



A woman cooks near her shelter in Mentao camp, Burkina Faso. Photo: Pablo Tosco/Oxfam

MALI'S CONFLICT REFUGEES

Responding to a growing crisis

Nearly 375,000 Malians fled the conflict in the north of their country in 2012. Over 145,000, the majority of them women and children, sought refuge in poor areas of neighbouring Burkina Faso, Mauritania and Niger. More are already following since the escalation in fighting in January 2013. Those neighbouring governments and humanitarian agencies have provided life-saving aid to refugees in difficult circumstances, but they are struggling to meet all the refugees' basic needs. In Niger's camps, up to 21 per cent of children are malnourished. Governments and aid agencies must urgently step up preparations to respond to rising needs in refugee-hosting countries, while all military forces and armed groups active in Mali must take all possible steps to avoid harm to an already distressed civilian population. Many of the refugees have repeatedly fled Mali over the last 20 years, and may well not return until the deep-seated social, political and economic drivers of the country's conflict are resolved.

SUMMARY

Since January 2012, nearly 375,000 Malians have fled the conflict in the north of their country.¹ Some 145,000, the majority of them women and children, have crossed into neighbouring countries, mainly Burkina Faso, Mauritania and Niger. For many—including those interviewed by Oxfam—this was the latest of several flights from crisis over two decades. Not surprisingly, they say they will not return until a true, lasting peace in Mali is secured.²

Those neighbouring governments, local communities, the UN and aid agencies have delivered life-saving assistance to Mali's refugees, often in difficult circumstances. However, they are already struggling to cover all basic needs. With conflict escalating in Mali following the launch of Malian-French operations at the start of 2013 to counter a renewed offensive by armed groups, host governments and humanitarian agencies must urgently step up preparations to respond to any further refugee flows.

Moreover, Malian and French armed forces, and other armed forces engaged in Mali now or in the future, must take all possible steps to minimize harm to an already distressed civilian population. Armed groups in northern Mali must abide by their obligations under international law and refrain from committing human rights violations against civilians.

A humanitarian response falling short

The humanitarian response has met some, but far from all, of the refugees' vital needs. In Niger's refugee camps, up to 21 per cent of children are malnourished, 6 percentage points above the World Health Organization's threshold for 'emergency' levels—and malnutrition rates are also alarmingly high among child refugees in Mauritania.³

Malian refugees face many threats, including sexual violence, forced labour and forced recruitment by armed groups from northern Mali. The UN refugee agency (UN High Commissioner for Refugees, UNHCR), as well as the broader humanitarian community, has so far done little to adequately analyze or respond to these threats.

Many refugees are pastoralists, but a 'one size fits all' humanitarian response has until now failed to meet their specific needs and address the impact of their livestock on local communities and the environment. In one camp in Burkina Faso, there are three animals for every person, which puts pressure on the local population and environment.⁴

Refugees are living among populations that are themselves struggling to get by in the face of poverty, food insecurity and limited basic social services. Impoverished host communities, still recovering from a region-wide food crisis in 2012, now have to share scarce food and water. At

My whole life has been changed. I do not like what happened to me. I do not want to stay here long because the conditions are not the same. I lived in good conditions, I was studying, I had hopes and plans. Here there are no studies, no activities, and no hope. There is nothing to do. I see around me children and young people—people that I knew before, working in NGOs; children were treated well but here they walk barefoot, they do not go to school they are not well fed. Just seeing this hurts me.

Bintou Walet Mohammed Ali, 21 years old, student, Refugee in the Mentao camp (Burkina Faso)

some sites, refugees outnumber the host population: in Mauritania, for example, Bassikounou—a town of around 42,000 inhabitants—is now hosting 54,000 refugees at a nearby camp, leading to tensions with local residents.

In Mali itself, most of the estimated 229,000 people considered internally displaced are living in extremely overcrowded, difficult conditions in urban centres or rented houses, relying primarily on relatives for support.⁵ Men, women and children who remain in northern Mali are exposed to violence and serious violations of their human rights, and have limited access to humanitarian assistance. The current intensification in the conflict is putting civilians at further risk. While this paper focuses on the situation of refugees, future Oxfam briefing papers will include a fuller analysis of the challenges facing those affected by conflict that remain in Mali.

