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# SOCIO-ECONOMIC INCLUSION OF REFUGEES

*Access to Justice and Basic Services*



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## *Socio-Economic Inclusion of Refugees: Access to Justice and other services*

### **Introduction**

Observing the historical development of refugee law, one is led to appreciate society's ever evolving understanding of conflict, mobility and protection. Centered in Humanitarianism, the initial protection granted to refugees was fixated on provision and support, but after the end of the Second World War, the world was witness to the aftermath of the atrocities and genocides that took place, making refugee issues graver and the people seeking the status augmented. Simultaneously, the evolution of human rights was reaching the stage of internationalization, which created the perfect nexus for a shift of approach to take place from humanitarianism to human rights. In a similar fashion, the 21<sup>st</sup> century is witnessing a paradigm shift of refugee protection from Human rights to that of a developmental issue focused on resilience and self-reliance of refugees. Before dissecting this rather new development and its practical consequences, it's key to mention the important legal frameworks governing refugee law.

For nearly 70 years, the 1951 Convention on the Status of Refugees (and its update – the 1967 Protocol) has remained the cornerstone of the international refugee protection system. The convention has been complemented by regional conventions such as the Organization of African Unity [OAU] 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1984 Cartagena Declaration, the 2017 Arab Convention on refugees, the 2001 Bangkok Principles on the status and treatment of refugees, and the 2012 the Ashgabat Declaration.

Even though the above mentioned instruments are the main source of protection, international refugee law does not operate in isolation. It is complemented by other bodies of law, notably international human rights law, international humanitarian law, and international criminal law. There is no hierarchical relationship between these bodies of law, but they are interconnected.<sup>1</sup>

As with every individual, refugees are a diverse group with multiply and intersecting identities such as gender, race, national origin, age, and disability. This identity grants them different layers of protection emanating from human right instruments such as the 1948 Universal Declaration of Human Rights, International Convention on the Elimination of All Forms of

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<sup>1</sup> Frances Nicholson and Judith kumin, A guide to International Refugee protection and building state asylum systems; Handbook for Parliamentarians N° 27 2017 ( Inter-Parliamentary Union and the United Nations High Commissioner for Refugees)

Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, Optional Protocol to the Convention on the Elimination of Discrimination against Women, Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and Optional Protocol to the Convention on the Rights of Persons with Disabilities. Therefore, it's within reason to conclude that the universal rights of refugees are derived from the general standards of international human rights law and the Refugee Convention itself.

When we circle back to the current paradigm shift, there has been a global consensus that improving the livelihoods of refugees through socio-economic inclusion is a key component of achieving protection and lasting solution. Economic inclusion contributes to the self-reliance and resilience of refugees, empowering them to meet their needs in a safe, sustainable and dignified manner.

In day to day usage, economic inclusion means that all consumers have access to safe, secure, and affordable financial products and services<sup>2</sup>, but the term is nuanced when applied in the context of socio-economic inclusion of refugees. Even when rights pertaining to socio-economic inclusion are granted, there are often barriers that hinder the defacto access to the resources.<sup>3</sup> But regardless, it is a top priority to maintain a robust diplomatic and humanitarian response focused on curbing abuses and violence and meeting basic needs, but there must also be a continued emphasis on facilitating development and economic inclusion for refugees<sup>4</sup>, especially considering the fact that refugee status by its nature is a temporary status, one requiring durable solution.

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<sup>2</sup> 'What is Economic Inclusion?' (*FDIO*, 25 October 2022) <<https://www.fdic.gov/analysis/household-survey/economic-inclusion/index.html#:~:text=Economic%20inclusion%20means%20that%20all,first%20step%20toward%20e>> accessed 8 November 2022

<sup>3</sup> Refugee Livelihoods and Economic Inclusion 2019-2023 Global Strategy Concept Note.

