements in the context of the challenges facing Jordan and other countries hosting large numbers of refugees requires partnership and political will from host governments, donors, humanitarian and development actors, and the private sector. When practical and policy barriers are adequately addressed, compacts can be an effective way to build development opportunities for both refugees and host communities.

For compacts to work, there must be: clearly defined outcomes for refugees and host communities; improved collection and sharing of data and evidence; identification and transparent documentation of barriers to economic and social inclusion; and a common set of benchmarks against which programmes are measured. In addition, creating multi-stakeholder governance boards led by host governments can help systematise engagement by actors across the board, including international non-governmental organisations, local actors, international institutions and donors.

There is often a misalignment of goals and priorities among the multitude of actors operating in-country, and some key actors may be left out of the discussions. Notably, refugees fall outside traditional state-citizen accountability mechanisms and therefore outside typical donor-host government financing agreements. Better alignment of priorities and processes can unlock discussions around policy and practice, and a multi-stakeholder governance board could ensure all necessary actors are at the negotiating table. Such boards can also serve as an accountability mechanism and a formal, consistent way for various constituencies to provide feedback to decision makers.

Although the first year of the Jordan Compact revealed shortcomings, it was nonetheless game-changing – not just for the Syrian crisis but also as a model for refugee compact agreements around the world. The lessons learned from the Jordan Compact can inform future compact negotiations, both in protracted settings and as a means of early planning in crises that may become protracted. Compacts are not appropriate for every situation, and they require significant political and financial investment. However, they can open up the political space needed to shift policy, forge new and innovative partnerships, and reach agreements. The process of developing and implementing

a compact brings together key actors, including the host government, humanitarian and development players, donors and the private sector, facilitating discussions and partnerships that may not otherwise happen. Compacts can align incentives, promote accountability and encourage private sector investment. By so doing, they can tap into new financing mechanisms and work toward durable solutions.<sup>5</sup>

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## Turkey: between hospitality and hostility

Margarite Helena Zoetewej-Turhan

**Recent political developments and changes in Turkey's asylum law have had a significantly injurious impact on the safety and legal certainty of refugees in Turkey.**

As unrest in the Middle East persists and the road to Europe has been blocked in both practical and legal terms, Turkey's status as the country in the world hosting the largest number of refugees<sup>1</sup> is bound to continue. The functioning of Turkey's asylum system and the effectiveness of protection in Turkey have therefore become of the utmost importance for all parties involved.

In 2014 a Law on Foreigners and International Protection in Turkey entered into force. This new law increases the legal certainty for asylum seekers and refugees since, by establishing the rights of the refugee population, it gives refugees the possibility of enforcing those rights in a national court. It also increases the predictability and legality of the administration's decisions.

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However, Turkey has retained a geographical limitation to the 1951 Refugee Convention, meaning that refugee status is granted only to those coming from European countries. Applicants from other countries who fulfil the same substantive criteria may be offered 'conditional refugee' status, and the vast majority of asylum seekers and refugees currently in Turkey fall under this temporary protection. This regime explicitly includes those Syrians who were returned to Turkey from the islands in the Aegean Sea after the EU-Turkey deal was struck.<sup>2</sup>

Although undoubtedly the new law has improved the legal position of asylum seekers and refugees in Turkey, a series of events have seriously affected its implementation. The closure of borders in several European countries and the resulting growth in the number of refugees that are clearly going to remain in Turkey have brought about a change of attitude among the host population,

who are now less welcoming than they were when Syrian refugees began arriving in 2011 and 2012. Furthermore, internal disputes at government level have led to a considerable change in personnel within government institutions, which in turn has had a negative impact on the development of the new institutional structure entrusted with the administration of the new law. Knowledge built up through twinning projects with non-governmental organisations (NGOs) or EU Member State institutions has been lost and decisions are not being taken on time, leading to a growing backlog in applications for asylum; in some provinces new applications are – unofficially – not even being accepted until the backlog has disappeared.

The country has been in a state of emergency since 21 July 2016 as a result of the failed coup d'état on 15 July. This state of emergency has triggered the replacement of normal legislative procedure with



UNHCR/Andrew McConnell

Levent Topçu plays with young Syrian refugees at the accommodation he provided for them in Torbali, Turkey. Mr Topçu is part of a Facebook group of friends who created an association called Unity Solidarity to help people in need. Mr Topçu and his friends renovated an abandoned building, making it habitable for several families. He also employs six Syrians at his factory. "We only have one life and we have an obligation to help," he says.

legislation through presidential decrees. These presidential decrees can regulate or amend any area of law, and can also limit political rights and duties. They can therefore also limit the rights of those who have come to Turkey in search of protection. Democratic and constitutional checks on the legislative process are at present minimal.

### Deportation and *refoulement*

As a result of amendments to the Turkish Law on Foreigners and International Protection made by a presidential decree in October 2016, applicants for and even beneficiaries of international protection who are suspected to be involved in terrorist or criminal organisations or who are deemed to pose a threat to public order, public safety or public health can be issued with an immediate removal decision. Even leaving aside the problematic issue of the interpretation of terms such as ‘terrorism’ and ‘public safety’ under Turkish law, this presidential decree opens the way for infringements of international refugee law.

In some cases, especially those concerning former employees of international NGOs that have fallen from favour, deportations to Syria have been ordered – and can be effected without recourse to a judge. It is possible to appeal a removal decision, though a relatively new procedure in Turkey, and this procedure may be used to suspend deportation to Syria under international law; deportation to another country regarded as safe by Turkey is then considered by the administration as an alternative. However only a handful of lawyers in Turkey are familiar with this procedure, and it is not well known among the refugee population. The risk of *refoulement* as the direct result of the enduring state of emergency in Turkey is therefore much greater than before.

### Implications for NGOs

Due to the state of emergency and the resulting legal and political scene it is difficult for NGOs to keep abreast of changes in the relevant legislation, and to offer effective legal assistance and counselling to refugees and asylum seekers. The work of many

international NGOs is also now regarded with suspicion by the authorities. A growing number of international NGOs have been investigated, had their staff arrested and/or had their official registration – necessary to operate in Turkey – refused for renewal, cancelled or kept pending for an excessive period of time. International NGOs who offered cross-border humanitarian aid in Syria from their offices registered in cities in the east of Turkey, such as Gaziantep, particularly face these and other discouraging practices, and some of these organisations have been banned from operating across Turkey. While Turkish NGOs are mostly allowed to continue their operations, their geographical and topical scope tends to be limited and so a lack of coordination persists. Furthermore, their staff are often reliant on training and funds provided by or through international NGOs. The presence of international NGOs is therefore of paramount importance to effectively protect the refugee population in Turkey.

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1. According to data from UNHCR, the UN Refugee Agency, Turkey hosts just over 3.4 million refugees; Turkish authorities and researchers estimate this figure to be up to 3.9 million.

2. The EU-Turkey Statement of March 2016 aimed at stopping the flow of irregular migration via Turkey to Europe <http://bit.ly/EU-Turkey-2016> See Tunaboylu S and Alpes J (2017) ‘The EU-Turkey deal: what happens to people who return to Turkey?’ *Forced Migration Review* issue 54 [www.fmreview.org/resettlement/tunaboylu-alpes](http://www.fmreview.org/resettlement/tunaboylu-alpes)

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# Refugee youth, unemployment and extremism: countering the myth

Drew Mikhael and Julie Norman

**Refugee youth unemployment has been linked to increased risk of extremism and/or exploitation. Research indicates, however, that unemployment is just one of many factors triggering frustration among young refugees.**

Refugee youth unemployment is often cited as being linked to extremism; unemployed refugee youth are seen as easily targeted by recruiters because they may be more likely to respond to the attraction of financial incentives, a sense of purpose or social identity. However, our research indicates that there is no direct causality between refugee youth unemployment and extremism, and that unemployment is just one of many factors that can lead to extremism.<sup>1</sup>

Opportunities for meaningful employment for young refugees are certainly limited. In Lebanon, for example, only about half of Syrian refugees are economically active, and only one third have access to employment, which is overwhelmingly in informal and low-skilled positions.<sup>2</sup> However, the mobility and employment challenges faced by refugee youth mirror the challenges faced by the Middle East and North Africa (MENA) population in general, and MENA youth in particular. In Lebanon, for example, unemployment has increased to approximately 20%, while youth unemployment is estimated at 34%, with similar numbers in Jordan.<sup>3</sup> And in both countries female unemployment is estimated to be at least double men's unemployment. In situations of overall unemployment, groups with less leverage and less social capital (such as refugee youth) tend to be affected to an even greater degree.

In our focus groups, however, participants felt that refugee youth were most susceptible when a number of factors – including but not limited to unemployment – interacted, giving rise to a sense of isolation or exclusion, such as that resulting from relative deprivation, social marginalisation or political exclusion.

According to our participants, the element of political exclusion in particular tends to be overlooked by both states and international organisations in efforts to prevent extremism. Again, political exclusion is not limited to refugees but includes MENA youth and even citizens more broadly, though refugees felt greater political marginalisation. Elements of political exclusion most cited by participants included: state corruption; youth programmes that solely privilege the urban and wealthy; policing policies that treat most youth and/or refugees as threats; and lack of space for political dissent. These policies contribute to overall disillusionment with state institutions and can push youth to explore other paths of inclusion or validation.

## Responses and recommendations

A seemingly logical response to this issue is to engage in development programmes to provide skills trainings for refugee youth to increase their employability. However, such interventions can be misguided for several reasons. Firstly, interventions that provide training in the absence of jobs can actually exacerbate the problem by contributing to an already over-skilled population who may be more likely to become frustrated when their newly acquired skills do not translate into meaningful employment. Secondly, interventions that privilege refugee populations without simultaneously working to improve opportunities for local populations can contribute to inter-community tensions and fuel suspicions that refugees are 'stealing' jobs. Thirdly, such interventions on their own do not address the structural problems that contribute to the lack of jobs, including corruption and *wasta* (patronage) within state institutions and other sectors.

