

How should we assist refugees?

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1. Introduction

Contemporary discussion of refugees in the normative literature has so far focused predominantly on a reasonably small set of questions: Who qualifies as a refugee?¹ Do high-income states have obligations to admit refugees? If so, under what conditions and how many are they obligated to admit? What grounds any obligations we have towards refugees?²

While all of these questions are important, there has been a substantial lack of attention in the normative literature to a question that is more fundamental, and shapes the grounds and content of responsibilities in connection with refugees. The question that is ripe for more sustained analysis is: *How* can we help refugees in ways that are effective for all key stakeholders? Key stakeholders in refugee policy include refugees, internally displaced populations who have not yet crossed a border, those left behind in states of origin, and those states and their citizens that bear the burden of hosting large refugee populations. I explore options that aim to offer good

solutions for host and home countries, the roughly 10% of refugees who typically make it to high-income countries and the approximately 90% who do not.³ While there is still some scope for resettlement (and other) policies to play a role, many local solutions closer to the source of the crisis are often available and preferable. These can take different forms and some of this variety is explored. Many of these solutions may be described as providing incubator zones for development -- they focus on meeting a wide range of current needs of the displaced populations (such as for autonomy, work, opportunity, and community) while also preparing that population for life after conflict. Addressing such needs in ways that promote the interests of many other stakeholders can yield effective courses of action worthy of our support.

In other work on this topic I have explored various programs aimed at resolving refugee crises, such as the private sponsorship model in Canada and the proposal to buy an island or some territory that would become a new home for refugees.⁴ Here I focus on the prominent proposals that Alexander Betts and Paul Collier offer concerning generating incubators of development, as I believe these have many worthwhile features, especially scalability, and they can help us rethink responsibilities in connection with refugees.⁵

As we come to see, ideally, robust comprehensive solutions to the refugee crisis share at least the following features:

- 1) They should be scalable and should be able to accommodate the vast numbers of displaced people (at present around 68 million).⁶
- 2) They should aim to take account of the current and longer-term needs of the displaced populations.

- 3) They should take account of the interests of all affected and, if possible, work to promote all key stakeholders' interests.
- 4) The proposals we support in helping refugees should not interfere with conflict resolution or post-conflict recovery.
- 5) Programs aimed at assistance should not set up perverse incentives or require vulnerable people to take high risks in order to access their protection.
- 6) They should protect vulnerable parties for the duration of high risk.

As we come to appreciate, Betts and Colliers' proposals meet these criteria well. There is a good case to be made that we should support these proposals and that they can help us outline the contours of our responsibilities in connection with refugees. When talking about responsibilities to refugees we have to make some assumptions about what is an effective solution to our target problem or the normative project has too little traction. Many dominant normative views assume resettlement is the key primary effective solution to refugee problems, so the nature of the responsibilities we have in connection with refugees and which agents have important responsibilities takes a certain shape. This chapter offers alternative analysis.

I argue that the shape and content of our duties to large-scale refugee populations fleeing danger is often quite different from that assumed by much normative theorizing. On the empowerment model explored here, we should be supporting more beneficial policies including supporting policy conducive to stabilizing post-conflict societies by assisting with education and training. Where appropriate, we should also support and subsidize enterprises that generate jobs,

ensure favourable trading arrangements are available (such as tariff-free access to high-income country markets), and explore other opportunities that will help promote human development and create a stable economy in a post-conflict environment. While we still have obligations to play our part in any resettlement programs that are needed to supplement the programs focusing on development and post-conflict recovery, the focus moves to helping more people in the regions affected.⁷

Three traditional approaches to addressing the plight of refugees in the longer term are voluntary repatriation, local settlement and resettlement. Widespread persisting human rights violations in countries of origin make repatriation options in a reasonable timeframe unlikely and undesirable for many refugees. In addition, the number of displaced people and the scale of the refugee problem give us important reasons to consider expanding the option set that we are able to provide refugees, beyond these traditional options. We begin our exploration of further options in the next section, section 2, by analyzing some of the current defects and indicating some of the ways in which to improve. Section 3 discusses two different cases as illustrations of how we can improve. Although the cases are different, they have important common elements; they showcase the positive potential of a development-oriented approach. Section 4 highlights how the focus on preparing for post-conflict recovery can also be beneficially linked to this development-oriented approach. In section 5 I cover several ways in which we should rethink refugee governance and responsibilities, emphasizing new partnerships and other institutional changes that are needed. Section 6 considers some of the many challenges that have been made to a development-focused approach, showing how the main critiques can be addressed and bringing to bear further relevant research that supports the proposals. Section 7 takes stock of the challenges and the opportunities the empowerment model presents.

We need to rethink what constitutes effective and feasible solutions to large-scale refugee problems. Such analysis has an important bearing on the shape and content of our responsibilities in relation to refugees.

2. Dysfunction in the refugee system: ways to do better

Much of the existing ethics and political theory literature that deals with responsibilities to refugees focuses on individual state's obligations to offer refugees asylum at its borders and, especially, obligations to admit refugees for settlement or resettlement. However, this approach ignores the possibility that thoughtful joint action might present more effective and sustainable ways of discharging our obligations well. There are such ways, and the international agencies charged with refugee responsibilities should help to secure the international coordination needed to promote them.

