

## Legal and Structural Barriers to Livelihoods for Refugees

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### MODERATOR

**Lili Mohiddin**, *Regional Cash and Market Adviser*, Norwegian Refugee Council (NRC)

### SPEAKERS

**George William Onyore**, *Advocate of the High Court of Kenya*, NRC

**Anna Crowe**, *Clinical Instructor and Lecturer*, Harvard Law School

**Stuart Kent**, *Humanitarian Practitioner*, Oxfam

## QUESTIONS

### NRC

**Q: How can you ensure the sustainability of financial inclusion of refugees?**

At a very minimum, this would involve legal provisions that allow refugees to engage in business. From our experience in Kakuma, freedom of movement is key to allow refugees to buy goods and procure services easily.

**Q: Do Refugees require savings services or are their current requirements for finance centred around micro finance? Do refugees have access to any sort of financial services and if so, do the ones with formal businesses (permits) utilize them?**

In Kakuma, a local bank – Equity Bank – allows refugees to open bank accounts and if they qualify, enjoy loan products. In some instances, the bank may require that one possess a business permit before issuing a loan.

**Q: To dig deeper on the incentives to register, do you have any evidence proving improved access to finance for those who register? Any comparative study on business success for legal businesses vs informal ones?**

The answer is No for both questions. These are areas of research that can be explored in future and which will depend on availability of funds/resources to conduct the research.

**Q: What percent of the camp population are employed vs. what are mostly idling around the camp?**

No research has been done on this. However, given that the refugees are encamped there is bound to be a huge number of refugees who have nothing to do and are unable to find any source of income.

**Q: After formalizing their businesses, how do they manage their business risks (and other risks that might affect their businesses, ie health shocks, death, etc.)? Can they legally access savings and microinsurance products?**

Currently, we do not have any research or evidence. It would be a relevant research area to look at as a follow up after the Harvard Research.

Yes they can. There is a local bank- Equity Bank- that gives refugees an opportunity to open bank accounts and access loan products provided they meet their requirements.

**Q: Given the potential 6 million in revenues, do you think the government is providing enough services to these businesses? Do refugees understand that having a permit gives them certain civic rights (aside from having authorization to run a business)? Do they understand that they have a voice in government matters and advocate for themselves?**

No. Refugee business owners have expressed their concern that the local government needs to do more for refugee businesses such as, garbage collection, repair of roads etc. Hence the need for forums which refugee businesses and the government officials can engage, express their views and agree on way forward.

There is need for more awareness and education so that refugees can constructively engage with the local government. More can be done on this.

**Q: If you work in a context of protracted conflict where the informal economy sector is large and legal registration of the business is not really respected and required, would you still encourage your beneficiaries to legalize their businesses? Also, would you convince them to do so if there is no real incentive to?**

Definitely Yes. The benefits of having a business permit far outweigh the risk of having none.

Yes. By organizing awareness sessions, reaching them through the refugee leaders and using community outreach staff to raise awareness.

## OXFAM

**Q: Could you write down the title of the research that you referred to and that was conducted in the MENA region by DRC or NRC? even the key words may be enough?**

DRC Livelihoods Learning Journey, an overview and some outputs located here

<https://drc.ngo/news/drc-livelihoods-learning-journey>

**Q: Is there a point at which you conclude that the security and social barriers to livelihoods are so great that they have to be addressed before you can pursue livelihoods interventions?**

I do believe that there is a point at which the security and social barriers to livelihoods are so great that they need to be addressed before livelihoods interventions (at the typical household and community level entry point) can be effectively pursued. But that said, addressing these barriers should be seen as part of livelihoods work, and furthermore, I believe that employing the analysis tools and technical competencies required to recognize such situations is a responsibility of humanitarian actors, and part of quality programming. In such situations, I would really ask agencies to consider what the barriers are, whether social, political, infrastructural or in the macroeconomic or policy environment. Then to ask what they can do through evidence building, advocacy and smart policy work that talks to others to start addressing these barriers – while in the meantime delivering effective short-term emergency interventions to alleviate suffering. There is a pressure to ‘link’ humanitarian and longer term work, whether it’s called the ‘nexus’ or sustainability or the LRRD to

use an older buzzword. I think that sometimes it's forgotten that the potentially most effective way to make this link might be by combining longer term work at a policy or governance level with very short, very emergency style interventions that simply try to meet humanitarian needs whilst the longer term environment is influenced to be more conducive to doing more. Rolling out full-fledged (and resource consuming) livelihoods work when the context can't support it, and simply hoping for the best or thinking that working on (rather than in) the context is another stakeholders job, isn't a particularly responsible approach.

**Q: In Jordan, the humanitarian community is implementing the so-called Jordan compact, which aims at turning emergency into a development opportunity (when addressing Syrian crisis) and linking the emergency-development nexus. Do you know of any other similar initiatives in different geographical contexts?**

I can think of a lot of talk about the humanitarian nexus, but not a specific example such as the Jordan compact. I would point out that Jordan itself isn't a particularly fragile or insecure context from a security standpoint (of course protection and rights issues viewed from the individual perspective are still there). I think this concept of a development 'hold' is interesting in this type of question in terms of what are we asking humanitarian aid to do; to fill a vacuum and create a hold from which development actors, or states, can build, or to achieve development with humanitarian projects, funding streams, and constraints? The ICRC put out a report back in late 2016 that I think nicely frames some of the pressures operating when you talk about protracted conflict and the emergency – development nexus.

[https://www.icrc.org/sites/default/files/document/file\\_list/protracted\\_conflict\\_and\\_humanitarian\\_action\\_icrc\\_report\\_lr\\_29.08.16.pdf](https://www.icrc.org/sites/default/files/document/file_list/protracted_conflict_and_humanitarian_action_icrc_report_lr_29.08.16.pdf)

**Q: Do you think that your question about the sustainability of humanitarian response is an argument for unconditional cash transfers as opposed to trying to address livelihoods with physical assets or other programming? Is this something you considered in the Afghanistan context?**

This is definitely something that we considered. While I'm not sure if it relates as much to sustainability, I do think that there is a strong programmatic argument for using cash transfers when a context is too complex for an agency to effectively navigate, and where the person being assisted has much greater social, cultural or economic tools to navigate the context for themselves. In Afghanistan for example, we know that people use cash to pay off debts, or to make a loan (a form of financial but also social capital in the Afghan context). People also leverage cash transfers into larger sums to make investments based on their individual skillsets (human capital), which is a level of programme flexibility that most agencies could never achieve with any sort of efficiency in terms of timeliness or resource use. People also take calculated risks and make decisions on their own based on their individual circumstances. I think that we should do much more to monitor and measure cash transfers for their livelihoods and economic impacts, and to understand the decision and impact chain at household level. Even though we are, collectively, livelihoods 'experts' I think that in certain complex settings the best 'expert' judgement is that some categories of beneficiaries are better placed to judge how to deploy a set amount of resources for their own benefit than we are. This may not always be true, but in insecure, "bunkerized" settings where technical teams have limited ground access, we should allow for the possibility.