Just as there are many drivers of youth susceptibility to extremism, there are many interventions being undertaken at the community level to address those issues more effectively. Some organisations and leaders set out to challenge violent extremism directly by working mainly with ex-combatant and at-risk youth on peace-building and conflict-resolution initiatives but most address extremism less directly by providing alternatives for youth empowerment and engagement.

Interventions that have yielded positive results include psychosocial interventions and the promotion of hope, and creating opportunities for socio-economic development and civic engagement. Local community leaders, including teachers, social workers and community workers, played a key role in all successful interventions we observed, and personal relationships – establishing a bond with the refugee community – were crucial for preventing the recruitment of at-risk youth being targeted by extremists.

Based on our findings, we conclude that unemployment does not link directly to extremism among refugees or other MENA youth, and that preventing violent extremism necessitates rethinking current policies in the following ways:

### **Education and job training are not enough.**

Ensuring that refugee youth have access to education is vital for enfranchisement and mobility; however, demand for jobs currently outstrips supply in MENA states.

**Employment-based interventions should couple job training with job creation,** for both men and women, and for both refugee and non-refugee youth. Jobs need to be made accessible to groups often left out of employment schemes, including rural and non-English speaking communities.

### **External interventions are insufficient.**

States need to challenge systems of *wasta* to strengthen local and sub-national institutions to increase the trust of citizenry. The international community can provide

support for local government programmes by instituting strong transparency mechanisms.

**There needs to be more support for local NGOs and social workers** who provide alternative opportunities for refugee youth development via leadership programmes, arts interventions, sports programmes and civic engagement that counter radical recruitment efforts and exploitation.

The ‘dangerous refugee youth’ narrative pre-criminalises youth in the name of security, increasing marginalisation and encouraging extremism; furthermore, it limits women’s freedoms as their movements may be restricted due to safety concerns. The narrative around youth should be re-framed to address refugee youth issues in the context of the broader social and political challenges facing all youth in MENA states, while seeking to identify opportunities for youth empowerment and leadership in their local and national contexts.

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## Establishing legal identity for displaced Syrians

Martin Clutterbuck, Laura Cunial, Paola Barsanti and Tina Gewis

**Seven years of conflict have had a serious detrimental effect on many Syrians' ability to prove their legal identity.**

Having a legal identity is a basic human right. It allows us to travel, work, go to school, get married, confirm parentage, receive health care, access government services, vote, inherit, buy and sell property – nearly everything. While many take the right to a legal identity for granted through the issuance of birth certificates, national identity cards, passports and other documents, this cannot be said for displaced Syrians. After nearly seven years of conflict, and with the destruction or closure of civil registries and complicated processes for issuing documents to refugees in host countries, proving who you are can be a major challenge.

The right to a legal identity is enshrined in international law. The International Covenant on Civil and Political Rights notes the right of all persons to have recognition before the law. The International Convention on the Rights of the Child confirms the right to birth registration and the Universal Declaration of Human Rights sets out the right to a nationality. However, the complex legal and political situation inside and outside Syria makes realisation of these rights a challenge for many.

Of the estimated 700,000 Syrian refugee children under the age of four in the region, 300,000 have been born in exile as refugees, many of whom do not have birth certificates. In recent surveys by the Norwegian Refugee Council, 70% of Syrian refugees did not have national identity cards, while over half of married couples did not have proof of their marriage.<sup>1</sup> Ninety-four per cent of Syrian refugees in Lebanon were unable to meet all the necessary administrative requirements to obtain a birth certificate for their children,<sup>2</sup> while UNHCR, the UN Refugee Agency, estimates that 30% of Syrian refugee children in Jordan do not have birth certificates. The lack of such vital documentation has a direct impact on the daily lives of displaced

persons. For example, fewer than a quarter of internally displaced women interviewed in southern Syria had their marriage certificate with them, yet a marriage certificate typically remains a pre-requisite for the issuance of a birth certificate. And without civil documentation, the two million school-age children among the IDP population in Syria will not be able to enrol in school.<sup>3</sup>

### Obtaining documents in Syria

The conflict in Syria has resulted in the closure and destruction of many civil registry offices. New births, marriages, divorces and deaths are often not entered into official records, leaving internally displaced persons (IDPs) without documents to prove these events took place. Since not all records are digitally preserved, loss or destruction of original documents can result in the permanent loss of this information.

The family booklet is the primary civil record in Syria, and the basis for obtaining all other civil documents. Around 40% of IDPs surveyed stated that they no longer have their family booklet with them. Those IDPs who do have their family booklet have not been able to add children's names to it if the children were born during the conflict in non-government controlled areas. In north-west Syria almost half of IDP children aged five and under were not included in their family booklet.

Children become eligible for national identity cards in Syria when they are 14, at which time their guardian is obliged to obtain an identity card for them. However, a quarter of IDPs aged 14 or over who were interviewed in north-west Syria do not have this document; the main reason given was the closure of civil registries.

Another issue of concern is the array of official and de facto actors engaged in providing documentation in place of the civil registries. In non-government controlled

areas it is almost impossible to obtain official Syrian civil documentation. Instead, IDPs said they obtain civil documents from the local sharia court, local councils, non-governmental/de facto authorities and armed actors. These documents may be all that are available to IDPs, yet questions as to their legal validity and recognition remain.

### Obtaining documents in host countries

Syrian law requires that children born outside Syria follow the personal status laws of the country in which they reside, meaning that parents are required to obtain a birth certificate from the national authorities of the country in which their child is born and then register its birth at the nearest Syrian embassy or consulate within 90 days of the date of birth. However, the ability of Syrian refugees to protect their legal identity is affected by many factors.

Lack of the documentation required to complete birth registration is a major problem, with many refugees having lost their documents or having had them destroyed or confiscated. (Marriage registration is particularly important since a marriage certificate is typically required for birth

registration in the host countries and to establish the identity of the child's legal father.) Refugees may also face difficulties due to their lack of familiarity with the civil registration process in host countries, including strict time limits for registration. In addition, most refugees do not wish to approach their own embassy due to fear of repercussions. Prohibitive costs and (in Turkey) language barriers may also create problems of access to civil registration procedures. Proof of legal stay in the host country is often necessary before birth and other documents can be issued. And, finally, in some countries, including Jordan, documents such as residency cards and asylum-seeker certificates may be confiscated from refugees returning to Syria, leaving them with no documents to help prove their identity once inside Syria.

To overcome these barriers, refugees often resort to coping mechanisms that can put them at further risk, such as returning to Syria to access documents or purchasing falsified documents. At a regional level, 17% of refugee households interviewed by NRC had been obliged to obtain false documentation. Such coping mechanisms expose refugees to new protection risks, including arrest, detention and exploitation.

Some positive measures have been put in place by host authorities and through UNHCR efforts. Syrian children in Jordan who were born in Syria but have no proof of their birth are now able to use their UNHCR Asylum Seeker Certificate to obtain a Jordanian residency permit. Lebanon has introduced limited concessions for Syrian refugees on the annual cost of extending legal stay. A marriage certificate is not necessary in order to obtain a birth certificate for Syrian children born in Turkey.<sup>4</sup> Nevertheless, more can be done by host countries to protect the right to an identity.

### Towards solutions

Solutions must start with recognition of the fundamental importance of the right to a legal identity, continue with an understanding as to why some refugees and displaced persons have been unable to obtain such



UNHCR/Christopher Herwig

Now a refugee in Za'atari camp, this baby's mother has spent more than ten months securing a birth certificate for her young son (their family documents having been destroyed in a rocket attack on their house in Syria) in order to ensure he has a legal identity.

documentation, and conclude with practical steps and measures to assist persons obtain such vital documentation in full compliance with international law protections.

Along the way it will be necessary to look at the laws and standards governing the issuance of civil documents in Syria and host countries, and the practical challenges for persons born outside government-controlled areas. There must be acceptance of the need to adapt existing procedures to facilitate the massive registration of potential returnees in a fair, expeditious and effective way, without prejudice to the reasons for which many displaced Syrians may have been unable to register in accordance with proper procedures.

UN agencies, primarily UNHCR, will play a significant role because of their global expertise on issuance of refugee registration documentation. National and international NGOs can also play a constructive role in advising displaced persons as to the formal registration procedures, assisting them to obtain documents and advising stakeholders of key obstacles, with policy recommendations for remedying gaps. Practical steps towards full realisation of the right to an identity would include the following:

- The restoration of national civil registration systems to facilitate the rapid and affordable issuance of legal identity documents to IDPs; these systems should take into account the reasons for which IDPs may have been unable to obtain such documents.
- An acknowledgement by parties to the conflict and the international community of the practical value to beneficiaries of documents issued in non-government controlled areas, coupled with a process for replacement of such documents with government documents subject to procedures for checking and verification of non-government documents.
- Establishment of systems for displaced Syrians to replace false or forged documents with official documents and to correct incorrect information in such

documents, subject to verification and without punitive action or fine.

- Measures to be put in place by host governments, supported by UN and humanitarian actors, to ensure that a) all refugees in host countries have appropriate legal identity documentation and that obstacles to obtaining such documents are removed and b) refugees crossing international borders are able to retain documents issued in host countries (including residency permits) which help them verify their identity, particularly when they have no other documents available.

The long-term risk is that missing, expired or incomplete documentation could become a significant obstacle to return and other durable solutions. A concerted and coordinated effort by all stakeholders would help facilitate the widespread confirmation of the legal identity of many thousands of displaced Syrians, allow them to access their basic rights and entitlements, and assist authorities (both Syrian and host) to increase levels of protection.