<sup>4</sup> 'Enhancing Socio-Economic Integration of Refugees and Host Communities in Refugee Hosting Areas of Ethiopia - UNJP/ETH/106/HCR' (*FAO*, 2022) <<https://www.fao.org/publications/card/en/c/CB1005EN/>> accessed 8 November 2022

On 17 December 2018, the United Nations General Assembly affirmed the Global Compact on Refugees, after two years of extensive consultations led by UNHCR with Member States, international organizations, refugees, civil society, the private sector, and experts. One of the main objectives of the Global Compact on Refugees was enhancing refugee self-reliance; additionally, one of the parts of the Global Compact was on the Comprehensive Refugee Response Framework (CRRF), as agreed to by Member States in Annex I of the New York Declaration, a landmark declaration adopted on 19 September 2016 by acclamation at the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants. The New York Declaration included a set of commitments for refugees and migrants, and elements towards the achievement of a Global Compact on Refugees. All the above demonstrate the firm commitment of the international community in shifting the archetype of refugee protection from solely being a humanitarian concern to that of including a development dimension.

### **Refugee Protection in the context of Ethiopia**

Ethiopia has a long established tradition of welcoming refugees on its territory. Today, the country hosts refugees from 24 countries, including comparatively larger populations from the neighboring countries of South Sudan, Somalia, Eritrea and Sudan. Ethiopia is home to about 800,000 refugees. Prior to the crisis in Tigray, about 150,000 refugees were in the northern regions of Tigray and Afar, and most of the remaining 650,000 were in the regions of Somali, Gambella, Benishangul-Gumuz, and Addis Ababa.<sup>5</sup>

Ethiopia is setting example for the world in sustainably managing the economic inclusion of refugees by balancing it with local demands, according to *Ethiopian Investment Commission*. In an exclusive interview with ENA, EIC Deputy Commissioner Anteneh Alemu said “what we are doing here is exemplary to the international community as to how to tackle the issue of migration.”<sup>6</sup>

Looking deeper into how exactly Ethiopia is tackling the issue of refugee protection, it’s important to note key milestones. On 20 September 2016, the former Prime Minister of Ethiopia

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<sup>5</sup> UNHCR, “Operational Portal: Ethiopia,” accessed October 2020, <https://data2.unhcr.org/en/country/eth>

<sup>6</sup> ‘Ethiopia to Serve as Exemplary for Economic Inclusion of Refugees’ (*Reliefweb*, 7 November 2018) <<https://reliefweb.int/report/ethiopia/ethiopia-serve-exemplary-economic-inclusion-refugees> > accessed 8 November 2022

made pledges at the Leaders' Summit on the global refugee crisis in New York. The pledges highlight the engagement of the Government in setting clear targets involving both development and humanitarian actors, as well as donors. These pledges, outlined a day after the adoption of the New York Declaration on Refugees and Migrants and its annex on the Comprehensive Refugee Response Framework (CRRF), are ambitious as they embody a vision whereby refugees would be gradually allowed to live out of camps, work, cultivate land, access improved education and health services as well as national birth and vital events registration, and even be provided with formal legal integration for those who have spent more than 20 years in Ethiopia.<sup>7</sup>

A year later, Ethiopia became one of a few countries in the world to pilot the Comprehensive Refugee Response Framework (CRRF), with a nationwide launch of the same in November 2017. The CRRF serves as a means to implement the nine pledges and envisions bringing durable solutions for refugees and supporting host communities through combining humanitarian aid and development. To guide its implementation, a National Comprehensive Refugee Response Strategy was drafted. The draft strategy indicates that the overall goal of the framework's implementation in Ethiopia is to ensure the self-reliance of refugees and host communities through socio-economic integration and facilitating voluntary repatriation and resettlement opportunities. Within a 10-year timeframe, the strategy aims to achieve the following four objectives:

- Enhance capacity to manage sustainable responses to the needs of refugees and host communities.
- Ensure refugees and host communities have access to and benefit from diverse economic and livelihood opportunities, which ultimately ensure self-reliance and socio-economic integration of refugees and host communities.
- Strengthen and build individual capacities of refugees and host communities, and prepare refugees for durable solutions by building their human capital.
- Support conditions in countries of origin and advocate for meaningful responsibility sharing, including expanded access to third-country solutions, using regional and international processes.

