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## Legal and Structural Barriers to Livelihoods for Refugees



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- 1. SEEP Overview**
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## Our Mission

To empower our members to become effective agents of change and to enhance their collective ability to accelerate learning and scale impact

# Legal and Structural Barriers to Livelihoods for Refugees

January 15, 2019 | 11:30 am EST



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# Supporting Refugee Businesses In Kakuma Camp, Kenya

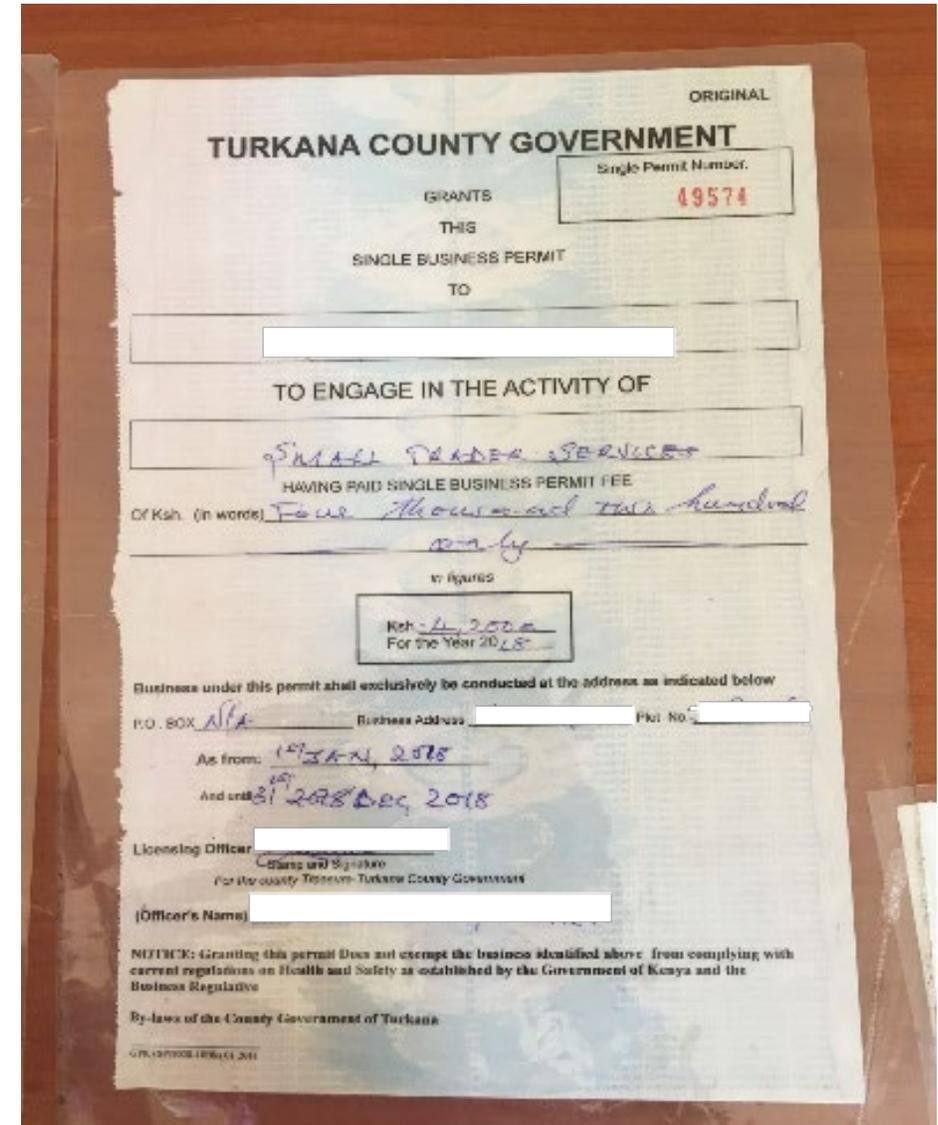
Based on experiences in Kakuma, we will:

- Outline the role of locally issued business documentation in helping refugees to achieve a degree of formalization for their businesses;
- Describe our work on mapping refugee businesses in Kakuma and improving refugees' access to business documentation and legal structures that support business development;
- Discuss the effect of restricted movement on access to markets and ways in which movement restrictions can be incrementally lessened.



# Local Business Documentation

- Important to refugees because showed legal compliance and provided access to finance/credit/security
- High cost relative to income
- Other strategies to strengthen refugee livelihoods

