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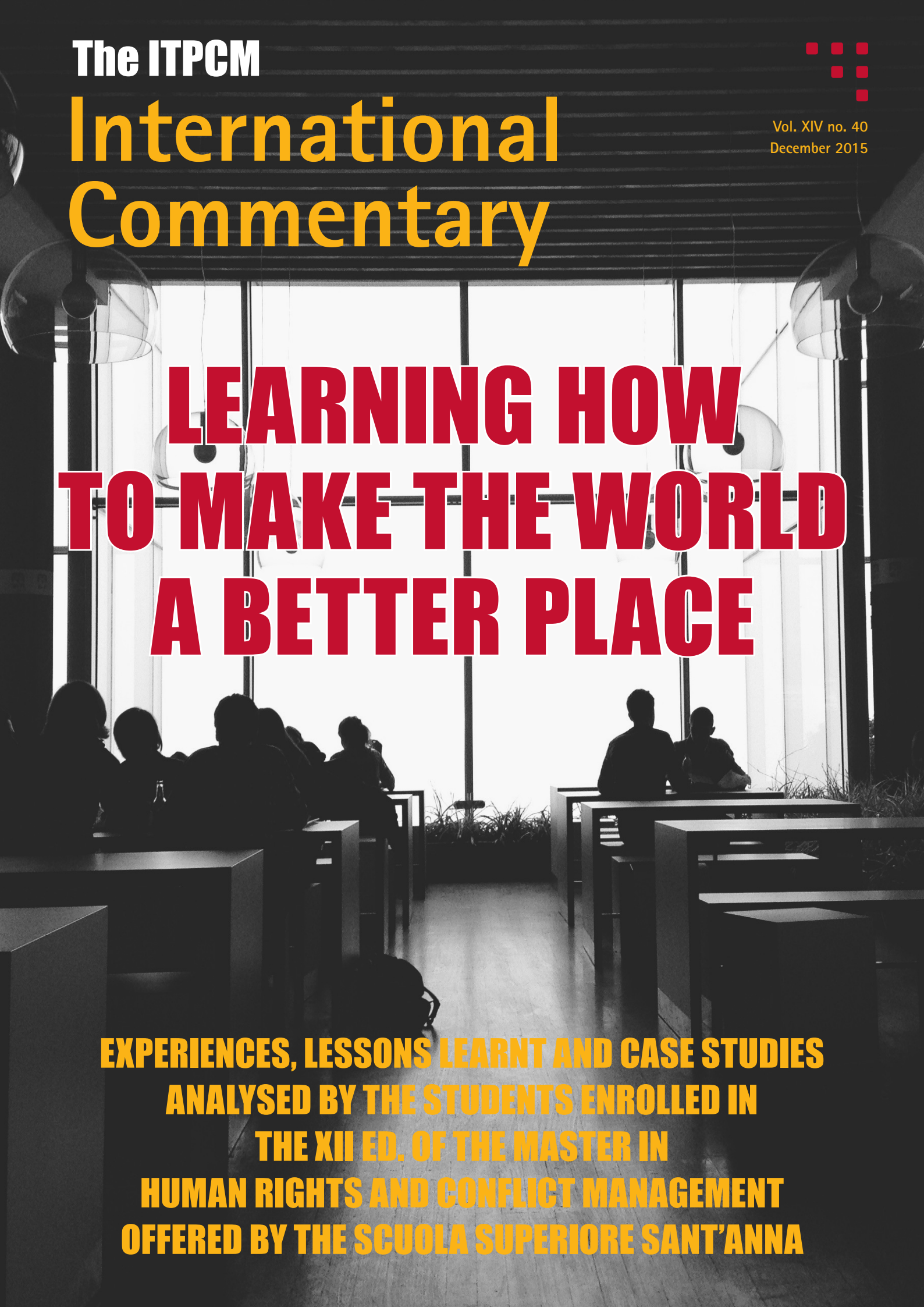

LEARNING HOW TO MAKE THE WORLD A BETTER PLACE

EXPERIENCES, LESSONS LEARNT AND CASE STUDIES ANALYSED BY THE STUDENTS ENROLLED IN THE XII ED. OF THE MASTER IN HUMAN RIGHTS AND CONFLICT MANAGEMENT OFFERED BY THE SCUOLA SUPERIORE SANT'ANNA

The ITPCM
International Commentary

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"Seasons's Greetings"
from the ITPCM STAFF
We all wish you
a great 2016
in peace and prosperity!

democracy

PRESENTATION OF THIS ITPCM COMMENTARY ISSUE

Francesca Capone
Research Fellow in Public International Law and Didactic Coordinator of the Master Programme in Human Rights and Conflict Management offered by the Scuola Superiore Sant'Anna

> "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us [...]"
>
> Charles Dickens, *A Tale of Two Cities*, London, 1859

Dear colleagues and readers of the ITPCM Commentary, I have chosen to open this short introduction to the present issue of the ITPCM Commentary with a quote by Dickens that summarises how I feel about the time that we live in and also about the Master in Human Rights and Conflict Management directed by Professor Andrea de Guttry and offered by the Scuola Superiore Sant'Anna. On the one hand the current emergencies, the armed conflicts, the widespread situations of insecurity, the relentless exploitation of natural resources and the injustices and abuses that the world witnesses every day make this time the worst of all. On the other hand, persons like the students of our Master Programme, eager to fight for a better world, determined to make the difference and to become actively engaged in tackling the challenges that our society poses, represent the best of our time. This issue of the ITPCM Commentary celebrates the Master in Human Rights and Conflict Management, its goal and the way it shaped the lives of the students who participated in the past editions. Furthermore, this issue provided the students enrolled in the XII edition of the Programme with the opportunity to share the work carried out during the internship and enshrined in their final theses, discussed in April and October 2015.

As it is well known, the Master Programme in Human Rights and Conflict Management features a unique combination of theory and practice.[1] It consists of a residential phase, that runs from mid January until mid July and takes place at the Scuola Superiore Sant'Anna, and a so-called "internship phase", during which the students have the possibility to test, by working for NGOs, regional and international organisations, governments, and aid agencies, the skills and knowledge acquired while in Pisa. In addition to the completion of both the Master's phases the students are required to draft and defend a thesis which deals with topics addressed in the course of the Programme. The short articles enshrined in this issue of the ITPCM Commentary deal with burning and important subjects that help the reader to understand better and to appreciate the importance and the utility of this Master Programme, as well as the extraordinary impact that it has had on our students' lives. The present issue embeds eight contributions. Each of them tackles a different situation or problem, occurred in a different setting, and the variety of the themes discussed represents very well the multi-faceted and nuanced challenges that the world is facing nowadays. The first contribution included in this issue has been authored by Marina Cascella and it deals with the current problems of the Common European Asylum System. The unprecedented number of

[1] More detailed info about the Master Programme and the courses offered is available at: http://www.humanrights.dirpolis.sssup.it/the-programme/

asylum seekers and migrants who have been flocking to Europe in the last year, represents one of the main concerns of the EU. The aim of Marina's work is to analyse the paradoxes and the challenges that the Common European Asylum System poses to the EU and its Member States, and in particular to question to what extent the ongoing struggle to counter illegal migration threatens asylum seekers and migrants' enjoyment of fundamental rights.

The second contribution, by Francesco Graziani, focuses on the extractive industries and in particular on the international initiatives set up by various stakeholders in order to foster human rights and transparency in a very problematic and complex sector. Francesco's analysis has been carried out through a comparative case study based on the impact of the "Sustainable Business Practice" project and the Voluntary Principles on Security and Human Rights (VPs) by Search for Common Ground (SFCG) and Barrick Gold Corporation in the areas around three gold mine sites in Tanzania: North Mara (Mara region), Bulyanhulu and Buzwagi (Shinyanga region). The data collected in the field have showed how the interaction of multiple stakeholders has contributed to enhance not only the respect and promotion of human rights, but also a sense of ownership among community members.

The third contribution, authored by Ruta Grigaliunaite, provides a thorough overview of the Peace History concept, a conflict transformation tool introduced by the Center for Peace and Conflict Studies (CPCS) together with All Burma Students Democratic Front (ABSDF) in Myanmar, that can help reconstructing the relationship between parties involved in intractable identity conflicts. As emerged from Ruta's research, Peace History is an approach that combines several elements, i.e. memories, storytelling, envisioning and narrative, able to contribute to conflict transformation efforts, by exposing and sharing multiple 'truths' of individuals involved in peace processes. Nicole Hoagland's short article deals with the importance to strengthen sexual and gender-based violence (SGBV) prevention efforts in humanitarian emergencies. Nicole moves from the assumption that SGBV prevention is not considered as equally important as survivor care and response in emergencies, even though SGBV can be effectively reduced only by identifying and addressing underlying risk and protective factors. She focuses in particular on the situation of Syrians refugees in Lebanon, where the inter-agency response to SGBV has provided an opportunity to analyse significant protection programming gaps.

Giuseppe Lettieri's contribution tackles the issue Security Sector Reform (SSR) in developing countries, which in the last decade of policies has shown a shift form a State-centric approach to a decentralised one. According to this approach, more sustainable results may be achieved through the development of a higher level of national ownership and the involvement of local actors from the civil society. Giuseppe's analysis focuses on the role that international and local NGOs play in this field, using the Better Together Project implemented by SFCG in Lebanon as a case study. The following article, by Guiomar Micol Andrea Levi-Setti, deals with UNICEF child protection response to the recent Ebola crisis in parts of Africa, placing the accent on the characteristics that have differentiated this acute humanitarian emergency from all the many others occurred before. The contribution by Mariapiera Pepe analyses the array of rights that refugees in Egypt are entitled to within the existing legal framework, as defined by international and regional legal instruments and relevant domestic legislation, in order to assess how such framework affects the attainment and implementation of durable solutions. Finally, the research undertaken by Giorgia Testoni focuses on trafficking in person in Côte d'Ivoire. In order to redress some of the current shortcomings, including the narrow initiatives implemented which dealt solely with child trafficking, the Government has recently moved towards a more comprehensive approach that has been punctually described by Giorgia in her contribution.

As stressed in this short introduction, this issue of the ITPCM Commentary provides the reader with the opportunity to learn more about the unique features of the Master in Human Rights and Conflict Management offered by the Scuola Superiore Sant'Anna and to listen to the wit, critical and untainted voices of our students, whose determination and passion represent a source of pride and inspiration for all of us.

Please note that in the second part of the ITPCM Newsletter you will find, as usual, additional info on all the courses and the activities that the ITPCM will organise in the coming months. You will not be disappointed as the initiatives promoted by the ITPCM are constantly expanding and improving, keeping in mind the specific needs of those serving in international field operations.

Francesca Capone

A BETTER

PLACE

Contributions pp. 15–61

THE OPEN CHALLENGES OF THE COMMON EUROPEAN ASYLUM SYSTEM

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Abstract

The article illustrates the challenges that the Common European Asylum System poses to the EU through an analysis of its asylum legislation, its migration policy's instruments and their practical implementation. The aim is to address this dichotomy, stressing the need of a rights-based approach that might reconcile security concerns and asylum protection.

Keywords

Securitisation, Migration, Asylum Policy, Common European Asylum System, EU.

1. Introduction

Migration is now considered as a global challenge, being an inevitable consequence of a world that is becoming increasingly interconnected. In Europe migration is a growing phenomenon that has currently reached unprecedented levels. According to recent statistics, over 487,000 migrants have reached Europe's Mediterranean shores in the first nine months of 2015, doubling the numbers of 2014 and reaching the highest figure since record keeping began[1].

The European Union (EU) has always been an attractive migratory destination, recently however migration is increasingly linked to asylum and international protection. According to Eurostat data, during the first three months of 2015, 185,000 first time asylum seekers applied for protection in the, EU while during the second quarter of 2015 (from April to June 2015), 213,200 people applied for protection for the first time, representing an increase of 86% if compared with the first and second quarter of 2014[2]. This is particularly important when considering that already in 2014 the EU-28 reached the highest number of asylum applicants within the EU since the previous peak in 1992[3]. For this reason, migratory pressure, the management of migration flows and asylum legislation have been identified as strategic priorities by EU Member States.

The aim of this work is to analyse the paradoxes and the challenges that the Common European Asylum System poses to the EU and its Member States. In particular, the article will briefly focus on the laws and policies implemented to secure the enjoyment of international protection for migrants and asylum seekers, as well as on the policies and instruments put in place to fight illegal immigration and transnational crime. The underlying question is whether the fight against illegal migration threatens asylum seekers and migrants' enjoyment of fundamental rights.

2. An Overview of the Common European Asylum System

Through decades, EU Member States have worked to develop a complex asylum framework, placing strong emphasis on solidarity and burden sharing in accordance with Article 80 of the Treaty on the Functioning of the European Union and its effective implementation. Starting from the Amsterdam Treaty signed in 1997 and entered into force in 1999, justice and home affairs issues were transferred to the first pillar, the European Communities pillar, to gradually harmonise migration and asylum laws, and to define joint actions aimed at securing the external borders of the Schengen area.

The interest in a common asylum and migration policy arose also as a mean to harmonise Members States' legislations so to address the disparities in the conditions and benefits that asylum seekers and refugees received in each country. Member States, in fact, used to retain a large degree of sovereignty over asylum and migration policies, contributing to create significant variation between practices in granting access to refugees' rights. The Common European Asylum System (CEAS) is the underlying mechanism behind this harmonisation and contains a large number of legal instruments covering many different issues relating asylum seekers and migrants. Article 78 of the Treaty on the Functioning of the European Union (TEFU)[4], which replaced the old Articles 63 and 64 of the Treaty Establishing the European Community (TEC), set the legal basis for the CEAS. Over the years, the EU developed under the CEAS several directives and regulations which comprises the EU asylum acquis. To date, the EU has implemented: the Temporary Protection Directive, and the so called 'recast asylum package' that consists of the recast Asylum Procedures Directive, the recast Reception Conditions Directive, the recast Qualification Directive, the recast Dublin Convention and the recast Eurodac Regulation.

It is important to remember that EU Directives are, in a legal hierarchy, above national laws. Consequently, Member States have to comply with the new asylum Directives and adapt their national laws to them[5]. The only exceptions are the United Kingdom and the Republic of Ireland that negotiated an opt-out clause – and therefore are not bound to the CEAS's instruments – and Denmark which, not being party to the CEAS, opted in to the Dublin Regulation[6].

The CEAS has been developed in the past decades with the aim of ensuring a fair and consistent application of asylum as a protection tool for those fleeing persecution, where asylum seekers would have been treated equally according to the same standard in every EU member state. The underlying principle was that European Union had a "duty to protect", being asylum a fundamental right enshrined not only in the 1951 Geneva Convention on the protection of refugees, but also in the Charter of Fundamental Rights of the European Union[7].

An effective and full implementation of the CEAS is essential to ensure common European standards under existing legislation, especially considering the recent circumstances.

[1] MPI - Migration Policy Institute, 2015, Europe's Migration Crisis in Context: Why Now and What Next? [Online] Available at: http://www.migrationpolicy.org/article/europe-migration-crisis-context-why-now-and-what-next [Accessed: 1 November 2015]

[2] Eurostat, 2015, Asylum in the EU, Over 210 000 first time asylum seekers in the EU in the second quarter of 2015
A third are from Syria or Afghanistan – 163/2015 - 18 September 2015.

[3] Eurostat, 2015, Asylum in the EU - The number of asylum applicants in the EU jumped to more than 625 000 in 2014 20% were Syrians, 53/2015 - 20 March 2015.

[4] Consolidated version of the Treaty on the Functioning of the European Union, 2012, OJ C 326, 26.10.2012, p. 47–390.

[5] Ibid., Article 288.

[6] ECRE, 2015, From Schengen to Stockholm, a history of the CEAS, [Online] Available at: http://www.ecre.org/topics/areas-of-work/introduction/194.html [Accessed: 1 November 2015]

[7] Articles 18 and 19 of the Charter of Fundamental Rights of the European Union.

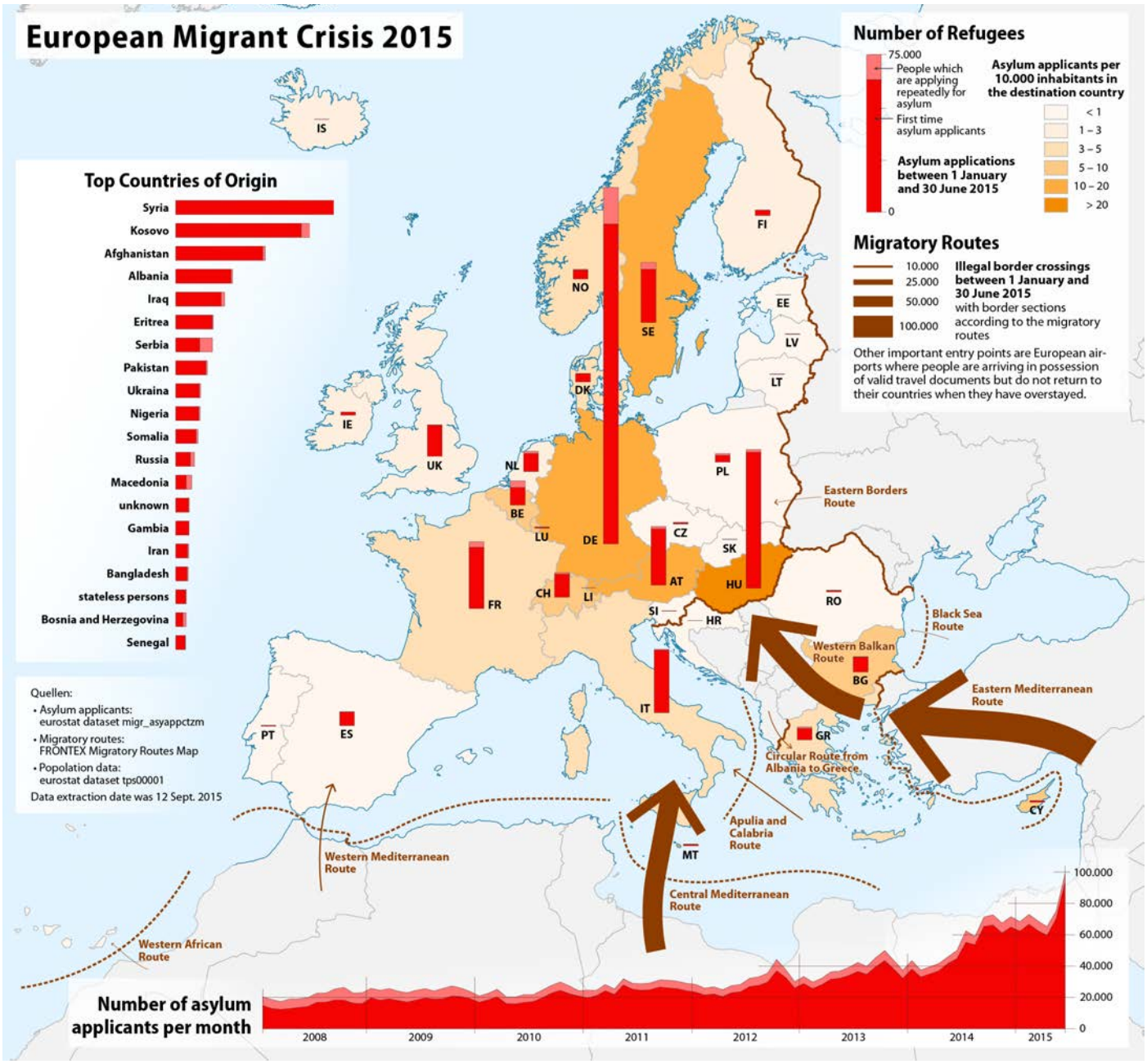

Fig. 1 The Map of the European Migrant Crisis, source: Maximilian Dörrbecker, FRONTEX Migratory Routes Map.