More refugees: Responding to increased needs

Prior to the current escalation in the conflict, the UN was anticipating the refugee population could double to 400,000⁶ in the event of a UN Security Council-authorized deployment of an African military force, known as the African-led International Support Mission in Mali (AFISMA).⁷ It aims at rebuilding the Malian security forces, supporting them to defeat armed groups and restore the country's territorial integrity.

The current Malian-French military action launched in the wake of the capture of a strategic government-controlled town by armed groups preceded the AFISMA deployment, which was not expected to take place until September. According to UNHCR, as of 17 January, seven days into the clashes, it had already led to the displacement of an estimated 10,000 people, with over 2,000 making their way to neighbouring countries.⁸ The situation in Mali and the region is more volatile and unpredictable than ever.

Most refugee camps in neighbouring countries are close to Mali's border, in insecure areas. Security for refugees and aid workers there had been deteriorating even prior to the January 2013 events, including a rise in actual or threatened kidnappings, which has made it difficult for agencies to provide aid.

Governments hosting refugees, the Malian authorities, and aid agencies must urgently improve their preparedness to respond to any further deterioration in the humanitarian and security situation, including by ensuring that host governments provide a safe environment for refugees.

At the same time, host countries, with support from donors, must strengthen their ability to co-ordinate the refugee response. UNHCR must continue to improve its leadership and coordination of the humanitarian response to refugees and host communities, not only to ensure they get equal access to aid, but also to help those refugees who may choose to integrate into local communities.

We are hungry [...] Before, we used to eat at least three times a day and drink lots of milk. Here, at the camp, what we eat [...] is not enough; [...] we eat twice a day. The children are not in very good health because they do not have enough food.

Female refugee in Damba camp, Burkina Faso

Avoiding harm to civilians

Malian, French and other military forces currently active in Mali, and any military forces who may be engaged in Mali in the future—including those from the African Union, the Economic Community of West African States (ECOWAS) and the European Union Training mission (EUTM Mali)—must take every possible step to ensure harm to civilians and their assets is avoided, in line with UN Security Council Resolution 2085, which was unanimously passed in December 2012. Those steps should include:

- France and all other forces in Mali deploying advisors in international humanitarian law (IHL) and applicable human rights law alongside regular and Special Forces;
- reporting by relevant military forces to the UN Security Council on steps taken to abide by IHL and avoid civilian harm; and
- the UN deploying human rights monitors to Mali as a matter of urgency.

Preparing for the future: Beyond military approaches

With few prospects for peace in Mali in the short term, the presence of refugees in neighbouring countries is likely to be prolonged. Supporting refugees' long-term livelihoods to increase their self-reliance and reduce the pressure on host populations is critical.

This support is necessary, but will only go so far, and is no substitute for lasting peace and a long-term resolution to the crisis. Malian authorities, African and Western governments, and multilateral institutions must continue to work towards building peace and security in Mali. They should take a comprehensive approach that seeks to address the deep-seated political, social, and economic drivers of the current crisis. This should involve continuing to work towards an inclusive political solution, moving beyond a sometimes narrow focus on counter-terrorism and military action. This will involve:

- rebuilding trust between communities;
- encouraging more inclusive politics and equitable development across the country; and
- ensuring effective participation in peace-building and reconciliation processes, including by women, refugees, and marginalized communities.

This briefing paper is based on information gathered primarily between August and December 2012 through Oxfam's programmes in Burkina Faso, Mauritania, and Niger, including some 65 interviews with representatives of governments and aid agencies, and discussions with refugees in host countries and with civil society organizations and communities in Mali.

I want to return to Mali, but provided that there is a lasting and eternal peace. We want a government for the whole of Mali, not a government for Bamako only. In 1993 we were here, in 1994 we were here, and today we are still here. We are in a country where we are refugees all the time. We are forced to leave the city to take refuge in another city or in the bush where there is no network, no movement in order to be safe. We want the problem of Mali to be managed once and for all.