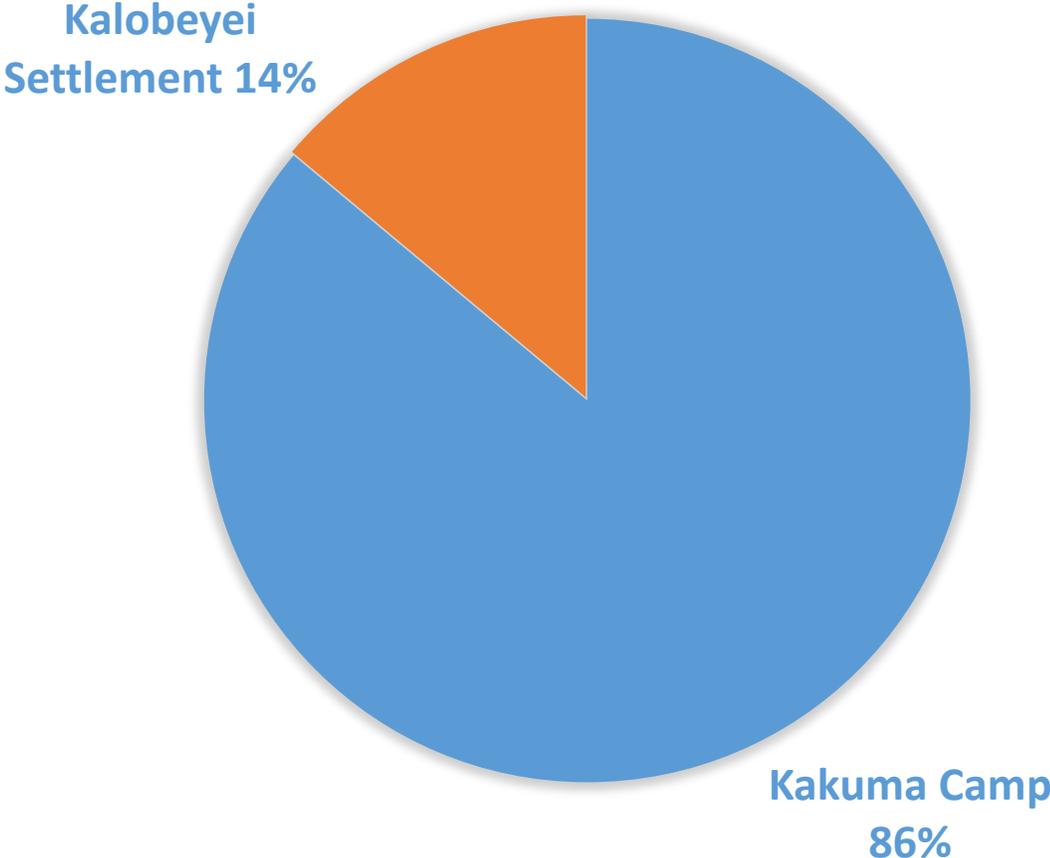




# Business Mapping

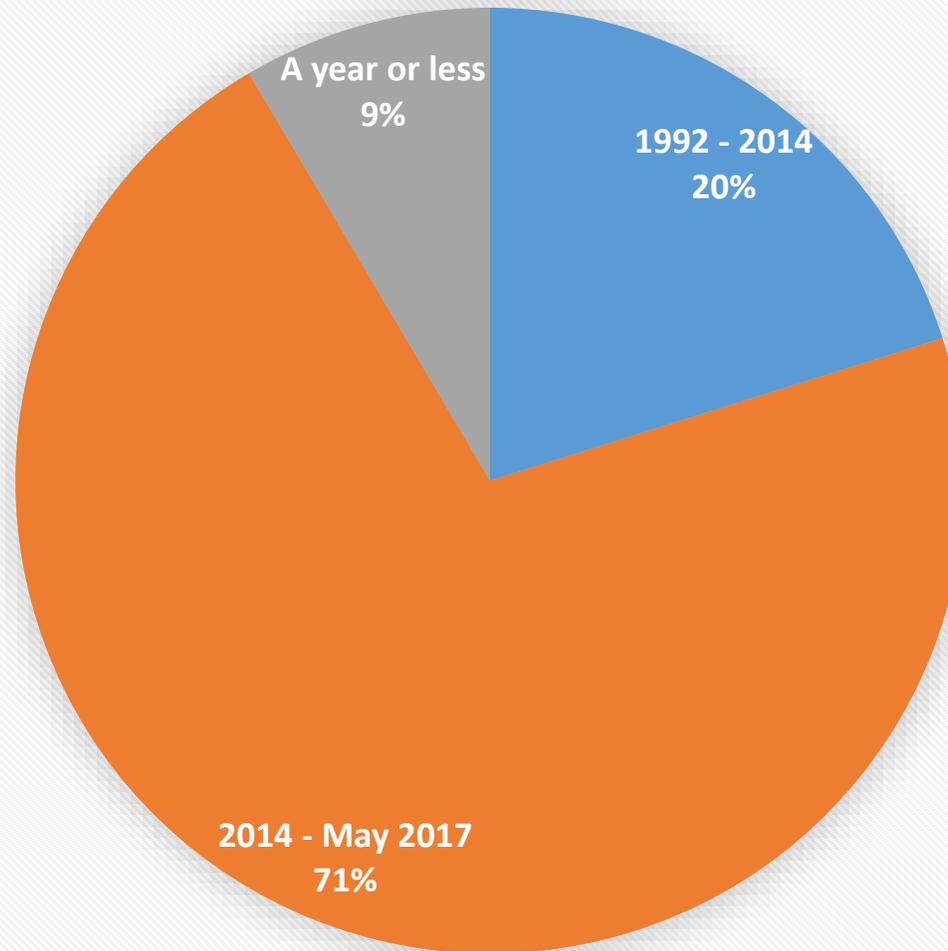
- NRC mapped businesses in Kakuma with the aim of providing legal support to these refugee businesses.
- The mapping was intended at programming following the Harvard Research on access to business permits.
- Simple mapping exercise meant to identify businesses – location, type, year of establishment, whether or not they had a business permit.
- A total of 2,583 mapped in line with IFCs report, Kakuma as a Market Place.