However, the CEAS is a constant work in progress. As a matter of fact, harmonization, burden sharing and solidarity remain the key-issues to consolidate. After 20 years since the inception of a European migration policy, the EU has created a whole plethora of instruments ranging from legal standards on asylum to irregular migration managements policies, borders visa and the external dimension, the open challenge consists in correctly implement those instruments and ensure asylum seekers and migrants' protection.

3. Assessing CEAS' practical implementation

The CEAS has now entered in the post Stockholm phase[8]. Most of the work that has been done recently, however, consisted in reviewing and reforming the existing legislation rather than developing a new policy framework. On the one hand this is an important step to consolidate the CEAS, on the other it reflects the gap that lies between the existing legislation framework and its functioning in practice.

Starting from July 2015, the recast asylum package became applicable. Member States have worked internally to adopt new legal standards to bring national laws in line with the new Directives. However, recent events such the crisis in Syria, Eritrea and other part of the world have triggered an unprecedented influx of

[8] Communication from the Commission to The European Parliament, 2014, The Council, The European Economic and Social Committee and The Committee Of The Regions, An Open And Secure Europe: Making It Happen, Swd (2014) 63 Final, Brussels, 11.3.2014 COM, 154 final.

people seeking protection, seriously affecting migration and asylum policy developments in the EU. This seriously weakened Member State's reception capacity, undermining their ability to correctly cope with the 'humanitarian crisis'. Moreover the recent so called 'terrorist attacks' within the European boundaries have strengthened the need of a securitised approach of migration management, resulting in stricter border policies aimed at deterring migrants' arrival and stay rather than ensuring them protection. The combination of the two evidences resulted in some Member States prioritising national policies over the European ones, to the detriment of asylum seekers' and migrants' protection.

Nowadays, migrants willing to seek refuge in Europe have to face many obstacles, from restrictive visa policies to the lack of legal routes to seek asylum. Consequently, many migrants are forced to use illegal channels to be smuggled into Europe. In addition, asylum seekers who manage to reach Europe face additional challenges while trying to have their claims assessed, in particular because of the varying degrees to which asylum legislations and policies are applied by Member States. The next paragraphs seek to focus on the debate regarding the protection gap left open by Member States' different applications of the CEAS. They provide an overview of the challenges faced by the European Union while translating its legislation into policies and thus implementing the CEAS. They also put forward a series of considerations on the overlapping of the domains of migration, asylum and border management.

Access to the territory

According to the 1951 Geneva Convention, a refugee can seek asylum only outside its country of nationality. Moreover, its asylum claim needs to be submitted in person in the country where the applicant wishes to seek asylum. Therefore, in order to pursue protection in Europe, a refugee needs firstly to physically reach the country of a Member State and only consequently he may submit his claim.

The strict visa requirements and the absence of safe and legal routes to reach Europe for asylum seekers, entail that those wishing to ask for protection in the EU have to reach their desired country illegally. This occurs mainly through smugglers. The response of the European Union to prevent those irregular entries consisted in the creation of Frontex and the External Sea Border Surveillance Mechanism through the Eurosur Regulation[9] as well as in preventive national measures implemented by relevant national authorities to deter arrivals.

Under the European Charter of Human Rights (ECHR), States have the right under international law and on the basis of their treaty obligations (including the ECHR) to control the entry, residence and expulsion of non-nationals. There are no specific provisions expressly regulating access to the territory for non-nationals in the ECHR, nor there are rules concerning who should receive a visa. The ECtHR case law only imposes limitations to avoid cases of refoulement. According to case law, in some circumstances States are required to allow the entry of an individual when it is a pre-condition for his or her exercise of certain Convention rights, this regards in particular family reunification[10]. Despite these obligations, sometimes States tend to put in place restrictive policies at their border, with the aim of preventing illegal entries. However, smugglers constantly adapt migratory routes into the EU to circumvent enforcement and border patrols.

In the past years, the general responses of different Member States to the massive influx of migrants consisted in the closure of borders, stricter visa requirements and push-back. For this reason, migratory routes are constantly changing. In 2014, for instance, migrants switched from the Eastern Mediterranean Route to the Central Mediterranean Route. This didn't change the danger of the situation. As a matter of fact in 2014 the Central Mediterranean Routes has been the deadliest sea route worldwide, with 3,279 migrants losing their lives at sea[11]. Member States' efforts to engage on a European mission which included a – weak – search and rescue mandate (Operation Triton)[12] have proven insufficient, as confirmed by the statistics for 2015 that show even worse numbers for this year: already in September over 3000 people had lost their lives during this perilous journey[13].

By looking at Member States border policies, it becomes clear that migration is perceived both as a necessary commitment to human rights' protection and as a security threat to the EU. Therefore, EU policies are divided between harmonization of asylum legislation and standards to ensure protection and a stricter control of borders to fight human trafficking and transnational crime. Barrier to access to the territory are a clear indicator of Member States' persistence in prioritising national security over migrants' protection. The result of this practice is a further fragmentation of the CEAS, which highlights the importance of setting equal protection standards in all EU Member States. This would set a strong legal basis for a rights-based approach, optimising the benefits of legal migration and offering protection to

[9] Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur), OJ 2013 L 295/11.

[10] Fundemental Rights Agency, 2013, Handbook on European law relating to asylum, borders and immigration, p.26. For more information on the case law see ECtHR, Abdulaziz, Cabales and Balkandali v. the United Kingdom, Nos. 9214/80, 9473/81 and 9474/81, 28 May 1985, para. 82-83.

[11] IOM, 2015, The missing migrants project: Migrant border-related deaths around the world, 2014, available at: http://bit.ly/1SwBgaX, [Accessed: 31 August 2015]

[12] FRONTEX, 2014, Frontex Launches Joint Operation Triton. [Online] Available from: http://frontex.europa.eu/news/frontex-launches-joint-operation-triton-JSYpL7 [Accessed: 1 November 2015]

[13] MPI, 2015, Europe's Migration Crisis in Context: Why Now and What Next?

Fig. 2 EU Member States building fences - Migrants at the Hungary-Serbia border fence, August 2015, source: Gémes Sándor/SzomSzed.

those in need while tackling irregular migration resolutely and managing the EU's external borders efficiently[14].

Asylum Procedures

When a migrant reach the territory of a Member States, he needs to submit an asylum claim in order to be granted the rights and services to which asylum seekers are entitled. According to the Asylum Procedures Directive, asylum applications should be registered in between 3 and 6 working days depending on which authority the application was submitted to. These time limits can be extended to 10 working days in case of simultaneous applications by a large number of asylum seekers. The Directive also provides that applicants should have an effective opportunity to having their claims officially registered and therefore complete the registration process[15]. After submitting the application, asylum seekers should receive a document certifying their status and allowing them to enjoy their rights.

Often, these procedures remain only in theory. Apart from cases in which entry into the territory is prevented, as we have already mentioned, delays in registering asylum applications, as well as difficult procedures or obstacles to apply[16] are the most common issues. This often leads to other problems such as detention of asylum seekers that are unable to lodge their claims or to prove their status and that are therefore considered as undocumented migrants.

Another problem becomes evident when trying to analyse each Member State's asylum procedure. By comparing different Member States' practices, it is possible to notice major differences among them. Some States completely fail to comply with the CEAS standard and the discrepancy in the application of the CEAS measures causes asylum seekers to continue their journey and apply in other Member States, which grant them a better protection. This is the case of Serbia, as well as other countries in the Balkan region, as highlighted by the ECtHR: "In 2014, of the 16,500 people expressing their intention to seek asylum in Serbia, only 388 applications were formally registered, and refugee status was only granted once. Most requests have been discontinued, as asylum seekers with

[14] European Council, 2014, 26/27 June 2014, Conclusions, EUCO 79/14.

[15] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, Article 6.

[16] AIDA - Asylum Information Database, 2015, Country Report – Registration of the Asylum Application, available at: http://www.asylumineurope.org [Accessed: 1 November 2015].

very limited access to protection in Serbia have no solution but to continue their journey onwards in Europe"[17].

Most recent figures confirm that countries along the Western Balkan route are considered only as a route of transit for refugees and asylum seekers. The main reason underlying this choice is the lack of access to international protection as well as of any integration perspectives[18]. National authorities, particularly in Serbia, Hungary and Macedonia, continue to violate international obligations to ensure access to international protection, ignoring the problem, instead of solving the flaws in the respective asylum systems and thus comply with the guidelines set by the CEAS. Moreover, the lack of access to international protection and the poor and inadequate reception conditions, place asylum seekers and refugees in vulnerable situations, leaving them exposed to the risks of trafficking, forced labour and other forms of abuse and human rights violations, as well as exploitation and deportation[19].

All things considered, delays, obstacles and bureaucratic caveats seriously affect those migrants who cannot access the status of asylum seekers or cannot provide any evidence of such a status. Furthermore, national-centred migration policies result in different practices at country level and the non-conformity with the CEAS. This creates a huge gap between the protection to which asylum seekers are entitled in theory, and the protection that they can enjoy in practice.

In the final analysis, the CEAS has still a long route ahead before accomplishing a real comprehensive and harmonised asylum system. The main challenge consists in going beyond the strict dichotomy between asylum protection and migration management.

4. Conclusion

This article provided an overview of EU policies and legislations on asylum and migration. It has been shown that migration is a cross-cutting issue, involving both security and asylum; therefore its management is one of the EU's strategic priorities. However, by linking illegal migration and asylum, the risk is to develop migration as a security issue to the detriment of asylum seekers and migrants' protection.

In the past months, the European bodies have repeatedly stressed the need for Member States to take up their responsibilities in managing the current refugee crisis. One of the priorities highlighted by the European Agenda on Migration[20] consists in correctly implementing the recast asylum package. Also, the European Commission reiterated the importance of correctly implementing the new standards by issuing a series of infringement procedures for failure to comply with the implementation of the new CEAS legislation, highlighting – among the others – that 18 member states have failed to establish common procedures for granting and withdrawing international protection as foreseen in the recast asylum package[21].

Focusing on the development of a coherent asylum policy, while dealing with an unprecedented refugee flows which has seriously challenged Member States' response capacity, is extremely complex. The main issue at stake remains ensuring security without curtailing migrants and asylum seekers' rights. The ambivalent approach recently undertaken by the EU Member States, in fact, resulted in a strong protection framework impaired by the need to tackle irregular migration, thus granting security. This highlights the need to further develop simultaneously both the EU migration policy and asylum legislation.

Ensuring a homogenous application of the CEAS and strengthening burden-sharing is a first step to reconcile asylum protection and migration management. Many instruments have already been developed, such as relocation programs and boosting search and rescue capacity. The key challenge remains to correctly put in practice those measures. In order to effectively implement a comprehensive, integrated, harmonised and balanced approach to migration, the European Union needs to recognize the importance of people over borders, thus tackling migration and asylum issues on a right-based approach instead than on a security-based one.

[17] ECtHR, 2011, MSS v Belgium and Greece, Application No 30696/09, Judgment of 21 January 2011. See Miroslava Jelač ić et al. (Group 484, Belgrade Centre for Human Rights, Belgrade Centre for Security Policies), Challenges of the Asylum System, Belgrade, 2014, available at http://bit.ly/1OQgKln, 70-170. [Accessed: 1 November 2015].

[18] AIDA, 2015, Common asylum system at a turning point: Refugees caught in Europe's solidarity crisis, p. 30.

[19] Ibid., p. 30. See also UN Committee against Torture, Concluding observations on the second periodic report of Serbia, CAT/C/SRB/ CO/2, 3 June 2015.

[20] Communication From The Commission to The European Parliament, 2015, The Council, The European Economic and Social Committee and The Committee of The Regions - A European Agenda on Migration, Brussels, 13.5.2015 COM, 240 final, para 13.

[21] European Commission, 2015, Press Release – More Responsibility in managing the refugee crisis. [Online] Available from: http://europa.eu/rapid/press-release_IP-15-5699_en.htm [Accessed: 1 November 2015].

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THE "SUSTAINABLE BUSINESS PRACTICE" PROJECT IN TANZANIA GOLD MINES: A LESSON LEARNED TO ENHANCE GOOD GOVERNANCE IN THE EXTRACTIVE INDUSTRIES

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Abstract

This contribution focuses on international initiatives in the extractive industries set up to enhance human rights and transparency. The research undertaken emphasises the crucial role played by the various stakeholders involved, all committed to make these initiatives truly successful. The analysis is supported by a comparative analysis based on a case study, i.e. the Sustainable Business Practice project by Search for Common Ground (SFCG), carried out in the areas around three gold mines in the Mara and Shinyanga regions of Tanzania. This analysis also focuses on the implementation of the Joint Security Management System (JSMS), an initiative meant to tackle theft and intrusion through the deployment of security providers selected from local villages.

Keywords

Extractive industries, Conflict, Human Rights, Mining, Good Governance, Tanzania.

1. Introduction

The beginning of the 21st century has been marked by an increasing race for underground resources: oil, gas, minerals and metals. With 2/3 of the poorest people living in resource rich countries, the way in which underground resources are explored and managed will determine in the next decades our human ability to strive for sustainable development and social justice at large. 'Dutch disease' or 'resource curse' are expressions referring to the possibility that the mismanagement of natural resources can cause conflict, social injustices and increasing poverty either impoverishing other productive sectors such as manufacturing (i.e. consequently to prices' inflation), or causing corruption and bad governance (Chatham House, 2013, 61-80). Therefore, it is crucial to understand if and how it is possible to minimise those risks and promote human rights and good governance at large in the extractive businesses.

Moreover, in the last two decades the world has witnessed an escalation of violent conflicts and war economies directly linked to the use of underground resources. The conflicts in Sierra Leone and DRC, among others, have caused a mounting pressure on governments and companies to enhance the adoption of transparent and accountable mechanisms to positively impact human rights and good governance in countries rich of natural resources.

Nonetheless, community-company conflicts in the extractive sector seemed to increase in recent years, especially in connection with commodity prices' volatility (Chatham House Report, 2013, 98). The former Special Representative of the UN Secretary-General on Business and Human Rights, confirmed that stakeholder-related risks account for more than half of the total risks, thus overcoming the technical ones (SRSG on Business and Human Rights 2010, para 71).

This short contribution provides an overview of some of the recent initiatives in the extractive industries aimed at enhancing human rights and transparency. Some important initiatives such as the UN Global Compact and the OECD Guidelines for Multinational Enterprises are not here examined, nevertheless they integrate the systematic attempt described above to regulate and improve the management of natural resources. The study also emphasises the crucial role played by the various stakeholders and their will, especially at the local level, to make these initiatives truly successful. This comparative analysis has been based on a case study focussed on the impact of the Sustainable Business Practice project and the Voluntary Principles on Security and Human Rights (VPs) by Search for Common Ground (SFCG) and Barrick Gold Corporation in the areas around three gold mine sites in Tanzania, namely North Mara (Mara region), Bulyanhulu and Buzwagi (Shinyanga region). The data collected in the field show how the Joint Security Management System (JSMS), implemented at the Buzwagi mine to safeguard the site through the deployment of security providers from the surrounding villages, so called *sungusungu*[1], has particularly contributed to a successful implementation of the Voluntary Principles on Security and Human Rights, stimulating not only the respect and promotion of human rights, but also a sense of ownership among community members.

2. Conflict in the Extractive Industries

The discovery of underground natural resources is usually perceived, not unreasonably, as a national blessing to address development challenges. However, past experiences have shown that in some cases, on the contrary, resources have played a negative role, impacting the socio-political-economic stability of hosting countries.

According to the 2013 Chatham House Report "Conflict and Coexistence in the Extractive Industries", some of the principal causes of conflict in the sector are: the post dictatorship phenomenon[2], unmet expectations[3], growing dependence on the extractive sector,[4] shifting political and security situations[5], socio-economic inequality,[6] major environmental accidents,[7] and capital strikes by investors[8]. In Tanzania conflicts between the communities and the companies have been surfacing more acutely with respect to land use and unmet expectations, caused by displacement of people and low compensations (Furaha Lugoe 2012 Discussion Paper n. 41, 4). The arrival of a big foreign investor in areas highly affected by poverty can have an enormous impact on locals' life; society's structures can entirely be disrupted and conflict can rise speedily and violently, as testified by Mrs. Rachel Julius, SFCG Kahama Project

[1] The *sungusungu* system is a Tanzanian traditional system and solution to fight crime at the grassroots level. This village security system was firstly implemented in order to fight phenomena as cattle raiding and private property theft. During the '80s *sungusungu* were utilized with the aim to involve the communities as security actors during the war with Uganda, which consequently produced destabilised borders, as well as a large presence of small arms and crime.

[2] Deals negotiated by dictatorial elites no longer in power. Paul Stevens, Jaakko Kooroshy, Glada Lahn, Bernice Lee November 2013, *Conflict and coexistence in the extractive industries*, Chatham House Report, p. 105.

[3] Governments failing to deliver on the popular expectations in emerging producer countries. *Ibidem*.

[4] Countries whose dependence on the mining sector continues to grow in the event of price declines or market volatility. *Ibidem*.

[5] Especially in post-conflict states without effective regulation and enforcement and with a large potential for corruption, for example Afghanistan or Somalia. *Ibidem*.

[6] *Growing* tensions in countries with large discrepancies between the resource-rich and resource-poor regions. Kazakhstan, India, Iraq and Nigeria are examples. *Ibidem*.