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<sup>7</sup> WORKING TOWARDS INCLUSION REFUGEES WITHIN THE NATIONAL SYSTEMS OF ETHIOPIA, © United Nations High Commissioner for Refugees, Geneva, December 2017

Implementation of the Comprehensive Refugee Response Framework represents a major shift in Ethiopia's refugee policy. Refugees living in camps will benefit from paid employment. Those in protracted situations will have opportunities to integrate locally and live outside camps.<sup>8</sup>

Ethiopia continued to show bold commitment at the 2019 first Global Refugee Forum by making four additional pledges to improve the lives of refugee and host communities.<sup>9</sup> In February 2019, the Government passed a new Refugee Proclamation creating an enabling legal environment to promote self-reliance for refugees. The promulgation of Proclamation No.1110/2019 was seen by many as a tangible reflection of Ethiopia's commitment to pave a way for a more sustainable development-oriented solution for refugees and asylum seekers.

The proclamation, albeit with questionable implementation so far, aims to expand refugees' rights to work, move freely, and access education. Ethiopia has already begun to take steps to implement these changes by extending over 2,000 work permits to refugees (with plans to distribute thousands more) and expanding the number of freedom-of-movement permits from 19,633 in 2018 to 35,340 in 2019.<sup>10</sup> The institutional responsibility for the implementation of all policies relating to refugees and returnees lies with the Administration for Refugee and Returnee Affairs (ARRA) under the National Intelligence Security Service.

It is safe to conclude that Ethiopia has followed the suit of the international community in evolving the care and maintenance approach reflected in the previous legal frameworks i.e. proclamation 409/2004, to that of self-reliance, but it's crucial to understand the current reality of Ethiopia for the success of its implementation.

### **Practical challenges of socio-economic inclusion in Ethiopia: Context is crucial**

As a matter of principle, it's key to note that refugee rights regime is not simply a list of duties owed by state parties equally to all refugees. An attempt is instead made to grant enhanced rights as the bond strengthens between a particular refugee and the state party in which he or she is

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<sup>8</sup> Tsion Tadesse Abebe, 'Ethiopia's refugee response Focus on socio-economic integration and self-reliance '[2018] EAST AFRICA REPORT 19 <<https://issafrica.org/research/east-africa-report/ethiopias-refugee-response-focus-on-socio-economic-integration-and-self-reliance> > accessed 8 November 2022

<sup>9</sup> The UN Refugee Agency , Ethiopia GRF Pledge Progress Report ( 2021)

<sup>10</sup> Based on information given by ARRA at an NGO roundtable organized by ReDSS; UNHCR, *Ethiopia: 2019 Summary Pledge Progress Report*, July 2020, <https://data2.unhcr.org/en/documents/details/78981>

present. Not only this, the socio-economic inclusion of refugees is also highly dependent on the resources available in the host country.

When we look at the situation in Ethiopia, many challenges and barriers stand in the way of refugee economic inclusion in the country. Some of these challenges are related to the overall economic and political situation in the country. For one, even prior to the outbreak of violence in Tigray, political unrest and violence, linked to an ongoing democratic transition, had been spreading in various regions throughout the country. Second, like all other countries in the world, Ethiopia has been grappling with the outbreak of COVID-19, which has devastated health systems and the economy alike. Third, even prior to the pandemic, the country faced high rates of poverty and unemployment. Fourth, Ethiopia has been struggling with a variety of natural disasters, including locusts, floods, and droughts. And fifth, as a result of many of these challenges, the country hosts some 1.8 million internally displaced people, who struggle much like refugees to meet basic needs and achieve positive economic outcomes.<sup>11</sup>

The social impacts of displacement differ across and within each refugee-hosting region. They are shaped by each region's history of displacement; by how different communities have settled, traded, and interacted; and by the development and humanitarian responses to displacement. The impact on individuals and communities is further shaped by markers of identity such as class, age, nationality, ethnicity, and gender.<sup>12</sup> Consequently, the host communities in different regions of Ethiopia react differently to the socio-economic inclusion of refugees. The next section of the essay looks at the state of affairs in two selected regions, namely in the Gambella and Somali regions.