## LOCATION OF REFUGEE BUSINESS



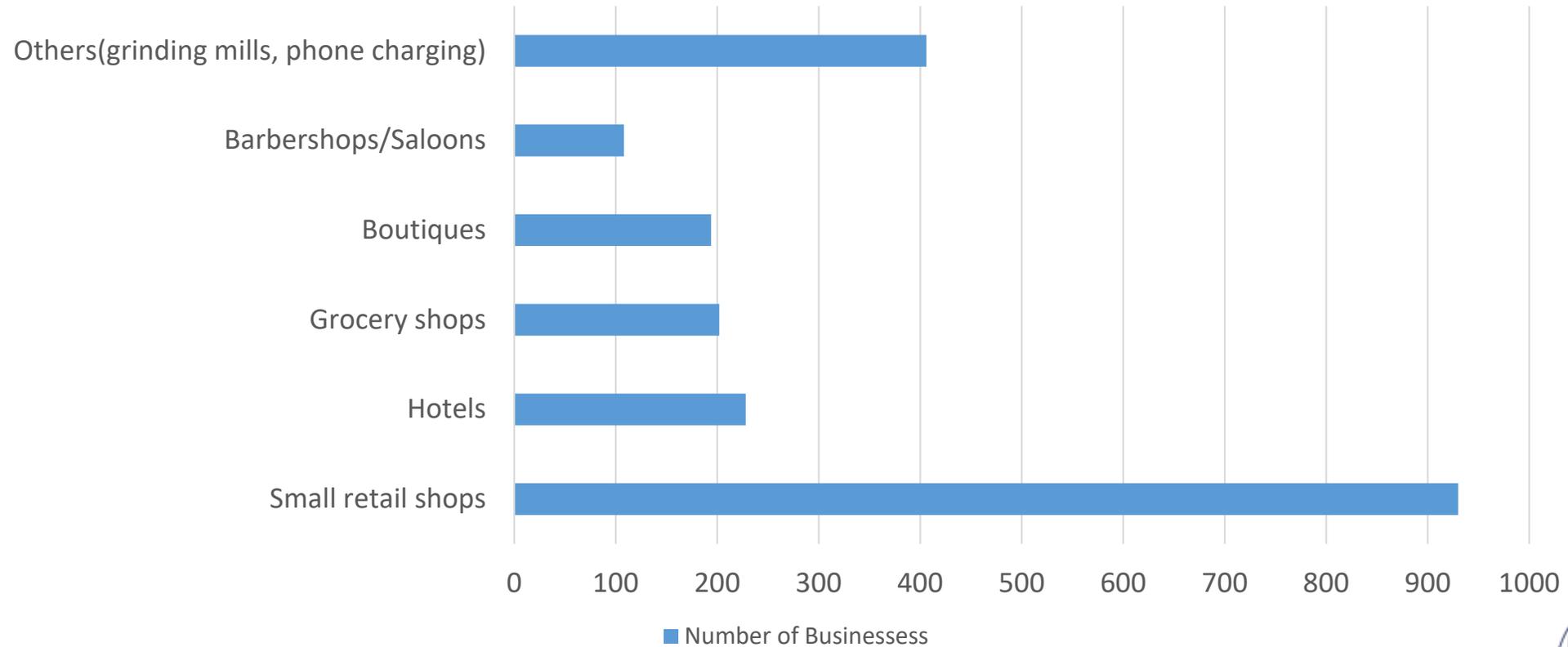
# Year of Establishment

## Year of Establishment



# Type of Businesses

Number of Businesses



# Business Permit & Revenue Collection

- 1160 businesses had a valid business permits for 2017. 1345 had not taken a business permit. This is in line with the findings of the Harvard research of 42%.
- 2017 Revenues estimated at 3,069, 720. This is in line with Harvard Research of an average of 2,500 – 3,000 per business.
- NRC estimates that if all refugee business paid revenue the Govt could potentially collect more than 6 million annually in revenue.

# Effect of Restricted Movement

- Reduced self-sufficiency
- Reduced ability to contribute to local economy
- Sense of hopelessness
- Challenges around movement passes



MINISTRY OF INTERIOR & CO-ORDINATION OF NATIONAL GOVERNMENT  
REFUGEE AFFAIRS SECRETARIAT, KARUMA REFUGEE CAMP

TRAVEL REQUEST FORM

1. Please note that this travel request and movement pass are properties of GDC. The applicant must return the movement pass to GDC office where it was issued immediately upon return. Otherwise there will be no further approval to travel in the future for the applicant.
2. The travel request form can be found at the field offices near to where one is residing.
3. The applicant will bring the duly filled form to the CM who will authorize the requested movement pass and sign it on behalf of the Commissioner for Refugee Affairs.
4. The protection section will collect the fee.
5. All forms to the CM every Thursday in preparation for the movement pass.
6. The movement pass will be signed by the CM (in his absence the DCC) and signed every Friday for submission.

<b>APPLICANT PERSONAL DETAILS:</b>		<input type="checkbox"/> KAKUMAT	<input type="checkbox"/> KAKUMA 2
		<input type="checkbox"/> KAKUMA 3	<input type="checkbox"/> KAKUMA 4
NAME: _____		ZONE: _____	BLOCK: _____
Male <input type="checkbox"/> Female <input type="checkbox"/>	PHONE NO: _____	D.O.B: / /	
SON REGISTRATION ID NO: _____	NATIONALITY: _____	MANIFEST INDIVIDUAL NO: _____	
NO OF DAYS REQUESTED: _____	TRAVEL DESTINATION: _____	APPLICATION DATE: _____	

	OTHER ACCOMPANYING PERSON (S)	INDIVIDUAL NO.
1.		
2.		
3.		

**PURPOSE OF MOVEMENT**

Go for medical check up or treatment (please provide the doctor's recommendation paper and/or continuation)

Go for education and/or vocational training (please provide invitation from the institution or proof of continuation)

Go to visit embassy (please provide the invitation from the embassy)

Go to visit a friend and/or relative (please provide the name, address, and communication number of friend/relative. Tel. No of the person to be visited: \_\_\_\_\_)

Go for private business and trade (please provide business permit or related document)

Other (please provide the details)

<b>OFFICIAL USE ONLY</b>	APPROVAL DATE: _____
REFUGEE CAMP OFFICER'S SIGNATURE: _____	
THE DATE OF RETURN MOVEMENT PASS: _____	



- Continue to promote refugees' right to work including through self-employment and freedom of movement particularly in light of CRRF and IGAD commitments.
- Explore options and increase advocacy to enhance refugee freedom of movement through revising legislation and making incremental changes to practices and policies i.e.
  - Waiving requirements for movement pass within Turkana County
  - Providing multi-trip and/or year-long movement passes
  - Allowing refugee business owners with business permits to receive movement passes

- Provide refugees with clear information on how to obtain movement passes and the criteria for issuance and establish appeal mechanisms
- Raise awareness about business permits among refugees, how to obtain and the fee structures in coordination with County Revenue Department.
- Work with actors operating in the camp to investigate the ways to support business development, business growth and the formalisation of business opportunities.
  - Ensure that refugees voices are heard in the implementation of the 2018-2022 County Integrated Development Plan and support the Turkana county with humanitarian and development funding to explore options to increase refugee movement and socio-economic integration.



- Legal support to Refugee Business to
  - Help them comply with various county and national laws
  - Form legal identities e.g. groups, companies, to enhance their identities
  - Register businesses nationally to enhance protection and grow businesses
  - Network with government agencies such as the Kenya Revenue Authority, Ministry of Trade etc.
  - Court Representation to enhance access to their property rights.