[7] Disasters may become important factors in decision-making as to how projects should proceed – and even whether they should go ahead at all. *Ibidem*.

[8] Cutbacks in investments by major players in developing countries could lead to the scaling back, delay or cancellation of ambitious flagship projects. This can result in new tensions between governments and international investors in countries that are dependent on rapid extractives-sector growth. *Ibidem*.

Fig. 1 Gold mine in eastern Congo, source: Enough Project.

Associate: "*the arrival of Africa Barrick Gold (ABG) has caused a restructuring of the society and the rise of conflict which started immediately over the compensation's issues. Back then, ABG made promises which were unwritten; once the ABG management changed, confusion and mistrust erupted*"[9].

2.1 A Guiding Framework to Protect Human Rights and Enhance Transparency in the Extractive Industries

In 2010 the Barrick Gold Corporation subscribed the Voluntary Principles on Security and Human Rights. The VPs are a set of principles designed for extractive sector companies in 2000 by a small group of governments, companies and NGOs to help them to maintain the safety and security of their operations in order to ensure during all the operational phases respect for human rights and fundamental freedoms and, when applicable, for international humanitarian law (VPs Implementation Guidance Tool, December 2012, 4). The Voluntary Principles were designed to avoid that investments in security sector providers in developing countries might end up financing local armed groups who could carry out human rights' abuses. The VPs offer companies some guidance in maintaining safety and security of their operations while through three key elements:

- Risk assessment: companies should carry out a risk analysis of possible human rights' violations (VPs, Implementation Guidance Tools, 9);
- Public security providers: companies should interact with public security providers such as army and police to oversee the respect of human rights at their operational sites (VPs, Implementation Guidance Tools, 9);
- Private security providers: companies should interact with private security contractors to oversee the respect for human rights at their operational sites (VPs, Implementation Guidance Tools, 9).

The most common human rights applicable to the VPs are related to conflict scenarios, therefore, some of the most important are the right to life, the right to liberty and security of persons, the right to freedom from torture and from arbitrary arrest or exile. Despite the enthusiastic reactions and the 27 signatory companies, only seven governments and 10 NGOs (included SFCG) have joined the network so far.

Moreover, the "*Protect, Respect and Remedy framework*" developed by the UN Special Representative on *Business and Human Rights* is the outcome of an initiative designed to clarify the relevant actors' roles and responsibilities in the extractive industries. This Framework rests on three pillars: Protect human rights[10], Respect human rights[11], and Remedy, in order to address grievances[12]. It of-

[9] Personal interview, held on 23rd of September 2014, Kahama.

[10] Governments have the duty to protect human rights. United Nations Human Rights Office of the High Commissioner 2011, Principles on Business and Human Rights, Implementing the UN Protect, Respect and Remedy Framework, p. 3.

[11] Business has the responsibility to respect human rights. This primarily means undertaking due diligence in order to avoid infringing on the rights of others. *Idem*, p. 13.

[12] To make it possible for grievances to be addressed early and remediated directly business

fers a detailed guidance for governments and companies to apply good practices related to human rights.

Good governance has a key role to play both at national and local level to avoid that the discovery of extensive natural resources become a curse for people and future generations. Recent trends and initiatives as the Kimberly Process Certificate Scheme[13], the Extractive Industries Transparency Initiative (EITI)[14] and the Dodd-Frank Act[15] are shaping the sector towards more transparency and disclosure of contracts' information, investments and decisions, enhancing accountability first and foremost from companies and governments.

The Kimberly Process Certification Scheme focuses on distribution of the conflict minerals, imposing restricting rules to companies and traders in order to certify the 'conflict free' provenience of such minerals. Moreover, the EITI standards, so far implemented in 48 countries, can be subscribed and legally approved by any Government and if so, they require the disclosure both from the Governments of how much they have received and from the companies of how much they have paid. Similarly, Section 1504 of the Dodd-Frank Act, which refers to US listed companies, requires disclosure of payments in the extractive industries; the bill was welcomed by the Publish What You Pay coalition as a "global achievement in the cause of enhancing transparency and fighting corruption in the developing world".

Despite the critics to the weaknesses of these mechanisms in their implementation and enforcement phase, these initiatives possess an intrinsic potential to enhance good governance, stimulating further the willingness and the need both for governments and companies to operate within a framework of human rights, peace and security.

Having said this, the analysis carried out in three Tanzania gold mines demonstrates how stakeholders' commitment is a *condition sine qua non* to make these initiatives successful.

3. Case Study: Tanzania

The main root causes and drivers for illegal mining and mine intrusion in Tanzania can be identified in extreme poverty[16], the presence of criminal networks in relation to widespread black market of gold[17], socio-cultural dynamics in the case of aggressive attitudes from the local community (as for the *Wakuria* in North Mara)[18], the ambiguity of land tenure laws[19], mistrust and disinformation[20].

Since 2011, SFCG is implementing the project Sustainable Business Practice with two field offices, one in Kahama (Shinyanga region) and another one in Tarime (Mara region). The activities have so far reached eight villages in the Tarime District, where the North Mara gold mine is located, three villages in the Mwendakulima ward, where the Buzwagi gold mine is located, and twelve villages in the Bulyanhulu and Bugarama wards, where the Bulyanhulu gold mine is located[21]. The organization's goal is to mitigate the conflict between African Barrick Gold (ABG) and communities, offering a room for discussion and facilitating dialogue among different stakeholders. SFCG believes that if conflict needs to be accepted as part

enterprises should establish or participate in effective, operation-level grievance mechanisms for individuals and communities who may be adversely impacted. Idem, p. 25.

[13] '*The Kimberley Process started when Southern African diamond-producing states met in Kimberley, South Africa, in May 2000, to discuss ways to stop the trade in 'conflict diamonds' and ensure that diamond purchases were not financing violence by rebel movements and their allies seeking to undermine legitimate governments. The KPCS document sets out the requirements for controlling rough diamond production and trade. The Kimberly Process Certification Scheme entered into force in 2003, when participating countries started to implement its rules. The Kimberley Process (KP) is open to all countries that are willing and able to implement its requirements. The Kimberley Process Certification Scheme imposes extensive requirements on its members to enable them to certify shipments of rough diamonds as 'conflict-free' and prevent conflict diamonds from entering the legitimate trade'.* Retrieved from: The Kimberly Process Certification Scheme 2002; available at: http://www.kimberleyprocess.com/en/about.

[14] '*EITI is a global Standard to promote open and accountable management of natural resources. It seeks to strengthen government and company systems, inform public debate, and enhance trust. In each implementing country it is supported by a coalition of governments, companies and civil society working together*'. Retrieved from: *The EITI Standards* January 2015, EITI International Secretariat.

[15] The Dodd-Frank Wall Street Reform and Consumer Protection Act was signed in 2010. Section 1504 of the Bill targets corruption in the oil, gas and mining industries requiring all US-listed extractive companies to publish all their payments to governments for international and community development projects, promoting transparency and disclosure.

[16] Despite a GDP growth at an annualised rate of approximately 7% since 2004 and without major changes foreseen for the coming years, poverty in Tanzania remains among the worst in the world. In November 2013, the Government announced the new official poverty figures indicating that approximately 28.2% of the population lives below the poverty line. Similarly, Tanzania is currently ranked 159th out of 187 countries on the HDI index 2014. UNDP Tanzania, Country Info. Available at: http://www.tz.undp.org/content/tanzania/en/home/countryinfo/.

[17] In addition to high levels of poverty as a motivation to intrude into mines, criminal networks have also emerged looking to exploit the mines to feed into illicit networks.

[18] Many inhabitants in the Mara region belong to the *Wakuria* tribe. The *Wakuria* have a warrior tradition that is developed from generations of cattle raiding in Mara and across the border into Kenya. The function of cattle riding is socio-political as well as economic: by encouraging inter-clan hostility clan leaders are able to maintain in-group cohesion. This culture of rivalry is now focusing and showing its violent results in the mine industry.

[19] Due to the complexity of the land law) and the slow and expensive process of attaining land titles, many people in rural areas do not bother to register for certificates. Duplication of land titles and corruption exasperate the land tenure system.

[20] Negative experiences in the past have spread mistrust into the relationships of mining companies and communities. In North Mara many perceive police as an agent of ABG, a fact which contributes in creating a situation of tension and mistrust. Mistrust and fear are also on the police side. Among many factors, extra-judicial violence contributes in the increasing of mistrust and hostility between community members and authorities. Disinformation represents one of the driving factors for mine intrusion and mistrust between the communities and the private investor, between large scale-mining companies and artisanal miners. There is an evident need for promoting awareness among rural communities about the benefits from collaborating with the private sector.

[21] Tarime District, Mwendakulima, Bugarama and Bulyanhulu Wards are the places where SFCG staff is operating since 2009. A ward is the lowest government and administrative structure of Tanzania.

of human life, violence is avoidable; from this assumption comes the idea that thanks to the cooperative approach people can learn how to accept differences and act in concert.

At the end of 2012 SFCG, in collaboration with ABG and the Mwendakulima ward, implemented an initiative known as the Joint Security Management System at the Buzwagi mine. The aim was to improve security at the mine and cooperation between the investor and local villages to tackle mine intrusion, offering new employment opportunities as well as a role of responsibility to community members. The JSMS at Buzwagi gave the villages an active role through the deployment and the management of *sungusungu* directly selected form and managed by them. Through the JSMS the villages became directly responsible for the security at the mine and all the stakeholders (i.e. ABG, police, *sungusungu*, community members, government officials etc.) are so far benefiting from this initiative. The entire system is based on a bottom up approach since the *sungusungu* are chosen among the youth living in the community with an open and participated selection process. Each group of *sungusungu,* representing a certain number of households, responds directly to a *sungusungu* commander. In 2012 ABG Buzwagi started to utilise *sungusungu* as security contractors in addition to police officers to safeguard the areas around the mines from episodes of illegal mining and intrusion. This experiment went even beyond this basic collaboration with the creation of a system where the villages are directly responsible and accountable for the security at the mine. The JSMS is enabling communities and *sungusungu* to meet constantly with ABG community relation and security staff to update each other on the security situation at the mine. *Sungusungu* are trained by the ABG staff for one week before being deployed. Their contract lasts for three months giving the possibility to employ local community members on a rotation base. The security meetings held once a week are an occasion for *sungusungu* commanders, in representation of the different villages, to present themselves the episodes of theft and vandalism at the mine. This is also an opportunity to discuss issues, needs, doubts and perplexities and to follow-up on them. SFCG and the Regional Police Commissioner (RPC)[22] also participate in the meetings.

Fig.2 North Mara gold mine in the Mara region, Tanzania, source: ACACIA MINING.

3.1 Results and Lessons Learned

The totality of police officers and community members in Buzwagi participating to a questionnaire expressed an extremely positive feedback about the work done so far by *sungusungu* through the JSMS[23]. Also, police officers from the three mine sites gave extremely positive feedback regarding SFCG trainings;[24] the most positive evaluations were from Buzwagi and the most critical from NM where the trust and cooperation between ABG and the community is at the lowest levels.

SFCG activities are having a very positive impact on the communities, hence only one on 29 participants in NM was not satisfied with the work done so far by SFCG[25].

Lazaro Mapimo, SFCG Kahama Project Manager, explained that SFCG has acquired the trust of communities as testified by the recent intervention to monitor and observe *sungusungu* elections in Kahama, where he said: "*SFCG and the other stakeholders participated at the sungusungu election as a team. We went together that morning with the Ward Executive Officer, police officers and the District sungusungu commander, to give the people a sense of unity. We monitored the election which was free and fair*"[26].

The application of the VPs on Security and Human Rights by ABG has driven a significant positive change towards security and the respect for human rights at the operational sites. Nonetheless, the results were not successful as expected and the Buzwagi case shows how stakeholders' commitment is indispensable to make such initiatives truly successful. The JSMS has increased good governance enhancing human rights, transparency, accountability, participation and inclusion in the decision making, ultimately creating a strong sense of ownership by community members over the project. Trainings in human rights for police officers and meetings with local government officials

[22] The Regional Police Commissioner is the highest position at regional level of Tanzania security sector.

[23] Surveys, October 2014, Buzwagi mine and Mwendakulima village, 11 police officers and 30 community members.

[24] Surveys, October 2014, NM, Buzwagi and Bulyanhulu mines, 53 police officers.

[25] Surveys, Kerende and Genkuru villages, October 2014, 29 community members.

[26] Interview, October 2014, Kahama.

have accelerated a process of understanding, complemented with the deployment of *sungusungu* and the delegation of their management to the villages.

The role of 'local' decision makers has also resulted as crucial to the author's experience. Indeed, decision makers with a local background seem more prone to be creative and proactive, to be aware of issues and ready to adapt their strategies. Therefore, ABG managers with a local background seem more keen to apply the 'cooperative approach' rather than their expats colleagues.

The black market of gold plays a strong influence on the dynamics in the field. Numerous illegal transactions take place just few km away from the mine, thus, without a joint and strong reaction leaded by the Government and neighbouring countries there is not much that can be done to fight such a profitable market and enforce the rule of law.

Furthermore, the weaknesses of the judicial system, which lead to corruption and abuse of power by the local authorities remain often unreported; in such poor contexts inequalities and injustices are certainly emphasised. This undoubtedly affects the capacity of local civil society to negotiate with investors and to participate in decision-making; this gap results in lack of communication and people's alienation.

Moreover, mismanagement in North Mara has caused delay in compensation and replacement and unmet expectations have generated hatred feelings from community members.

The lack of infrastructure and alternative sources of income also have a huge impact on human security. Collusion and theft are directly linked to the general poverty of the local population and *sungusungu* find themselves under a great amount of pressure living in the same community where intruders belong to.

Last but not least, disinformation and bad communication are oftentimes the main cause of conflict escalating into violence. There is little information on how revenues are spent by the Government or community development programs implemented by ABG.

4. Conclusion

This contribution stems from a study that has outlined some of the main initiatives aimed at enhancing human rights and transparency in the extractive sector. The goal of the study was to critically analyse, through the use of a comparative case study, challenges at the operational sites and possible solutions to foster peace and security. A key finding highlighted by this research is the crucial role of stakeholders' commitment in implementing international standards and good practices on the ground; there is indeed the commitment of ABG Buzwagi behind the success of the Joint Security Management System at the Buzwagi mine. The results of the study have led the author to the formulation of some key recommendations towards ABG, SFCG and the Government of Tanzania:

- Promote coordinated and comprehensive efforts in order to avoid duplication and stakeholders' exclusion in the decisional phase.
- Strengthen sustainability through capacity building and resilience promoting social funds to respond to crises determined by commodity prices' volatility.
- Foster good management and expectations' management since the start-up phase, working together with various stakeholders to develop accurate risks analysis, improve trust and create realistic expectations.
- Fight lack of information through mass events such as district multi-stakeholder meetings and the use of media/social networks.
- Reflect on the JSMS in Buzwagi as an inspiration to develop conflict sensitive business practices and stimulate sense of ownership among local communities.

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PEACE HISTORY: A NEW TOOL FOR CONFLICT TRANSFORMATION

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Abstract

Peace History concept as a conflict transformation tool was introduced by the Center for Peace and Conflict Studies in 2013.This article explores how Peace History can contribute to conflict transformation efforts and how it canreconstruct the relationships between conflicting parties. Although the Peace History approach cannot be used exclusively, it has a great potential to foster the transformation of intractable identity conflicts.

Keywords

Peace history, Conflict transformation, Identity conflicts, Exploratory Research.

1. Introduction: Transforming Intractable Identity Conflicts

Even though it is widely accepted that the number of armed conflicts has declined over the last two decades, nevertheless according to the Global Peace Index 2015 the world as a whole has become less peaceful each year since 2008. There are conflicts that have been unresolved for decades, such as the conflict in Myanmar that has been lasting for longer than 60 years, making it one of the oldest conflicts in the world. Long lasting, recalcitrant, intense, and dead locked conflicts are called intractable conflicts (Coleman 2000, cited in Coleman 2003, 6). Usually those conflicts involve actors with a long sense of historical grievance, they take place over a long period of time and include intangible issues such as identity or values and beliefs.

There are different strategies in dealing with conflicts such as conflict management, resolution, settlement, transformation. The term conflict management can be understood as an umbrella term encompassing other strategies. Both conflict resolution and settlement seek to achieve an agreement or solution to the current issue creating the crisis and to turn the conflict from violent means toward political means of pursuit (Kelman 2010; Lederach 2003; Miall 2004). However, intractable identity conflicts resist most of the conflict resolution strategies, therefore in order to prevent their re-emergence, approaches that go beyond agreements are required.

Conflict transformation goes beyond the formal, intergovernmental agreements, focused on the material aspects of a conflict attained through conflict resolution or conflict settlement. Through the lenses of conflict transformation, conflict is seen as a potentially positive and productive force for change embedded in the web of relational patterns (Lederach 2003). The main focus of conflict transformation is on transforming the attitudes and patterns of relationships between groups of people shaped by conflict. It requires the formation of new beliefs concerning the relations between the groups that were engaged in the intractable conflict.

This paper explores a new tool for conflict transformation called 'Peace History'. Peace History is defined as *"an approach conceived to support peace processes, understood in a broad sense beyond 'peace talks', within a wider conflict transformation frame. The objective of Peace History is to contribute to transforming conflicts through collecting, and weaving together, the plural memories of divergence, unpacking the journey to peace of those embarked in peace processes, and distilling their learning over time in order to move forward and to rebuild relationships. Peace History creates physical and symbolic safe spaces where individuals in person can share their memories of the past, address their concerns, hopes and expectations about the present and envision the desirable future through guided conversations*[1]. This paper further analyses how Peace History can reconstruct the relationships between parties involved in intractable conflicts.

2. 'ABSDF Peace History' Project: A Brief Overview

Nowadays there exists many practical tools used to transform relationships between conflicting parties such as dialogue groups, interactive problem-solving, 'getting to know each other side' workshops and others.

Peace History concept as a conflict transformation tool was introduced by the Center for Peace and Conflict Studies (CPCS)[2]. CPCS together with All Burma Students Democratic Front (ABSDF) in 2013 implemented 'ABSDF Peace History' Project. The ABSDF is a Non-State Armed Group formed in 1988. In 2012 the ABSDF received the invitation from the Myanmar government to participate in peace talks and contacted CPCS asking to develop a project that could reveal their story and their journey towards peace. CPCS implemented 'ABSDF Peace History' Project.

The 'ABSDF Peace History' Project took place in the course of almost twelve months during 2013. The main phase of the project was the interview phase. Interviews, framed as guided conversations, included 17 questions guiding participants through three time dimensions: their past, present and the future. At the end of the project different stories were combined and the publication'Struggle for Peace: The 25 year journey of the ABSDF'[3] was presented disclosing identity considerations and new accounts of history.

