Mobilising home for long term displacement: a critical reflection on the durable solutions

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Abstract

With long term displacement becoming the 'new normal', the three 'durable solutions' of local integration, resettlement and return, are increasingly unsuitable for offering social, economic and cultural means for refugees to rebuild their lives and livelihoods. This article retreads some common observations and critiques of the durable solutions, while attempting to find a new vocabulary to help address the conundrum of a refugee protection model that tries to integrate rights and needs. There have been other attempts to revise the durable solutions, introduce new solutions —often acknowledging refugee mobility—or revert to informality as an alternative. However, such attempts have not sufficiently taken into account the extent of what refugees do. The consequences are an 'integration lite' where people may be able to survive, but their refugee status is not ended, nor is their refugee predicament closer to being addressed. The article suggests a new framework--constellations of home--that can be a significant bridging tool for the gap between rights and needs and that incorporates the static and ahistorical notion of the durable solutions as well as the mobile strategies of refugees in long-term displacement.

Introduction

Home and homemaking are fundamental human practices that take place at the most mundane level--daily practices that reproduce the conditions necessary for social and biological life--to the grand political and legal structures that organize us into national homelands. Our universal need for a space or site of belonging is shaped so profoundly by the current system of "identities-borders-orders" (Albert et al, 2001) that it is difficult to imagine an alternative to place-based national solutions to the realities of forced and long-term displacement. The three "durable solutions" of the international refugee regime – long recognized as a population management tool in the service of the state – address the need for Home in terms of national and legal protection, but are unable to offer social, economic, and cultural means for refugees to rebuild their lives and livelihoods. Moreover, of the three solutions of repatriation, resettlement and local integration, the latter – local integration – is hardly ever a political possibility. For example, Egypt – despite being one of the original signatories to the 1951 Convention, has lodged a number of reservations limiting or preventing refugee access to primary education, employment, and rationing (Sadek 2013). Similarly, in most refugee displacements across the globe, resettlement is only possible for the very few, deeming the package of solutions an invalid programme for solving current refugee situations.

As the decades of the 21st century roll along with more and more people expelled from their homelands and rejected by others, long-term displacement has emerged as the

'new normal', and appears quite unsolvable--despite ongoing work to rethink legal structures, work out deals, or develop new temporary statuses or flexible citizenships. Several innovative ideas – pegged as "fourth durable solutions" – have emerged by thinkers who bring a grounded understanding of refugees' own responses to their increasingly long-term exile, including transnationalism (Van Hear 2006), labour mobility (Montenegro 2015) and the need for mobile protection (Crisp and Long 2012). Yet, reflecting upon the restrictions and exclusions facing all but a tiny few, along with refugees' own homeland orientations, the option of jettisoning place-based identities is not possible. Hence our interest in "mobilizing home" to acknowledge refugees' own movement towards the future while perhaps stuck in the present, and to identify a bridging concept that marks us all as human. This is increasingly important given the "de facto fourth and all-too-durable solution" (Smith 2004: 38) – that of long-term encampment or invisibilization of refugees beyond the view of settled populations.

This short piece retreads some common observations and critiques of the durable solutions from scholars and practitioners in the field of forced migration studies (Stein 1986, Chimni 2004, Brun and Fabos 2015), while attempting to find a new vocabulary to help address the conundrum of a refugee protection model that attempts to integrate rights and needs. Despite the widespread recognition of the importance of developing refugee livelihoods, political realities have created an emphasis on survival rather than on sustainable livelihoods and development of lives. We find the idea of home to be a significant bridging tool for the gap between rights and needs. In particular, when seen as a constellation of related ideas at different scales, home encompasses both the national homeland, the daily practices of home-making, and – for refugees – a legal and political paradigm that sees return <u>to</u> or incorporation <u>into</u> an existing state structure as the solution to their predicament. Until that occurs, protection is in the form of refugee legal status; neither refugees' own mobile strategies nor long-term encampment or marginalization offer social protection.

Durable solutions then and now
At the time of UNHCR's creation, a core task was protecting and finding solutions for the people of Europe who had been displaced during World War II and who were still displaced in the late 1950s (Milner and Loescher 2011). While even then the UNHCR worried[1] about the long-term displacement of refugees under its care (UNHCR 2012: 105), it managed by the 1960s to provide resettlement quotas for European refugees who could not return or integrate locally – a precedent for addressing the 'durable solutions' as we know them today and a way of 'putting people back into a place'. While resettlement was the focus of the early years of the durable solutions, by the mid 1980s, the focus shifted from resettlement to repatriation (Chimni 2004).