Policy briefings are available at [www.nrc.no](http://www.nrc.no)

- Supporting Kakuma's Refugees: The Importance of Freedom of Movement
  - Supporting Kakuma's Refugees: The Importance of Business Documentation in an Informal Economy
- Contact: [acrowe@law.harvard.edu](mailto:acrowe@law.harvard.edu)

# Emergency Livelihoods for Returnees in Afghanistan



**Stuart Kent**

*Oxfam*

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# Emergency Livelihoods Programme Review



- Mixed methods review, in Aug and Sept 2018, of emergency livelihoods strategies and interventions in Kunduz and Nangarhar Provinces; Northern and Eastern Afghanistan.
- The structural barriers faced by IDPs, Returnees, and host community households to market and economic participation are both severe, and, we found, poorly addressed in the Afghanistan context by the current toolkit of livelihoods and market-based approaches.
- A critical perspective, and ‘triple track’ approach to emergency livelihoods and economic recovery programming for those affected by protracted conflict and forced displacement is proposed, though many open questions and uncertainties remain.
- Available from <https://asia.oxfam.org/policy-paper/emergency-livelihoods-northern-and-eastern-afghanistan>



# Presentation



## Setting the Scene

- Who are we programming for, whose barriers are we concerned with?
- Capacity for impact, intervention versus the structural drivers of vulnerability

## Structural Barriers to Livelihoods and Economic Participation

- It's a social world
- Market governance
- Gender
- The role of insecurity and protracted conflict

## Implications, and Open Questions



# Data Sources and Methodology

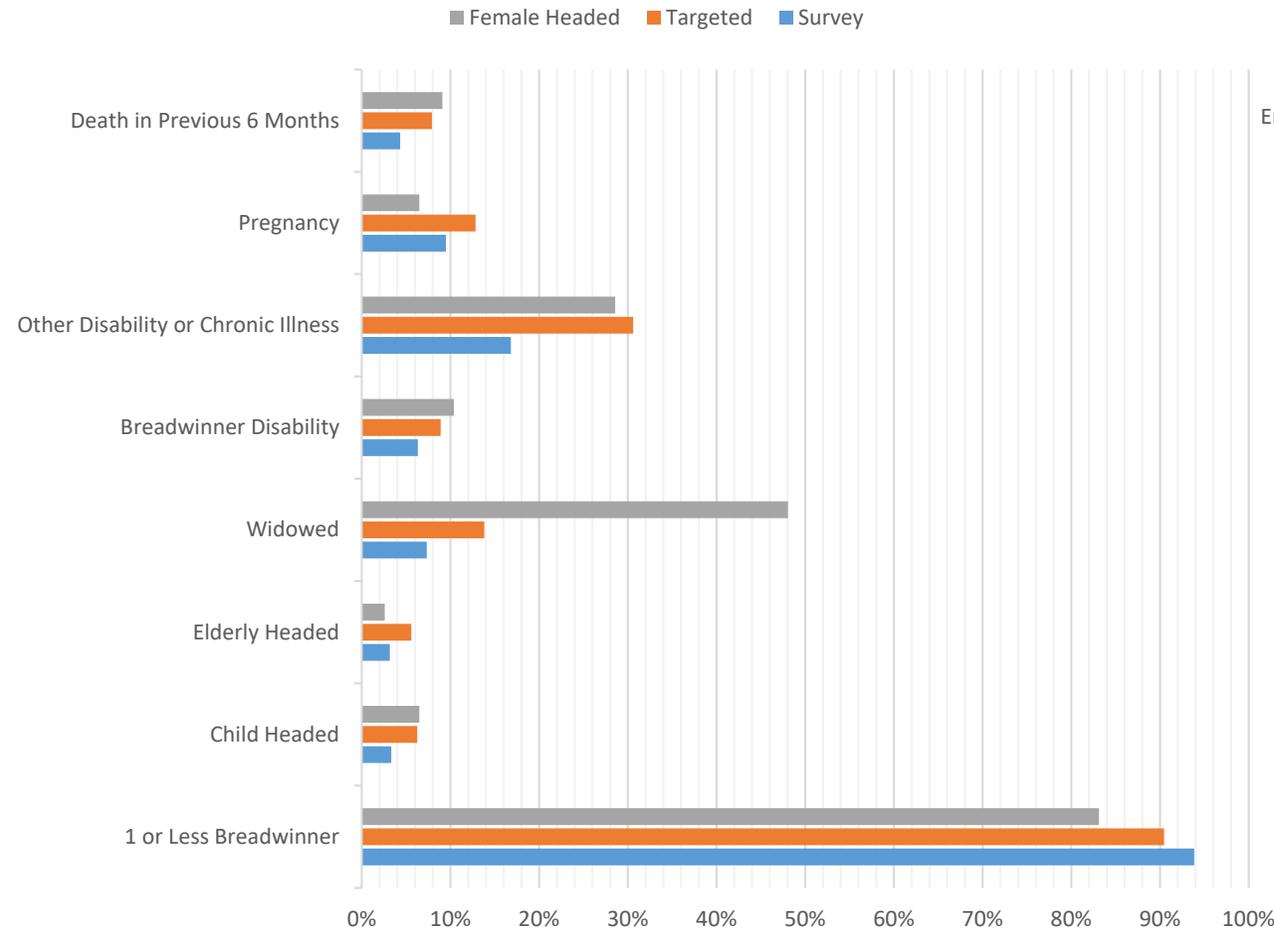


- Desk review of programme documents, secondary sources and policy literature
- Quantitative analysis of household level databases to understand beneficiary profile (up to 2000 HHs)
- Simple regression modelling (Nangarhar data)
- Stakeholder interviews
- Qualitative field data (64 in depth HH interviews and 16 FGDs) in Kunduz and Nangarhar. Exploration of gendered livelihoods, protection issues and conflict sensitivity.