Peace History project with the ABSDF was the first of its kind for CPCS. 'ABSDF Peace History' Project did not have a theoretical base or methodology to follow through the implementation. Due to a lack of methodology it was complicated to assess the impact of the project. However, since Peace History intended to foster peace processes in Myanmar it was important to explore how Peace History may contribute to conflict transformation efforts and reconstruct the relationships between parties involved in intractable conflicts.

This study employed exploratory research methodology. Firstly, the preliminary understanding of the concept was analysed. Then different elements visible within 'ABSDF Peace History' Project were identified and it was explored how each element separately contributes to conflict trans-

[1] The definition of Peace History was developed with the guidance and was shaped by Nerea Bilbatua, the project coordinator of the 'ABSDF Peace History' Project that is being introduced in the next paragraph of this paper.

[2] The Centre for Peace and Conflict Studies (CPCS) is a Cambodia based Non-Governmental Organisation, working in the field of peace building and conflict transformation. In its peace process support initiatives, which currently focused on the peace processes in Myanmar and the Philippines, the CPCS works with a diverse range of key stakeholders including local civil society organisations, government institutions and non-State actors.

[3] The publication 'Struggle for Peace: The 25 year journey of the ABSDF' is available at: http://www.centrepeaceconflictstudies.org/publications/browse/struggle-for-peace-the-25-year-journey-of-the-absdf/.

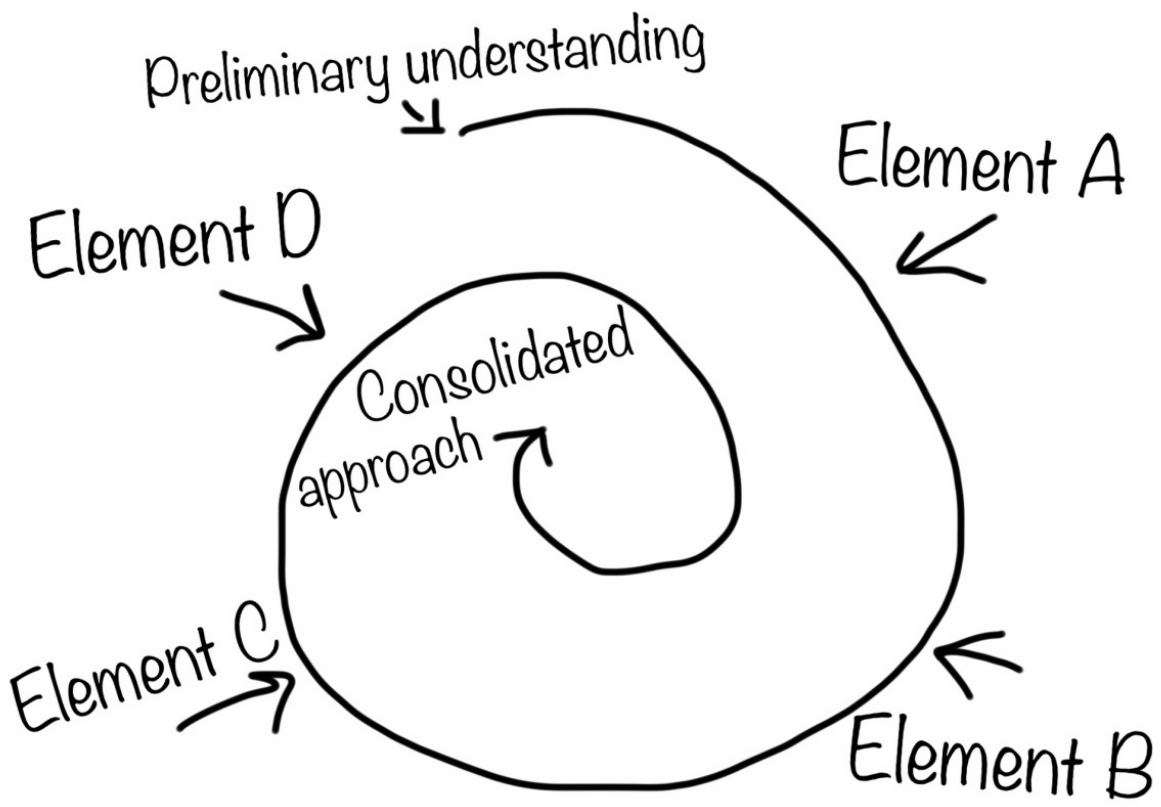

Fig. 1 Exploratory research process

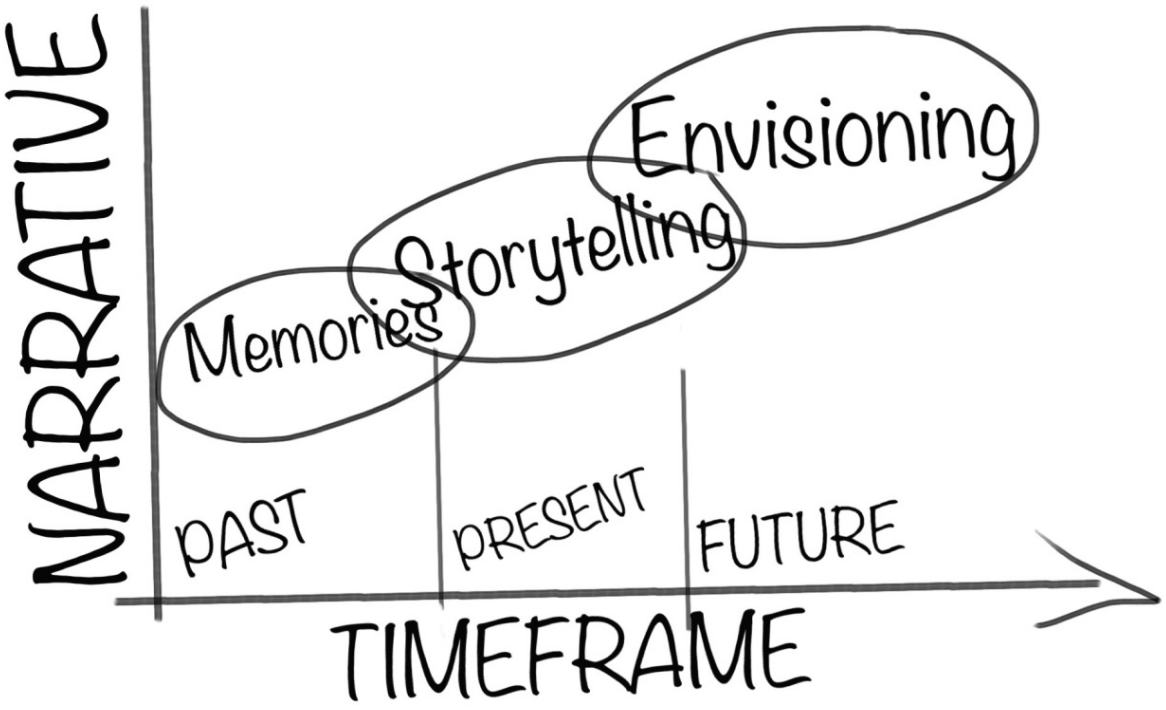

Fig. 2 Time dimensions and elements of Peace History

formation efforts. Finally, the findings were synthesized the consolidated approach of Peace History was developed. The Figure 1, "Exploratory research process", presents the main phases of exploratory research process.

3. Uncovering Peace History: Preliminary Understanding and Elements

The notion of Peace History was developed in the late 1940sand was understood as 'the application of historical method to the study and attainment of world peace' (van den Dungen and Wittner 2003, 363). Decades later, in 1986 the definition of Peace History was expanded to 'the study of the historic causes and consequences of violent international conflict and of the historic search for alternatives to the violent resolution of international conflict' (Carroll, Cook, Cooper, Waskow, & Wittner 2009, 129). It included research seeking to understand how peace might be created and sustained in the future, but the main focus remained on peace research in history.

Although the term Peace History is not new the traditional term has changed meaning since being adopted by the CPCS. Emerging Peace History employed guided conversations through which members of the ADSDF shared their stories in a comfortable environment and expressed their concerns, regardless of controversy with regards to historical accounts.

In view of how CPCS Peace History guided conversations were structured the three time dimensions were defined: past, present and future. Those time dimensions were reflected in mirroring elements of memories; storytelling; and envisioning. At the end of the 'ABSDF Peace History' Project the conversations were transcribed and converted into a narrative that became the final outcome. The relationship between the time dimensions and elements that were incorporated within the Peace History project are represented in the Figure 2, "Time dimensions and elements of Peace History".

On Memories

'ABSDF Peace History' Project through guided conversations tried to uncover the memories of the past of individual members of ABSDF group.

The departure point was an understanding that everyone has different interpretations and experiences related to events of the past. Individual memory cannot be considered as an objective one, due to the interrelation with external factors and influence of the social framework. Individual perceptions are highly influenced by the dynamics of memories and the process of transmission of memories (Hirst & Echterhoff 2008, 188). Different memories can be transmitted from one member of the community to another through social interaction, transforming memories in the process. Henceforth, memories can be imposed depending on the level of remembering.

If memories are subjective, then individual perception is relative rather than absolute or objective. If perception is relative, then 'truth' is deeply subjective and depends on each individual's cultural reality and historical narrative. By revealing different memories, the relationships among members of society and our understanding about social and political realities can be changed. When individuals acknowledge the existence of multiple 'truths' they have the power to rebuild relationships and change the context that evoked the conflict.

On Storytelling

'ABSDF Peace History' Project was not exclusive to the past dimension, because through the storytelling expressed in the present moment it linked the past and future dimensions.

The method employed for storytelling, on its own, contributes to conflict transformation efforts. Firstly, storytelling facilitates working-through processes in intractable conflicts. Working-through enables individuals who have suffered traumatic social experiences to learn to live with these painful events while developing an ability to listen to the pain of the 'other' (Bar-On & Kassem 2004, p. 289). Individuals are emowered as active peace builders to change situations if they are not traumatised by their past experiences. Secondly, storytelling is based on the agency for change motif. After the storyteller receives the support that facilitates trauma healing he/she becomes self-aware of possible change that lies within him/her. The agency motif is based on the theory of elicitive conflict transformation where it is concerted that every aspect of individual's personality, including social competences, has an influence on the system and its processes (Dietrich 2014) as well as on the Gestalt's theory stating that change anywhere in the field affects all subsystems in the field (Yontef 2005, p.150). Therefore, individuals emowered by their own stories and their potential to promote the change, consequently can mobilise the broader community. Finally, localised storytelling is a process of justice making. Individuals telling stories in the pursuit of justice and social transformation expose the structural forces at work in storytelling (Hackett & Rolston 2009, 360). It reconstructs humanity through the reconstruction of individual life story and linking testimony to the struggle for justice and human rights.

On Envisioning

The third element within the Peace History concept is envisioning, because ABSDF members shared their insights and dreams related to the future. Envisioning is interrelated with storytelling since it happens while the individuals are telling the story; it is also closely linked to the agency for change motif.

Envisioning is a tool used to imagine how the future can be, identifying expectations and dreams related (Polak 1973). A central premise in envisioning is that the future is not the domain of knowledge but of action (Ziegler 1991, cited in Jones 1998, 236). In this case, when individuals have a vision what they would like to reach, they empower themselves to take an action and to

start moving towards it. It is a new beginning of their stories.

On Narrative

Once guided conversations with the members of the ABSDF were completed the narrative constituting the past, present and future dimensions was presented.

Within the discourse of political psychology, narrative is understood as a sensible organization of thought through language (Hammack & Pilecki 2012, 78). Narrative generates, builds on and sustains beliefs, attitudes, and perceptions. People think or act in a particular way, even subconsciously, based on the dominant narrative. The dominant narrative often is constructed by prevailing groups that have an interest to maintain a conflict. This narrative serves to create a sense of personal coherence and collective solidarity, legitimizing collective beliefs, emotions and actions whilst constituting roles in which certain groups are recognised as holding a special place in society (Hammack & Pilecki 2012; Liu & Hilton 2005). Therefore narratives have the power to create certain positions in conflict, construct relationships and produce feelings and emotions related to those relationships.

Narrative persuasion process or 'transportation into a narrative world' (De Graaf et al. 2009) mediates between reading a story and the acceptance of beliefs implied by the story. The more a reader is transported into the narrative world, the more the story will influence the reader's beliefs. Transportation is considered a process that either limits counter-arguing or makes it incompatible, thus reducing individuals' resistance and favouring their acceptance of the message contained in the narrative(Moyer-Gus´e 2008; Slater & Rouner 2002, cited in Igartua & Barrios 2012, 515). Under those circumstances, narratives change beliefs since readers do not elaborate on assertions made in a story in a critical manner.

As for the conflict transformation, the important aspect is that fiction may facilitate persuasion by interfering with counter-arguing processes, reducing the emotional distance between persons with different ideologies. Narratives can affect change by bringing focusing on the events happening in a story, leading to a reduction of negative cognitive responses, thereby increasing acceptance of beliefs implied by the story. Alternative narratives can serve as a mobilization device and spread transformative voices to society providing a sense of collective agency. Much like dominant accounts can support and sustain conflicts and problems, alternative narratives can reduce the influence of problems and create new possibilities for living.

4. Measuring the Impact Peace History as a Tool of Conflict Transformation

Peace History is a practical approach conceived to support peace processes that incorporate elements of memories, storytelling, envisioning and narrative that each contribute to conflict transformation efforts. For that reason it is important to measure the impact of the first implemented project that employed the Peace History approach.

The impact of Peace History project was assessed employing the 'Reflect on Peace Practice'(RPP) technique developed by CDA Collaborative Learning Projects[4]. The assessment process of Peace History was based on 'RPP Intermediate Building Blocks for Peace' and 'RPP Matrix tool'[5]. 'Building Blocks for Peace' represent a set of intermediate goals in peace building that are useful for promoting discussion aimed at specific projects and for formulating robust goals/objectives. 'ABSDF Peace History' Project as an intervention by itself addressed only the last 'Building Block for Peace', an intervention that results in a meaningful improvement of relationships. The results are reflected in changes in individual mindset, group attitudes, public opinion, social norms, or public behaviours. Since Peace History project addressed only one 'Building Block for Peace' it cannot effectively contribute to conflict transformation efforts. CDA discussed that peace efforts that achieve progress in more than one of the 'Building Blocks' are more effective than those that accomplish changes in only one area (CDA 2013). Additionally, regardless of which 'Building Blocks' are relevant, the intervention must demonstrate that it contributes to stopping one or more of the key driving factors in the conflict.

'RPP Matrix' is a tool combined of four quadrants, allowing analysis of the various dimensions in different peace work approaches[6]. 'ABSDF Peace History' Project addressed key people. Members of the ABSDF were preparing to participate in peace talks, which meant they could influence the decisions made. In turn, the engagement of ABSDF could contribute to conflict transformation efforts within their country. According to CDA, 'Key people' strategies assume that, without the involvement of these individuals/groups, progress cannot be made toward resolving the conflict. Regarding the left side of the 'RPP Matrix', 'ABSDF Peace History' at the basic level worked toward the individual/ personal change. Individuals by getting involved in the project strengthened their trust feeling towards people having diverse stories such as, Western project coordinator and a member of the armed group. 'ABSDF Peace History' Project did not reach the socio-political level, because change at this level includes alterations in government policies, legislation, policies, economic structures, ceasefire agreements and constitutions (CDA 2013). Analyses of CDA on 'RPP Matrix' has showed that programming focused on change at the 'Individual/Personal level', yet

[4] Reflecting on Peace Practice, "CDA Collaborative Learning Projects", available at: http://www.cdacollaborative.org/programs/reflecting-on-peace-practice/, [Accessed 26th October 2015]

[5] Please see the 2013 Reflecting on Peace Practice: Participant Training Manual for definitions and explanations of these concepts.

[6] Ibid.

doesn't aim for higher changes at the 'Socio-Political level', has no distinct effect on peace. Efforts focused on building relationships and trust across conflicting parties, increasing tolerance, and growing the vision for a peaceful future, often produce visible transformations in attitudes, perceptions and trust, however, the impacts for wider peace are more significant if these personal changes are translated into actions at the 'Socio-Political' level.

5. Conclusion

Peace History is an approach combining several elements that each contributes to conflict transformation efforts: memories, storytelling, envisioning and narrative. It can be said that Peace History has a great potential to the transformation of intractable identity conflicts. Peace History projects can foster relationship building by exposing multiple'truths' of individuals involved in peace processes, recounting stories by all parties involved, providing alternative narratives that can effect the change in individual attitudes, beliefs and behaviour. Although the Peace History approach cannot be used exclusively, it shows that in order to contribute to conflict transformation and promote just peace, identifying how the people within the conflict are affected is an important element in transformation.

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MAKING PRIMARY PREVENTION A PRIORITY: MOVING BEYOND SGBV RESPONSE IN HUMANITARIAN EMERGENCIES TO PROTECT THE RIGHTS OF WOMEN AND GIRLS DISPLACED BY CONFLICT

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Abstract

Sexual and gender-based violence (SGBV) constitutes a major threat to the human rights of women and girls displaced by conflict around the globe. This article highlights how international law, commitments and operational guidelines place an overt emphasis on SGBV response, tailoring interventions to meet the needs of survivors while failing to consider the importance of primary prevention. This emerges quite strongly also from the analysis of the inter-agency response to SGBV in Lebanon, where 78 percent of the Syrian refugees are women and children, which provides an opportunity to discuss protection programming gaps in humanitarian emergencies.

Keywords

SGBV, Human Rights, Displacement, Humanitarian emergencies, Lebanon.

1. Introduction

In recent decades, the links between sexual and gender-based violence (SGBV), armed conflict and displacement have been increasingly analysed, yet despite heightened awareness of the issue, SGBV constitutes a major threat to the human rights of women and girls displaced by conflict around the globe.

SGBV stems from gender inequality and discrimination, power imbalances between males and females and patriarchal attitudes and social norms. In both times of conflict and peace, the concept of masculinity and patriarchal superiority normalises existing social inequalities (UNHCR 2003, 21), contributing to SGBV. Even in instances, where SGBV is utilised as a weapon of war (UNSC 2008), it remains rooted in discriminatory practices that relegate women and girls to a subordinate position compared to men (UNFPPA 2012, 8).