In Gambella, multiple layers of tension exist – involving the Anuak and Nuer ethnic groups, highlanders and lowlanders, and refugees and host communities. As of 2017, the refugee population outnumbered the host community in Gambella. This threatens to disturb the demographic balance as the overwhelming majority of the refugees are ethnic Nuer, a development that's not positively perceived by Anuaks.<sup>13</sup> Laurence, Schmid, and Hewstone's (2019) UK case study finds that neighbour-trust is reduced by diversity only in cases when the

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<sup>11</sup> IDMC, "Ethiopia," accessed April 2021, <https://www.internal-displacement.org/countries/ethiopia>

<sup>12</sup> Reliefweb, 'Impact of Refugees on Hosting Communities in Ethiopia: A Social Analysis' (*OCHA services*, 26 October 2021) <<https://reliefweb.int/report/ethiopia/impact-refugees-hosting-communities-ethiopia-social-analysis>> accessed 15 November 2022

<sup>13</sup> Ibid( n.9)

out-group is viewed as threatening, a perception that is exacerbated by socio-economic precariousness. As with the case in Gambella, tensions between refugees and hosts have led to insecurity and have reduced the feasibility of successful refugee economic inclusion.

In Somali, the situation seems to go against the strong assumption that integration is eased when refugees and host communities are of the same ethnic background as clan dynamics plays the bigger role, despite shared linguistic and religious identities. Additionally, local communities in developing countries often experience a high level of poverty and face increased chances of economic vulnerability. In this regard, their economic conditions are not necessarily better than those seeking refuge in their communities. This situation as a result may lead to economic competition over scarce resources between host and refugee communities and cause increased social tensions within the society.<sup>14</sup>

Against this background, it's easier to predict the pressure the new approach may bring to Ethiopia, thus, I believe it's absolutely imperative to create a conscious effort in understanding the intricacy of socio-economic inclusion, especially for developing countries like Ethiopia, in order to integrate refugees in a way that's beneficial to both the refugees and host communities. In the spirit of understanding the issue deeper, the next portion will draw upon the experience of other host countries with a more or less similar environment as Ethiopia.

### **Comparative Analysis**

Uganda's northern district of Adjumani borders South Sudan and is home to around 244,000 refugees. If you visit, you may be surprised not to find the tell-tale signs of refugee quarters — fences, camps, and other kinds of demarcations. Instead, refugees live alongside locals, enjoying basic liberties like the right to work, freedom of movement, and access to critical basic services.<sup>15</sup> In 2016, *The Economist* commended Uganda as 'a model for dealing with refugees', while the BBC portrayed Uganda as 'one of the best places in the world to be a refugee'.

Looking at the level of integration in Uganda leads one to question the secret behind it, and I believe it boils down to the host communities' trust in refugees and the support provided for the

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<sup>14</sup> Veronika fajth and others, 'How do refugees affect social life in host communities? The case of Congolese refugees in Rwanda' [2019] 1(33) Comparative Migration Studies.

<sup>15</sup> Louise Cord, Audrey sacks, Stephen Winkler, 'The social and economic benefits of refugee arrivals ' (World Bank Blogs, 30th March) <<https://blogs.worldbank.org/developmenttalk/social-and-economic-benefits-refugee-arrivals> > accessed 8 November 2022.



refugee population. Negative attitudes towards refugees, thereby weaker trust, can stem from multiple sources such as real or perceived competition over jobs, public goods and scarce resources, as well as differences in values and conventions.<sup>16</sup> In Uganda, humanitarian assistance and development investments are directed to both refugees and host communities. Investments in infrastructure and services are key to meeting the increased demand of the population shocks generated by the arrival of displaced people and to avoid tensions over limited resources. The practical implementation of the developmental approach in Uganda shows that areas exposed to more refugees experienced better access to public and private schools, health centers, and roads as a result of resources allocated from aid, reducing tensions between refugees and host communities.<sup>17</sup>