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## When is return voluntary? Conditions of asylum in Lebanon

Amy Keith and Nour Shawaf

**The decision of Syrian refugees in Lebanon to return to Syria must not be based on a deteriorating quality of asylum that creates physical, social and material pressures on decisions to return.**

An estimated 1.5 million Syrian refugees are currently living in Lebanon, of whom just under one million are registered with UNHCR; many others are not currently registered. According to research conducted by Oxfam in 2017, only 21% of Syrian refugee respondents felt they had found complete safety in Lebanon, with both men and women describing daily fears and continuous worry.<sup>1</sup>

Respondents reported that at the beginning of the crisis they had felt safer and had received better treatment in Lebanon. In 2017, their sense of safety had been eroded by regulations that have made it much more difficult to obtain valid residency documents, by exploitation, by tensions with the host community and local authorities, by recurrent arrests, by violent raids on refugee settlements, and by threats of deportation and forced return. Despite this, and despite the fact that the vast majority of the respondents have no intention of remaining in Lebanon after the conflict in Syria ends, they do not feel that conditions in Syria currently allow for their safe return.

The principle of ‘voluntariness’ is at the core of refugee return, and is derived from the principle of *non-refoulement* as enshrined in the 1951 Refugee Convention and international customary law. According to the handbook on voluntary repatriation published by UNHCR (the UN Refugee Agency), “the principle of ‘voluntariness’ must be viewed in relation to both: conditions in the country of origin (calling for an informed decision) and the situation in the country of asylum (permitting a free choice).”<sup>2</sup> For return to be truly voluntary, return decisions should be made without the influence of ‘push factors’ in the form of physical, psychological or material pressure.

For many Syrian refugees in Lebanon, a host of push factors affect their safety and ability to meet their basic needs, which may result in premature and unsustainable returns that are not based on a truly free choice. The conflict in Syria continues and is escalating in some areas, and any premature returns could expose refugees to conflict, detention, torture, abduction and other forms of violence – and repeated displacement.

### Legal status and meeting basic needs

One key factor for assessing the voluntariness of return decisions is refugees’ legal status in the country of asylum. At present, an estimated 80% of Syrian refugees in Lebanon lack legal status in the form of valid residency documents issued by the Government of Lebanon. Not having valid residency documents is a criminal offence in Lebanon and refugees who lack these documents are at particular risk of arrest and detention. As checkpoints are present throughout the country, many refugees have adopted self-imposed restrictions on movement to reduce their risk of arrest. Limited movement results in a reduced ability to find work. For those who can find work, their lack of legal status makes them vulnerable to financial exploitation, because they can be reported to the authorities. Reduced income makes it extremely difficult to meet basic needs – including shelter – and increases the need for families to take on debt in order to survive. Simultaneously, restrictions on movement and fear of arrest also make it more difficult to access basic services and assistance, including health care and education.

In addition to food, clothing, hygiene supplies and other essential household items, nearly all refugees in Lebanon (even those

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Beka'a Valley, Lebanon.

who live in tents) pay rent, at an average cost of US\$189 per month. Eviction is a major fear due in large part to difficulties in affording rent. Health care is also a major expense and concern, as health insurance provided through UNHCR covers only 75% of costs (and then only for life-saving procedures and obstetrics). Cash-based humanitarian assistance meant to alleviate these financial burdens is neither sufficient nor provided to all refugee households. Over 70% cent of Syrian refugees in Lebanon live in poverty and households have on average debts totalling \$857.

### Pathways to residency

Residency regulations that came into force in January 2015 provide two primary pathways for Syrians to obtain residency documents: applying on the basis of a valid UNHCR registration certificate (if they have one), or obtaining a pledge of responsibility (sponsorship) from a Lebanese citizen. These regulations initially required those refugees with UNHCR registration certificates to sign a pledge not to work. This provision was removed in mid-2016 but the implementation of these regulations means that in practice this barrier persists. Refugees, especially men between the ages of 18-60, who work or are suspected of working have been denied residence permits when they try to obtain them on the basis of their UNHCR registration certificate, and are told instead to obtain a sponsor. Refugees who have already

obtained residence via sponsorship – like those who did so when the pledge not to work was still in place – cannot later obtain residency via their UNHCR certificate, even if their sponsorship is withdrawn. For refugees who need to work, therefore, the sponsorship pathway remains in many cases the de facto ‘required’ pathway. However, sponsored refugees have reported being required to submit to exploitative conditions in order to maintain their sponsorship (and hence their legal status). The two principal means of exploitation are providing free labour and paying additional fees ranging from \$100 to \$1,000.<sup>3</sup> Syrian refugees across North Lebanon and the Beka’a valley who were interviewed in 2017 indicated that allowing Syrian refugees, even if they are not registered with UNHCR and regardless of how they are supporting themselves, to have residence permits without the need to obtain a sponsor was one of the most important factors that would enable them to feel safe and maintain their dignity during their time in Lebanon.

For most Syrian refugees, it is too early to consider return to Syria as a possibility. In addition to the need for the conflict to end and safety inside Syria to be established, refugees have spoken of the need for guarantees against reprisal, arrest and detention. However, refugees in Lebanon are facing very real physical, psychological and material ‘push factors’. In order to ensure that future return decisions are truly acts of free will, the international community and the Government of Lebanon must ensure that all refugees from Syria are able to easily access a form of legal status that grants their basic rights and allows them the capacity to sustain themselves, without requiring sponsorship.

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## Balancing the rights of displaced, returning and remaining populations: learning from Iraq

Nadia Siddiqui

**The return of some 3.1 million IDPs in Iraq to their places of origin is seen as a benchmark of success in the aftermath of the recent civil war. However, the situation is complex, with critical questions related to mitigating competing rights and protection needs.**

International guidelines for durable solutions to displacement highlight the need to protect the rights of the internally displaced wherever they are located. This includes their right to return to their places of origin, based on informed voluntary choice, and in safety and dignity. While this framing is important, however, it can often overlook the rights and needs of those who have already returned and/or those who have remained, particularly if returns are presented as the sole option for resolution to displacement.

This is the case in Iraq where government and international stakeholders have prioritised this outcome as the key to success in the aftermath of the conflict between the Iraqi government and ISIS. Such a framing may also neglect the fact that return is a continuous process and, like any other durable solution, can take years if not decades to be completed. Finally, it may also miss the fact that returning to the previous state of affairs is impossible in post-conflict settings in practical terms, nor is it a solution in rights-based terms since the context was probably unjust prior to the conflict, and may actually have contributed to the initial forced displacement.

Nowhere is this clearer than within the communities in the northern half of Nineveh Governorate in Iraq. The area, which is tribal in its social structure, had already suffered considerably from forced displacement, poor infrastructure and public service provision, and general neglect in development terms. Comprising the rural, ethnically diverse territory that is disputed by Federal Iraq and Kurdish authorities, and which surrounds Mosul City, northern Nineveh bore the brunt of ISIS attacks in 2014, in some cases with neighbours and whole villages pitted

against one another. Both the arrival of ISIS and their expulsion in 2015 caused further waves of displacement and return. Tensions and divisions remain both between those groups that stayed or were displaced for a short time and returned, as well as between these populations and those still displaced.

While returns to the area are slowly beginning to occur, disputes between Iraqi and Kurdish authorities and the absence of a formal durable solutions policy – beyond an emphasis on returns – have left these communities in a stalemate as to who can come home and who cannot. Fieldwork carried out in early 2017 raises key concerns that Iraqi authorities and international stakeholders will need to take into account if they continue to pursue a returns-focused policy.

### Returns in the absence of strategy

While there are international standards to protect the rights of internally displaced persons (IDPs), it is important to note that those IDPs who have already returned may have particular protection concerns – and grievances – against those who have not yet returned. This is the case in northern Nineveh and in the bulk of other areas of Iraq affected by the conflict with ISIS, where many groups have collectively labelled those still displaced as somehow affiliated with the armed group. Acts of retaliation and revenge against those perceived to be ISIS-affiliated (and their property) have already been perpetrated by returnees and by security forces who removed the armed group. A policy that prioritises returns without taking into account the grievances held – whether legitimately or not – against those still displaced by those who would have to welcome them back,



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Badly damaged houses in the Al-Resala neighbourhood of west Mosul, Iraq.

coupled with the uncertainty of the process in general, opens the door to further conflict. Additionally, if there are no steps in place to ensure arbitration and appropriate restitution or compensation, a returns process may exacerbate competing claims over land rights.

*“One of the important things to bring peace here is that the government must prevent the Arabs from coming back and living in our areas, because they are the reason for the arrival of ISIS to these areas; they betrayed us.”* (Yazidi IDP)

*“If other people do not want us back, well, then the government will have to arbitrate and decide. We want to return.”* (Sunni Arab IDP)

Finally, it is critical to note that even in tribally oriented areas where the formal rule of law is secondary to tribal arbitration, divisions in the social fabric are now too great for a tribal process alone to heal. The call for the involvement of the federal government and the justice sector may pave the way for greater cooperation with tribes, slowly removing parallel legal systems.

*“The government should find solutions to these problems with the help of tribal leaders and educated people. Why the government? Because the government has more problem-solving mechanisms than ordinary people... trust between people must prevail.”* (Yazidi returnee)

The Federal Government of Iraq and its stakeholders must now prioritise developing an operational plan for the returns process beyond the ad hoc and variable measures currently in place. How

people return matters just as much as if they do or do not return.

### Recommendations

A returns strategy should focus on understanding all victims’ needs to address suffering (past and present), taking into account all perpetrators of abuse. Tribes and communities are seeking formal interventions to help resolve issues related to returns, and this is an opportunity to connect tribal and formal processes. While Iraq and

the United Kingdom’s recent resolution to establish mechanisms for accountability for ISIS crimes is a useful start, it is critical to note that ISIS was not the only perpetrator of abuses in this context and that grievances are wide-ranging. It is also necessary to recognise that criminal justice proceedings alone are not enough and that other approaches – including reparation, truth-seeking and institutional reform – must also be considered.