To wholly and adequately address SGBV, primary prevention efforts must be scaled-up during the earliest stages of displacement. Primary prevention refers to stopping violence before it occurs (Krug et. al. 2002, 15) and aims to reduce SGBV by identifying and addressing underlying risk and protective factors (Harvey, Garcia-Moreno and Butchart 2007, 5), including those within existing social norms, institutional structures, policies and individual attitudes and behaviours (Partners for Prevention 2014). It addresses the underlying societal and structural factors of SGBV, not only focusing on violence among individuals and populations, but also seeking to increase understanding of and educate communities on root causes (GAPS UK 2011, 2).

2. Gaps in IASC Guidelines for Humanitarian Actors

Unfortunately, the "go-to" reference document for humanitarian actors in tackling SGBV– the *Inter-Agency Standing Committee Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies* - places limited emphasis on primary prevention, leading to a response-focused triage approach to SGBV in emergencies, which fails to engage local communities and promote women's and girls' rights during displacement, subsequently increasing their vulnerability.

The IASC Guidelines emphasise that humanitarian actors should assume SGBV is occurring, even without concrete evidence, and outline that though various forms of SGBV occur in emergencies, "sexual violence" is the most immediate and dangerous (IASC 2005, 1). The Guidelines encompass detailed information on survivors' needs, as well as how to establish referral pathways and accessible services, but little guidance is offered with respect to designing concrete, sustainable prevention strategies. Instead, the Guidelines focus on immediate, short-term interventions, such as conducting camp safety audits and ensuring latrines are well-lit and locked. While these actions are vital, the importance of engaging local actors to tackle gender discrimination and minimise risks to SGBV is largely absent from the Guidelines.

Focusing primarily on response systems and immediate assistance to SGBV survivors has contributed to an environment where humanitarian actors have failed to incorporate prevention efforts into programming at the outset of displacement – which is particularly detrimental given the increasingly protracted nature of conflicts and associated displacement. This presents a critical protection gap as the disruption of social and community networks, shifting gender roles and the stress of displacement increases vulnerabilities for women and girls. Current programming in emergencies rarely reflects the extensive nature of SGBV in terms of its forms and prevalence or its underlying causes (Ward 2002, 13), undermining the potential to engage displaced communities and women and girls in tackling the root causes of SGBV.

3. Gaps in SGBV Programming in Lebanon

The inter-agency response to SGBV in Lebanon provides an opportunity to analyse protection programming gaps. As of January 2015, 1.8 Syrian *de facto* refugees and Palestinian refugees were displaced in Lebanon, inclusive of 1.2 million Syrian refugees registered with UNHCR (UNHCR 2015), of whom at least 78 percent were women and children (GoL & UN 2014, 15). In August 2012, 16 months after the eruption of the Syrian crisis, the International Rescue Committee (IRC) conducted a SGBV rapid assessment and found refugees from Syria to be at increased risk of multiple forms of violence in Lebanon, due to generalised insecurity and limited access to support. While sexual violence and rape were the most extensive forms of SGBV during the conflict in Syria, the types of SGBV confronting women and girls during displacement included intimate partner violence, early marriage and survival sex. (IRC 2012b, 3).

To-date, SGBV remains a significant protection risk for displaced Syrians in Lebanon. More recent assessments confirm that domestic/intimate partner violence, sexual harassment and exploitation, and forced or early marriage, are key protection concerns (IRC 2014, 2). According to data from the inter-agency GBV Information Management System (GBVIMS), from January to October 2014, one quarter of SGBV incidents related to sexual violence (rape or sexual assault). Other types of violence, such as physical assault and emotional violence were also found to be widespread (GoL & UN 2014, 15).

To address and effectively prevent SGBV, coordinated inter-agency action is necessary, combined with community-based initiatives to challenge existing gender perceptions and inequalities. Unfortunately, *prevention* did not even appear as a priority on the humanitarian agenda in Lebanon, until three years into the Syrian response, resulting in a situation wherein "high levels of sexual

and gender-based violence, with rape, assault, intimate partner violence and survival sex appear increasingly common" (Anani 2013, 75). Like the IASC Guidelines, humanitarian actors predominantly emphasised *response* efforts with limited planning and resources dedicated to implementing or monitoring community-based prevention until late 2014-2015.

Furthermore, SGBV funding in Lebanon has been streamlined towards the establishment of survivor-centred referral pathways and capacity building in case management, both of which are necessary to ensure safe and confidential services for survivors, but neither of which contributes directly to primary prevention. Activities have also focused on strengthening the medical response in clinical management of rape and ensuring the availability of PEP kits, access to safe spaces, legal services and psychosocial support (UNHCR 2014, 32). While these interventions are critical, inter-agency engagement in community-based prevention since the outset of the crisis has been dismal, resulting in a situation where SGBV continues to increase in prevalence and diversity.

Humanitarian actors have also neglected to take into account the socio-economic circumstances of Syrian refugees who come from a middle-income country. By failing to consider the related social constructs and gender norms within Syrian culture, designing interventions to address the actual needs of women and girls and promote their empowerment has been limited (WRC 2014, 3). Traditional Syrian norms place the burden of family honour on women and girls – much like the early codification of international humanitarian law. Losing one's virginity (whether forced or not) affects a woman's or girl's reputation, making her increasingly vulnerable to social consequences of SGBV (IRC 2012b, 7). It is within this context of gender inequality and patriarchal norms that SGBV interventions among Syrian refugees in Lebanon must be considered – these norms do not disappear in the face of conflict and displacement but may change or intensify and must be duly considered in designing SGBV programming to engage community members in prevention. A response-oriented intervention to SGBV makes this impossible.

In advocating for increased focus on primary prevention, the aim is not to detract from the importance of survivor-centred interventions but to challenge the lack of emphasis on prevention, despite the repeated acknowledgement among humanitarian actors of increasing rates of SGBV.

4. Value of Community-Based Primary Prevention

Conflict and emergencies have the potential to shift traditional gender norms, altering societal structures and relationships between males and females (WRC 2014, 14). While this may increase women's and girls' vulnerability, it also presents an opportunity to address SGBV and gender-based discrimination, if prevention is prioritised at the outset. During displacement, fluctuating gender norms may lead communities to become more conservative to protect traditional values, but may also result in the transgression of traditional gender roles (WRC 2014, 14) presenting opportunities to engage communities.

Primary prevention serves as the most strategic method to minimise risks to SGBV among displaced populations as it upholds the human rights of women and girls and aims to prevent violations. Moreover, it represents a logical approach to averting its devastating costs and consequences (UN Women 2015). The IRC rightly points to the need to "bring the interests of women and girls -those disproportionately impacted by armed conflict – from the margins of service provision to the mainstream of humanitarian programming" (IRC 2012b, 2). Community-based prevention includes opportunities to do just this – to move beyond response programming centred solely on service provision to involving women and girls and their communities in protection and empowerment programmes, seeking to increase gender equality in order to mitigate risks to SGBV.

Though prevention outcomes are harder to measure and impacts are less immediate than response activities, community-based prevention is integral to creating an environment where women's and girls' rights are respected and protected during displacement. Engaging community members is fundamental to confronting gender stereotypes and to provide opportunities for displaced populations to establish their own protective frameworks to prevent SGBV.

5. Conclusion

SGBV remains a critical impediment to the realization and fulfilment of the human rights of women and girls displaced by conflict around the world. Since the mid-1990s, international concern over SGBV in humanitarian emergencies has steadily increased and interventions providing basic survivor care and support are now common (Holmes & Bhuvanendra 2014, 1); however, actions directed specifically towards SGBV prevention remain rare. International laws, commitments and operational guidelines place an overt emphasis on SGBV response, tailoring interventions to meet the needs of survivors while failing to consider the importance of primary prevention. In addition, regardless of existing guidance and norms, experience in the field has shown that humanitarian actors often overlook the effects of pre-existing gender inequality in emergency response interventions (Potts & Zuco 2014, 10) contributing to an environment wherein the incidence of SGBV is likely to increase.

In practice, there is limited advocacy for considering SGBV prevention as equally important as survivor care and response in emergencies. Humanitarian actors remain reluctant to address the urgent need to engage refugee and host communities in challenging traditional gender norms at the outset of a crisis, where the potential to create dialogue and miti-

gate risks to SGBV is relatively high (Steinburg 2010, 9-11).

Moreover, achieving gender equality is often not perceived as a matter of life or death and, as a result, related programming is not considered an immediate priority by humanitarian actors. However, promoting gender equality and non-discrimination is critical to ensuring the protection of women and girls' rights and to mitigating SGBV risks during displacement. Understanding the gender dimensions and power relations in the context of each emergency is necessary to reduce vulnerabilities (IRC 2012a, 3).

It is not just within the context of the Syrian refugee response in Lebanon where shortfalls in primary prevention are apparent. A review of UN interventions to combat SGBV in conflict highlights a key gap in SGBV programming within the UN Mission to Support to Liberia as the lack of focus on prevention efforts. In addition, Women Protection Advisors deployed to the UN Mission in South Sudan were identified as having failed to develop a comprehensive strategy to enhance SGBV prevention (O'Gorman 2013, 70-73). Moreover, a recent review of USAID programming in the DRC revealed the majority of SGBV funding over a five-year period was in response to SGBV rather than centred on efforts to prevent it (Hersh 2015, 16).

Inter-agency coordination in emergencies continues to fail women and girls, both in practice and as a priority when requesting donor support. Funding for SGBV in the Syrian response, within both Lebanon and the region, has been dismally low in comparison to other sectors, reflecting an unfortunate and historical trend at the global level.

SGBV prevention efforts are severely underfunded in emergencies. The IRC reviewed five emergency appeals, including three refugee response plans and found that funding for SGBV accounted for less than 1-4% of total requested funds, indicating that SGBV remains a low priority for both donors and humanitarian actors in the initial phase of a crisis (O'Gorman 2013). For SGBV prevention to be effective, it must be adequately resourced and advocated for within the humanitarian sector and donor agenda, particularly in situations of protracted displacement.

While the international community should be commended for committing to take concrete action to address SGBV, the disparities in SGBV prevention cannot be ignored. This year, marks 15 years after UN Security Council Resolution 1325 on Women, Peace and Security was adopted, yet a massive disconnect between policy and implementation continues. Resolution 1325 reaffirmed that women and girls are particularly and disproportionately affected by armed conflict, but practical solutions to address vulnerabilities and prevent SGBV continue to be neglected in humanitarian crises.

The reality of SGBV in emergencies demands a shift in focus from response towards the effective implementation of primary prevention strategies to create a safe and protective environment where SGBV risks are reduced. Addressing SGBV solely through response-oriented programmes neglects to consider women and girls as more than survivors and beneficiaries; yet women and girls displaced by conflict are agents of change and have the potential to contribute to societal transformation (IRC 2012a, 5). Alongside social and legislative reforms, direct and consistent investment in community-based programming is necessary to empower women and girls and their communities to prevent SGBV (García-moreno, Zimmerman & Morris-gehring 2014, 5). Community-based programmes have proven successful in reducing incidents of SGBV and mitigating its impacts, as well as in changing attitudes and behaviours when implemented in peacetime and following natural disasters (Holmes & Bhuvanendra 2014, 19). Introducing similar prevention activities at earlier stages of emergency response thus provides an opportunity to begin to challenge inequalities and gender stereotypes, before becoming further entrenched during longer-term displacement.

The question is not whether to choose between implementing primary prevention activities *or* survivor-centred response interventions, but rather to choose to prioritise both as essential components of protection in humanitarian emergencies to minimise risks of SGBV for women and girls.

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THE CONTRIBUTION OF INTERNATIONAL NON-GOVERNMENTAL ORGANISATION TO THE PROCESS OF SECURITY SECTOR REFORM: "BETTER TOGETHER", A PROJECT ON COMMUNITY POLICING IN BEIRUT, LEBANON

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Abstract

The last decade of policies on Security Sector Reform (SSR) in developing countries has shown a shift from a State-centric approach to a more decentralised one. Better and more sustainable results may be achieved through the development of a higher level of national ownership and the involvement of local actors from the civil society. International and local Non-governmental Organisation (INGOs/NGOs) have found new opportunities to develop and implement projects on SSR. Using as a case study a project on community policing in Lebanon, i.e. "Better Together" implemented by the INGO Search for Common Ground, this paper aims at discussing the contribution that these organisations may bring to the process of SSR and the key challenges that they have to face.

Keywords

Security Sector Reform (SSR), International and local Non-governmental Organisations (INGOs/ NGOs), Community policing, Lebanon.

1. Introduction

The security sector reform (SSR) process is a relatively new concept developed at the end of the Cold War and adopted by major international bodies over the last two decades. Different definitions have been provided as well as different approaches and methods of implementation. According to the United Nations (UN), SSR is a "process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law' (Report of the Secretary General to the United Nations General Assembly – January 2008)".

At the base of this concept remains the assumption that in a war-torn or post-conflict state, insecurity as well as ineffective and unaccountable security institutions are among the main obstacles 'to addressing poverty, respect for human rights, good governance, sustainable peace building and long-term development' (United Nations SSR Task Force 2012, 24). Hence, a reform of those institutions towards more professional, functionally differentiated and accountable security agencies, 'operating under civilian control and within a framework of the rule of law and respect for human right' (United Nations SSR Task Force 2012, 24), should lead to a more secure environment for the population. Recently, the United Nations and various donors changed their policies from a state-centric approach to a more population-centric (or comprehensive/holistic approach) with the aim of developing a higher level of national ownership of SSR. Thus, International Non-governmental organisations (INGOs), local Non-governmental Organisations (NGOs), Civil Society Organisations (CSOs) and private companies are now considering and in many cases implementing SSR programmes and projects in developing countries. Those organisations such as the Geneva Centre for the Democratic Control of Armed Force, International Alert, Siren Associates (SA), Search for Common Ground (SFCG) and numerous think tanks have become more and more relevant within the SSR process. Although most of them do not have internal capacity to train the military and police officers on topics and procedures of a more technical nature – e.g. the use of weapons or how to make an arrest – they have been able to contribute to specific areas. Some of them, such as those involved in demining programmes, e.g. Halo Trust or Mine Advisory Group (Mag), have taken advantage of the availability on the market of personnel with a military background[1] to implement their activities. Others rely on governmental organisations and national authorities for the hard core of the security training and are mostly involved in prison reform and policing. Their approach is more population-oriented and relies on training curricula and soft skills such as non-violent and effective communication, facilitation and mediation, overcoming prejudices and misconceptions, leadership, and emotional intelligence.

SFCG Lebanon, an INGO working in Lebanon since 1996 on peacebuilding and social cohesion, has recently implemented a project on SRR and community policing in one of the most complex and dynamic neighbourhood in Beirut, Ras Beirut. The project, called *Better Together: Improving ISF-Community Relations in Hbeish* (hereinafter called 'Better Together'), was funded by the Embassy of the United States of America in Beirut through the State Department (the International Bureau of Narcotic and Law Enforcement Affairs – INL) for $650,000 and implemented from the beginning of October 2013 until the end of September 2015. Better Together aimed at enhancing the relations between one local police station of the Lebanese Internal Security Forces (ISF), Ras Beirut Police Station (previously called Hbeish), and the main community stakeholders living and working in the neighbourhood. Simultaneously, another INGO, SA, and the not profit public body Northern Ireland Cooperation Overseas (NI.CO) have worked in the same station on the Policing Pilot Project (PPP) – co-funded by the US and UK Embassies in Beirut – with the aim of improving ISF policing skills toward a community policing approach.

Using Better Together as a case study, this paper attempts to touch upon the question of which effects and contributions INGOs, NGOs and CSOs working on SSR can bring to the reform of police organisations, in the specific case of SFCG Lebanon project, and to the whole SSR process in developing countries. The general funding and conclusions are presented in the last paragraph of this paper and based on the author's experience of the project as employee at SFCG Lebanon, informal interviews with SFCG staff, project participants and police officers, and a review of Better Together's documents, academic newspaper and international policies.

2. Ras Beirut Neighbourhood and the Problem of Policing in Lebanon

Ras Beirut 'is a lively neighbourhood in the heart of Beirut, home to two big universities – the American University of Beirut (AUB) and the Lebanese-American University (LAU) – as well as many commercial activities and is a big part of the social and nightlife of the city' (Search for Common Ground Blog 2015). As in many other areas of Lebanon, Ras Beirut and its police district are currently experiencing the same problems and challenges that affect the whole country. Despite continuous efforts from the international community to reform the structure of the ISF and improve ISF efficiency and accountability towards higher human right

[1] This phenomenon is directly connected with the downsizing of Western and ex-Soviet military institutions at the end of the Cold War during what has been described as the first generation of SSR.

Fig. 1 Joint activities between ISF officers, youth and community stakeholders – Hamra Festival, Ras Beirut – March 2015.

standards and rule of law, many challenges remain. According to a recent study, five flaws continue to undermine the effectiveness of the current reform: a) political and financial corruption; b) inadequate staff development and persistent military mind-set; c) insufficient and unsuitable equipment; d) rivalry and lack of coordination; and e) out-dated regulations and organisation (Nashabe 2009).

In particular, the political and financial corruption as well as the rivalry and lack of coordination among the different branches of the ISF and other security agencies are the issues of major concern. Low ethical standards, few mechanisms of inspection and accountability, and the absence of effective monitoring bodies are among the main causes of the high level of corruption within the ISF. Furthermore, the multitude of different security organisations and their blurred definition of responsibility coupled with rivalry among agencies and communities as well as hindered coordination have all contributed to established the current corrupted system.

As a major consequence of these effects, a widespread and deeply-rooted luck of trust towards the ISF from the Lebanese population has been registered by two recent studies, SFCG *'Better Together' Project Baseline Report* (April 2014) and the NI.CO *Citizen Trust in Ras Beirut Police Station: Baseline Survey* (2015). One of the main findings of the latter underlines that "only 23% of the respondents trust the ISF," while "17% have no trust [...] and 56% have little trust"[2]. In turn, more often than not, citizens prefer to rely on non-State security providers such as political parties, religious affiliations, private security companies and militias. Other time, they rely on the so called "wasta" system, namely the practice of resorting to religious, sectarian or political 'connections and affiliations to persuade the law enforcement personnel to be lenient with violators of the law or to work on a case harder than others or even to release or improve the incarceration conditions of detained persons' (Nashabe 2009).

[2] The survey covered two main geographical areas of Beirut: Ras Beirut (1280 respondents) and Achrafieh (320 respondents).