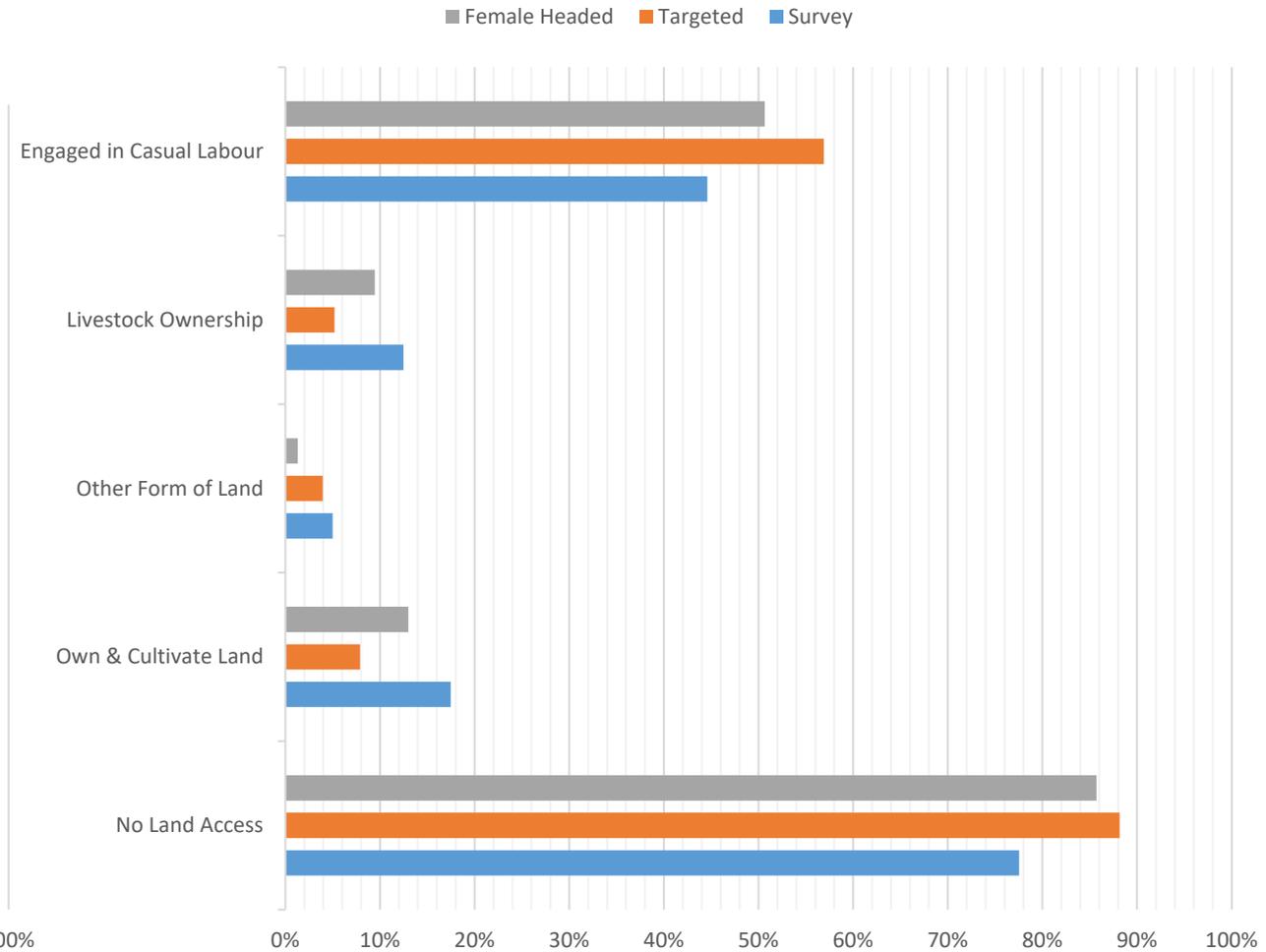
# Who are we Programming for?



## Vulnerability Profiles by HH Type



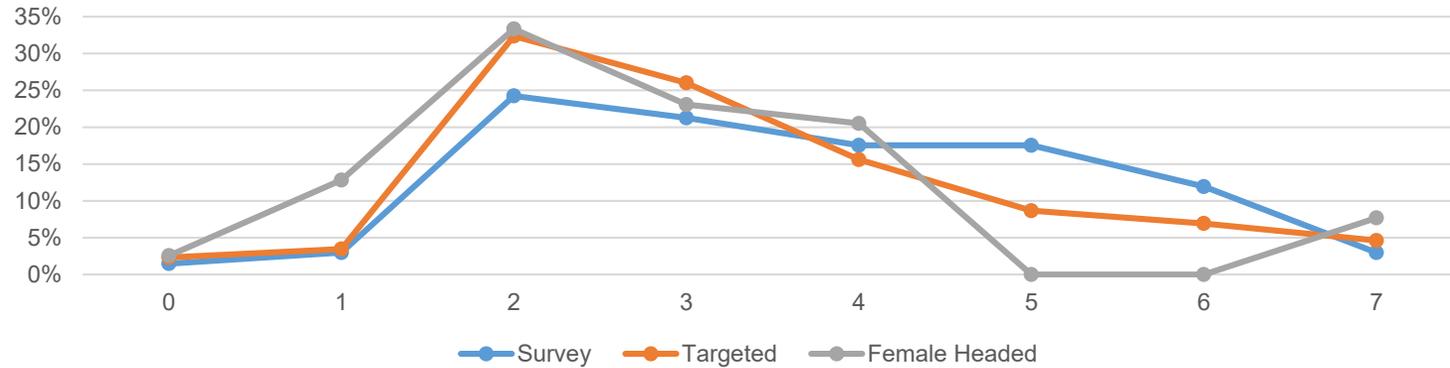
## Labour, Livestock & Land Participation Rates by HH Type