Bintou Walet Mohammed Ali, 21 years old, female student and refugee at Mentao camp, Burkina Faso



Map of the region. Refugee sites marked in white, with permanent settlements in black. (Locations based on UN data)

RECOMMENDATIONS

The governments of Burkina Faso, Mauritania and Niger,⁹ with close support from UNHCR, the UN Regional Humanitarian Coordinator and UN National Humanitarian Coordinators, and donors, must:

- continue to ensure that refugees' rights are respected in line with the 1951 Refugee Convention and additional protocols, particularly the right to seek asylum, and uphold the principle of non-refoulement¹⁰ and keep borders open even in the event of a major influx of refugees;
- preserve refugees' ability to access humanitarian aid by urgently deploying and having on standby additional police and *gendarmerie* forces that are trained in and comply with international humanitarian and human rights, and refugee law, to provide security within camps and around them, including by patrolling roads. This must include community outreach, including via female security personnel, to better understand the threats faced by refugees and host communities;
- take steps to prevent militarization and infiltration of refugee camps by armed groups operating in northern Mali, including by curbing the movement of arms in camps, disarming armed individuals, and separating combatants from civilians, while respecting their rights;
- ensure that every refugee camp is located in an appropriate and safe area, that refugees and local authorities are involved in relocation plans, and that relocation is voluntary and takes place in safety and dignity;
- increase their capacity to co-ordinate humanitarian assistance by urgently recruiting more administrators with humanitarian expertise to the National Refugee Commission in Burkina Faso, the National Refugee Eligibility Commission in Niger, and the Ministry of the Interior and Decentralization in Mauritania, to be deployed in camps and to participate regularly in humanitarian co-ordination meetings;

- given current uncertainty about the future status of some camps, such as Ayorou in Niger, and the recent sudden relocation of Fereirio camp in Burkina Faso, urgently provide clear and consistent information on the status and location of current and future camps, so that refugees can make informed choices, and humanitarian agencies can plan their activities and investment of resources accurately;
- ensure that the right to humanitarian assistance and protection of *all* refugees is upheld, including those living in urban centres, such as Nouakchott, who are currently not registered as refugees by UNHCR.

All military forces currently active in Mali, in particular those of the Malian interim government and France, and regional forces deployed as part of the African-led International Support Mission in Mali (AFISMA), must act in accordance with UNSC Resolution 2085, including by:

- abiding by, and receiving training on, international humanitarian law, applicable human rights and refugee law. France and all other forces deployed to Mali must include advisors in international humanitarian law and applicable human rights law alongside regular and Special Forces;
- issuing and implementing specific directives to respect the principle of distinction between civilians and combatants, and the principle of proportionality in the conduct of hostilities; refraining from using explosive weapons in populated areas; and avoiding indiscriminate shelling;
- reporting to the UN Security Council on steps they have taken to abide by international law and avoid civilian harm. In particular, military forces should establish a transparent methodology to assess and track patterns of civilian casualties from combat in order to minimize the civilian impact of military operations, as has been done in other conflict situations.

Armed groups in northern Mali must:

- refrain from committing human rights violations in territory under their control, and abide by their obligations under international humanitarian law in the conduct of hostilities.

The Office of the High Commissioner for Human Rights (OHCHR) and other relevant UN entities must:

- deploy human rights monitors to Mali as a matter of urgency in order to address human rights concerns arising during and in the immediate aftermath of any military action, including the recruitment and use of child soldiers, gender based violence, risks of arbitrary executions and detentions that might arise following reprisals and settling of scores.

UNHCR, other UN agencies and NGOs, together with host governments and supported by donors, must:

- increase the level of preparedness for a possible influx of refugees by ensuring that Malian authorities, host governments, and local, national, and international aid agencies are fully involved in a well co-ordinated

contingency planning process that analyses the capacity of these actors to respond to increased needs. The process should, as a matter of urgency—i.e. within weeks, not months—identify the full range of additional resources (financial, material, and human) needed and the timescale required to obtain them in light of the major logistical constraints in the Sahel region;

- conduct regular nutrition monitoring surveys, in particular in Burkina Faso, where a nutrition survey should be conducted as a matter of priority;
- address high malnutrition rates through a multi-sectoral approach that includes timely distribution of full food rations to all refugees, including marginalized groups; expansion of income-generating programmes to enable refugees to diversify their food intake and meet other needs without selling rations; provision of safe water and adequate medical coverage; and working to address cultural and behavioural causes of malnutrition;
- ensure that the specific needs of pastoralist refugees are addressed by assessing the socio-environmental impact of their livestock on fragile host areas and identifying creative solutions in consultation with local authorities, host populations, and refugees, given the limited available pasture and water;
- ensure that all refugee children have access to education, with an emphasis on increasing the number of primary school teachers in camps and working with local authorities to integrate refugees into existing secondary schools, while also increasing and improving access to education for host communities;
- establish longer-term programmes that benefit both refugees and host populations, such as restoring critical small-scale infrastructure (e.g. water and sanitation facilities) and creating livelihood opportunities through training, income-generating activities, and education;
- mitigate tensions between host communities and refugees by training community leaders in conflict resolution related to access to, and management of, natural resources in the Sahel region, and by establishing mediation committees;
- improve consultation with, and accountability to, refugees in line with commitments related to accountability to affected populations defined by the Inter-Agency Standing Committee¹¹ and the HAP Standard,¹² so as to better understand cultural specificities and complex power dynamics in refugee communities and adjust programming accordingly.