3. The Community Policing Approach and "Better Together" Project

Community policing is a modern concept of law enforcement developed in the US and based on a pro-active approach to address community problems and needs. Ideally, it is a 'grassroots form of participation' in which police organisations refrain from the classical reactive model of law enforcement – answering calls as quickly as possible – to work side-by-side with the community – acting pro-actively to crimes and community needs. This approach is based on the idea that police officers and community members should (or must)

Fig. 2 Committee roundtable discussion – Ras Beirut – May 2015.

work together to identify the specific needs, concerns and problems of a given community and find common solutions to be implemented jointly. Such an approach requires, from the police side, the capacity to restructure its organisational strategy at the department level and provide comprehensive responses to community problems that go beyond crime. The direct, daily, face-to-face interaction with community members becomes of great importance. Therefore foot and bike patrols are to be preferred, alongside a problem-solving approach to find innovative solutions and increase the community engagement in solving community problems and addressing crime.

The PPP and Better Together were based on these elements. The first project, implemented since late 2012, addressed these problems from the police side, providing training on community policing to high- and low-ranking officers working at the Ras Beirut Police Station. The station itself was refurbished and the building was designed to host confortable meeting spaces, help-desks for information, waiting rooms and a new statistic centre (the first in the country) to collect and analyse data regarding crimes, the population and the commercial activities of the area. Despite these efforts, no tangible improvements in ISF-community relations were registered and there was no evidence of a higher level of community involvement.

INL considered involving a third party organisation working within the community and with the officers at the station, which would have addressed the same problems, but using a different approach from the community members' perspective, which would have helped to deal with the lack of trust and the low level of community engagement. After opening a call for proposal, SFCG was selected as the third party organisation and Better Together started to be implemented in October 2013.

The project was structured in different consecutive phases aiming at developing mutually respectful relations between the community and the ISF officers at the Ras Beirut Police Station. To do so, SFCG worked with the ISF, NI.CO and SA towards the development of a long-lasting and self-sustainable committee, through 11 roundtable discussions (RDs), where the ISF and community stakeholders can safely discuss problems that affect the community and find shared solutions that have the buy-in of all the parties. The process started with a baseline assessment, the mapping of the Ras Beirut stakeholders and the selection of a group of participants from the local community and the youth studying in the area. 25 youth were selected from the local universities, mainly AUB and LAU, to lead the whole process and become real agents of change within their community. In addition, SFCG staff started to engage the main community stakeholders (business owners, CSOs, civil servants (Mukhatir), citizen associations and local residents), informing them about the project and establishing their will to take part in the following activities. After a training phase based on non-violent communication and conflict transformation techniques (only for the youth and ISF officers), different joint activities were organised, trying to build trust and commitment before the RDs. Nine shadow patrols and five problem solving workshops were organised for the youth and the ISF officers while the community was engaged through one open day at the station and different outdoor activities such as a football tourna-

ment and a stand at the two Hamra festivals. The last six months of the projects (April-September 2015) were dedicated to the development of the ISF-Ras Beirut community Committee. Step-by-step and through the support of SFCG staff and a professional facilitator, during intense RDs the main problems affecting Ras Beirut neighbourhood were identified by the 15 members of the committee (three youth representatives, two ISF officers and ten community members). Issues such as the lack of communication between the ISF and the community, the treatment of solid waste, double-parking and shops owners abuses were selected and possible action plans developed with the buy-in of the ISF. In September 2015, a document (Term of References) defying the structure of the Committee was finalised in parallel with the development of a steering committee including one ISF officer, three community members and one youth representative. Moreover, in connection with the official end of the project, the ISF-Ras Beirut community committee was presented to the whole community, showcasing its achievements and the work planned for the following months. Despite the problems encountered during the whole process such us a lack of commitment from the participants and misunderstanding and a lack of coordination between the organisations working at the police station, the committee is currently running as well as working on the action plans developed in the previous phases.

4. Conclusion

During the experience at the SFCG Lebanon office, the author was able to identify some flaws that affect the work of INGOs, NGOs and CSOs with security institutions such as the ISF. It seems that organisations not working primarily in SSR, such as SFCG, are to some extent affected by the lack of specialised knowledge and expertise. Better Together's proposal and its implementation phase lacked focus on the core of a community policing approach: a training phase for the community members and the inclusion of the media in the Committee. Most of SFCG activities were focused on the youth while the process should have been more balanced and ensure a stronger engagement of the community members. It seems also that when these organisations work in the same area of expertise tend to compete among themselves instead of coordinating their efforts to achieve common goals and aspirations. In the case of the organisations working at the Ras Beirut Police Station, the main impression is that they were all competing to promote their work to their donors without really coordinating their activities and informing each other about their challenges and achievements. Lastly, the timeframe on which normally INGOs work, 24 months, specifically in case of SSR projects leaves open the possibility to jeopardise the results achieved during the length of the project and, in turn, hindering further the overall security situation.

Despite these flaws the final consideration is that INGOs, NGOs, and CSOs can play a relevant role in the reform of police institutions and in the process of SSR. They seem to be able to break the barriers between communities and security institutions and create a safe space in which open discussions can take place. In countries such as Lebanon, where security forces are accused by the majority of the population of committing abuses, neglecting rights and violating the law, the work of well trusted and grass-rooted INGOs, NGOs and CSOs may guarantee a good starting point for a fruitful conversation. Citizens may find it easier to start a dialogue through the support of a third party feeling that they will be more protected and their opinions truly heard.

Regardless of the excessive focus on the youth, Better Together's main contribution is that it opened new channels of communication between the ISF and the Ras Beirut community, providing for the future generation a safe *forum* in which common problems of the neighbourhood may be addressed and resolved.

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CHILD PROTECTION AND EBOLA RESPONSE

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Abstract

The child protection response to the recent Ebola crisis in parts of Africa has particular characteristics that differentiate this acute humanitarian emergency from others that have occurred before. UNICEF and partner organisations found it necessary to restructure and reinvent key strategies for programming the emergency response. The terminology and the programming response were specifically tailored in order to meet health protection needs and international intervention in the three main affected countries, thus showing a new way of responding to a health emergency. The strategy had two key elements: (i) To reduce transmission of the disease in the short-term; and (ii) To build trust with communities by mobilizing and empowering them in order to foster future resilience.

Keywords

Ebola, Child Protection, UNICEF, Humanitarian Action, Health Emergency Crisis.

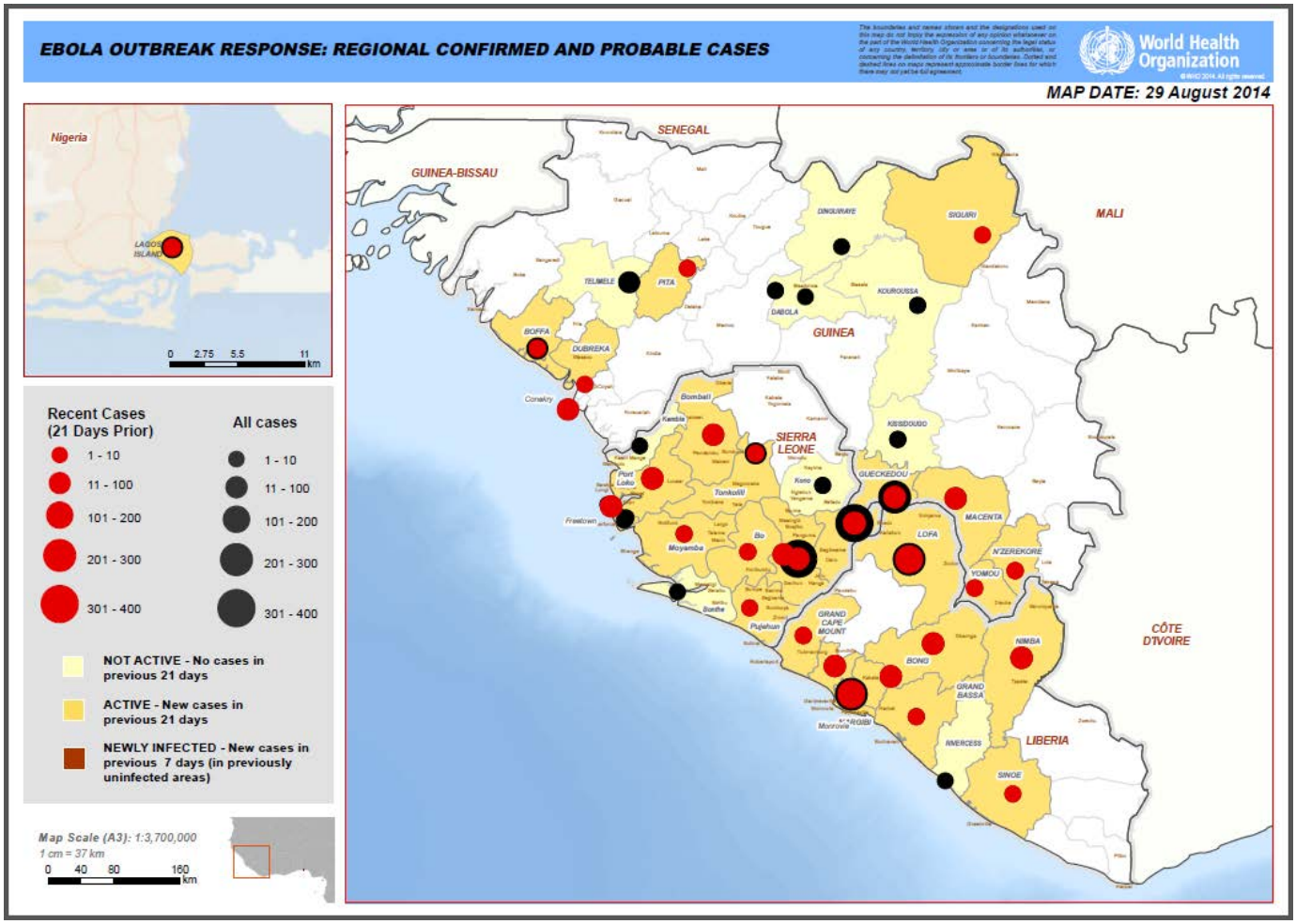

Fig. 1 Ebola Outbreak Response Regional Confirmed and Probable Cases, Source: WHO, Ebola Maps 2014.

1. Introduction: An Unprecedented Outbreak

Prior to what is considered the largest outbreak of Ebola virus disease (EVD) in history and the most devastating epidemic in the last decades, outbreaks of EVD had already occurred in Central and West Africa (WHO Ebola Response Team 2014). However, these were limited in size and geographical spread, affecting a few hundred persons in remote areas. Previous outbreaks have typically been contained to rural areas in a single country. On the contrary, this epidemic has affected nine countries, in particular Guinea, Liberia and Sierra Leone, involving both rural and urban areas on an unprecedented scale. At the end of September 2014 there were 6.242 cumulative EVD cases[1] and 2.909 deaths (WHO Ebola Response Roadmap Situation Report 2014) while in mid February 2015 there were 22.859 cumulative EVD cases and 9.162 deaths (WHO Ebola Situation Report 2015). The mortality rate mostly among young adults was 70 percent and 80 percent for children under five (UNICEF 2015). The first cases of EVD were diagnosed in Guinea in December 2013, however WHO was only notified in late March 2014. This is in part due to the fact that EVD is often misdiagnosed since the symptoms are similar to cholera, malaria or Lassa fever. Eventually, on 28 August, 2014 (Figure 1) WHO issued an 'Ebola Response Roadmap' launching the STEPP Plan that involves the following actions: (i) Stop the outbreak; (ii) Treat the infected; (iii) Ensure essential services; (iv) Preserve stability and (v) Prevent spread to other regions (WHO Executive Board 2015). Accordingly, Benin, Burkina Faso, Cote d'Ivoire, Guinea Bissau, Mali and Senegal were all supposed to adopt a protocol for suspect cases, an equipped isolation unit, a minimum stock of personal protective equipment (PPE), a case management team trained in infection prevention and control and a public communications strategy. The first two measures to stop the outbreak and treat the infected, were key diseases control measures implemented in Ebola Treatment Units (ETUs) which assisted confirmed Ebola patients and provided the highest level of medical care,

[1] Cumulative cases include confirmed, probable and suspected cases. According to WHO case definitions for EVD, a suspected case is illness in any person, alive or dead, who had (or had) onset of high fever and had contact with a suspected, probable or confirmed Ebola case or with a dead or sick animal; any person with sudden onset of high fever and at least three of the symptoms mentioned in the following paragraph. A probable case is illness in any person suspected to have EVD who was evaluated by a clinician or any person who died from suspected Ebola and had an epidemiologic link to a person with a confirmed case but was not tested and did not have laboratory.

including for children. In September 2014 the reproduction values indicated that each patient with EVD was infecting almost two others (UNICEF 2014) and on 18 September, 2014 the first-ever UN emergency health mission, the UN Mission for Emergency Ebola Response (UNMEER), to facilitate the implementation of the STEPP Plan was established.

2. The Impact of Ebola on Children

As of 10 October, 2014, 22 percent of reported EVD cases were among children below the age of 18 and 47 percent of all infections were adults in the range from 19 to 39 years old (UNICEF 2014). In addition, women of childbearing age 18-40 represented 31 percent of all EVD cases (UNICEF 2014). The impact of the epidemic on children was clearly reflected by this data which disclosed that most of the infected adults were young adults parenting young children.

Children have been affected by EVD in several and overlapping ways; infected children could easily transmit the virus and required isolation from those who were not infected, such as parents, caregivers, siblings and peers. Moreover, because of the epidemic, many children were also facing the loss of one or both parents. Hence, the need for alternative care was even stronger for these children. Kinship care systems or '*confiage*' is very common in the region, however, the stigma and fear attached to Ebola created negative reactions by extended families to house 'contact children'[2] or 'survivor children' who had been infected by the virus but recovered[3] and were currently healthy. 'Contact' children already numbered in the thousands by November, 2014 (UNICEF 2014) and many had been ostracised by kinship families and not welcomed by their own community, hampering their return to villages and thus resulting in the increasing likelihood of being placed in orphanages. It is worth mentioning that cases of stigma and discrimination within the community led UNICEF to develop a network of survivors in order to support community mobilization activities (UNICEF 2014).

This context, combined with children who have lost either parents or primary caregivers, created an increasing phenomenon of unaccompanied and separated children (UASC)[4] requiring support with appropriate and targeted community-based-programmes (Salama 2014).

The EVD outbreak posed severe challenges to the entire health systems (UNICEF 2014), which were already fragile, inadequate and limited. This negatively impacted the continuity of essential health services in the affected areas such as vaccinations, basic health care and nutrition. As a result, there was a heightened risk of a resurgence of polio and measles. There was also the potential for an increase in child mortality due to malaria, pneumonia, diarrhoea or malnutrition, ascribable to the shortages and stock-outs of medicines and vaccines. These factors posed substantial threats to children and to the whole population at large.

The impact of EVD on education and recreational activities was extensive and resulted in an extreme negative effect on youth development and their right to play. For example, high density gathering places were declared as infection risks, so people avoided schools and parents were not inclined to send children back to school following the outbreak. Furthermore, the possibility that schools could be turned into treatment centres would have further hindered the educational system.

3. Child Protection Response

UNICEF had a programmatic and coordination mandate to ensure child protection (CP) in the Ebola response. This was co-lead with established government structures and local and international NGOs. UNICEF had a unique position within the response for CP having three program priorities (UNICEF 2014):

- Coordination and information management guidance for Ebola;

Mental health and psychosocial support (MHPSS) in the Ebola response;

- Care and protection of unaccompanied and separated children.

Within UNMEER, UNICEF played a significant role, being accountable for Community Care Centers (CCCs)[5], Social Mobilization and Communication for Development (C4D). The latter had been particularly useful to 'halt the spread of the disease by combating rumours, fears and misconception about the Ebola Virus through interpersonal communication and community engagement strategies as well as the use of new and traditional medias such cell phones and community radio' (UNICEF 2014). In depth, C4D involved 'deep engagement with the local communities for awareness-raising, early care seeking and acceptance of isolation of cases of EVD in CCCs, close engagement with the International Federation of the Red Cross and Red Crescent Societies on communication for safe funeral practices and burial, prevention of panic and stigma and engagement of EVD survivors in the C4D response' (UNICEF 2014). The specific targeting of religious and other local leaders worked on behaviour change.

UNICEF had been working in three major environments to provide an ef-

[2] The term 'contact children' refers to children who have been in direct contact with probable, suspected or confirmed cases. Therefore, they may be infected and require a 21 days quarantine period to observe whether they would present symptoms during the incubation period.

[3] Patients who have recovered from EVD can no longer catch the disease for at least ten years.

[4] Unaccompanied children or minors are children 'who have been separated from both parents and other relatives, and who are not being cared for by an adult, who, by law or custom, is responsible for doing so'; separated children instead are those 'separated from both parents, or from their previous legal or usual primary caregiver, but no necessarily from other relatives' (Child Protection Working Group 2012).

[5] A Community Care Center is a small facility (8 to 10 beds) where symptomatic adults and children are moved so they do not further transmit the virus within their households and communities and where they can receive basic curative and palliative care in an environment supported by members of their family and respective communities. Patients are triaged, rapidly tested for Ebola and other diseases (malaria), treated if negative and if positive transferred to Ebola Treatment Units (ETUs).

	RESPONSE AREA		
Objective	**Community level**	**Establish CCCs**	**Child protection**
Built trust in communities	Identify local belief and leaders. Implement C4D strategies. Reduce stigma. Build trust in CCCs	Build Knowledge of CCC as a local focus of the response, source of care and liaison with safe funeral services	Interim community care for affected children without Ebola. Psychosocial and possibly cash support
Reduce Ebola transmission	Facilitate early action on care-seeking, minimize contact with others; contact tracing within household; safe funeral practice	Isolation, separation of dry and wet cases, diagnosis; supportive clinical care and nutrition; protect staff and family; management of waste; burial team	Find and isolate children at risk of infection; provide care and support pending diagnosis

Tab. 1 Key elements of UNICEF's community-based response to the Ebola emergency Source: UNICEF, Programme Guidance Note for Immediate Ebola responce, 14 November 2014, p. 3.

fective and rapid response: homes, communities and health care settings. Entrenched in UNICEF's work in these settings was a community-based approach, relying on the collaboration of traditional leaders, teachers, community members, 'survivors' and youth.

UNICEF's strategy in the Ebola response had two main objectives (UNICEF 2014) (Table 1): (i) Reduce transmission through isolation and care in CCCs at community level with a focus on early case finding, minimization of contacts, personal protection and safe funeral practices; and (ii) Build trust with communities by mobilizing and empowering them as partners, underscoring Standard 16 of the minimum standards for child protection in humanitarian action that deals with community-based mechanisms that 'work in a coordinated way toward child protection goals' (Child Protection Working Group 2012). This action was taken in order make communities more resilient in the future, and at the same time, address psychosocial needs and protect affected children.