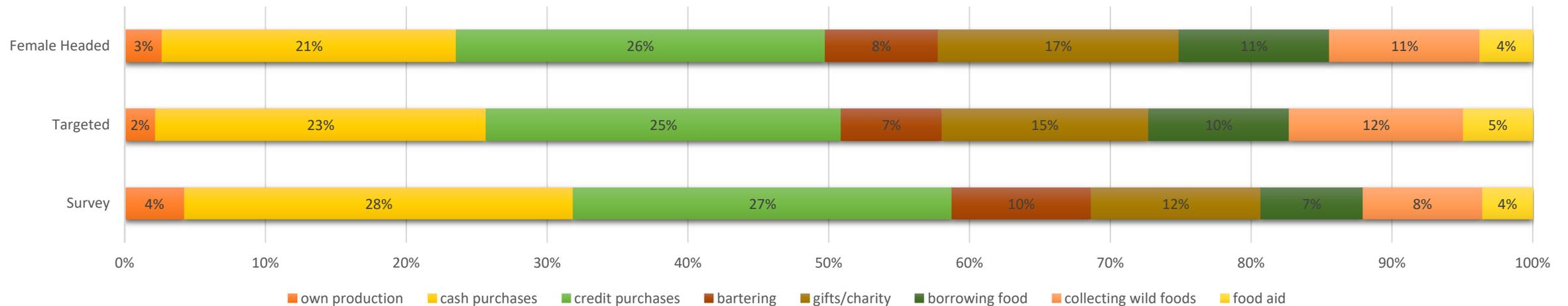
# Who are we Programming for?



## Days of Labour per Week by HH Type (Frequency Distribution)



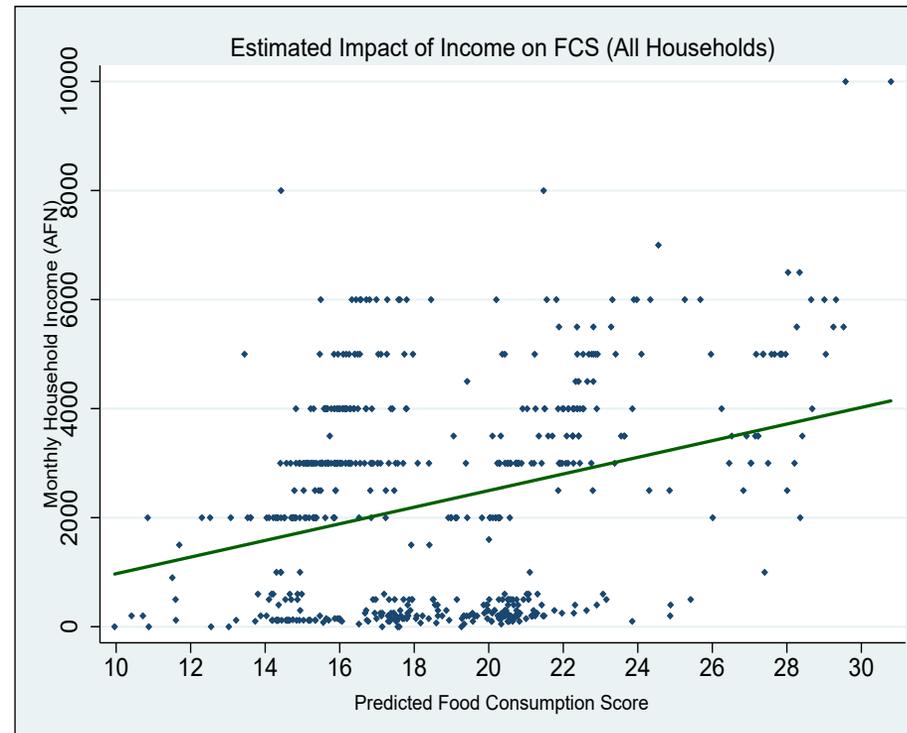
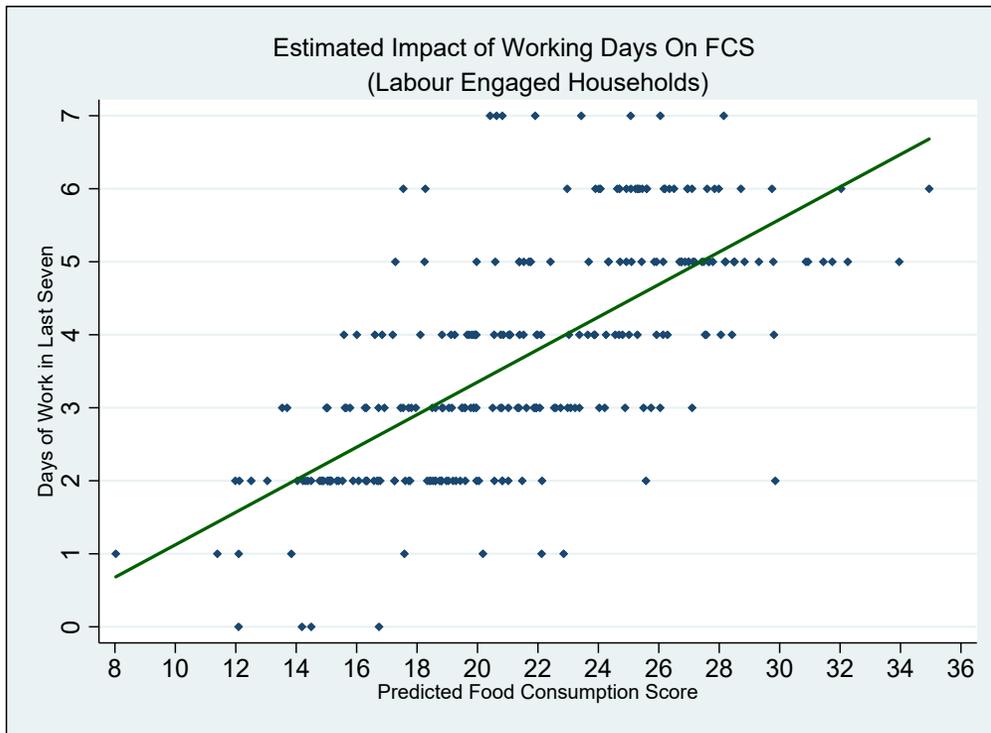
## Primary Food Sources by HH Type



# Capacity for Impact: Structural Drivers of Vulnerability



Do our expectations of what can be achieved through household level intervention need a reality check? Exploring Household Income and labour levels against FCS and rCSI.