Our current refugee system is broken in several ways. For instance, policy overseen by the United Nations Refugee Agency (United Nations High Commissioner for Refugees (UNHCR)) focuses on offering refugees safety in camps. However, most refugees are not in camps not least of all because life in the camps can be quite abysmal and the prospect of having to live in them for years, even decades, has little appeal. Over half of current refugees live in cities. In fact, when we consider how refugees actually navigate our current refugee protection arrangements, at the moment what the refugee system offers refugees is “long-term encampment, urban destitution, or perilous journeys”.⁸

The original refugee convention was set up to deal with threats that emerged from the Second World War and, in that context, persecution was an important factor

prompting people to leave their home states. While targeted persecution is still a real and important threat for some refugees, the vast majority of refugees are fleeing insecurity and violence in fragile states.⁹ Here I focus especially on cases in which a society has collapsed into mass violence not more isolated cases of bad things happening to a few people.¹⁰

The average period for refugee status is now almost twenty years.¹¹ For that length of time, emergency food and shelter are just some of what people need. Other needs are salient as well such as trying to enjoy some semblance of normal family life, education, autonomy, and community. Many want the capacity to earn a living to support themselves and their families. Needs for autonomy drive them to seek employment. Most refugees not only want to work but will also find ways – whether legal or illegal -- of doing this.¹² As we see in the case of Syria, many refugees avail themselves of the informal economies in adjacent states to seek work.

Facilitating opportunities for refugees to work legally is not only required to respond to refugees' expressed needs, but it is also essential if we consider how to make supporting refugees for two decades financially sustainable. Indeed, reviewing the Refugee Convention we notice that much of it focuses on socio-economic rights such as the right to work, so there has been a notable shift in thinking since 1951.¹³ Some of the consequences of denying refugees the right to work have been disastrous. The refugees themselves have often felt despair and a sense of alienation. Unused skills begin to get lost with detrimental consequences, including the prospects for successfully rebuilding post-conflict societies.

For Alexander Betts and Paul Collier, one of our duties is to try to help the displaced restore their lives as close as possible to pre-displacement normality, and so restoring the right to work should be a priority. When we consider that many

refugees stay in this state of limbo for decades, our failure to ensure they can work legally is a grave mistake. Denying refugees the right to work has important effects on refugees' sense of dignity, quality of life, and their ability to contribute to family and community wellbeing. In addition, we need to think about both current and future needs, not only of the refugees but also those in the societies that host them and those in societies they have fled. This wider perspective can get us to move away from seeing refugees exclusively as vulnerable victims rather than potential agents of positive change, as we emphasize development possibilities.

Most refugees remain in the region of the country they have fled and so to be useful that is where solutions should center. Usually the most urgent and large-scale needs are near the border with conflict and crisis zones. "And yet there is a mismatch in terms of attention and resources. We focus on the 10 percent who reach the developed world but neglect the nearly 90 per cent who stay in developing regions of the world".¹⁴

Solutions need to take seriously refugees' right to work. And we need better regional solutions that will help refugees build their capacities. To see how this could be done in alternative ways, we consider briefly two very different cases.

3. Two cases: Uganda and Jordan

3.1 Uganda

Uganda has a long history of hosting refugees and currently offers home to over 500 000 refugees. It is the third largest host country in Africa. The Ugandan approach rejects encampment and has allowed refugees the right to work. Refugees are allocated plots of land on which to grow crops for subsistence as well as exchange. It

also permits market activity, allowing refugees to start businesses or seek employment. Uganda provides a successful case study into what can happen when refugees are allowed to work. Large numbers of refugees are engaged in entrepreneurial activities such as running small shops. In Kampala approximately 21 per cent of refugees run businesses creating employment, with 40 percent of these jobs going to Ugandan citizens.¹⁵ Refugees are therefore creating employment for both refugees and host nationals.

In addition, because refugees are allowed to work, within the camps there are valuable opportunities for skills transfer and informal apprenticeships in the many businesses being run by refugees in areas as diverse as construction, commerce, and garment production. These opportunities provide young refugees the chance to gain the practical skills needed to make their aspirations for the future a reality.

3.2 Jordan

Most refugee-hosting countries do not allow refugees to work. Uganda may have some special circumstances that allow for a more generous stance, such as a surplus of arable land.¹⁶ Many host populations have legitimate fears that must be taken into account when deciding how to accommodate refugees. For instance, citizens are concerned about competition for jobs, falling wages, increasing prices of goods (such as housing), security, rising tensions, and so on. Like many countries around the world, the challenge for Jordan is how to address such host country citizens' concerns, while offering fair and empowering opportunities to refugees. Betts and Collier offer suggestions based on an approach to job creation that assures mutual gains.

Jordan has long aspired to transition to a manufacturing economy. So it needs geographically concentrated clusters to create the beneficial economies of scale such as in skilled labor or supply chains that firms seek. The displacement of large numbers of Syrians presents exactly such an opportunity. Many Syrian refugees are well educated and have relevant industrial skills. They also share a language with Jordanians.

On the zonal development model, displaced Syrians would be offered work in specially created economic zones, and they would also have access to education and training. Through financial incentives and trade concessions, the international community might encourage two types of operations in special economic zones. International firms might be required to employ Syrian refugees and Jordanian nationals in particular proportions. Syrian firms unable to operate in war-torn Syria might be allowed to employ refugees only. Because the zonal development model generates jobs that would not otherwise exist for Jordanians, such strategies are beneficial for Jordanian nationals, so they have good reason to welcome these newly created opportunities that help them achieve their industrial development goals.¹⁷

A key part of this model is that the preferred policies can also assist in contributing to post-conflict rebuilding in the societies from which refugees are fleeing. Businesses could expand or relocate and follow refugees back to Syria when the situation is secure. Preparing to rebuild Syria is an important aspect and will work to the benefit of many, including internally displaced people, in fact a much larger population than those who have crossed a border fleeing the Syrian civil war.