Community-based response contained three main elements (UNICEF 2014) (Table 1):

- Establishment of reliably supplied CCCs where individuals who were ill with symptoms consistent with EVD and a history of exposure to the virus could be isolated, diagnosed and receive symptomatic care in a protected and safe environment. In advanced cases, they could be referred to ETUs. ICCs and ETUs worked in liaison with burial teams supporting safe funeral services.

- Communication for Development and Social Mobilization to build trust and reduce stigma. The purpose was to encourage communities and families to own the response, bring suspected cases for early isolation and care at CCCs, prevent panic and stigma and conduct safe funeral practices managed by supported local teams. The strategy and methods was informed by community-level knowledge of traditional beliefs or practices, identifying key entry points to influence behaviour change. This was achieved through close community engagement and tailoring messaging and actions accordingly.

Child care and protection, ensuring children affected by EVD whether individually due to illness or having lost parents/caregivers, were appropriately cared and reunited/united with extended family and/or kin through the establishment of Interim Care Centers (ICCs)[6]. Services for tracing and protection were also put in place with a family tracing and reunification database.

4. Key Child Protection Risks

Using the Minimum standards for child protection in humanitarian action (Child Protection Working Group 2012) as an analytical framework, the Ebola outbreak has resulted in the failure of community and family systems that were previously contributing to provide children affected by violence and other harmful practices[7] with 'safety nets'. Fear, stigmatisation and isolation as a consequence of the EVD outbreak enhanced preexisting children's vulnerabilities, aggravating the difficult circumstances children were facing prior to the outbreak.

Considering the Minimum Standard 9 of the Minimum Standards for Child Protection in Humanitarian Action that deals with sexual violence (Child Protection Working Group 2012), the risk of rape, sexual

[6] Interim Care Centers are exclusively for children who are: (i) contacts; (ii) have no parents or primary caregivers; (iii) are asymptomatic; and (iv) require a 21 days' observation period before they can be released to family members or placed in foster families. Children who reside in these facilities must leave after 21 days.

[7] This included primarily physical punishment and female genital mutilation and cutting, but also early marriage, teenage pregnancy, sexual exploitation and trafficking (Child Protection Working Group 2015).

abuse and exploitation by community members and teachers has been high as well as teenage pregnancy, prostitution and transactional sex. 'Being away from immediate carers, poverty and being out of education' (Plan International 2014, 11) as a consequence of the Ebola epidemic increased the vulnerabilities of girls with regards to various kinds of sexual exploitation. 'Children and families depend on their community as a safety net and Ebola has torn large holes in this net by breaking bonds of mutual dependence, care and love' (Plan International 2014). This has resulted in heightened levels of fear and mistrust within communities.

Moreover, child labour was a key concern following the closure of schools. Due to the breakdown of economic activities and the death of young adults who constituted a significant portion of the workforce, this led to a negative impact on family incomes and had the potential to push children into the workforce (Child Protection Working Group 2015).

However, what has been most evident in the short-term impact of the Ebola crisis is the prevalence of psychosocial distress and mental disorders, respectively reflected in Minimum Standard 10 (Child Protection Working Group 2012). Children have experienced psychosocial distress and emotional problems whether they were infected, have lost family members, were in health facilities, forcibly quarantined or 'survivors'. Affected children have been in isolation and in particular, orphans and child survivors have been stigmatised when they have returned to their villages. Thus, children's self-esteem and well-being has been severely affected. Accordingly, UNICEF has been supporting MHPSS programmes by training social workers on psychological first aid to assist children with specific care in ICCs due to the identification of discrimination and stigmatization as protection risks.

5. Conclusion

The EVD outbreak has affected communities and social structures in multiple ways and the fact that the virus has mainly infected young adults, aged between 19-39, contributes directly and indirectly to the disruption of the three countries. Young adults constitute the major workforce, for example in healthcare systems, are a main source of income, as well as being primary caregivers as parents. Notwithstanding the economic impact, the disease as a health issue has primarily affected children. Children have been affected in psychosocial and emotional terms by the loss of their parents and caregivers, and were at higher risk of infection by the emergency situation itself. Compounding these impacts was the closure of schools, subsequently hampering children's development not only academically but also with regards to recreational activities and their right to play with peers.

Through a reinvented terminology – namely CCCs, ICCs, ETUs[8] and the restructured key strategies mentioned above, UNICEF and its partners have been using on one hand, a holistic coordinated approach at all levels and, on the other hand, have been engaging communities in the response. CP systems in emergency situations (Child Protection Working Group 2010) aim at responding efficiently to immediate needs. The short term response attempts to achieve maximum impact through effective coordination between partners at the national, regional and international levels, avoiding duplication and upholding operational standards. Complementing this, CP systems in emergency situations aim to build longer-term capacity in CP and health care systems. This is achieved through enhancing and strengthening the preexisting mechanisms by revitalising them and/or building new structures and systems. The overall long-term objective would be to build trust with communities by mobilizing and empowering them in order make them more resilient in the future (Child Protection Working Group 2010).

To deal with disease outbreaks, simultaneous attention is required to both biomedical interventions and proactive communication strategies. Participatory and empowerment-based communication approaches strengthen public health responses by integrating the perspectives of local populations into control procedures. This approach also encourages public trust in the government and health personnel responding to the emergency. The lessons learned from this humanitarian crisis are likely to influence responses to future epidemics, particularly those affecting children and young families.

[8] Besides CCCs, ICCs and ETUs, other new facilities were set up. Transit Centers (TCs) are facilities exclusively for children who are: (i) Ebola survivors and (ii) have no parents or primary caregivers. Children reside in these facilities only until their family is located or a foster family is identified. Community Watch Committees (CWCs), also called '*Comites de Veille Communautaires*', are community surveillance and social mobilization committees.

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REFUGEE STATUS AND DURABLE SOLUTIONS: A FALSE MYTH? AN ANALYSIS OF THE IMPACT OF THE EGYPTIAN LEGAL FRAMEWORK ON THE ATTAINMENT AND IMPLEMENTATION OF DURABLE SOLUTIONS FOR REFUGEES IN EGYPT

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Abstract

The aim of this paper is to analyse the array of rights refugees in Egypt are entitled to within the national legal framework, defined by international and regional legal instruments and relevant domestic legislation, in order to assess how such framework affects the attainment and implementation of durable solutions.

Keywords

Egypt, Refugees, Durable solutions, International protection, Local integration.

Fig. 1 Refugees at the Border, source: Daily News Egypt.

1. Introduction

Located at the crossroads of the Middle East and Africa, Egypt currently presents a population of concern of 182,052 individuals including both refugees and asylum-seekers[1]. To date, Egypt has not developed national asylum procedures and institutions. The Egyptian legal framework regulating refugee matters is defined by a variety of instruments, including a Memorandum of Understanding (MoU) between the United Nations High Commissioner for Refugees (UNHCR) and the Egyptian Government; international and regional treaties pertaining to refugee law; and relevant provisions of domestic legislation, mostly consisting of ordinary laws and decrees.

The MoU, sealed in 1954 and constituting the legal foundation for the establishment of a UNHCR branch office in Egypt, provides for a division of competencies and responsibilities between the Egyptian Government and UNHCR, delegating all refugee status determination functions to the latter. As for durable solutions, the MoU spells out that UNHCR is expected to facilitate voluntary repatriation of refugees and to promote their resettlement to third countries with every possible measure. Local integration is not even mentioned in the MoU's text, thus leading to conclude that it was not contemplated as a viable option for a durable solution[2].

As far as international and regional conventions regarding refugee law are concerned, Egypt acceded to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol on 22 May, 1981. However, upon its accession, Egypt lodged a series of reservations to the 1951 Convention, namely to Articles 12(1), 20, 22(1), 23, 24[3].

Besides that to Article 12(1), concerning the personal status of refugees, these reservations mostly affect articles belonging to the welfare chapter of the Convention, respectively: the right of refugees to be admitted to a rationing system; the right to access elementary education; the right to benefit from public relief and assistance; and the right to access the labour market under the same conditions[4] as those accorded to nationals.

Egypt also ratified the 1969 Organisation of African Unity Convention on the Specific Aspects of Refugee Problems in Africa, thus accepting its broader definition of "refugee"[5] compared to that enshrined in the 1951 Convention. In the next paragraph the implications of such ratification on the *regime* of durable solutions for refugees in Egypt will be highlighted.

Finally, Egyptian domestic legislation further restricts those rights already negatively affected by the reservations Egypt filed to the 1951 Convention. As a general observation, it can be noticed that the Egyptian legislation defines very restrictive

[1] Most of this population originates from Syria, Sudan, Somalia, Iraq, South Sudan, Ethiopia, and Eritrea. UNHCR, *UNHCR Egypt Factsheet*, (2015).

[2] MoU, art 2.

[3] 1951 Convention, Accession, Succession, Ratification.

[4] Among others, these include: remuneration, hours of work, minimum age of employment, and social security provisions. 1951 Convention, art 24.

[5] "The term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality". 1969 OAU Convention, art 111(ii).

conditions in order for refugees to be able to claim and enjoy their rights, as in the case of the right to work[6]. Moreover, even those rights which are formally acknowledged within the Egyptian legislation, such as the right to free primary and emergency medical care for foreigners on the same basis as nationals or that to public primary education, are not systematically enforced (Badawy 2005, 22).

2. Effects of the Egyptian Legal Framework on the Implementation of Durable Solutions for Refugees in Egypt

Refugee status is not supposed to protract indefinitely. Durable solutions, namely voluntary repatriation, local integration, and resettlement, are designed to enable refugees to regain State protection and start or resume an ordinary life in their country of origin, that of asylum or resettlement.

Voluntary repatriation entails a return in safety and with dignity to the country of origin of the refugee, based on his/her free and informed decision. Legal, physical and material safety needs to be guaranteed throughout the repatriation process and after it.

As far as Egypt is concerned, the first voluntary repatriation operations began in 2006 and targeted refugees originating from southern Sudan. Voluntary repatriation hit its highest peak in 2007, with 1,600 Sudanese refugees supported in their return home. Less than 500 Iraqis were assisted as well[7]. However, starting from 2009 the use of voluntary repatriation began declining. Since voluntary repatriation to South Sudan stopped in mid-December 2013, following the outbreak of what would become a bloody civil war, the overall number of spontaneous departures has been even lower, not exceeding a total of 100 refugees per year, including all nationalities[8].

Nowadays, UNHCR Egypt is supporting the repatriation of refugees to Ethiopia, Sudan and Somaliland. However, even in such cases, the feasibility of voluntary repatriation still needs to be assessed on a case-by-case basis, considering the specific profile and asylum claim of each refugee.

Local integration provides for a progressive acquisition of a wider range of rights, which refugees gain as their tie to the asylum country consolidates. The success of local integration is assessed against three different components: legal, economic and socio-cultural.

Upon its accession to it and despite its reservations to some of the articles contained in its welfare's chapter, Egypt accepted local integration as implied by the 1951 Convention. However, local integration cannot be considered one of the available options for a durable solution in Egypt as the Egyptian legal framework affects some of refugees' most crucial rights - such as that to work or education - for their successful integration and participation in the life of their host community.

3. How Does the Egyptian Legal Framework Affect Refugees' Daily Lives?

As far as work is concerned, refugees who work are inevitably bound to the informal sector with its inherent room for exploitation and/or discrimination. Street vendors risk confiscation of their goods or even arrest if they are found selling without a licence; housekeepers, mostly women, complain about verbal and physical abuses, including long working hours and sexual harassment, at the hands of their employers. Often they are arbitrarily fired without even being paid, an injustice which usually goes unpunished owing to the lack of the legal protection which a regular work contract would ensure (Feinstein International Center 2012, 28-32). As far as education is concerned, school enrolment requirements are quite limiting due to the amount of documentation requested[9]. Those refugees who succeed at registering with Egyptian public schools usually experience racial discrimination, from both fellow students and teachers, and a poor quality service, delivered in over-crowded facilities (Feinstein International Center 2012, 26-28). Some non-governmental organizations provide additional educational opportunities but they are still insufficient to meet the high demand.

As for health care, the treatment received in public hospitals is found unprofessional and discriminatory. Refugees prefer approaching specialized non-governmental service providers; however, these organizations are usually under-staffed and often unable to uphold professional standards. Moreover, mental health care and psychological counseling, extremely needed considering the traumatizing experiences that most refugees endure, are entirely dependent on a few non-governmental spe-

[6] As a general principle and in line with the provisions of article 17 of the 1951 Convention, domestic labour laws which apply to non-nationals apply to refugees as well. According to the 2003 Labour Law (Law no. 12) and its implementing Ministerial Decree and the 2004 Decree of the Ministry of Manpower and Emigration, all foreigners must hold a work permit to engage in gainful employment. The highly restrictive requirements for the issuance of a work permit include legal status, employer sponsorship, non-competition with nationals, overall consideration of "the country's economic need", and the hiring and training of Egyptian assistants to any foreign experts or technicians. Furthermore, a fee of EGP 1,200 is requested, except for Sudanese, who pay a nominal fee. The 2003 Decree sets at ten percent the highest number of foreigners who can be employed in any establishment. According to the 2003 and 2004 decrees, certain professions are prohibited to non-nationals, namely those in the export and import sectors, customs clearance and tourism. *World Refugee Survey: Egypt*, 2009.

[7] **E-mail exchange with an Associate RST officer** at UNHCR Cairo, 14 September 2015. File with the author.

[8] Email exchange with an IOM Cairo officer, 1 September 2015. File with the author.

[9] In order to enroll applicants must provide UNHCR-issued documentation, a residence permit and other documents, including a birth certificate, a valid passport or other valid identity document, and an original school certificate from the school in the country of origin.

Fig. 2 Title: Syrian Refugees, source: Al Ahram.

cialized organisations. Needless to say, even in their case the workload is beyond their capacities (Feinstein International Center 2012, 25-26).

While analyzing the prospects for local integration, another aspect to consider is the possibility – or lack thereof – for refugees to expand their rights by acquiring Egyptian nationality. Although Egypt has not lodged any reservation regarding the naturalisation of refugees, in general the chances of naturalisation are very limited, with the exception of foreign wives of Egyptian nationals[10].

Resettlement considerations arise when voluntary repatriation cannot be achieved in safety and with dignity and when, even in the asylum country, refugees still face violations of their rights. Resettlement implies the relocation of refugees from their country of asylum to a third one, where they are admitted as refugees and granted permanent settlement as well as the opportunity for eventual citizenship.

Throughout the past 15 years UNHCR resettlement policy in Egypt has been oscillating. During the 1990s the resettlement programme stayed relatively small. The year 1998 marked a turning point, as the number of beneficiaries, in only one year, increased almost seven-fold (from 196 to 1364; UNHCR 2004). The growth trend remained quite steady until 2004; in those years resettlement was indeed the main durable solution pursued by UNHCR in Egypt. From 2006 onwards, and in parallel with a growing trend in voluntary repatriation operations, the use of resettlement drastically dropped (Kaagan 2011, 27-28). The annual target was set at 900 individuals. However, since 2011, and in consideration of the new, volatile security situation brought about by the revolution in Egypt, UNHCR Headquarters in Geneva decided to increase the target number to 2000 individuals per year, a ceiling which has roughly stayed unvaried to date.

Until 2013 Sudanese, Iraqis and Somalis constituted the three main nationalities benefiting from resettlement (followed by Eritreans and Ethiopians) but, since 2014, they have been outnumbered by Syrians. In 2015 South Sudanese have begun being processed for resettlement as well[11].

If resettlement definitely represents the greatest hope and opportunity for refugees in Egypt to resume a new life, however, it is very difficult to attain. Besides the need to meet the eligibility criteria set out by both UNHCR and resettlement countries, there are additional factors which further restrict its use, such as the huge gap between the limited resettlement quota and the number of refugees in need of relocation. Moreover, only refugees recognized according to the grounds of the 1951 Convention are deemed eligible for resettlement, which causes all refugees recognized

[10] Nationality matters in Egypt are regulated by Law no. 26 of 1975, which was amended in 2004. Badawy 2005, pp. 7-9.

[11] UNHCR, *UNHCR Statistical Yearbooks 2011, 2012, 2013*. Email exchange with an RST Associate officer at UNHCR Cairo, 14 September 2015. File with the author.

under the 1969 OAU Convention to be inevitably excluded from the enjoyment of such an option, as none of the resettlement countries ratified the 1969 OAU Convention.

4. Conclusions

As illustrated, economic, social and cultural rights of refugees are those most negatively impacted by both Egypt's reservations and domestic laws. However, even those rights acknowledged by the main instruments of international refugee law and which Egypt unreservedly accepted are not systematically or duly enforced.

The denial or failed enforcement of refugees' rights translates into the lack of effective protection and inevitably affects the implementation of durable solutions for refugees in Egypt. More specifically, it obstructs local integration as, by depriving refugees of some basic rights, such as that to work, to receive an education or health care services, it prevents that restoration of membership in a national community envisioned as the ultimate goal of durable solutions.

Moreover, the combination of an outdated MoU between the Egyptian Government and UNHCR, pursuing resettlement but resisting local integration, and the application of the broader eligibility criteria for refugee status set out by the 1969 OAU Convention eventually created a paradoxical situation, where increasing numbers of asylum-seekers have been recognized as refugees but they are actually disqualified from resettlement.

Thus, all those refugees who cannot opt for voluntary repatriation, as conditions in their home country do not allow so, and are not eligible for resettlement, either because they were recognised under the 1969 OAU Convention or because they simply do not meet resettlement inclusion criteria, find themselves stranded in a sort of *limbo*, with only limited rights guaranteed and without viable alternative solutions to their situation.

Two different kinds of considerations need to be counterweighted. On the one hand, if its struggling economy and inadequate – even for its own citizens - welfare system help understand the reasons leading Egypt to develop a legal framework not acknowledging refugees on the same footing as its nationals, on the other hand, Egypt undertook specific obligations under international human rights law. Internal socio-economical and political challenges do not amount to an acceptable justification to derogate from such obligations.

Egypt should try to reverse this trend and start promoting local integration as a durable solution for refugees on its territory, even if only as a temporary one. Reconceptualising local integration as an *interim* solution, not excluding the possibility of resettlement or voluntary repatriation at a later stage, would probably incentivise Egypt to review its legal framework and align it with international human rights standards. Some promising steps in this direction might entail withdrawing its reservations to the 1951 Convention, enforcing existing refugees' rights, and renegotiating the MOU in a way to reflect the legal and factual developments occurred in the past 60 years.

The support of the international community in redistributing responsibilities in a more equitable and balanced manner would be crucial. Resettlement countries could extend their protection to a larger number of refugees by increasing their annual resettlement quota. A strategic use of resettlement, with benefits accruing not only to direct beneficiaries but also to other refugees and host states, would relieve countries like Egypt of some pressure and enable them to provide better conditions to refugees still residing within their territory.