A transparent and clear process for vetting and screening people for return should also be in place so that communities on all sides understand the criteria being followed to enable IDPs to return home.

Related to this, clear criteria for what constitutes ISIS affiliation – and the punishment that will be meted out according to the degree of affiliation – must be made clear and shared with communities. This will help in moving communities away from labelling or from meting out their own punishment to returnees.

Finally, and critically, social cohesion and peacebuilding programming, which at present is taking place with communities who have already returned, must be expanded to include those who are still displaced, before any further returns take place. This is to prepare both groups for living together again and to help in shaping processes that will mitigate conflict and tension, and address present and past grievances.

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## Property restitution in post-conflict Syria

Martin Clutterbuck

**Although restitution of property should underpin any post-conflict agreement, in Syria this will be a complex exercise. Adherence to the UN's Pinheiro Principles will be critical.**

The challenges in establishing property rights in any post-conflict Syria will be enormous. The dynamics of the conflict, together with the massive displacement of up to half of the population, have caused Syrians to move and find shelter wherever they can. While post-conflict property restitution is a recognised right under international law, the ongoing uncertainty in Syria means that few Syrians know if, and when, they will be able to reclaim their property.

Restitution and compensation processes will not only need to take into consideration the complex, pluralistic legal system governing housing, land and property (HLP) rights in Syria but they will also need to address the massive scale of damage, destruction and displacement. Restitution will be even more difficult because of the loss and damage to property records as well as the high proportion of displaced persons who were living in informal settlements before the conflict began. Women will face particular challenges in claiming their property and inheritance rights.

### A complex picture

Research conducted with displaced persons and refugees, both inside and outside Syria, paints a challenging picture of lost documents, uncertain property ownership, informal and coerced transactions, and transitional housing solutions.<sup>1</sup> 2,280 communities (57%) out of 4,006 communities surveyed in Syria for the 2018 Humanitarian Needs Overview<sup>2</sup> reported HLP as an issue of concern. Lack of documents and disputed ownership were reported by more than 75% of the communities. The other challenges included destruction of houses, illegal and undocumented HLP transactions, disputes, property unlawfully occupied by others and the presence of explosive remnants of war. Such issues were especially prevalent

in non-government controlled areas where registration of property transactions and access to government registries are either impossible or very difficult.

An understanding of how HLP rights were governed before the conflict is key for the planning of future restitution processes. Syrian property law is heavily influenced by the Ottoman system of land administration and many informal land usage rights exist which are different in each locality and are based on historical practices; the underlying tenure system is governed by a range of statutory, customary, Islamic and informal systems. Government data indicate that up to 50% of land in Syria was not formally registered before the conflict began. According to World Bank data, prior to the conflict, over half of the country's 22.5 million inhabitants lived in urban or peri-urban areas and approximately one third of the urban population lived in informal settlements. In these informal settlements alternative papers such as sales contracts, notarised documents and even utilities documents were used to demonstrate ownership in absence of a title deed (*tabou*).

The conflict has massively exacerbated these pre-existing problems. The 2018 Whole of Syria Protection Needs Overview<sup>3</sup> found that 60% of communities assessed reported that their property had been unlawfully occupied by others. Looting of private properties was reported by 56% of communities. A majority of refugees interviewed during our surveys reported that they no longer had their property documentation, primarily because it had been destroyed, lost, left behind or confiscated. Of those who had property documentation, over half noted that the *tabous* had not been issued in their names but typically in the names of older, male relatives.<sup>4</sup> For those with formally documented property ownership

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rights, the reality is likely to be equally complex, given that property ownership is often shared by family members, the use of alternative documents is prevalent, and there are myriad complexities in interpreting HLP laws in Syria. Women are unlikely to have property documentation issued in their names, particularly in rural parts of Syria. Widespread falsification of property documents, particularly in non-government controlled areas, has also occurred. While sharia courts operate to resolve certain HLP issues throughout Syria, those working in opposition-held areas have no formal authorisation. This has resulted in conflicting and confusing practices and decisions.<sup>5</sup> Against this complex background, what is to be done?

### A roadmap for restitution

As a legal concept, restitution has been seen as a core remedy for violations of legal obligations within many jurisdictions for more than a century. United Nations (UN) Security Council resolutions have also reaffirmed the right of all refugees and IDPs to return freely to their countries, or places of origin, and to have restored to them any housing and property of which they have been deprived, or to be compensated for property that cannot be restored to them.

The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (the 'Pinheiro Principles')<sup>6</sup> provide a comprehensive set of international standards for HLP restitution, including specific ways to support women's restitution claims, and should be used as a benchmarking standard. The principles require States to establish equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms to address and enforce HLP restitution claims. Such processes must be accessible to displaced persons and, critically, be effectively enforced and implemented in practice.

The future return of IDPs and refugees to their communities of origin inside Syria is likely to result in a very high number of competing claims over the use and occupancy of land and property by original owners, secondary occupants and illegal occupants. Throughout the course of the conflict property transactions have continued to take place, often as private contracts or agreements between individuals that are not recorded in statutory systems. Many owners have sold property due to financial pressures. In addition, there have been forced evictions, expropriation and property transactions made under duress. Secondary occupation and land and property disputes



Auremis Life Line

are already common throughout the country. De facto authorities in non-government controlled areas have been engaged in mediating or negotiating property disputes.

The widespread tendency for people in Syria to have HLP documents in someone else's name (normally an older male family member) also suggests that there will be large-scale challenges for people trying to regain access to their HLP assets if they are unable to provide other evidence of either ownership or familial relationship to the person who is named in the document. The deaths of many thousands of property owners during the conflict highlight the need for accessible and effective inheritance procedures. Restoration of cadastral records must be a high priority, as must building the capacity to deal flexibly and fairly with the many, often long-standing, informal tenure arrangements that existed prior to the conflict. Procedures will also need to be put in place to assess the many informal property transactions that have taken place in non-government controlled areas, as well as decisions made by de facto authorities and sharia courts.

Women are likely to face particular challenges in asserting their property rights. In Syria, as in many other countries, laws, norms and practices around ownership, inheritance and decision favour men. For example, a woman's registered legal identity in the Syrian civil registration system both prior to the conflict and today is linked to that of her husband or father, and women often relinquish their inheritance rights to a male family member. Further obstacles include the fact that marriage contracts, which establish the property to be held by the woman upon death or divorce, do not typically cover assets acquired during the marriage. Any post-conflict property restitution system should facilitate equal recognition of the property rights of women and work toward the rectification of historical inequalities.

A body of knowledge has been generated through property restitution and reparations processes in other post-conflict situations, most notably in the Balkans (Bosnia, Kosovo), Eastern Europe following the end of communism, Iraq and Colombia. A number

of important lessons from these contexts may be of relevance to the Syria context, namely that property restitution processes should be readily accessible, expeditious, independent and transparent; based on clear, fair and non-discriminatory criteria; contain the right of appeal of negative decisions; and be compliant with international standards as well as domestic law. Any judicial or cadastral processes to provide confirmation of ownership must be sufficiently robust to cope with the massive volume of cases and the complexity of issues. Of critical importance is a public awareness campaign about any property restitution process – a campaign which must extend beyond the country in question to neighbouring host countries and indeed globally to all countries in which refugees from the conflict may be living. Processes which were unable to counter the ethnic and demographic changes to property ownership and usage which took place during the conflict (and which were often a cause of the conflict) have been shown to be flawed, while processes in which there was limited enforcement of decisions on the ground have been shown to be ineffectual.

The institution of fair, effective and responsive land and property dispute mechanisms with the power to resolve competing claims and validate transactions, either through courts, administrative agencies or other property restitution mechanisms, will be key to ensuring tenure security and avoiding further conflict. Whatever forum is selected, fairness, impartiality and rigour in weighing competing claims will be central to the credibility of the outcomes.

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## Perspectives on the return of Syrian refugees

Leïla Vignal

**There are many reasons why discussions about the imminent return of large numbers of Syrian refugees are premature.**

Since 2015, the military dynamics of the Syrian conflict have shifted in favour of the regime of Bashar al-Assad. Damascus has retaken control of many cities and areas that were previously held by armed opposition groups, with the battle for the eastern neighbourhoods of Aleppo – concluded in December 2016 – a significant turning point in this regard. By late 2017, the Islamic State group had been expelled from the last towns and regions under its control in eastern Syria.

These developments, as well as the implementation of ‘de-escalation zones’, agreed in May 2017 and guaranteed by Russia, Iran and Turkey, have given new impetus to discussions about the future of the country, post-war reconstruction and the return of Syrian refugees to Syria. With the conflict far from over and the prospects for a genuine peace still remote, however, the terms of discussions on return need to be examined thoroughly.

The number of refugees is generally reported by the media to be 5.2 million. However, this only accounts for Syrians registered with UNHCR, the UN Refugee Agency, in the Middle East. It does not include the non-registered Syrians in Syria’s neighbouring countries, estimated to be 610,000 people in Jordan (in addition to the 655,000 registered refugees), 500,000 in Lebanon (one million registered) or 175,000 in Egypt (125,000 registered). For the Gulf states, figures oscillate between half a million to a (probably excessive) two million. To this must be added the one million Syrians who have applied for asylum in the European Union since 2011. Finally, several tens of thousands of Syrians have made their way through resettlement programmes or other means to countries such as the United States (US), Canada, Brazil, Argentina and Thailand. In total, it is not unrealistic to

estimate the number of Syrians outside Syria at seven to eight million, if not more.