Several state and non-state actors have been working together to find appropriate solutions along these lines, and promising new kinds of partnerships have been emerging in attempting to integrate refugees into labour markets. On the Jordan Compact Deal negotiated by David Cameron in February 2016, Jordan would receive

around \$2 billion in assistance and investment and would need to permit up to 200 000 Syrians to work in Jordan. A central focus would be five new Special Economic Zones (SEZs) that would employ refugees who would work with Jordanians. The partners to this arrangement include the governments of Jordan and the United Kingdom, the World Bank (which offered loan-based finance), and the European Union, which agreed to allow trade concessions for some products (such as in the garment industry) exported from the Special Economic Zones. President Obama also supported the compact and he appealed to CEOs of major US corporations to bring jobs to refugees.

According to Betts and Collier, mutually beneficial relationships are developing and we can make important gains by working together. Europeans get to address the migration crisis, Jordan transitions to manufacturing along with managing the security crisis unfolding in its neighborhood, business gets new markets, refugees get work opportunities, and the international community benefits if Syria enjoys peace.

4. Lessons from Jordan and Uganda and the importance of preparing for post conflict recovery

As the cases of Uganda and Jordan show, different solutions might work well in different contexts. There is no one model that needs to be rolled out to apply to all cases. But what these two cases have in common is a shift in thinking of refugee issues in purely humanitarian terms to thinking about these issues in ways typically encompassed by a development approach, placing issues concerning employment and

education at the centre. They also both aim to create areas in which development can flourish in border locations.¹⁸

The cases of Uganda and Jordan show us that quite different approaches can succeed. On the model exemplified by Uganda the aim is integration. Refugees are put on a path to gaining full socio-economic and political rights, eventually on a par with citizens of host countries. By contrast, the Jordanian model creates separate geographical areas in which economic opportunities are made available on special terms. While different approaches may be best for different contexts, the common thread is that they aim to develop “people’s capacities through economic empowerment.”¹⁹

Another distinctive component of Betts and Colliers’ proposals is the focus on taking into account the post-conflict situation and aiming to incubate recovery. We need to join together post-conflict recovery policy with better policy on how to assist refugees effectively here and now. Once conflict ends, societies are fragile and there can be high risks of return to violence, as we see in many places around the world. Good policies can reduce post-conflict recovery risks and potentially even bring about peace more quickly. And by integrating policies for recovery and refuge, policies can provide an important sense of hope for refugees that normal life will return one day.²⁰

Much European coverage of the so-called refugee crisis has focused on Eurocentric concerns, such as how those who have made their way to Europe can be integrated and on how the European Commission should fairly apportion refugee-related burdens among EU states. But these are not the core issues for the vast majority of those who have been displaced by the conflict: the 6 million Syrians who are internally displaced and the 4 million who remain in the region in neighbouring

states. For these people, especially those who have not left Syria, their future will depend on how quickly Syria can restore economic and community life within Syria.²¹

“The 4 million in the neighbouring havens may decide to forge new lives in their host societies, those in Turkey learning a new language. But most refugees in neighbouring havens aspire to return once peace permits. Even some of those who have reached Europe may find that they prefer to return home rather than reinvent themselves as Europeans, or remain as Syrians-in-Europe while their children absorb a culture not their own”.²²

An important reason to consider how to improve prospects for post-conflict recovery is that this is what the vast majority of the displaced want.²³

Much needs to change to reduce post-conflict risks. There is only so much international actors can achieve to affect change in some of these areas. But in economic matters they can play an important role. Because reducing post-conflict risks is connected with how quickly the economy recovers, there is much the international community can do here. It is typically assumed that post-conflict reconstruction essentially involves physical reconstruction. In the case of civil wars, however, recovery is not so much about physical construction as organizational rebuilding. In particular, we need to restore government capacities in several areas. Creating organizational capacity primarily requires recruiting those with the right skills and motivation. Without key functions such as tax collection, law enforcement and regulation being performed competently, the state cannot operate well. Those needed to perform these functions require special training, especially tertiary education. And the international community can greatly assist here.

Encouraging participation by international firms can help facilitate the necessary changes that enable human, social, and organizational capital to flourish. International firms that set up in haven countries can also potentially expand to the country from which refugees hail. Once peace is restored, firms will have created a well-trained workforce many of whom will want to return.²⁴ This is not so wildly unrealistic because successful firms aim to expand. So operations can continue in the haven country while expansion is pursued in the post-conflict country.

There may need to be some public subsidy to attract sufficient firms to these haven countries. But the cost of such subsidy may well be worth it, given high costs that are often incurred with post-conflict stabilization.²⁵ Economic participation can also strengthen host societies and this can be valuable in itself since they might themselves be fragile. The international community can encourage, support, incentivize and subsidize such participation.

Betts and Collier offer a number of worthwhile ideas about programs we should consider. They note that many of the refugees from Syria, indeed the core group, are teenagers and young adults and this presents a good opportunity for international assistance in providing training needed for post-conflict recovery.²⁶ During conflict citizens lose skills and opportunities to add to their skill set.²⁷ This can be particularly worrisome in sectors likely to be needed in the recovery phase such as healthcare, civil service, education, and construction. Training the future workforce during refuge can help meet projected skill shortages.²⁸

Such policies deserve serious consideration, especially if we understand some of the Syrian context in particular. There has been a massive exodus of the more educated from Syria. This group has found leaving both more feasible and more rewarding than less-educated compatriots. The exodus from Syria has drained the

country of roughly half its university-educated population and about a quarter of those with secondary education. The scale of human capital loss as a result of conflict is probably unprecedented.²⁹ All of this is expected to significantly hamper post-conflict recovery.