The durable solutions formula is increasingly unsuitable for the contemporary context, and there have been attempts to reformulate it within an accepted script of refugee protection. In its global appeal update for 2017, for example, the UNHCR emphasises the <u>complementary</u> pathways of protection and durable solutions. While there have been

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[1] High Commissioner Gerrit van Heuvan Goedhart called the remaining camps "black spots on the map of Europe" that should "burn holes in the consciences of all those privileged to live in better conditions", (cited in Loescher 2001: 75).

several attempts to re-articulate UNHCR's protection function "in a manner that seeks to combine rights, process, welfare and the quest for durable solutions" (Stevens 2016: 269), the pendulum seems to once again have swung towards livelihoods, self-reliance and social and economic rights in the place of displacement. However, without the shared vision of 'local integration' as a key plank in the durable solutions platform, what seems to have emerged is a sort of "integration light" where people may be able to survive, but their refugee status is not ended and their refugee predicament is no closer to being addressed.

Looking back at the literature from the mid-1980s, there are interesting parallels with the current discussions around durable solutions and long term displacement. A prominent voice was Stein (1986: 264) addressing the question of "massive arrivals, low-income countries, no durable solutions" with "refugees lingering in limbo for so long" and with no solution at hand because the country of first asylum "will only let refugees stay temporarily in their territories" (p. 265).. Stein observes that: "No durable solution can mean open-ended, expensive care and maintenance for refugees who must wait for an opportunity to put down roots and again become members of a society" (p. 265)—a familiar story in the refugee crisis of 2017.

Displacement without an end-point: The durable solutions and why they do not work in long term displacement

Long-term displacement is now the norm for the majority of refugees. States and humanitarian actors have come up with the term 'protracted refugee situations' to describe this 'new normal', though the term does not acknowledge the contradictions inherent in 'permanent temporariness'. Additionally, with the changing nature of contemporary warfare, other forced migrants, including internally displaced persons and persons of concern to the UNHCR (including those people displaced by ongoing conflict but not yet acknowledged as having refugee status), are perhaps even more vulnerable to long-term displacement.

It is generally agreed that the long-term displacement experienced by many millions of people around the world is a function of the inability of the international refugee regime to solve the problem of people out of place. Since refugee-ness is conceived as a temporary status to be resolved through one of the nation-based solutions, the increasing resistance of states to accept a place-based solution, and the barriers put up to prevent refugees' own mobile strategies make the current situation extremely problematic. At the same time, it is well known that people with no opportunities to return to their home nation or to move on, and who receive minimal support and assistance, will have to rely on their own resources. And, although the durable solutions are now inaccessible for the majority of refugees and displaced persons across the world, the relationship between states and humanitarian actors largely helps to keep the durable solutions alive. The durable solutions – often not attainable for the foreseeable future – continue to act as a justification to keep people's lives on hold during displacement.

A main challenge with the durable solutions is the assumption that people – human beings- – who cannot be returned to full nation-state belonging should be obliged to

wait for years or even decades for the solution. The dual framework of international legal protection and humanitarian logic is embedded in the static ways in which humanitarian agencies and governments approach displacement and refugee situations, even with the knowledge that the situations are most likely to be long term. While repatriation to the state of origin and resettlement to a state that offers a pathway to citizenship clearly promote a return to bounded political rights, even local integration presumes a state-based, if temporary, solution with the aim and belief in being able to define and achieve an end to displacement.

The term 'durable solutions' thus needs to be unpacked in the light of current conflict realities and politics of mobility (Capo 2014). There is a tension between policy-regime's attempt to 'fix' people in place and the practices of refugees in exile. Many refugees do not sit in one place and wait for a solution, but struggle to get on with life in a number of different ways.

Alternative solutions/approaches:
Several "fourth solutions" have been recommended to address some of the problems with the durable solutions. One such suggestion is the right to residency rather than naturalization as in the case of Colombians in Brazil (Espinoza 2016) where protection is extended beyond the political level to also include social protection. In some cases this has later been known as a "special modality of resettlement" (Montenegro 2016), but what is important is that it is part of encouraging mobility – and in this case labour mobility – within Latin America via the Mercosur visa arrangements. Rather than keeping people in one particular place, Montenegro states: "This implies a pragmatic acknowledgement of the reality that refugees fleeing persecution need protection not only through documents and rights but through access to the job market, to food and to social services" (2016: pp63). Long (2010) describes this strategy as an acknowledgement of "labour mobility" or, in IOM's conception, "livelihood mobility (2016)." Van Hear (2006) has pointed to the wider processes of developing transnational lives – and enabling transnational connections – created by the changing relationships between people and places that come as a result of displacement. States have increasingly recognized refugees' own mobile strategies by adapting residency rights to accommodate temporary protection without citizenship (Mountz et al 2002) or by calling upon shared religious or cultural backgrounds to offer temporary status to refugees (Fabos 2014). However, it is also the case that, when refugees take their mobility into their own hands, there may be a backlash in the form of border restrictions and other exclusionary structures, as we have seen in some European countries faced with refugees and other forced migrants at the border. This is an indication that the state is still strongly present, and a mobilities-based durable solution is not a real option at this particular moment.