The adding up of these numbers is important. If the number of Syrians outside Syria is added to the 6.3 million Syrians currently internally displaced, it means that almost two thirds of the former 21 million inhabitants of Syria have been forced to leave their homes. Previously populated areas have been largely destroyed and emptied of their inhabitants, while other areas, mostly in the regions held by the al-Assad regime, are now crammed with displaced Syrians. The magnitude of this displacement and the transformation of the spatial and political features of Syria are the result of a specific type of warfare: tactics that have targeted the civilian population in opposition-held areas since 2012, including with systematic and large-scale destruction of the urban fabric, and besieging of cities or neighbourhoods.<sup>1</sup>

### ‘Safe and quiet spaces’ in Syria?

The need for refugees to remain in exile is now being questioned, given the new military situation in Syria, the progressive closure of borders by the main neighbouring countries hosting refugees, the hardening of conditions in Jordan and Lebanon, and the costs to the international community incurred by the deployment of the largest humanitarian response ever.

In Lebanon, Hassan Nasrallah, the leader of the Hezbollah party and a close ally of Damascus, declared in February 2017 that “military victories... have turned large areas into safe and quiet spaces”. In October 2017, the Lebanese president Michel Aoun went further and stated that “the return of displaced to stable and low-tension areas must be carried out without attaching it to reaching a political solution”. Such statements obviously reflect the political proximity of those two leaders to Damascus

but are also directed at the international community whose provision of financial and humanitarian support is deemed insufficient. This is a recurring issue from one donor conference to the other. Meanwhile, in Jordan, observers report conversations in which Jordanian officials have been privately floating the idea of the establishment of 'safe zones' inside Syria, guaranteed by Damascus, to which refugees could return.

### Return to what?

Stating that the conditions for repatriation are ripe is a clear distortion of the reality in Syria; the conflict continues, and the 'quiet' places of today may not be quite so quiet tomorrow. Besides, the Syrian refugees do not want to go back to 'stable and low-tension areas' (whatever this would mean) but to their own homes and places of origin. Finally, in Syria, beyond the physical destruction, the depth of disruption is of historical magnitude, and the population has been plunged into poverty, with 85% of Syrians now living in poverty.<sup>2</sup> Access to livelihoods, homes, infrastructure, basic services, education and health provision has disintegrated.

In this respect, the few thousand Syrians who returned in 2017 are probably not the vanguard of a larger movement. Throughout the war, there have been movements of refugees to check on property, look after a family member, collect a pension and so on. The returns of 2017 were limited in number, either organised by Hezbollah (from the border city of Aarsal) or undertaken on the initiative of families exhausted by dire conditions. More importantly, internal displacement and outward movements have continued.

Contrary to Michel Aoun's declaration, return cannot precede the political settlement of the war. From the point of view of Syrian refugees, conditions for return are twofold: first, the guarantee of safety, security and absence of retaliation for individuals returning, including for young men escaping forced conscription in the army, and, second, some prospect of a future in Syria, including reconstruction of the country.

### Reconstruction strategy

The first discussions about post-war reconstruction took place very early in the conflict, with international organisations and governments saying that the lessons from previous conflicts had to be learned – referring in particular to the lack of post-war planning of the US-led invasion of Iraq in 2003. For instance, the United Nations (UN) Economic and Social Commission for Western Asia initiated a programme called the National Agenda for the Future of Syria that, since 2013, has been gathering expertise, building scenarios and identifying needs. Impressive figures have been given of the potential economic opportunities linked to reconstruction, and the potential gains for international and regional business, as well as for private economic actors, are significant.

There is interest in neighbouring countries too; Lebanon, for example, is aiming to become the base for Syria's reconstruction, citing its business-friendly legal environment and its logistics facilities, in particular the port of Tripoli – in the north of the country and close to the Syrian border – whose capacity is being increased with this future role in mind. In Damascus too discussions are taking place openly. The Syrian government's reconstruction committee, set up in 2012 but with a limited mandate, met in September 2017 to discuss for the first time the devising of a broad reconstruction strategy.

However, the question of the funding of the reconstruction has not been addressed. The finances needed would be more than could be provided by Syrian banks or Syria's allies. Hence, any genuine reconstruction of Syria could only be based on a collective international effort that would first require finding a political solution vetted by the UN but the Geneva-track peace talks – the UN-sponsored process – are struggling to make headway because of the parallel Sochi track, the discussions sponsored by Russia and Iran. Meanwhile, Damascus has repeatedly said that it would favour its allies in the allocation of reconstruction projects.

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## Whose peace?

A genuine political solution would also mean that the return of Syrian refugees could be addressed in a way that reflects the international legal framework for the protection of refugees and the provision of safe and voluntary repatriation. Yet, for all the talks that are taking place outside Syria, this issue is not on the agenda of the government in Damascus, nor are refugees included in its reconstruction plans. According to informed sources, the regime's plans for reconstruction are to cater for a population of only 17 million people. The military strategy of driving out large sections of the population has been for years one of the devices used by a weakened regime to remain in power. It has resulted in the emergence of a new social reality that is thought – at least by al-Assad's government – to be politically and militarily more manageable. Clearly, this new reality does not include those Syrians who are outside the country.

If al-Assad is to remain in power in the coming years, he may try to use the fate of this remaining third of the population as a bargaining chip with the international community in return for normalisation of relations between his regime and the

international community and for access to the reconstruction business. However, for such a plan to be successful, it would require a strong political power in Damascus: a stable authority, able to plan for the future, and legitimate enough to be in a position to reach out to forge new partnerships with Syrians as well as with the international community. The reality of al-Assad's power, however, is far from this: without the support of its allies, it is weaker than ever. Besides, the foreseeable establishment of an Iranian-Russian political order in Syria (at least for the time being) will not resolve the conflict; indeed, it could lead to the emergence of new lines of confrontation.

With little immediate prospect of a genuine political solution and a stable peaceful Syria, ambitious reconstruction plans may need to be shelved until a future date and the return of Syrian refugees remain a remote prospect.

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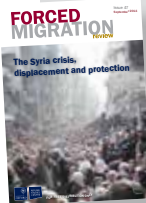
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## Also worth reading...

### **Forced Migration Review issue 47** **'The Syria crisis, displacement and protection'**

September 2014 [www.fmreview.org/syria](http://www.fmreview.org/syria)



At the time of FMR 47's publication, the 6.45 million people who were then displaced inside Syria made this the largest IDP crisis in the world, with possibly also the largest number of people who were 'trapped', while the number of refugees from Syria was continuing to increase. The articles in this issue emphasised how the international community had an opportunity to set up an effective response to what would clearly become protracted displacement. These

20 articles discussed how to increase protection for the displaced and how to shape assistance to both the displaced and their 'hosts'.

FMR 47 was supported by the Regional Development and Protection Programme for the Middle East, as is this latest 2018 issue. <http://rdpp-me.org/RDPP/index.php>

## Peace processes and peace building

December 2017

We are aware that, regrettably, this February 2018 issue does not include any articles on peace processes or peace building. We would therefore like to draw attention to our thematic listing on '**Peace processes and peace building**' from December 2017 at: [www.fmreview.org/thematic-listings](http://www.fmreview.org/thematic-listings)

This document provides links to a selection of full issues and articles published by FMR focusing on peace processes and peace building.

We would welcome future articles on this topic. If you would like to discuss an idea for an article please email the Editors at [fmr@qeh.ox.ac.uk](mailto:fmr@qeh.ox.ac.uk).

## A vision for restitution in Myanmar

José Arraiza and Scott Leckie

**People displaced in Myanmar during decades of civil conflict, as well as more recently displaced persons, need accessible legal pathways and assistance to regain access to their land and properties. Myanmar needs a clear vision on restitution to end its civil wars and displacement.**

The sun sets over a village in rural Myanmar, where a group of men and women discuss a recent announcement they have seen posted in the distant Township Office. The notice refers to a company's claims on certain parcels of land that the villagers' families have been cultivating for decades. According to the notice, such land is now officially classified as vacant; some of the land has already been fenced off and used to cultivate rubber. The deadline for objections mentioned in the letter had passed long before any of the affected farmers realised what was going on. Some of the villagers, who used to cultivate this land but were displaced, live elsewhere and are unaware of the situation. What is to be done?

### The need for HLP restitution

Ten years after the enactment of Myanmar's new Constitution in 2008 and the start of the period of government transition, the quest for peace and for real and effective remedies for past and present land grabbing and displacement continues despite some positive – albeit tentative – steps being taken by the government. During the civil wars, entire villages were forcibly displaced, with people also suffering forced labour and gender-based violence.<sup>1</sup> The legal framework continues to be a complicated mix of colonial-era legislation and newer laws, with the latter clearly designed to favour private investment and widespread land acquisition without adequate safeguards to protect the rights of farmers and their families.<sup>2</sup> Laws governing land acquisition disproportionately favour the State, the military and companies which have close relationships with or are otherwise favoured by these entities, and pay less attention to the rights of affected people and communities.

Some steps have been taken towards the restitution of confiscated land, including the establishment of governmental bodies to consider land claims. A new National Land Use Policy was approved in January 2016, which includes innovative and highly progressive features (in the Myanmar context) concerning the recognition of customary land rights, restitution and the inclusion of women in land governance, although it was not until 2018 that the government established a National Land Use Council to implement the policy. This is a promising development which could set the basis for restitution procedures concerning forced displacement and irregular land grabs in line with international standards; however, in general, these measures have fallen far short of expectations.

Myanmar has recently ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which includes a set of clear legal obligations to protect housing, land and property (HLP) rights. Standards such as the ICESCR and related norms like the 2005 United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (the 'Pinheiro Principles'<sup>3</sup>) should guide land governance in the country.