Various policies might reverse this drain, for instance encouraging Syrian refugees in Europe to return to Syria once durable peace is restored. Policies that equip refugees with needed skills and encourage them to go back would help.³⁰

5. Rethinking Refugee Governance and Responsibilities

In section 2 I canvassed just some of the ways in which the institutions that are charged with the responsibilities to protect refugees are failing. Betts and Collier offer a new global governance architecture that better matches the times. Desirable features already discussed include how it offers scalable solutions that aim to protect refugees from a series of risks, both in their current phase and in the future.

Protecting refugees' abilities to secure their autonomy through work is an important ingredient.

5.1 Reimagining the relevant partnerships

Our current arrangements assume that solving refugee issues is largely a state and humanitarian matter. But in many areas, state-centric approaches have been superseded by strategies that involve members of civil society, economic actors, and collaborations between these and other agents.³¹ We need to rethink responsibilities at a number of levels and here I have space to mention only a couple concerning rethinking state responsibilities and those of non-state actors.

Sometimes non-state actors are better equipped to solve problems, especially when actions from business or civil society are required. Businesses are increasingly important. For instance, Ugandan social entrepreneurs have developed innovative products such as sustainable hygiene products made out of papyrus leaves.³² The factory employs refugees exclusively and the products are sold to UNHCR to distribute to refugees in settlements, fostering jobs and further opportunities.³³

Another key message is that refugee governance needs to adopt a more localization agenda in which it engages with local actors and forms partnerships with those that are efficiently assisting refugees in particular circumstances. The example of the sustainable enterprise that works in a particular context where papyrus leaves are abundant, is such a case. So business and civil society actors have roles to play, as a complement to, not a substitute for, state action.

5.2 Route out of limbo

A legitimate refugee regime must provide a route out of limbo: we cannot reasonably expect anyone to live in a state of uncertainty indefinitely. The basic idea is that after having been a refugee for some years, refugees' situations must be assessed so they can have more certainty about their future. The assessment point would probably be between 5 and 10 years. While any date may be arbitrary to some extent, having a clearly signaled rule also has benefits in clarifying expectations. At that point an independent body would make a determination about prospects for repatriation. Those for whom it is judged there is no credible prospect of repatriation in the foreseeable future, should be offered a pathway to formal resettlement either in their haven country or another. So while there is still some scope for resettlement in Betts and Collier's proposals, for most displaced people it should come at the end of a

process in which the focus is on restoring autonomy, building capacity, and finding local solutions for the vast majority who stay -- and want to stay -- in the region, that is, presenting refugees with more genuine opportunities that they themselves would like to see made available.

5.3 Other institutional changes are needed

We need to manage influxes of people better so that they do not unnecessarily endanger lives. So, for instance, moving EU reception or processing areas to EU embassies already present in host countries or countries of origin would reduce the dangers to people who currently have to undertake risky journeys to access these. We also need to rethink the expertise UNHCR needs. Currently it is focused on offering legal guidance and humanitarian operational matters, primarily distributing humanitarian aid in refugee camps. While not unimportant, today other expertise is essential as well, such as in development economics and politics. UNHCR should share responsibility for refugees with other official agencies, but also be free to cooperate with NGOs, businesses, civil-society organizations, and of course refugees themselves.³⁴

6. Some key challenges to a development-focused approach

While I believe Betts and Colliers' approach has much to offer in providing fresh ideas concerning responsibilities in relation to refugees, their work has attracted considerable criticism. In this section I have two main tasks. My first central objective is to show that there is much independent evidence in support of core aspects of the approach. For instance, looking at current trends and literature in

refugee studies, we see a notable shift in favour of support for refugees' having labour market access. The second main task is to examine the most challenging criticisms of Betts and Collier's proposals in efforts to evaluate whether the central approach should be abandoned in favour of alternatives. My overall assessment is that many of the criticisms miss the central points that are being highlighted and the main criticisms can be addressed.

6.1 Independent evidence and current trends

Is there any independent evidence in support of development-oriented proposals?

There is quite a rich body of literature that can be brought to bear. There is growing awareness that we need to connect refugee studies with work on development, conflict and peace studies.³⁵ In addition, much evidence suggests that allowing refugees to have formal labor market access can greatly assist in improved well-being, self-reliance and positive relations with local populations.³⁶ There is also a large amount of evidence that denying labour market access is a huge driver of refugee exploitation and deprivation.³⁷ Also noteworthy is growing appreciation among international policy makers and organizations that they should be facilitating the livelihoods of forced migrants by supporting rights to work.³⁸

A dominant reason offered for why refugees are denied access to formal employment is the largely mistaken belief that refugees *must inevitably* reduce wages, compete with host citizens for jobs and undermine the quality of services. However, none of these feared effects are inevitable and everything depends on the policy choices that surround how access to labour markets proceeds along with other associated policies. Under the right complementary policy conditions, refugees can help raise incomes and employment rates for natives, contribute to net positive fiscal

effects, and generally contribute to more efficient, innovative and productive economies.³⁹ For all of this to work well, robust support systems should be in place so that potential costs do not accumulate, especially costs for local workers, which can be counter-productive if these trigger political backlash. So there needs to be well-funded arrangements to assist any host citizens in adjusting to changes associated with granting refugees formal labour market access, by supporting job retraining programs, facilitating occupational upgrading, and the like.⁴⁰ Complementary policies aimed at mitigating costs, especially for local workers, are critical.⁴¹ The right policies can also amplify benefits.