Along with the reluctant recognition by the humanitarian regime and some states that mobility strategies are also part of the 'new normal' for displaced people, informal settlement is now the norm for most forced migrants. This is acknowledged in the UNHCR's *Policy on Alternatives to Camps* which was rolled out in 2014. Most refugees now reside in sprawling urban areas and pursue strategies of invisibility (Polzer and Hammond 2008; Kibreab 2012) and informality (Sanyal 2012). With an increased focus on urban refugees and livelihoods, informality has become more prominent with

urban settings and non-camp settlements have also overtaken classic refugee camps as places where people move. In some cities, especially on the African continent, informality also a majority of sites acknowledged (Landau and Duchanel 2010, Darling 2016). In many contexts, it may be difficult to leave a legal status behind, despite the observation that the status does not help at all; it is the social networks and access to livelihoods that make people move on (Landau and Duchanel 2010). However, in the urban context for refugees in Jordan, it is more difficult to pursue a life under the radar of the authorities due to the strength of the state. While there is a need for recognising the grounded, place-based practices and importance of recognition as part of the assistance for refugees, so too is the need to establish a framework that integrates social- and economic rights with legal rights.

Constellations of home
Previously, we have argued that home, for refugees in long-term exile, is neither a matter of making do with an endless present of displacement, nor a simple nostalgia for a prior place (Brun and Fabos 2015). Instead, we see in refugees' own practical daily and long-term strategies an attention to '*home'* as daily home-making practices, as well as their ongoing nurturing of homeland culture, networks, and politics to maintain '*Home'*. This all takes place within the overarching context of '*HOME*' – the nation-state system and its durable solutions model of home-making through re-emplacing refugees. The resulting constellation of ideas, practices, and expectations of *home-Home-HOME* provides a way of thinking not only about place, but also about mobility and the temporal business of living. Constellations of home are dynamic and multi-scalar, and take on various shapes and patterns depending upon the perspective from which we consider them.

Due to the growing number of refugees living in informality it is crucial to focus even more on what people do in exile, and enable agency, livelihoods and local engagement in the place of displacement, or beyond that place in the multiple locations that forced migrants may reach or connect with as a result of their displacement. The constellations of home framework is an assemblage that incorporates the static and ahistorical notion of the durable solutions, as well as the mobile strategies of refugees in long-term displacement. As such, it is a bridge between the durable solutions model and the mobile alternatives proposed to accommodate the reality of long-term displacement.
At the same time constellations of home encompasses both the legal and political rights and the social and economic rights that are needed in a long term displacement setting while recognizing people's own need to establish home spaces.

Mobilising home for long term displacement
The durable solutions model incorporates ideas of home for both refugees and the humanitarian regime, but these ideas are static, ahistorical, and bounded. At the same time, mobility as an alternative to full nation-state participation does not fully address the need for all human beings to organize their cultural, social, and biological needs with reference to specific places and resources. As long as local integration is not a real possibility, the durable solutions logic does not hold. On the other hand, mobilizing home to address long term displacement acknowledges the nation-state framework, the boundedness of the state and its identity-making role, as well as the daily practices of home-making that connect to both places and mobilities. To avoid thinking about the

ability to survive and earn a living in place of displacement, as a "local integration light" as suggested above, we propose a move away from durable solutions towards a framework of home and home-making.

Displacement alters the connections between people and places. For some very few individuals, their formal refugee status may end and they may experience political, economic, and even social re-emplacement, but for the majority of today's refugees and displaced persons, an experience of displacement does not have a finite conclusion. During displacement, people attempt to lead lives that maximise their opportunities. By moving away from durable solutions towards a more nuanced approach to exile, it may be possible to work towards an aim of creating similar living conditions for displaced and nondisplaced through encouraging and supporting processes of home-making. Home in this context is not an endpoint but a way of recognising the everyday practices and geopolitical acts that most displaced people are involved in through their attempts to go about life.

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