UNHCR must:

- urgently improve analysis of gaps and challenges in each sector of the refugees response, in particular protection and education, and ensure that this analysis is used to inform and guide priorities;
- ensure that camp refugee committees consult with, and represent the interests of, all groups, especially women and marginalized groups, and distribute assistance equally to individuals. It should work with experts familiar with Mali's complex social make-up and structures to carry out

assessments in the camps and develop common best practices with humanitarian actors to ensure equal access and use of assistance by marginalized groups, as well as their participation in decision-making processes;

- immediately prioritize addressing protection threats to refugee populations, including by developing better analysis of risks disaggregated by sex, age, and ethnicity. This should involve ensuring that co-ordination meetings on child protection and gender-based violence take place regularly and producing detailed strategies to address these threats, including establishing referral systems in each of the camps;
- ensure that budget requests are based on solid needs assessments and gap analysis, based on revised refugee numbers, to strengthen the case to donors.

Donors must:

- ensure that the refugee response is fully funded on the basis of revised refugee numbers in each country, and stand ready to provide swift and flexible support in the event of substantial new arrivals of refugees. This should include funding for longer-term programmes aimed at enhancing refugees' self-reliance;
- provide humanitarian funding for needs in Mali, as well as supporting peace-building activities.

The Malian government, the UN Special Envoy, the African Union Special Envoy, the Economic Community of West African States (ECOWAS), donors working with civil society, and communities must:

- take a broader approach to tackling the underlying causes of the Mali crisis beyond addressing immediate security threats and the threat of terrorism. This must involve improving governance in northern Mali, investing in development programmes that benefit the whole population equally, and supporting inter-community dialogue, reconciliation, and social cohesion.

NOTES

Unless otherwise specified, web links were last accessed January 2013

- ¹ OCHA (2013) 'Mali: Humanitarian Snapshot', 17 January, <http://reliefweb.int/map/mali/mali-humanitarian-snapshot-17-january-2013-enfr>. See also UNHCR (2013) 'Mali Operation', <http://data.unhcr.org/MaliSituation/regional.php>
- ² Focus groups with refugees in Burkina Faso and Mauritania, August and October 2012.
- ³ An MSF survey in the Mbera camp found a severe acute malnutrition rate of 4.6% and a global acute malnutrition rate of 17%, see MSF (2012) *Étude de la nutrition et de la mortalité retrospective*, November. The WHO emergency threshold for global acute malnutrition is 15%.
- ⁴ Vétérinaires Sans Frontières has carried out a more detailed census in Burkina Faso. It found that in Damba camp the more than 2,700 registered refugees had around 4,100 animals in the camp itself and almost 4,000 larger animals in the vicinity. Notes from UNHCR co-ordination meeting, Ouagadougou, 23 November 2012.
- ⁵ International Organization for Migration, 15 January 2013, private communication.
- ⁶ OCHA (2012) 'Mali +, scénario de planification pour la crise malienne', 10 December 2012, shared with Oxfam by email on 11 December.
- ⁷ Resolution 2085, 20 December 2012, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2085%282012%29
- ⁸ OCHA (2013) 'Mali: Humanitarian Snapshot', <http://reliefweb.int/map/mali/mali-humanitarian-snapshot-17-january-2013-enfr>, 17 January.
- ⁹ Other host governments include Algeria and Guinea. Although this paper focuses on Burkina Faso, Mauritania, and Niger, these recommendations apply to all countries hosting Malian refugees.
- ¹⁰ In accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa.
- ¹¹ IASC Commitments on Accountability to Affected Populations (CAAP), http://aimstandingteam.files.wordpress.com/2012/12/iasc_caap_tools_v4_12nologo.pdf
- ¹² HAP Standard in Accountability and Quality Management (2010), <http://www.hapinternational.org/pool/files/2010-hap-standard-in-accountability.pdf>

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For further information on the issues raised in this paper please e-mail advocacy@oxfaminternational.org

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