There is also recognition that an inclusive approach that supports the livelihoods of both refugees and host populations is a good approach in many circumstances.⁴² Not only does this create goodwill among host populations (counteracting host population fears and hostilities), but host governments are more likely to view programs as desirable and support them in such cases. In addition, bringing refugees and host citizens together in an environment that fosters learning, such as vocational training or business services development, can create further benefits. These include the creation of valuable networks, potential partnerships, and generally building social capital with the host community, thereby reducing tensions as refugees are seen to be “bringing resources (in the form of programmes) and because working/learning together is good for social relations”.⁴³

Here I have space to discuss only some of the interesting research available in support of these claims. I start with a clear recent example of just how giving refugees formal labour market access to start or grow businesses has resulted in substantial benefits to host countries. Turkey allows refugees to formally own businesses. Between 2011 and 2017, Syrian refugees “started a total of 6033 formal

companies ... employing 9.4 people on average – a total of 56 710 people, most of whom were hosts.”⁴⁴ Being part of the formal economy, refugees were not only able to increase their incomes but they also paid more taxes.

Developing countries host 85% of the world’s refugees and, more recently, in these countries, governments, donors, and private sector actors have been including refugees in labour markets in innovative ways.⁴⁵ Multinational corporations are one of the important partners in such endeavours, given their capacity to hire and help influence policy.⁴⁶ Economic activity and MNCs tend to cluster in urban areas, where 60% of working age refugees are also located. In most developing countries refugees are not legally allowed to work and yet many refugees do in fact work, rendering them more vulnerable to exploitation and deportation. Removing restrictions on working would considerably increase their economic opportunities and, as examples such as Turkey illustrate, if well managed, can yield significant gains for host countries.⁴⁷

Amongst other initiatives that are driven by the same grounding idea of creating mutually advantageous solutions for refugees and host populations, the work of *Talent Beyond Boundaries* is perhaps particularly notable.⁴⁸ The mission of this organization is to connect refugees with international job opportunities, in efforts to facilitate labor mobility as a complementary solution to other options currently open to refugees. As stated on the website: “War and conflict have forced millions of skilled people to find refuge in places where they are unable to work legally. *Talent Beyond Boundaries* is working to connect this often excluded talent pool with employers around the world who are searching for skilled workers. The pathways that *Talent Beyond Boundaries* is establishing allow refugees to find stability and employers to gain new talent, while reducing the number of dependents on aid”.⁴⁹

There is growing momentum around granting refugees more formal labour market access and associated rights. In 2016 UN Member States unanimously adopted the New York Declaration for Migrants and Refugees, which encourages governments to open their labour markets to refugees.⁵⁰ In this context there is increased interest in understanding what kinds of policies can harness the positive economic, fiscal and other benefits of allowing labor market access while minimizing any negative effects that such access might create. And there is increasing research on these topics.⁵¹ So, all in all, there is considerable movement in the direction of looking at making more employment opportunities available to refugees, as one important way to help address the plight of refugees. The next four sub-sections (6.2-6.5) address the dominant critiques.

6.2 Can global capitalism, in the form of Special Economic Zones, come to the rescue?

Heaven Crawley offers one of the most robust lines of criticism of the project and her arguments are representative of the strongest kinds of criticisms in the literature.⁵² She believes that the analysis largely omits “or misrepresents the role of international politics, foreign policy, the arms trade or outside military intervention”.⁵³ However, she focuses on what she takes to be the novel idea which is that “global capitalism can come to the rescue of the refugee system through the creation of special economic zones”.⁵⁴ And she goes on to express skepticism that this solution will work well for all refugee populations such as in Pakistan, Iran or Chad. Now, to be clear, the idea of creating special economic zones (SEZs) is just one example of the kind of development-oriented approach that it is worth exploring. Like Crawley, many critics focus on SEZs as the main solution on offer, missing the more general

development-centered approach, and taking the example to constitute the main solution to be advocated as a solution to all refugee problems in all places. This is explicitly not what is being proposed. Indeed, it is easy to criticize the view if it is taken to be a “one size fits all” approach to all refugee problems. In this matter I believe many critics have simply misread the work in setting up SEZs as the main solution, rather than one illustrative example. And like other critics, she says that “what is needed is the political will to address the drivers of refugee flows across policy areas: conflict, development, foreign policy and trade. Academic energies should be directed towards working out how to engage politicians and policymakers in looking for a long-term holistic approach that builds a better refugee system rather than a quick fix of the type proposed in *Refuge*”.⁵⁵ Labeling the approach as “a quick fix” seems odd, since none of what is explored in *Refuge* suggests solutions will be quick, easy, or magically fix every refugee problem. Rather, the main point is that these alternative approaches are worth serious consideration. Furthermore, her substantive constructive suggestions are all consistent with Betts and Colliers’ approach. Indeed, they make many of the same kinds of suggestions in their book.

