Humanitarianism and Return: Compromising Protection?

In many contexts around the world, states use funding for humanitarian programming as an active part of their attempts to manage populations displaced by conflict. Humanitarian aid to refugees and internally displaced is commonly understood as a temporary activity that ends when people will return home. Yet returnees can often not be provided with protection and 'return' for many entails a first encounter with a new place. This policy brief argues that humanitarian organizations have the responsibility to analyze the long-term security implications of their decisions on where to provide aid.

Brief Points

- Return of refugees is a common aim of humanitarian policies in (post-) conflict contexts.

- For a portion of refugees, 'return' entails a first encounter with a new place, while many others have lost social networks in places of origin.

- To guarantee protection, programming for returnees requires mobile forms of assistance that build on social networks.

- If return programming is considered, humanitarian actors should include a systematic analysis of its long-term security impact.

Cindy Horst
Peace Research Institute Oslo (PRIO)

Tove Heggli Sagmo
Peace Research Institute Oslo (PRIO)

Humanitarianism and Protection

The protection of civilians from the worst effects of violent conflict and war lies at the heart of the humanitarian agenda, encoded in a range of international legal documents. Despite this, it has become increasingly difficult to provide such protection. Patterns of war have increasingly shifted from inter-state to intra-state conflicts, with growing uncertainty and unpredictability for civilians. In a range of ongoing war-like situations, violent conflict can erupt anywhere at any time and there is no clear-cut transformation from 'conflict' to 'post-conflict'.

Humanitarianism, the ideology and practice of humanitarian aid, also changed as the context within which it operated evolved. Providing protection to citizens is an activity that many actors have a mandate to engage with. Yet there are strong tensions between the military's understanding of protection as immediate protection against physical violence; development and human rights protection efforts to combat structural injustice and human rights violations; and humanitarian protection which focuses on non-political relief and legal protection. This policy brief presents the case of Somalia to illustrate the complicated relationship between humanitarianism and protection. It draws on fieldwork conducted in Nairobi, Mogadishu and Hargeisa; interviewing humanitarian aid workers and internally displaced people on their understandings of protection.

There are two ways of providing humanitarian protection in situations caused by violent conflict: through preventative and mitigating protection measures. The first focuses on preventing, putting an end to and avoiding the recurrence of violations and human suffering. The second addresses the consequences of violations and abuses – mitigating suffering and helping people overcome negative effects. While mitigating efforts are seen to have limited value without addressing root causes, preventative measures are often not seen as a humanitarian task.

'What is it that humanitarians, with their three months to one year perspective, can possibly do that would change behaviour?'
- Protection officer, UN, Nairobi

Furthermore, preventative measures are very difficult to implement in conflict and post-conflict settings, which are often environments of impunity. When neither the security sector nor the legal system is functioning to protect citizens from violations and human suffering, there is very little humanitarian actors can do.

'Telling people about their rights is problematic if no one upholds them'
- Protection officer, UN, Nairobi

Self-Protection and Mobility

While protection lies at the heart of the international humanitarian agenda, in most conflict situations the absolute majority of people have no access to international forms of protection. Most protection is provided by individuals and communities themselves. Individuals take a range of measures to reduce the risks they face in a conflict zone.

'I protect myself by staying quiet and by not going out much. I have to watch my mouth and my feet'.
- Young IDP woman, Mogadishu

One of the most effective strategies by which people who are caught up in war protect themselves, is to move away from conflict zones. This strategy comes with its own risks, due to security threats en route and the uncertainty of whether those fleeing conflict will find protection elsewhere. Furthermore, mobility is not always available to all. Movement is highly constrained in contemporary conflict zones due to the conflict dynamics and the role of warring factions which may not want certain groups of people to move, as well as due to increasingly restrictive migration regimes.

While mobility is crucial but not without complications: the role of social networks is therefore an important aspect of self-protection strategies. Support networks provide people with help to address their material needs and physical protection. This is the case in conflict zones, during flight and in exile. In Somalia, for example, in all phases of conflict and flight, people drew heavily on their clan networks in order not to starve as well as to be safe.

Those affected by war will move during various phases of the conflict and may move between a range of geographical locations. When individuals move, they deal with a range of security and livelihood concerns, as their survival depends as much on satisfying their basic needs as it does on being safe from physical harm. These are rarely individual decisions, as different family members often are exposed to different types of risks and threats. Whereas women for example are more likely to face rape, men are more likely to be killed or conscripted.