On the flip side of the coin is the experience of Congolese refugees. Upon arrival in South Africa and other refugee-receiving states on the continent, Congolese refugees are faced with several restrictions and skewed conditions of participation particularly within areas of socioeconomic activity. These socioeconomic sectors are particularly important due to how they represent a form of “prestige” and a means of acquiring property advantages. In South Africa, income-generating sectors have thus proven to be particularly difficult to permeate (for outside groups), with Congolese refugees facing closure from the formal market and xenophobia within the informal sectors.<sup>18</sup>

**In conclusion**, when comparing the socio-economic inclusion of refugees in Uganda to that of South Africa, its apparent how context is critical in understanding and designing a developmental approach with a high likelihood of success. Even though there exist theoretical arguments pointing to a potentially negative relationship between the influx of a large refugee population and local social cohesion (South Africa), there also exist considerable evidence that goes in the opposite direction portraying positive social impacts (Uganda). What is more, it is clear these effects are context-specific and highly conditional on local policies towards refugees as well as cultural (dis)similarities.<sup>19</sup> Therefore, it’s the strong opinion of the author that socio-

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<sup>16</sup> Veronika fajth and others, 'How do refugees affect social life in host communities? The case of Congolese refugees in Rwanda' [2019] 1(33) Comparative Migration Studies.

<sup>17</sup> Ibid

<sup>18</sup> Sikanyiso masuku and Sharmla Rama, 'Challenges to Refugees' Socioeconomic Inclusion: A Lens Through the Experiences of Congolese Refugees in South Africa ' [2020] 20(1) The Oriental Anthropologist <<https://journals.sagepub.com/doi/pdf/10.1177/0972558X20913713> > accessed 8 November 2022

<sup>19</sup> Ibid( n.16)

economic inclusion of refugees in Ethiopia should be seen in cognizant with the economic and cultural reality of the citizens of Ethiopia, with a specific focus on the effects it may bring to the host community. Policies conscious of the dynamic that may arise in the implementation of the developmental approach are more likely to succeed and better facilitate the inclusion of refugees, which is the ultimate goal of refugee protection.

### **Way forward**

Each hosting region of the country faces unique barriers and opportunities, therefore, to maximize economic inclusion and minimize tensions between refugees and host communities, the Ethiopian government (and specifically ARRA) should tailor refugee policies to each region and continue moving ahead with progressive implementation. Additionally, in regions facing tension, there needs to be more focus on programs that mitigates refugee-host tensions. International organizations should scale up efforts to reduce tensions and improve relations between hosts and refugees, which could include more equitable service delivery or programs that address sources of tensions, such as deforestation.<sup>20</sup> The CRRF's implementation should also follow a conflict-sensitive approach, considering three key areas: understanding the context of implementation; existing factors that affect implementation; and intentional/unintentional impacts on existing tensions. At last, the private sector can play an immense role through investing in hosting areas. Investment will create two key benefits. The first is job creation, directly supporting refugees and hosts. The second is a demonstration of the benefits to host communities of greater economic integration for refugees—and the associated perks.<sup>21</sup>

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<sup>20</sup> Tsion Tadesse Abebe, 'Ethiopia's refugee response Focus on socio-economic integration and self-reliance ' [2018] EAST AFRICA REPORT 19 <<https://issafrica.org/research/east-africa-report/ethiopias-refugee-response-focus-on-socio-economic-integration-and-self-reliance> > accessed 8 November 2022

<sup>21</sup> Jimmy Graham and Sarah Miller, 'From Displacement to Development: How Ethiopia Can Create Shared Growth by Facilitating Economic Inclusion for Refugees' (*Refugees International* , 15 June 2021 ) <<https://www.refugeesinternational.org/reports/2021/6/9/from-displacement-to-development-how-ethiopia-can-create-shared-growth-by-facilitating-economic-inclusion-for-refugees>> accessed 8 November 2022

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