In several discussions in which they engage with critics, Alexander Betts in particular presents the central driving idea as an approach that encourages bottom-up innovation driven by refugees.⁵⁶ This approach will, of necessity, be context-specific; local partners and particular refugee populations come up with solutions that work given specific circumstances. Betts underscores the need to make policy space for such refugee-driven innovation. He also emphasizes the ways in which the approach facilitates empowerment, especially through economic empowerment. The international refugee system needs to allow for such local solutions, but it also has a role to play in working with and on the policy and political constraints. Like critics,

Betts recognizes that SEZs have a mixed record and they can introduce unwelcome distortions. Indeed, again, they address these issues in their book, so they are not unaware of many of the issues raised by critics.⁵⁷

6.3 Would these approaches render refugees more vulnerable to exploitation?

Special economic zones have a bad reputation as sites of considerable exploitation. And so critics have been skeptical that they are a great option for refugees.⁵⁸ Would we be exploiting some of the world's most vulnerable people by developing such zones? I do not necessarily think so and there are plenty of measures that can be adopted to ensure that reasonable labor standards operate in them. With enough support from the international community and adequate monitoring, labor practices which include basic agreements on minimum wages and conditions could be in reach. As long as these zones extend the range of options open to refugees currently and do not involve forced labor (i.e. labor undertaken against laborers' will under threat of punishment), I think the approach of focusing on beneficial development and building resilient post-conflict societies, through work, training, and skill acquisition, can constitute an improvement over the status quo for at least some of the refugees currently facing an extremely constrained option set and who would welcome more opportunities to participate legally in labor markets.

We must ensure the option to work is voluntary and employment must be regulated to ensure it meets basic standards. International oversight at the organizational level coupled with media scrutiny can significantly reduce the risks of abuse. In fact the status quo permits greater opportunities for exploitation as refugees work illegally or informally without legal protections. The literature on current forms of exploitation for those denied legal rights to work is vast.⁵⁹

6.4 The Jordan Compact was not perfect

Critics argue that the Jordan Compact was not the success it was predicted to be, in particular, it aimed to provide employment to more people than it was, in fact, able to deliver.⁶⁰ In response to these charges of implementation failures, we might note some key reasons involve remedial issues, such as a lack of public transport to and from the refugee camps. Ensuring adequate local transport is available is an entirely fixable issue and may well be another source of job opportunities. Despite some failures, there were also noteworthy successes. For instance, the compact managed to secure the right to work for refugees in Jordan.⁶¹ It also led to the allocation of about 100 000 refugee work permits, thereby extending labour right protections to those vulnerable to exploitation. It allowed Syrian businesses to operate and create jobs for Jordanians. And it created opportunities from which to learn, for instance, Ethiopia is trialing an improved version of the model.

6.5 The proposals aim to keep refugees far, far away.

There has been much skepticism about the motivations of the authors in putting forward their proposals. On one common line, the charge is that the motivation for proposing ideas about local economic inclusion stems from a desire to reduce onward migration to high-income countries.⁶² But this uncharitable interpretation of the project misses some key facts. About 85% of refugees stay in low and middle-income countries, so it makes sense for us to focus our assistance in places where the refugees actually are. In preceding discussion I have also highlighted further facts not taken into account with this criticism such as that refugees mostly prefer to stay in the region if they can. Furthermore, the ones who migrate onwards are frequently

not the most vulnerable and in greatest need of our assistance. In addition, post-conflict recovery for countries of origin is better assured if we focus on how to create citizens able to assist recovery and focusing on those who choose to stay in the region is part of that effort. In general, we might also note that we can help more people more effectively in countries more similar in terms of GDP per capita and culture.

7. Taking Stock: Important Qualifications and Opportunities

After noting a few important qualifications and neglected features, in this section I highlight some limitations, but also the significant advantages, of a development-oriented approach. All things considered, and following some new trends in refugees studies, I believe there is a strong case that a development-oriented approach deserves serious consideration when trying to understand the nature of our responsibilities to refugees and the option set we should make available to those suffering from forced migrations.

Does the approach prevent people migrating? There are alternative avenues open to those who wish to migrate, for instance through pursuing labor migration and family reunification options that may be available to them. Such channels should be available through embassies in the haven countries. But the needs of refugees, such as refuge and autonomy, can be met in ways that do not involve migration as the default. We have failed to provide refugees some of the options they would most like to be available.

The work-based solutions will not work for everyone such as young parents who must take care of infants, the old and more disabled. There is still an important role for humanitarian responses. To be sure, some will need to relocate far away

from countries of origin rather urgently. For instance, some with complicated medical needs that cannot easily be accommodated in bordering spaces, will need to move to appropriate care straight away. Similarly, some refugees may still be in significant danger while in nearby locations, for instance, they may continue to be genuine targets of persecution and alternative arrangements might well be more appropriate for them.

Once peace is restored, some may not want to go back to countries they have fled, or not be able to do so, given continued threats to their safety. For those where threats to safety are ongoing, options to remain in the haven country or resettlement options should be available. And these can be offered also to those who simply do not wish to go back. But this would still be a much smaller number of people than those currently in limbo waiting for resettlement as their only viable long-term solution. Again, I should emphasize that creating these other options would better match what refugees repeatedly express an interest in having secured.

While the prescriptions may not work for everyone, what they do offer is a huge improvement over current arrangements for the vast majority of currently displaced people, especially in providing more of the options displaced people value. There are further compelling features of the proposed strategies that are worth emphasizing. The proposals accommodate many salient needs, both the current and longer-term needs of the refugees, and also those of displaced populations. Needs for autonomy, as facilitated by work opportunities, are strong for many people. Needs to stay close to family, friends and communities in the region are also widely shared. Those who are forced to flee often do not wish to go far away, when closer, attractive options present themselves. In addition, the proposals usefully take account of the challenges and opportunities for many home and host society citizens. Involving a

more appropriate range of actors in working towards sustainable and effective solutions for refugees is also commendable. There are plenty of non-state actors that can and should play a role and the focus on state-based solutions needs to change. The analysis also usefully shows the organizational changes required to reform refugee arrangements so they can better provide good support. And they aim to protect a wide range of agents who are affected by the situation for the duration of risk. In short, what is required is not solely a humanitarian response but rather we need to complement our efforts with a development response, especially one aimed at bringing about resilient post-conflict societies.