'The problem was that Al-Shabaab had their eyes on my son...This is what forced us to flee back to Hargeisa. I would not have been a good mother if I had let Al-Shabaab take him.'
- 45-year old IDP woman, Hargeisa

A Focus on Return

Humanitarian policies and practice assume a natural rootedness of displaced populations, which impact protection frameworks and realities. Many types of humanitarian aid are tied to an individual's status as a refugee or IDP and such aid ends after that status has ended. Return is considered the preferred option by most host societies. Return is also mentioned in UNHCRs mandate as one of three durable solutions, and it is considered to be the preferred one. A common focus in stabilizing contexts, then, is to return displaced communities as soon as possible.

Return programs often underestimate the central role that social networks play upon return. Especially in societies where oral communication plays an important role, information depends on relationships and on trusting the person providing information. In order to get enough reliable information to make the right decisions and to plan for the future, good networks that encompass a range of people are crucial. They also enable or restrict returnees to make use of the skills they bring back to their country of origin. Social networks are thus central both for individuals' physical security as well as their livelihood strategies.

Building or reactivating networks, however, can be a cumbersome process. Trust is a scarce commodity in many post-war countries. Another challenge is that pre-war networks may no longer exist, or individuals within them may no longer be in a position to offer any assistance. In the worst case, pre-war social networks may be a liability. For this reason, frequent visits before a more permanent return takes place are an essential first step to establish the trust, reciprocity and generosity needed to build or reactivate social networks. Such trips also allow returnees to (re-)establish links with patrons who can provide access to crucial resources.

The idea that people are rooted in a certain place, were forced into exile by conflict and will return post-conflict hides much more complex local realities. The definition of home and thus of return is not straight-forward:

- in cases where the borders of nation-states are contested;

- in protracted refugee situations, for those who were born in exile or have lived substantial parts of their lives in exile;

- for those whose livelihoods have always depended on mobility across nation-states;

- for those who are unable to return to their hometown or area after violent conflict for lack of livelihood or security;

- for those who are unwilling to return to the area of origin because they have experienced alternative lifestyles or have had access to a range of new individual rights;

The Somali case is a good example of a range of these factors. The Somali people are represented by the five-pointed white star on the Somali flag, representing Somalis in Djibouti, the Ogaden region of Ethiopia, the Northeastern Province of Kenya, former British Somaliland and Italian Somalia. The status of a number of these territories is contested. Throughout history Somali people have moved back and forth across the borders of these states, for example as nomadic pastoralists, traders or to find safety. Families have lived on different sides of the border. Furthermore, due to the protracted nature of the conflict, children and even grandchildren of refugees have been born in exile in Kenya and Ethiopia.

For humanitarian actors, the challenge is how best to address these realities. This may require creating much more mobile forms of assistance that impact mobility in ways that do not decrease but rather increase conflict-affected people's choices in staying or moving.

Somalia Post-Conflict?

A central pre-condition for return programming is security and the ability to guarantee the protection of returnees. This pre-condition is seen to be met in situations that are defined internationally as 'post-conflict' situations. In such situations, stabilization is the core goal of the international community. Humanitarian aid is gradually being replaced by development aid while displaced populations are assisted to return home.

In reality, however, present-day situations of violent conflict can hardly be said to neatly transform from conflict to post-conflict or from war to peace. The Somali conflict, which has raged since the late 1980s, has transformed throughout the decades and patterns of displacement have varied greatly accordingly. Since the early 2000s, there has been an increased securitization of the Somali conflict in light of regional and global security concerns. Those living in the Somali region, and in particular in south-central Somalia, are faced with continued violence and considerable levels of uncertainty locally.

The instalment of the Federal Government of Somalia in late 2012 created hope that south-central Somalia is transiting from conflict to post-conflict. This was the first permanent central government in the country since the start of the civil war, and its instalment was a central part of the official 'Roadmap for the End of Transition'. These developments fuelled a powerful discourse that Somalia is stabilizing; assistance needs to be provided in Somalia rather than in neighbouring countries; and return of displaced populations should be encouraged.

'The Kenyan government says it is safe to return, and talks about 'liberated areas', which is rubbish… But DFID and ECHO are pushing this as well – DFID has their stabilization programs that will receive a lot of money if Somalia is considered ready for the next phase'
- Human rights professional, Nairobi

Indeed, the practical realities of engaging in humanitarian aid – and in particular funding realities – impact how and particularly where that aid is provided. When donors withdraw funding support for refugee camps while considerable funding sources become available for humanitarian programming in south-central Somalia, relocation of NGO activities and humanitarian aid provision follows inevitably.