\*Regression data, tables and limitations in full report

Food Consumption Score	FCS Model: All	FCS Model: Labour	Reduced Coping Strategies Index	rCSI Model: All	rCSI Model: Labour
Household Size	0.0733043 (0.505)	0.2037903 (0.365)	Household Size	0.1483375 (0.070) *	0.1520813 (0.332)
Dependency Ratio	-0.3021753 (0.120)	-0.2606324 (0.467)	Dependency Ratio	0.1741566 (0.230)	0.2382454 (0.348)
Monthly Income (1000 AFN)	0.3967000 (0.022) **	0.7557000 (0.018) **	Monthly Income (1000 AFN)	-1.3336000 (0.000) ***	-0.7942000 (0.000) ***
Percent of HH >5 Female	-2.854802 (0.155)	-10.3773 (0.006) ***	Percent of HH >5 Female	-1.503117 (0.312)	5.30401 (0.000) ***
Female Headed HH	0.0429006 (0.962)	0.0712656 (0.963)	Female Headed HH	1.032684 (0.123)	0.223419 (0.834)
Labour Engaged	6.282087 (0.000) ***		Labour Engaged	-3.032124 (0.000) ***	
Livestock Ownership	1.329725 (0.141)	3.486426 (0.027) **	Pregnancy in HH	2.255461 (0.002) ***	2.723228 (0.011) **
No Land Access	-4.904387 (0.000) ***	-2.046928 (0.179)	No Land Access	-8.872773 (0.000) ***	-5.973134 (0.000) ***
Disability in HH	-3.037415 (0.000) ***	-3.437014 (0.003) ***	Child Headed	3.996756 (0.001) ***	1.990203 (0.491)
Days of Work Last Seven		1.051048 (0.006) ***	Sole Breadwinner	2.985012 (0.001) ***	2.49975 (0.044) **
			Days of Work Last Seven		-0.4684015 (0.078) *

# Case Study: Tailor Made Optimism



*“Oxfam/NCRO provided us with tailoring package, value EUR 90 [tailoring machine, table gas iron and essential tools] as livelihood source to support our family. I am really thankful from my heart to Oxfam/NCRO for reaching to us, but how could a small tailoring machine solve the problems and fulfil the expenses of a family of 10 members without having any primary income source?”*

Mrs. Sharifa, 40 years old, lives with her four young daughter, four young sons, and husband (report case study)

- Difficulties to consider current designs, styles and demands for women’s clothes.
- Modern machine factory sewn preferred to traditional hand methods.
- Women face challenges to travel to, link with, markets for inputs and sale.
- Family conflicts.



# Refreshing our Perspective



Afghanistan: A protracted crisis with no single discernable 'shock' or 'entry point' for response analysis, design or intervention

- Political and conflict scenarios
- Forced Mobility
- Macro-Economic stagnation, extremely saturated (labour) markets
- Governance Challenges
- Limited Institutional Capacities
- 'Peacebuilding', 'Statebuilding', the 'Nexus' and threats to Humanitarian Space



# It's a Social World, with Social Barriers



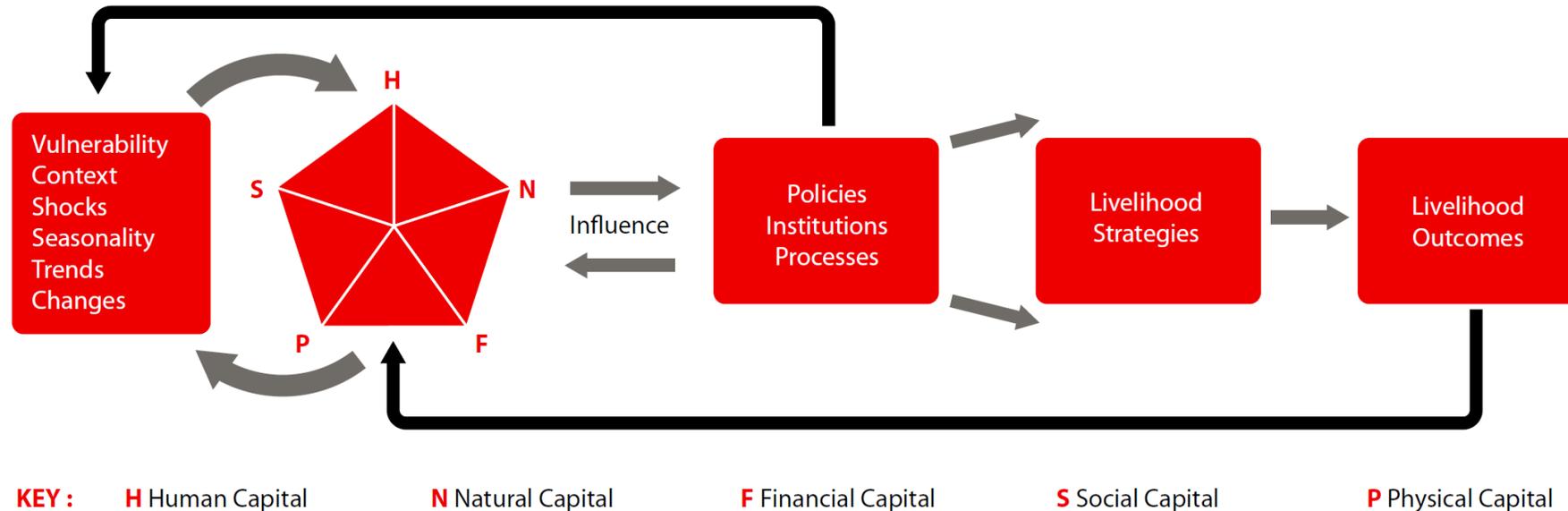
- Current focus of emergency livelihoods programming is on financial and physical asset replacement.
  - Greater focus is needed on identifying barriers in the context, and in the policies, institutions and processes that prevent households from achieving the desired livelihoods outcomes.
  - Livelihoods cannot be distributed, they need to be enabled.
- With enough resource, household level interventions might overcome structural barriers, but they do not resolve them. Efficient?
- To what extent is it possible for an external agency to 'place' beneficiaries within saturated labour markets when personal attributes, education levels and social capital and networks play the primary roles as deterrents of outcome?