In the north-east, in Kachin and Shan States, more than a hundred thousand displaced persons live in host communities or in bamboo huts in the outskirts of cities like Myitkyina or Bhamo and along the border with China. They have been uprooted since conflict reignited in 2011 and have sought solutions through settling elsewhere in the absence of real opportunities to return home. IDP women have been particularly affected by the loss of land as they often depended solely on growing subsistence crops. Having



lost the means for an independent livelihood they now have to rely on humanitarian assistance. Moreover, the increased stress of displacement and lost livelihoods results in higher occurrence of domestic violence.<sup>4</sup>

The HLP rights of the displaced communities, however, are not high on the agenda of the government-led peace process, which struggles to find common ground with the Ethnic Armed Organisations (EAOs), some of which have signed either bilateral or nationwide ceasefires. Formally including HLP restitution rights and procedures within the peace process could, in this sense, have a positive impact in promoting inclusion and participation.<sup>5</sup> Currently, land governance mechanisms of the government and those of EAOs run in parallel without a clear roadmap to integrate them through the peace process. Neither system offers effective remedies against violations of HLP rights, nor do they have a clear plan to establish a land governance system or a restitution mechanism as part of the peace process. A well-informed discussion on HLP restitution could, for example, feed into the government's thematic committee on land or other related mechanisms.

Indeed, providing for legal security of tenure is a basic requirement if communities are to enjoy better protection of their rights in conflict-affected areas. These issues were acknowledged at the Panglong Peace Conference in May 2017 through an interim agreement which acknowledged the importance of land rights and of having a people-centred, rights-respecting and gender-sensitive land policy as well as the right to return for IDPs and refugees.

The importance of HLP rights within the peace-building process cannot be underestimated. The restoration of these rights supports peace building by promoting justice and equality, reconciliation, a permanent end to land grabbing, land reform and re-distribution, and proper land management. Without restitution, community members affected by land issues will forever feel aggrieved. Restitution enables a sense of equality and fairness, and provides a framework for protecting

the rights of individuals so that they do not become homeless. And with continued restitution processes, there will be mounting public pressure on actors involved in land-grabbing to end those practices.

### Crisis in Rakhine

The prospects of putting a national restitution process in motion was shaken further in August 2017 by the forcible displacement of 650,000 persons from the northern part of Rakhine State across the border into Bangladesh. These events followed a longer-term trend of mass displacement since the early 1960s which took place alongside progressively more restrictive citizenship legislation.<sup>6</sup> Meanwhile, in central Rakhine, more than a hundred thousand persons displaced during inter-communal riots in 2012 continue to reside in desolate camps with no freedom of movement or access to basic services. In many cases, their former land has been occupied, and they have little hope of recovering what they had.

In response to the question of the eventual return to Rakhine State of those refugees currently in Bangladesh, the Government of Myanmar has stated that repatriation to Myanmar may be allowed for those possessing identity documents. However, because – according to the government – ‘burnt’ lands revert to the State, the right to restitution of one's original home and lands will not be allowed; those returning will be ‘rehabilitated’ and forced to reside in new camps or model villages.<sup>7</sup> Of course, the idea of taking the land of forcibly displaced persons on the basis that this has been ‘abandoned’ goes against international standards, including the ICESCR, and against some of the provisions on due process, property rights and non-discrimination as set out in the country's constitution of 2008. Moreover, indications that returnees will be placed in temporary camps suggests a replication of the situation of the central Rakhine IDP camps. The government's intention to ‘scrutinize’ the citizenship status of those returning using the opaque mechanisms of the 1982 Citizenship Law is also worrying.

## Conclusion

The sun has set and the villagers are about to head back to their wooden homes. They have agreed to write a collective letter to the township administrator and to give a copy to the company planning the land grab and to a journalist. Will this stop the process? The reality is that collective action at ground level has indeed stopped or at least slowed down some of the land grabs in the recent years. However, this is clearly not enough.

Myanmar needs a comprehensive HLP restitution programme, establishing a clear and accessible remedy for past and present land grabs and creating a framework for peace between the EAOs, the government and the army. Such a programme needs to be clearly based on the human rights recognised by Myanmar through international treaties such as the ICESCR and other relevant standards. Standards need to be translated into effective laws and procedures from government to village level. The steps undertaken by the Myanmar authorities through initiatives such as the National Land Use Council are highly welcome; however, a lot more needs to be done to ensure that

restitution in Myanmar benefits everyone, even in the most remote areas of the country.

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The views in this article are personal and do not represent the official position of any organisation.

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## The Gambia: a haven for refugees?

Franziska Zanker

**Although not usually thought of as a haven of refugee protection, the Gambia has a sizeable refugee population and some sophisticated legal frameworks and protection mechanisms. However, the political context of its refugee protection should not be underestimated.**

During the 1990s, several thousand refugees fleeing civil wars in Liberia and Sierra Leone sought protection in the tiny country of the Gambia. Most refugees in the Gambia, however, are from neighbouring Senegal's Casamance region, where a low-intensity independence conflict has been ongoing since the 1980s. For many years, these refugees moved back and forth between Senegal and the Gambia depending on the state of the conflict. In 2006, however, a large number settled in the Gambia and were issued with refugee identity cards for the first time.

The Gambia offers a strong legislative framework for those who seek protection. In 2008 its Refugee Act<sup>1</sup> established the Gambia Commission for Refugees, which is tasked with coordinating all refugee affairs in the country. A representative from UNHCR, the UN Refugee Agency, sits on its board in an advisory capacity.

The Refugee Act reflects the provisions of the Organisation of African Unity's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa in its definition of a refugee. It also includes both

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*prima facie* recognition of persons belonging to a particular class or nationality and the possibility of deriving refugee status from a family member whose refugee status has already been recognised. It gives refugees the right to “engage in wage-earning employment or self-employment”, freedom of movement and “access to social amenities”.

### Self-settlement and integration

In the early 2000s, there were five refugee camps in the Gambia. The *prima facie* refugee status accorded to Sierra Leoneans and Liberians ended with the tripartite cessation agreements between UNHCR, the Gambia and the countries of origin, in 2008 and 2012 respectively. With this, these refugees’ entitlement to protection and assistance ended. In any case by 2005 all camps were closed. This was because even prior to this, many refugees had voluntarily repatriated or chosen to live outside the camps, in urban areas. Additionally, UNHCR carried out a local integration initiative throughout West Africa for Sierra Leonean and Liberian refugees.<sup>2</sup>

The new wave of refugees arriving from the Casamance region in 2006 were not placed in refugee camps. It was felt that the proximity of the former camps to the border might encourage incursions from rebels, and that it would be difficult to provide adequate protection for the refugees, while a proposal to build new camps on the northern shore of the Gambia River was unpopular among the refugee community as this would have moved them too far from their own communities. As a result, the refugees self-settled straight away, and most Casamançais refugees still live in a cluster of 86 border villages. Due to cultural similarities and common livelihood strategies, the refugees are, on the whole, well integrated with the host communities.

The host communities’ own poverty and their dependence on subsistence farming, however, led non-governmental organisations (NGOs), in conjunction with UNHCR, to divide responsibility for the provision of aid for the refugees and the host communities at the time, although some provision – such as wells and communal



Senegalese refugees from Casamance wait for food distribution, in the Gambia.

gardens – are meant for both communities. This effort of assisting both communities helped to largely avoid conflict. Since 2010 provision of food and material assistance to both communities has been scaled down. Today, some limited opportunities such as skills training are still available for both the refugee and host population, by now largely run by one NGO, the Gambia Food and Nutrition Association (GAFNA).

Village chiefs known as *Alkalos* register the refugees and act as a point of liaison between the refugees and the support institutions. The refugees also receive a plot of land to live on and to farm, and GAFNA is now working on the transfer of ownership. Refugees can become involved in the political structures of their village as elders, though they cannot become *Alkalos* (which is, in any case, a predominantly male prerogative).

The current emphasis continues to be on integrating refugees – especially those from Senegal – and refugee rights negotiations

remain focused on relaxing the strict criteria for naturalisation, which requires 15 years of residency. UNHCR has successfully negotiated with the government for refugee identity cards to be used as proof of residency. The Casamançais refugees, however, have little interest in giving up their Senegalese nationality. This mirrors the behaviour of Liberians and Sierra Leoneans, who mostly declined the offer of naturalisation, preferring to keep their own nationality.<sup>3</sup>

### Negotiated rights

Although the Refugee Act gives refugees the right to work and to access social amenities these rights are rather vague and are therefore open to inconsistent interpretations. For example, officially, refugees can work, with many self-employed as tailors, small traders or tilers, or even as teachers, but there are a number of technical and communication hurdles for both refugees and employers. Refugees need to apply for an additional 'alien' permit to work in the formal sector. While employers of refugees are exempt from paying an expatriate tax for employing non-Gambians (which can be very expensive), reports suggest that employers are either unaware of this or ignore it in order to have an excuse not to employ refugees.<sup>4</sup>

Policies on refugee access to health care and education are continually being renegotiated. Under the previous government of Yahya Jammeh (who stepped down in January 2017 after losing in elections the month before), this need to renegotiate was caused by frequent changes in personnel, and now these matters need to be taken up with the new government. For example, under the previous government, UNHCR signed an agreement with the Ministry of Health whereby refugees would pay local rates to access health care. The current Commissioner for Refugees has stated that negotiations have had to start again, with the new Ministry, in order to ensure that this arrangement continues.

### Refugees as political pawns?

Former President Jammeh was generous towards refugees – if for the wrong reasons.

Jammeh is widely accused of having (indirectly) supported Casamançais independence fighters in Senegal to bolster his own political support; the Casamançais are of the same ethnic group as him, the Jola, and his home village is close to the border. There are even accusations that he distributed naturalisation certificates and voter cards to this group of refugees to increase his popularity.

With Jammeh gone, so has his protection of the Casamançais community. So far no widespread backlash against the Jola or the Casamançais refugees has been observed but it is possible that this may develop. If the conflict reignites, Casamançais refugees residing in the Gambia may become political pawns once again, with the new government expected to act much more in line with the Senegalese government.

Although Jammeh's support of refugees was alleged to be politically motivated, it also legitimised him as a protector of vulnerable populations. To what degree the new government will follow in this vein remains to be seen. The Gambia may be a country with fairly advanced legal refugee protection mechanisms and well-developed forms of self-settlement but the political context of refugee protection should not be underestimated.