'Return to Mogadishu is now no longer considered unsafe. It is a highly political subject at the moment, and humanitarian aid workers are under pressure because return is the main goal'
- Human rights professional, Nairobi

Understanding return as the solution to displacement is particularly problematic when violent conflict is ongoing and protection is not in place. In south-central Somalia, it is clear that the state is currently not in a position to provide protection to internally displaced, let alone returnees. As the international community currently largely operates through 'remote control', it is difficult to imagine how the principle of non-refoulement can be upheld.

'How can you guarantee that the rights of IDPs are respected when you are not there, especially when the government is also not there?'
- Protection officer, UN, Nairobi

Current approaches to programming return are largely based on handing out money and goods such as plastic sheets and tools, and thus seem hardly designed to address such protection concerns. Protection activities in south-central Somalia, on the other hand,

hardly exist. The preventative measures that do exist include setting up street-lights and firewood-efficient stoves. While these measures are in themselves great initiatives, they can hardly be said to provide any form of protection to returnees or address the underlying causes of human rights violations.

Humanitarianism or Migration Management?

There is a risk that humanitarian aid – due both to its sedentary bias and practical (funding) realities – becomes implicated in government attempts to govern mobility. Humanitarian aid provision and withdrawal are instruments for preventing displacement or encouraging return. This is particularly visible in Somalia currently, where the discourse on 'stabilization' is accompanied by return programming.

Return programming is not necessarily initiated by humanitarian actors, but they are caught up in the day-to-day realities of their operations. International humanitarian organizations depend on funding, to a large extent, from donors that are either states or have state-like interest (such as the European Union). Return programming is impacted by such funding realities, the ability to physically access certain regions as well as an organizational wish to remain relevant.

Furthermore, these organizations hold many of the same assumptions behind return and relocation; based on a sedentary worldview and fixed ideas of 'home'. Yet in protracted displacement situations, for many of those affected it is not straightforward where home is. Furthermore, the protection needs of re-

turnees may not necessarily be guaranteed in the new context created by violent conflict.

We need to recognize that one of the most effective strategies by which refugees and internally displaced people protect themselves, is to move away from conflict zones. The question remains whether people receive sufficient protection when assisted in or near a conflict zone or are encouraged to return to such a zone.

The risks of doing harm with transferring large sums of aid from regional refugee camps into an environment of impunity are large where humanitarian access is limited. The same can be said about encouraging large-scale return to a country without the judicial system in place to deal with subsequent conflicts over land and property rights. In south-central Somalia at present, neither the monitoring capacities among donors nor the absorption capacities from authorities are in place to prevent harm and guarantee protection.

'Aid without presence is worse, as it is fuelling conflict'
- Protection officer, Nairobi

Humanitarian NGOs contemplating return programming have the responsibility to analyze the long-term security implications for individuals and the communities they return to, even if those decisions are guided by bureaucratic realities. If they do not, there is a considerable risk that they become implicated in the migration management interests of states and lose their credibility as humanitarian actors.

Recommendations

- There is a need to invest in developing mobile forms of humanitarian assistance. Such new forms of assistance can provide people greater flexibility in deciding where they wish to make use of it. One example could be to provide cash-based forms of assistance through money transfer systems which allow returnees to pick up the money at any location.

- Return programming should place greater emphasis on social networks rather than mainly focusing on material aid. If people are not actually 'from' the areas they are being returned to, or if the composition of those areas has changed as a consequence of the war, social networks become crucial for safety and livelihoods.

- Another structural hindrance for self-protection strategies is related to involuntary immobility. Regional actors may explore the applicability of the example of Ecowas, where refugee status and humanitarian aid has become less important due to greater regional freedom of movement.

- An analysis of the long-term implications of large-scale return and aid relocation should include a study of the various potential destabilizing effects of return (in relation to land rights, demographic shifts, livelihood opportunities), as well as the local and national absorption capacities and the resources that returnees bring with them.

THE AUTHORS

Cindy Horst is a Research Director and Research Professor in Migration and Refugee Studies at the Peace Research Institute Oslo (PRIO). Email: cindy@prio.no.

Tove Heggli Sagmo is a Doctoral Researcher at the Peace Research Institute Oslo (PRIO). Her main focus is on return migration. Email: tovsag@prio.org

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