As this analysis shows, the shape and content of our duties to large-scale refugee populations needs to be rethought. Assuming that we have located at least one kind of under-discussed set of options that promote empowerment, we should be supporting more beneficial policies including (where appropriate in particular circumstances) supporting and subsidizing enterprises that generate jobs, ensuring favourable trading arrangements are available (such as tariff-free access to high-income country markets), supporting policy conducive to stabilizing post-conflict societies, such as assisting with education and training, and, of course, playing our part in any resettlement programs that are still needed to supplement the programs focusing on development and post-conflict recovery.

We can also appreciate why many of the solutions that have been the focus of attention are not necessarily wonderful solutions for all those who are affected, at least not unless they are supplemented with policies that offset the disadvantages they also create, including for refugees and those left behind. So, for instance, resettlement in Germany may work well for the refugees and Germans who benefit from new citizens, but there can be an enormous net loss for those left behind in

Syria that makes Syrians in Syria much worse off and considerably hampers their future well-being. This kind of analysis shows that unless we adopt something like a developmental approach, our current policies may just be setting us up for more human tragedy in the future.

One final noteworthy positive feature of this approach I raise here is that it puts front and center what constitutes effective and feasible solutions to the deep problems surrounding refugee crises. Once we have that more firmly in view, it also gives us a much better model for what can be achieved if many key agents work together. This gives us a clearer vision that can inform discussion of our refugee-related responsibilities, so that we can indeed help them, and those close to them, in ways that are likely to be more effective than our current, limited option-set. Considering effective and feasible solutions highlights some of the key agents and focal points for action that should be part of any normative account of what we ought to do for the millions of displaced people around the world, providing a better grounding for discussing the shape of our responsibilities to refugees.

Notes

¹ See, for instance, David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), Alex Betts, *Survival Migration* (Ithaca: Cornell University Press, 2013), Andrew Shacknove, “Who is a refugee?” *Ethics* 95, 1995, 274-284; and Mathew Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge: Cambridge University Press, 2004). According to the 1951 Refugee Convention a refugee is someone outside her country of citizenship facing reasonable fears about persecution because of race, nationality, religion, political opinions, or memberships of particular social groups. Several theorists (such as David Owen, Alex Betts, and Matthew Gibney) have provided more inclusive accounts of who should count as a refugee. These scholars tend to identify the core of being a refugee as the urgent need for protection, rather than focusing on the reasons why this is the case. On such accounts, a refugee

is someone who needs protection from another state because the state in which they usually reside is either unable or unwilling to protect the fundamental human rights or interests of its citizens. I generally endorse this kind of more expansive account. However, within the category of refugees, those fleeing violent conflict qualify as in especially urgent need of protection. Here I focus my attention on this large group, which would include cases such as has arisen from the protracted civil war in Syria, though some of the solutions discussed also apply to economic migrants and others who fit the broader definition.

2 There is a vast literature on all of these issues. Some excellent accounts include Joseph Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013); Sarah Fine and Lea Ypi (eds.), *Migration in Political Theory* (Oxford: Oxford University Press, 2016); Gibney, *The Ethics and Politics of Asylum*; Matthew Gibney, “Refugees and justice between states” *European Journal of Political Theory*, 14, 2015, 448-463; David Miller, *Strangers in our Midst: The Political Philosophy of Immigration* (Boston: Harvard University Press, 2016); David Owen, “In Loco Civitatis: On the Normative Basis of the Institution of Refugeehood and Responsibilities for Refugees” in Sarah Fine and Lea Ypi (eds.) *Migration in Political Theory* (Oxford: Oxford University Press, 2016), pp. 269-289; Christopher Heath Wellman and Phillip Cole, *Debating the Ethics of Immigration: Is There a Right to Exclude?* (New York: Oxford University Press, 2011).

3 Alexander Betts and Paul Collier, *Refuge: Transforming a Broken Refugee System*, (Allen Lane, 2017), p. 127.

4 “Addressing the Refugee Crisis in Europe” paper presented at the American Philosophical Association, Pacific Division, Seattle, April 2017.

5 Betts and Collier, *Refuge*.

6 UNHCR website accessed at 6 November, 2018, available here: <http://www.unhcr.org/news/stories/2018/6/5b222c494/forced-displacement-record-685-million.html>

7 Perhaps some readers may be curious about my underlying normative positions, to understand how these proposals might fit with such commitments. This is a project extensively explored elsewhere [Gillian Brock, *Justice for People on the Move: Migration in Challenging Times*, book manuscript in preparation.] Here I have space to note only some key features. The orienting approach is one that emerges from examining the normative assumptions underlying the state system. Today we live in states that assume they have certain rights, such as rights to self-determination, and that agents of the state may act in certain ways that privilege the interests of their citizens. Our current arrangements may seem natural to us, perhaps the way things have always been. But they have not always been this way and they might change in the future. What justification can be offered for the assumed default position (by which I mean a cluster of widely accepted arrangements including states’ rights to self-determination, which include reasonably strong rights to control borders, within a state system)?