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1. [www.refworld.org/docid/4a71a8202.html](http://www.refworld.org/docid/4a71a8202.html)

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# Enhancing the protection of women and girls through the Global Compact on Refugees

Eileen Pittaway and Linda Bartolomei

**The consultative process involved in drafting the Global Compact on Refugees presents an ideal opportunity to ensure that gender equality is integral to this new international policy framework.**

The New York Declaration for Refugees and Migrants of September 2016 is the first United Nations (UN) declaration adopted specifically for refugees and migrants and is therefore a critical agenda-setting document. It includes a clear reaffirmation of the principles of the 1951 Refugee Convention, and is the first document adopted by the UN General Assembly specifically for refugees and migrants that includes strong gender commitments.

The New York Declaration included draft text of a Global Compact on Refugees and provided for the roll-out of a Comprehensive Refugee Response Framework (CRRF). Although the Declaration has a strong focus on gender the CRRF remains weak on these issues. We prepared a 'gender analysis' of the CRRF<sup>1</sup> and were subsequently engaged by UNHCR to undertake a 'gender audit'<sup>2</sup> of five thematic meetings held in 2017 and of the High Commissioner's Dialogue on Protection Challenges in order to assess how gender equality and the protection of women and girls are addressed in the Compact process. These meetings have informed the development of a draft Programme of Action (PoA) to implement the commitments made in the CRRF.

One of the New York Declaration's major recommendations is to mainstream a gender perspective. However, mainstreaming very often leads to invisibility. If we are to genuinely achieve gender mainstreaming, we must ask ourselves what the outcomes are when we fail to recognise and address barriers to gender equality. For example, if we fail to identify lack of access to sanitary materials as a barrier to education, it means that for one week a month girls must miss school. If we do not ask what the risks are for women and girl asylum seekers making

sea crossings, we do not hear that all of them have experienced rape or other forms of sexual violence.<sup>3</sup> If we do not ask how single women survive on a single person's rations in a camp, we do not hear that for most women survival sex is their only option to survive.

## Why focus on women and girls?

The discourse about refugee women and girls is key to unpacking the reasons why they do not enjoy adequate international protection. Although classified as a minority or vulnerable group, women and girls are not a vulnerable group *per se* and nor are they, numerically speaking, a minority. Used sociologically rather than quantitatively, however, 'minority group' denotes those who suffer discrimination and subordination because of their status, have unequal access to decision making, infrastructure and resources, and have their personal capacities ignored. Cultural norms often ascribe to women a lower social status than men, placing them in a position of dependency, while a lack of educational opportunities makes it more difficult for them to access decision-making and income-generation opportunities.

The most important difference between women and girls, and men and boys, is that of exposure to endemic sexual and gender-based violence (SGBV). While recognising that some refugee men and boys also suffer sexual violence, research indicates that the majority of refugee and displaced women endure this human rights abuse. Both men and women can suffer severe psychological impacts and physical injury and can contract sexually transmitted diseases. Women, however, face the additional consequence of bearing children of rape, and many girls who are too

young for child-bearing die. Women and girls are isolated from families or communities, and all bear a burden of stigma. Disabled women are often the target of sexual violence. Lesbian and transgender women are subjected to ‘corrective rape’ and sometimes killed. Many women are forced to engage in survival sex to feed themselves and their families, with the additional stigma of prostitution. Many face forced marriage. Men are shamed because they cannot protect their female family members, and communities suffer collective guilt.

Refugee women and girls are not just passive victims; women run crèches, arrange care for orphaned children, provide safe spaces for women who have experienced SGBV, ensure that families are fed, run small businesses and organise basic schools. Much of this work is done without funding or external support. In the absence of men, women take on all roles in the family and community. These activities are undertaken by women who have not only formal but also a wide range of informal skills. Refugee women and girls have a keen awareness of the problems experienced in refugee camps and urban settings – and of potential solutions.

However, these capacities, skills and abilities often go unrecognised. Women are silenced by limited access to representation at every level. They need targeted support – in leadership skills, advocacy, human rights law, formal meeting procedures and public speaking – in order to make their voices heard in the policy-making process, to contribute effectively in potentially discriminatory forums and to ensure that their inclusion in such processes is not tokenistic.

### **The gender audit and Compact progress**

Progress on ensuring gender equality in the Compact, while slow, has been significant. The report of the first thematic meeting (held in July 2017) mentioned women once, and gender and SGBV not at all. The gender audit team attended the second and third thematic meetings in October but, despite the evidently strong commitment of UNHCR senior staff, there was little meaningful discussion about gender equality. In several panels, were it not for interventions from refugee participants,

it would not have been mentioned at all; in others these interventions triggered the chairs to reflect gender issues in recommendations. Most panelists were men and while there was strong commitment to refugee participation, there was no recognition of the additional barriers that refugee women and girls face to have their voices heard. Without a dedicated speaker or instructions to the chair, women and girls were not mentioned, and once again gender was mainstreamed into oblivion.

In their report the gender audit team made strong recommendations that, for subsequent meetings, there should be gender parity on panels and suggested that chairs ask panelists to address the gender dimensions of issues being discussed.<sup>4</sup>

At the November meetings, it was evident that UNHCR had worked hard to ensure gender parity on panels. While there was not a huge increase in the number of interventions addressing gender equality and SGBV, there was a significant shift in the quality of the interventions, both from States and other stakeholders. There was a real concern expressed by some States from the global South about how to address these issues at a national level, and how to resource them. This positive shift was a reflection of the excellent interventions made by the refugee participants, and also by some of the chairs and panelists.

UNHCR again worked tirelessly ahead of the High Commissioner’s Protection Dialogue in December to ensure gender parity on panels. Most significant was the addition of a roundtable on gender equality to the formal meeting. Importantly, the majority of speakers on this panel were from refugee backgrounds, including women from Myanmar and Sudan and one young Sudanese man living as a refugee in Uganda. There was also a significant increase in interventions by States from both the global South and the global North to raise gendered concerns and to propose concrete recommendations, and an increased number of States also shared good practices to support more effective gendered protection responses.

Our challenge now is to move to practical implementation. The Declaration’s strong commitments to women and girls must be

incorporated into a preamble to the CRRF, and in the PoA. The Compact must articulate the specific needs of women and girls, men and boys. It must support transformation on the ground to genuinely address gender inequality and the endemic sexual violence which is a key barrier to achieving this.

The voices and participation of refugee women and men must be included at all levels. Specific actions to build gender equality must be included in all four pillars of the Compact's Programme of Action and must be clear, specific and achievable, and include practical support for States and non-state actors. There need to be an accountability mechanism and viable monitoring mechanisms in order to ensure that commitment to gender equality is transformed into effective protection for all refugees. Civil society, non-governmental organisations and all key stakeholders can assist by ensuring that any input they make

into the Compact process addresses gender equality in every aspect of protection.

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## Italy's 'Zampa' law: increasing protection for unaccompanied children

Joseph Lelliott

**Italy has enacted comprehensive legislation to protect the rights of unaccompanied children arriving in Italy. While flaws remain in Italy's treatment of these particularly vulnerable migrants, the country's protection-focused approach sets an example to other countries.**

In March 2017, Italy became the first European country to legislate a comprehensive framework protecting unaccompanied children. Close to three years after the bill was first introduced, and following concerted advocacy by human rights organisations during the parliamentary process, the 'Provisions on protective measures for unaccompanied foreign minors'<sup>1</sup> was passed with a large majority. It is referred to as the 'Zampa' law after the Italian politician who proposed it, and its provisions are based on extensive experience in the field with unaccompanied children and on international child rights principles.

Hailed by the United Nations Children's Fund (UNICEF) as a model for other European countries and described by Save

the Children as the "most elaborate system for child protection in Europe", the Zampa law emerged in response to the large numbers of unaccompanied children travelling across the Mediterranean Sea to Italy. Between 1 January and 31 December 2017, 15,779 unaccompanied children entered Italy by sea.<sup>2</sup> These children come predominantly from African countries, Bangladesh and Syria and many recent reports have illustrated the difficulty and desperation of their journeys, the sexual and physical abuse they often encounter, and their vulnerability to human traffickers.<sup>3</sup>

The European Union (EU) has taken a number of steps to address the protection needs of unaccompanied children, including revising both the Common European Asylum System and the EU Return

Directive, and implementing its Action Plan on Unaccompanied Minors 2010-2014.<sup>4</sup> Notwithstanding these actions, and despite the efforts of some EU states, many countries lack specific laws or comprehensive frameworks to address the protection needs of unaccompanied children.

### The law's provisions

The Zampa law's articles create and amend various procedures relating to the reception and treatment of unaccompanied children in Italy, and guarantee them a minimum level of care. Importantly, the law reflects several fundamental rights from the United Nations Convention on the Rights of the Child, including rights to health care and education, legal representation, and to be heard during judicial and administrative proceedings. It also incorporates the best interests of the child principle.

The law's first article recognises the special vulnerabilities of unaccompanied children and guarantees them the same rights and protection afforded to Italian and other European children. Another article introduces an absolute prohibition on the return or removal of any unaccompanied child from Italy, unless ordered by a court in exceptional circumstances – and only where no serious harm would befall the child. The law requires identity procedures to be carried out on arrival of an unaccompanied child in Italy, and an inquiry to be conducted to determine what future actions will be in the child's best interests. Where there is reasonable doubt over a child's age, age determinations may be carried out, but should use the least invasive methods possible. Identification procedures should be concluded within ten days and be carried out in primary reception facilities. Facilities must meet minimum standards to ensure the child is adequately accommodated and their fundamental rights protected. After 30 days children should be transferred to secondary centres within Italy's System for the Protection of Asylum Seekers and Refugees (SPRAR).