# Livelihoods and Market Governance Barriers



*The sustainable livelihoods framework*



- Highly saturated markets require a different approach. Need to shift focus onto barriers on the demand side, many of which exist beyond the typical programme intervention scale. Agency projects cannot, in isolate, create demand, multi-level work 'above' the household is required.
- We need to think about market governance the way our colleagues might think about political governance, and engage more seriously with a few of the forgotten corners of the Sustainable Livelihoods Framework (and the tops and bottoms of the EMMAs).

# Gendered Barriers, Risks & Mitigation



- Findings from the ground indicate strikingly little knowledge of the risks faced by, and the mitigation strategies employed by, the opposite gender even within the same household.
- Integration of gender concerns brings forward a host of social and behavioral change components into the analysis, but as livelihoods actors we have little experiencing of engaging with this field.
- Livelihoods programming that seeks to contribute to women's economic empowerment should consider how the programme can address both
  - (1) the social and cultural norms, and
  - (2) threats and risks around physical insecurity related to the conflict.

# Case Study: Increasing resilience, but not resilient



*“The hens are now producing the eggs, and I am selling them out in the village and to nearby shops to earn AFN 70-80 per day (0.90 – 1.05 USD). This has helped me to cover some part of my family’s household expenses”*

Mrs. Zarbanoo, 45 years old, lives with one school aged son, a school aged daughter and her elderly husband (report case study)



- Her livelihoods sources included sharecropping marginal land, remittances that enabled purchase of 1 cow for minor milk sales, and now hens.
- And yet, despite cobbling together three different sources of income to meet the families basic needs overall income is still extremely low. She could not afford productivity inputs for livestock.

# Protracted Conflict and Insecurity



- Tools developed to map and address barriers in sudden onset or natural disaster settings miss vital barriers and aspects of livelihoods for those affected by forced mobility in protracted conflict settings.
- Physical insecurity is the most commonly cited barrier to livelihoods, market, and economic access. Yet, it is absent from programme frameworks.
- Fear, lack of family and personal connections, and the unknown of newcomers negatively influences employment prospects.
- The level of agency contextual knowledge required to overcome conflict sensitivity barriers, or to identify how insecurity prevents access to livelihoods, is limited by agency access, credibility and footprint.



# Implications and Open Questions

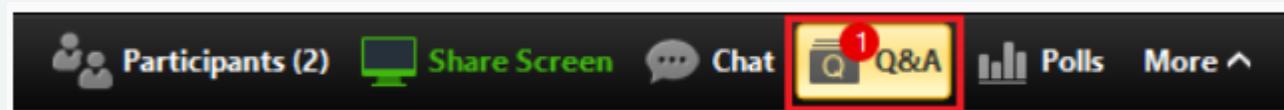


- How to move beyond financial and physical assets to the forgotten regions of the Sustainable Livelihoods Framework, to work to address barriers ‘above’ the household? What is needed to think through, and design effective interventions, on market governance?
- Do we need a reality check for expectations about the sustainability, or resilience, of humanitarian outcomes in the absence of development and political progress? Do we have tools to recognize when the barriers to household level intervention at ‘too’ severe?
- How can the ‘next generation’ of livelihoods and market analysis tools be adapted to protracted conflict settings to focus more on enabling access, mitigating risk and reducing barriers?



# Q&A

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# Join the MiC community

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Congratulations! You have joined the Markets in Crises community of practice. You are now part of an online community of over 1600 humanitarian practitioners with a diverse range of skills and experiences in market-based approaches to crises around the world. The Markets in Crises discussion forum promotes open sharing, learning, and experiences and does not promote one tool or approach over another.

To participate in the forum, use your email address or the username that you chose along with your password to enter this site and browse the library. You will find a rich resource of market assessment reports, training information, and tools including the EMMA Toolkit for download for free!

Remember that you can start a discussion thread as a quick and easy way to participate by:

- Sharing your field experiences, market analysis reports, or programme case studies
- Asking a question for your colleagues or seeking advice/support
- Pasting a link to a favorite market assessment tool or a recent article or learning event
- Advertising market-related consultancies and job openings

There are a couple of simple guidelines to keep in mind:

Be Respectful to All: Please remember to avoid any abusive or rude responses. We want to encourage everyone to participate and not be reticent to contribute a thought or idea. Avoid Off-topic or Casual Replies: We encourage everyone to make relevant posts and professional comments. Please avoid all off topic posts which should be sent by personal email to whomever you are addressing. We also strive to converse in a professional manner so that everyone, including non-native English speakers can follow and contribute to our conversations. BE CAREFUL of the 'REPLY' button! Remember that if you simply hit 'reply' to an email coming from the Dgroup, you are actually selecting 'REPLY ALL'. Your response will go to every member in the forum – that is currently hundreds of practitioners in our community -- and growing! To respond personally to the sender, please click FORWARD and not REPLY.

## Recent discussions Discussions →

- Relief International is searching for a Global Cash Programming Adviser  
Marie Boulinaud on April 18 1
- Share your experience on the Minimum Standard for Market Analysis (MISMA)  
sbumbacher@cashlearning.org on April 17 1
- Webinar: Humanitarian Standards Partnership, MERS and LEGS  
Sonya Salanti on April 16 1
- Request for information on cash / markets work relating to gender equality and women's empowerment  
Zuzana on April 16 1
- New paper on market systems in crisis  
Alison Hemberger on April 13 4
- Show off your work and contribute to the learning!  
karri.byrne@gmail.com on April 13 1

## Recent resources Library →

- EMMA\_Sunamganj\_FullReport\_June2017.pdf
- LCC - Lessons Learned 2014 - 2017.pdf
- Northeast Nigeria Joint LMRA 2017.pdf

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