Finally, the effects of an intervention on the *regime* of durable solutions would not be limited to those above-mentioned. In fact, the failure in the provision of durable solutions to refugees in Egypt is inevitably connected to the mixed migration flows originating from there – as well as from other northern-African countries – and constantly trying to cross the Mediterranean Sea. Highlighting these links and implications might represent quite a powerful and convincing argument for all the international actors involved in such an issue.

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TRAFFICKING IN PERSON IN CÔTE D'IVOIRE: A COMPREHENSIVE AND SYSTEMATIC GOVERNMENTAL RESPONSE IN LINE WITH INTERNATIONAL STANDARDS?

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Abstract

Due to the fact that it is an origin, transit and destination country, Côte d'Ivoire is deeply affected by the crime of Trafficking in Persons (TIP). Even though the Government has a strong political will to tackle it, several gaps are still present, in particular due to fact that the area of intervention is limited to child trafficking. In order to redress some of the current shortcomings, the Government has recently moved towards a more comprehensive approach, establishing the National Committee and developing a National Strategy to fight against TIP. This article analyses the response to human trafficking, assessing whether the National Strategy may represent an effective response to those challenges in line with international standards.

Keywords

Trafficking in persons, Child trafficking, Côte d'Ivoire, National Strategy, 4 Ps paradigm.

1, Introduction: Trafficking in Persons in Côte d'Ivoire

The different socio-political and military crises that have disrupted Côte d'Ivoire for more than a decade (2002-2011) have significantly contributed to the development of organised crime and trafficking in persons (TIP), as the governmental institutions were weak and had no capacity and resources to fight this phenomenon. At the end of the post-electoral crisis, when Côte d'Ivoire started recovering and entered in a phase of stabilisation and economic growth, the Government commenced prioritising this problematic. Nonetheless, the development of an effective response was strongly hampered by internal factors - the absence of a legal framework, a weak law enforcement system, a low understanding of the phenomenon - as well as external factors, as the instabilities of neighbouring countries. The policy of freedom of movement among ECOWAS states is not supported by any mechanism to ensure an effective detection of suspected victims and collaboration strategies to prevent TIP. Therefore, the conflicts and the instable situation in neighbouring countries increased uncontrolled movements and negatively impacted on Côte d'Ivoire. The movements towards Côte d'Ivoire have also augmented due to its economic boom, transforming it in a West African "*El Dorado*".

The phenomenon of TIP and its perception have changed over time. Traditionally, TIP was mainly viewed as labour exploitation, being Côte d'Ivoire based on an agricultural economy. Boys from West African countries have been constantly trafficked to Côte d'Ivoire to work in the agricultural sector (cocoa, coffee, pineapple and rubber plantations). Nonetheless, human trafficking in Côte d'Ivoire is a much more complex phenomenon, broader than labour exploitation, including an internal and an international dimension. In fact, within the country, women and girls are trafficked in the domestic service industry, in restaurants or through forced prostitution networks while boys are exploited also in the mining, carpentry and construction sectors. At the international level, trafficking is a two way process: Ivoirians are trafficked to other countries (i.e. France or Saudi Arabia), and others are trafficked towards Côte d'Ivoire.

Fig. 1 Children exploited in the carbon mining in San Pedro (West of Côte d'Ivoire), source: INTERPOL.

2. The Relevant Actors in the TIP Response and the Coordination Mechanisms

An increasing number of actors involved in the counter-trafficking area have been registered in the recent years, as the phenomenon of TIP has become more and more an international and national concern. However, the mapping of all key stakeholders is very complex and fragmented.

The political scenario at the Ministerial level is filled with different structures with overlapping mandates. Three ministries are mainly involved: the Ministry of Employment that leads the Joint Ministerial Committee to fight Trafficking, Exploitation and Child Labour, the Ministry of Planning, which has been developing the National Strategy to fight against TIP and the Ministry of Solidarity which presides the newly established National Technical Committee (NTC) on TIP.

A fundamental role is played by NGOs, filling the gaps in service provision for victims, raising awareness and creating a link from the field to the central authority. Civil society organisations are also active and, even if they do not dispose of specific counter-trafficking mechanisms, they are essential actors to make a long term behavioural change and ensure prompt victims' detection and protection. For example, 13 platforms were established in Abidjan as an alarm system for identifying children in distress and offer first relief assistance.

Despite the strong engagement of different levels of the society, the absence of coordination system and of a strong central power have led to duplication of efforts, inefficient use of resources, incoherent or contradictory interventions. The Ivorian government has adopted a series of measures in the attempt to create a framework, in line with the 4Ps approach (Prevention, Protection, Prosecution and Partnership).

The first set of instrument was limited to child trafficking, due to the traditional perception that considered trafficking as a phenomenon affecting only children working in the cacao plantations. The main tool was the National Plan of Action to combat the trafficking and exploitation

of children and child labour (2012 – 2014). Its objective was contributing to a significant reduction of the worst form of child labour by 2014 through a strategic framework based on 4 axes: prevention, protection, prosecution of offenders and monitoring and evaluation of the Plan. Institutional reforms were carried out, leading to the establishment of two committees: the Joint Inter-Ministerial Committee and the National Monitoring Committee. The former has the mission of designing, coordinating and ensuring the implementation of all programs and projects and defining the governmental guidelines and policies. The second one complements the former one, creating a *de facto* check and balance system, monitoring and evaluating governmental actions.

The Ivorian Government has recently moved toward a more comprehensive approach, developing a National Strategy against TIP. This new global approach reflected on the institutional framework, leading to the creation of a Technical Committee to fight against TIP with the twofold goal to coordinate all actions while monitoring and evaluating the national strategies and/or action plans.

Trafficking is a crime that transcends borders and, therefore, international agreements and other transborder cooperation mechanisms play a fundamental role. Côte d'Ivoire has strengthened collaboration with neighbouring countries as highlighted in the Plan of Action 2012-2014[1]. Nonetheless, the implementation of these agreements is operational only at the repatriation level, while no concrete actions followed for information exchange for the identification of trafficking networks and prosecution of the suspects.

3. Actions Undertaken to Fight Trafficking in Persons

The Ivorian Government has adopted a series of measures to fight against TIP, leading to its upgrade from Tier 2 Watch List to Tier 2 in 2011 by the US Department. Those actions are interrelated and complementary for the elaboration of a comprehensive response.

Prevention

Prevention is a fundamental aspect of an effective anti-human trafficking response, but it must be integrated into broader policies. Côte d'Ivoire has not had a particular focus on this dimension and the actions carried out have mainly taken the form of public education and awareness campaigns. Furthermore, these initiatives had some deficit as they were not based on reliable and updated data and not systematically introduced in the curricula for the training of the agents and law enforcement officers. Awareness raising and training activities have been reinforced and better framed within the 2010-2014 Action Plan with the specific objective of leading to a community and social behavioural change and reinforcing the operational capacities of all relevant actors.

Key to prevent trafficking is also an effective and complete legal and administrative framework. To this extent, Côte d'Ivoire ratified a series of international conventions and signed bilateral and multilateral agreements[2], while adapting them to its specific context. As a result, currently, the prohibition of forced labour, slavery, trafficking and worst form of child labour law is envisaged in the Ivorian Constitution as well as in the Penal Code, which criminalizes the abduction of minors. A significant step was marked by the adoption of the Law 2010-272 concerning the interdiction of trafficking and worst form of child labour, which specifically criminalizes this offence, providing heavy penalties[3].

The legal framework is supported by an operational one and, in 2006, a sub-direction of the Police was created with the specific mandate to fight against child trafficking and youth delinquency. Any relevant Ministry created action cells to deal specifically with this phenomenon.

Protection

The victims' protection requires a holistic approach, offering a comprehensive continuous assistance for the victims, from their identification up to their complete reintegration. The safety and the respect of human rights of trafficking victims are guiding principles in all phases.

The identification of Victims of Trafficking (VoT) is the very first step in the process of providing them with necessary protection and assistance. However, they are often exposed to the risks of being charged or prosecuted for immigration or labour related offences, precisely because the authorities fail to identify them as VoT. NGOs play the major role in this phase, providing immediate assistance (*i.e.* in depth hearings, food, shelter and first aid) as well as long term reintegration (*i.e.* reintegration plans, psychological support), taking over State responsibilities. The Ivorian government has not played a strong coordination role, hampering a holistic protection of victims, as gaps in the chain of protection are hardly indentified and geographical areas are unevenly covered[4].

The government is aiming at cre-

[1] Côte d'Ivoire signed a bilateral cooperation agreement with Burkina Faso, on the same line of the precedent one with Mali. At the regional level, two multilateral agreements were signed, the first one in 2005 among the countries in the west region and the second one between the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS).

[2] Côte d'Ivoire ratified the following international agreements: the UN Trafficking protocol (25, October 2012) and the 138 and 132 ILO conventions (7, February 2003), respectively on the minimum age for admission to employment and the prohibition and immediate action for the elimination of the worst forms of child labor. In addition, the governments of Côte d'Ivoire signed a bilateral cooperative agreement with Burkina Faso and Mali against cross-border child trafficking.

[3] The penalties range from 10-20 years of imprisonment, reaching life imprisonment in the worst cases when the conduct results in the death of the child.

[4] The majority of service providers are in Abidjan, while in the north and east regions are uncovered by national as well as international aid. In particular, the insufficiency of secured and well-equipped transit centers specifically for VoT has been reported.

Fig. 2 Screening interview by social workers of allegedly victims of trafficking during the AKOMA police operation, source: INTERPOL.

ating mechanisms and procedures to reinforce and improve the identification and protection of victims, as the *Système de Suivi et d'observation du travail des Enfantes*. Nonetheless, the pilot project, ended in August 2014, was strongly criticized, as it is considered not sustainable on the long term, due to its complex and costly structure. In addition, it reflects the traditional approach limited to child trafficking in the cacao plantation. With the new trend to tackle TIP in a more comprehensive manner, the government started the development of a comprehensive referral and counter-referral mechanism targeting specifically VoT, but the pilot phase, still ongoing, is limited to the structures in Abidjan and targets only 40 victims.

Prosecution

TIP is a particularly difficult crime to investigate and prosecute for several reasons. Firstly, the majority of cases are not detected, due to its clandestine nature and the victims' fear of repercussion. Secondly, TIP can assume an international dimension and even if in West Africa, the offender is a single individual, who acts on a small scale, the prosecution beyond the borders still remains very complicated. Thirdly, the law enforcement system is not adequate to implement effective measures, as law enforcement officials may not have enough resources or knowledge or they may be involved in lucrative business.

Despite the efforts undertaken by the government, a series of challenges are still present. One of the main ones is the limited legal framework. Even with the advancements done with the Law No. 2010-272, the legal framework is still incomplete, as the area of application of the 2010 law is limited to child trafficking. Another gap is caused by the social acceptance of certain dimensions of TIP, requiring a longer and more complex procedure for their criminalization. For instance, domestic servitude is still socially accepted therefore the process for its criminalisation has been extremely consuming, both in terms of time and resources, and the decree prohibiting and prescribing punishments for involuntary domestic servitude drafted in 2011 has not been finalized yet.

The legal framework must be complemented by an effective law enforcement system. In 2015, an operation, called AKOMA was carried out within an INTERPOL-IOM project to support the government to fight child trafficking and exploitation. Unfortunately, these operations are rare due to the lack of funding and specialists.

4. National Strategy to Fight Trafficking in Persons: towards a comprehensive approach?

The Ivorian Government has started developing in 2013 a National Strategy to fight Trafficking in Persons to provide the strategic orientations with the aim of reducing the magnitude of the phenomenon by 2017, through the implementation of a dispositive of prevention, protec-

tion, *prise en charge* and repression of traffickers.

Its structure is based on two components, a strategic framework and an operational matrix. The first component establishes the vision and the guiding principles, with a strong human rights based approach, specifically envisaging that the rights of all individuals must be guaranteed and a society respectful of human rights is a prerequisite for the fight against TIP. The centrality of a strong participation is also formalized in the strategy, as guiding principle, particularly highlighting the positive role of the government to ensure it.

The response is based on four strategic axes – prevention, protection, repression and prosecution and coordination and cooperation – representing the 4 Ps paradigm. In line with the new international trends, internal and international coordination are central, through a renewed institutional framework, based on the National Technical Committee to fight against TIP. It includes two organs, in line with the same institutional framework of the Action Plan 2012-2014. The first one is the National Council of Observation and Strategic Orientation, in charge of surveillance and alert while defining the governmental orientations in trafficking issues. The second one is the National Coordination Cellule to fight against TIP, which is a technical organ in charge of the strategy implementation. This cellule is based on the Regional Committees and local platforms (department level), creating an info-sharing mechanism, which should channel reliable data towards the National Cellule, which can therefore adopt targeted and evidence-based strategies. In addition, the strong coordination may guarantee a swift identification of the victims/potential victims and their immediate referral to the competent actor, with a monitoring by the central authority.

The second component is an interesting attempt of indentifying *ex ante* key actions needed for the realization of the objective of reducing TIP. Particularly interesting is that the first action, considered *conditio sine qua non* for the other measures, is a national study to acquire a better knowledge of the phenomenon and define a targeted Plan of Action, showing the willingness of the government to adopt a more general approach. The implementation of those actions requires a consistent mobilisation of resources and the government has demonstrated its willingness to assume primary responsibility, declaring in the strategy that the state is the first responsible to mobilise the adequate resources.

5. Conclusion: Challenges and Future Opportunities

Côte d'Ivoire has made significant steps ahead for countering the phenomenon of TIP, adopting a series of tangible measures, which have led to an improvement in the assistance of VoT and a better framework for preventing and responding to this phenomenon.

Nonetheless, a series of challenges remain still open. One of the most significant is the weak knowledge of the phenomenon, which can be attributed to several factors. In general, the clandestine nature of this crime entails that traffickers go to great lengths to keep it hidden and victims are in a situation particularly vulnerable, as they fear repercussions. In addition, as the Government's response has been traditionally focussed on child trafficking in cocoa plantation, no data on adult trafficking or domestic servitude exists. Moreover, a centralized mechanism for gathering and sharing information is not in place.

A second challenge is represented by the high costs that shall be sustained in order to comply with international standards, as amendments of national law are often required, providing specific budgetary allocation for new policy programs on TIP. The government mostly relies on external support and even if it has attempted to face this problem establishing action cells or creating specialized police bodies, this was not followed by a proper funding allocation[5].

Another issue is the weak coordination and the absence of information sharing mechanisms among stakeholders. The actors involved have been multiplying and the Ivorian government has not established a system for capitalize on their competences and experience. The absence of a coherent and complete legal framework contributed to the incapacity to channel the actions in a systematic counter-trafficking response, as roles and functions are not well defined.

Pursuant to the factors explained above, the response to TIP has been fragmented and ineffective, leaving a series of gaps in the prevention of the crime, the protection of victims and the prosecution of traffickers.

The Ivorian government is well aware of the existing challenges and it has demonstrated a strong political will to tackle them. The best expression of this willingness is represented by the National Strategy on Trafficking in Persons, for establishing a comprehensive framework that will set a benchmark for all stakeholders involved in this area, coordinating and monitoring their actions.

The National Strategy has sowed the approach of the government to become the focal point for coordinating the TIP response and creating a synergy among existing actors. A very participatory methodology has been adopted for its development, including not only governmental institutions, but also NGOs, civil society and other operational institutions. This led to the spontaneous creation of a space of dialogue, establishing a network that, even if it has not been institutionalised yet, serves as a powerful tool in the response to TIP and in particular in the VoT protection and assistance.

In conclusion, the Ivorian government still has a series of challenges to face. Nonetheless, it has made several significant steps in the right direction and a series of favourable

[5] For instance, the entire 2014 budget allocated to the operations of the Sub-Direction for the fight against trafficking and juvenile delinquency amounts to around 7.000 USD (for operational costs, excluding salaries).

factors point to further improvements. The strong willingness of the government – even if counterbalanced by the low knowledge of the phenomenon – and the deep involvement of the civil society and other national and international organizations are crucial. Also the regional context is favourable, due to the presence of the ECOWAS Plan of Action and bilateral and multilateral agreements with neighbouring countries, showing the engagement of all actors in the region. Therefore, even if a series of challenges need to be undertaken, like the effective implementation of the National Strategy and the mechanisms envisaged, the future development of the Plan of Action and the related mobilization of resources, it seems that Côte d'Ivoire is on the right way to tackle human trafficking in a global and systematic way.

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First meeting of the International Forum on Social Contradictions and Response
"Social conflict resolution and prevention: comparing experiences from different countries"

Venue	Scuola Superiore Sant'Anna
Date	27 May 2016
Duration	9.00 a.m - 13.15 p.m.

The first meeting of the International Forum on Social Contradictions and Response is taking place at the premises of the Scuola Superiore Sant'Anna on May 27, 2016. Founded by the Beijing Institute of Letters to Government, the Forum includes as members the Scuola Superiore Sant'Anna (DIRPOLIS Institute), the University of Vienna, the Nanyang Technological University and the Deakin University and provides a global platform for academic exchanges on social conflicts in societies ruled by law, social contradictions and responses thereto among university and research institutes from PR China, Italy, Austria, Singapore and Australia. The Forum's overall objective is to promote comparative analyses of how countries of differing cultural, historical and political backgrounds tackle the issue of social conflict resolution in their legal-institutional systems, with a view to highlighting strengths and weaknesses of different systems and drawing lessons from each national experience. Participants will include members from each partner institution, and attendance of the seminar will be open to students (post-graduate and Ph.D) and researchers who have an interest in the topic of the meeting.

SSSUP-CUPL International Law conference
Addressing recent challenges in Public International Law: Responses from Italy and China

Venue	Scuola Superiore Sant'Anna
Date	4-5 July 2016
Duration	1 day and a half

The DIRPOLIS Institute, with the support of the Confucius Institute of Pisa, is organizing a joint conference with the China University of Political Science and Law (CUPL) to take place on 4-5 July 2016 with the title "Addressing recent challenges in Public International Law: Responses from Italy and China". The event focuses on international law issues that are of concern for both Italy and China with the aim of exploring the avenues followed by the two countries to face current challenges. Thematic panels are dedicated to the following issues: immigration policies and human rights; the legal and institutional frameworks governing cybersecurity; disaster prevention and response; international conflict resolution mechanisms and the Law of the Sea. The contribution of distinguished scholars from China and Italy will help clarify how the approaches of the two countries differ and how they are influenced and shaped by local values, cultural specificities and legal traditions.

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