The law provides that unaccompanied children must have access to the Italian

National Health Service during their time in Italy, and be admitted to educational institutions. They also have a right to be informed about legal representation, which should be provided free of charge, funded by the state. Other articles of the Zampa law amend or introduce procedures regarding family reunification, the provision of residency permits, access to foster care, the training and appointment of guardians, and assistance for victims of human trafficking. The law also provides for the creation of a national information system, which is designed to keep track of unaccompanied children in Italy and includes information on their location and their individual needs.

### Implementation challenges

Although this law represents a positive step and an example for other countries, ensuring its effective implementation is likely to prove difficult. Providing unaccompanied children with sufficient accommodation, guardianship, health care and education, among other things, requires sufficient funding and capacity. Unfortunately, the quality and availability of these services in many places in Italy continue to fall below the standards envisioned. These are exacerbated by continuing inefficiencies in Italy's reception system which the Zampa law does little to rectify, and which result in most unaccompanied children being accommodated in Sicily and Calabria. Many are denied access to the SPRAR system, and stay in primary reception facilities for extended periods or in temporary reception centres. Frustrated by overburdened services in these regions, poor accommodation, prolonged waiting times and a lack of information regarding asylum and family reunification procedures, unaccompanied children often disappear from reception centres and try to reach other parts of Italy or Europe. Doing so exposes them to further risks of abuse and human trafficking.

Mindful of these challenges, Italy is taking steps to improve implementation. A law passed in December 2017 further addresses guardianship procedures, while measures to increase reception capacity



and the number of available guardians are being developed.<sup>5</sup> Efforts to develop and disseminate best practice are also planned, as is continued collection of detailed data.

The vulnerabilities of unaccompanied children make it essential that States develop and effectively implement rights-based frameworks for these children's protection. Existing gaps in laws may result in unaccompanied children being treated in ways that are inconsistent with their rights under international law. While significant gaps and deficits remain in Italy's treatment of unaccompanied children, its passing of the Zampa law shows that the country is taking concrete legislative steps to afford such children the compassion and protection they deserve. Many other countries that are major destinations for unaccompanied children have yet to pass laws that match Italy's rights-based protections. The United States, for example, routinely returns Mexican unaccompanied children without adequate screening for asylum claims or trafficking,<sup>6</sup> while unaccompanied children

in South Africa are often unable to access basic services and asylum procedures.<sup>7</sup> As the international community progresses towards the Global Compact on Refugees and the Global Compact for Migration, all countries must pay special attention to the protection of children, and address policies and practices that put them in danger.

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## Voluntary immobility: indigenous voices in the Pacific

Carol Farbotko

**In recent years, the international community has been paying increasing attention to the movement and planned relocation of people affected by climate change. In the Pacific region, however, many indigenous people are saying they intend to remain on their ancestral lands.**

Indigenous people of the Pacific are increasingly expressing a preference to stay on their lands for cultural and spiritual reasons, even in the face of significant deterioration in health and livelihoods associated with climate change. In some cases, they say that they are prepared to die there rather than relocate. Those working on climate change-related planning and policymaking need to recognise indigenous people's concerns, and communicate with them in ethically and culturally appropriate ways.

Indigenous people, who form a majority in many Pacific communities, tend to have a good understanding of the risks associated with climate change, such as coastal areas

becoming uninhabitable. In some cases, communities have been engaging with climate change issues for several decades, and their governments have been active in international climate change negotiations since their genesis in the 1980s. Changing environmental conditions in the Pacific, affecting weather patterns, crop yields and fish stocks, have been widely identified and discussed in indigenous knowledge systems, and local climate change adaptation initiatives – often funded by international donors – are now commonplace, even in remote areas.

Normalisation of climate change in everyday Pacific life notwithstanding, for some indigenous people climate change is



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From the village of Natalai, Fiji, April 2017; the village suffered extensive damage during Cyclone Winston in February 2016.

an existential threat to their culture, identity and connections to land and sea, a risk to their self-determination and indigenous rights, and some individuals cannot countenance life without a homeland to live in or return to. A range of indigenous leaders, elders and activists across the Pacific Islands are clearly articulating their carefully considered intention to remain on climate-impacted indigenous territories for cultural, spiritual and political reasons. The most important issue, according to those voluntarily resisting mobility, is not 'where will we go?' or 'how will we survive?'; it is 'how do we maintain our identity and build pathways to a self-determined, resilient future?'. Voluntary immobility is an important

coping device, helping to strengthen cultural and spiritual agency among those facing the loss of their homeland.

### Supporting voluntary immobility

The voices of the voluntarily immobile are not being listened to closely enough, nor are their needs being taken into account in mainstream climate adaptation and mobility policy frameworks. Indigenous choices need to be better recognised and supported, even if only a minority of indigenous people choose voluntary immobility.

Voluntary immobility cannot be addressed by externally developed policies or simply by providing more information about climate risk. Those who choose immobility are already closely attuned to knowledge of climate risk, and the complex links between climate, people and place. Rather, international humanitarian responses must support voluntary immobility through employing approaches that are ethically and culturally appropriate. Perhaps most importantly, indigenous people should not feel that they are forced to make a binding decision about mobility or immobility at any particular point in time, since such pressure is likely to exacerbate anxiety associated with loss of homelands. As livelihoods deteriorate over time or as a disaster occurs, indigenous people may need to be able to change from being voluntarily immobile to voluntarily mobile and perhaps even back to voluntarily immobile. Support processes therefore also need to be capable of adapting; different types of support – political, legal, psychological, cultural and physical – may be needed as conditions change.

Prior to any disaster, discussions about voluntary immobility in a changing climate present an opportunity for indigenous communities and external partners to rethink development, mobility and adaptation to climate change in ways that are culturally meaningful. Disaster planning, for example, might include indigenous elders as key experts on voluntary immobility options, which might perhaps be adopted as interim measures depending on changing environmental conditions. After a disaster,

humanitarian assistance must proceed in partnership with indigenous leaders.

The Government of Fiji is pioneering relocation processes in the Pacific, working closely with Fijian communities in vulnerable coastal areas and offering an emerging example of voluntary immobility good practice. Fiji's draft relocation guidelines include a procedure to follow when physical relocation is deemed necessary but a community decides not to move. This procedure involves: respecting voluntary immobility first and foremost; investigating the reasons for voluntary immobility; holding discussions with the community about adaptation options and land tenure; including climate change issues in secondary and primary education curricula; and ensuring psychological and emotional preparedness for climate impacts.

However, the guidelines also state that relocation might be enforced in a worst case scenario, that is, to guard against loss of life. If, hypothetically, a set of guidelines were to stipulate that relocation would **not** be enforced in the worst case scenario, there would also need to be strong ethical and legal support for the voluntarily immobile to ensure that human rights and human dignity are maintained. This would include legally acceptable evidence that all local adaptation options have been exhausted, that detailed dialogue about the consequences of immobility have been held, and that the choice to be immobile

is entirely voluntary. Binding legal rules would need to be developed to ensure that human rights and human dignity are the highest priority in such situations.

### Conclusion

Voluntary immobility requires cross-cultural dialogue and new types of support for human rights and human dignity, with specific attention paid to better understanding and supporting indigenous senses of belonging. Whether or not governance frameworks are in place to allow such dialogue and protection is an important question for research and policy in forced migration. Indigenous senses of belonging are often articulated but not heard because international institutions are not sufficiently receptive to indigenous worldviews. Expressions of voluntary immobility become ethically challenging when articulated in terms of a right to die. How can the international community engage with this? Certainly new policy and legal frameworks are needed and, for that to happen, voluntary immobility among indigenous communities must be taken seriously by the research and policy communities concerned with forced migration, not dismissed because of the emotions involved and the ethical complexity.

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# The role of civil society in Hong Kong

Roy Njuabe

**Local organisations can significantly assist with service provision, integration and advocacy.**

In Hong Kong it takes years to process asylum claims and during this time asylum seekers are not allowed to work to provide for themselves, and receive little assistance from the state. Compared globally, Hong Kong has the lowest recognition rate of refugees: about 0.7%. Even when they receive refugee status, individuals are not granted right of residence in Hong Kong, and are instead referred to UNHCR for resettlement to a third country.

The majority of asylum seekers used to receive HK\$1,000 (US\$128) per month from the state for accommodation rental, paid directly into their landlord's bank account, and could collect food worth HK\$300 every 10 days from selected shops. However, Hong Kong's high rents made it difficult for asylum seekers to find even a tiny room with the amount they were provided, and many asylum seekers ended up living on the streets or in substandard huts in remote areas of the New Territories.

In response, the Vine Church and other large churches established a network of support to help asylum seekers by topping up the rental assistance provided by the government to an amount that was at least sufficient to rent a tiny room in the city. In addition, some churches started raising awareness among the local community of challenges facing refugees and asylum seekers and of the benefits they can bring.

To counter negative media stereotyping, the churches organised for groups of refugees and asylum seekers to visit schools, local churches and community organisations to share not only the challenges they faced

but also their skills. For example, a team of African drummers and dancers shared their skills with different youth groups around Hong Kong, while an asylum seeker with farming skills supported the production of crops for local consumption. Such initiatives break down stereotypes and instead show that refugees want to contribute to the community.

Refugees were their own ambassadors, and our outreach programmes gradually changed the perspectives of local residents towards refugees. Some residents joined public campaigns demanding that the government create a better welfare system for refugees. In addition to our outreach in the local community, churches and NGOs in Hong Kong also wrote letters to the government, engaged in street protests and provided legal assistance for refugees. All these campaigns, coming from different sectors of society, put pressure on the government to improve their policies towards refugees and asylum seekers.

Although it has been slow, some progress at least has been made. The government has increased the monthly rental assistance to HK\$1,500 and food assistance worth HK\$1,200 a month is provided in the form of a food card which can be used widely across the city.

Hong Kong's civil society will continue to play an important role in helping refugees to integrate, make a living and share their talents and skills, in order that they may plan their futures and live with dignity.

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