In seeking a compelling justification we discover that in order for states to have robust rights to self-determination within a state system, they also have many responsibilities. While there is much talk about the rights of states to self-determination in migration justice discussions, when we understand how the justification for this right must go for it to be defensible, the argument also generates strong obligations as well. States have responsibilities to promote conditions which support self-determining, just communities. Recognition of such responsibilities must be part of the justification for any candidate compelling argument for the right to self-determination to have force. Importantly, a state's ability to exercise power legitimately depends on its respecting human rights adequately and co-operating in a host of trans-border activities, programs, and institutions that have as their aim securing good governance arrangements capable of reasonably effective human rights protection. So, as I develop these ideas, there are important human rights standards that constrain legitimate states' abilities to act. In addition, there are important contribution requirements legitimate states must meet in order to exercise power legitimately. Performance on both these dimensions and adequate contingency arrangements for dealing with significant shortfalls, are relevant in judging whether we have a legitimate state system.

For the state system to be normatively compelling, it must have some corrective mechanisms for those occasions when a huge gap opens up between the grounds for endorsing the state system and the reality. The case of refugees is an excellent example of such an enormous gap. In many cases of large refugee flows, some states are not doing what they ought to secure basic human rights. The state system has failed them. It therefore falls on the international community to ensure there are arrangements in place capable of correcting for the most egregious failures. We all have responsibilities to support such measures for a number of reasons, including that without such action the state system loses legitimacy and the legitimacy of our own state in exercising self-determination rights can be called into question. The arrangements we have a duty to support must track the evidence concerning what would be effective in securing basic human rights, especially those of refugees. As I argue in this chapter, supporting measures that show good prospects for hastening the onset of robust peace, equipping citizens for post-conflict societies and helping to secure human rights, are good ways to discharge these responsibilities. Clearly, all the core ideas in these arguments need much further discussion, which I undertake in *Justice for People on the Move*. For instance, respect for human rights plays a key role in these arguments. I consider which human rights play this important role. I also discuss four central scaffolds that are important for understanding justice. Enabling people to meet needs is one of those scaffolds. The needs particularly relevant in the case of refugees are those for autonomy, community, and security. For the purposes of this brief overview of my normative commitments, however, all the salient needs map on to core human rights that we anyhow have important responsibilities to respect.

8 Ibid., p. 9

9 Ibid., p. 9.

10 Ibid., p. 17.

11 Ibid., p. 77.

12 Ibid., p. 10

13 Ibid., p. 156.

14 Ibid., p. 127.

15 Ibid., p. 165.

16 Also it is a one party state so government officials do not need to worry about re-elections.

17 It is notable that prominent businesses such as Ikea and Hewlett-Packard are already contributing supplies and service to refugee agencies, and supporting the kinds of development-oriented strategies discussed here. There is also some important precedent for such policies, for instance, Greece in the 1920s and Central America at the end of the cold war. Betts and Collier, “Help Refugees Help Themselves: Let Displaced Syrians Join the Labor Market”, *Foreign Affairs*, September 11, 2015, p. 4.

18 Other precedents for development-oriented strategies being pursued in border locations can be found in Thailand (for Burmese refugees) and also in the Philippines. (Betts and Collier, *Refuge*, p. 179.)

19 Ibid., p. 234.

20 Ibid., p.182.

21 Ibid., p. 183.

22 Ibid., p. 183.

23 Ibid., p. 184.

24 Ibid., p. 189

25 Betts and Collier observe that “the cost of temporarily subsidizing new jobs in firms coming to post-conflict economies is modest compared with the vast and often failed expenditures on stabilization that have been conventional. The attempt to stabilize Afghanistan is estimated to have cost American taxpayers \$3tn to date. What, on standard policies, is going to be the bill for post-conflict Syria? And if stabilization policies fail, what would be the cost of a reversion to regional conflict? Linking refuge to incubation does not have to be free to be a bargain” *Refuge*, p. 190.

26 Ibid., p. 194.

27 Ibid., p. 195.

28 Ibid., p. 195. In Betts and Collier’s view, refugees who get internationally-supported opportunities will have a matching obligation to countries of origin if peace returns within a certain period.

29 Ibid., p. 199.

30 Indeed, in their view, “the uncomfortable reality is that the German government has systematically denuded a poor country of the capacity it will need in order to rebuild” (ibid, p. 200).

31 Ibid., p. 214.

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- 32 Ibid., pp. 214-215.
- 33 Ibid., p. 216.
- 34 They characterize their approach as one of focusing on pragmatic local operational changes rather than trying to gain acceptance of abstract principles. Pragmatic starting points can often yield transformative solutions.
- 35 Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona “Introduction: Refugee and Forced Migration Studies in Transition”. In Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford: Oxford University Press, 2014, 2014), e.g. pp. 17-18.
- 36 See, for instance, Michael Clemens, Cindy Huang and Jimmy Graham, *The Economic and Fiscal Effects of Granting Refugees Formal Labor Market Access* (Washington, D.C.: Center for Global Development, October 2018); and Michael Clemens, Cindy Huang, Jimmy Graham J, and K. Gough *Migration is What You Make it: Seven Policy Decisions that Turned Challenges into Opportunities* (Washington, D.C.: Center for Global Development, 2018).
- 37 Karen Jacobsen, “Livelihoods and Forced Migration”. In Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford: Oxford University Press, 2014), pp. 99-110.
- 38 Ibid.
- 39 Clemens, Huang, Graham and Gough, *Migration is What You Make it*.
- 40 Michael, Huang and Graham, *The Economic and Fiscal Effects of Granting Refugees Formal Labor Market Access*, p. 8.
- 41 Clemens, Huang and Graham, *The Economic and Fiscal Effects of Granting Refugees Formal Labor Market Access*, p. 8.
- 42 Karen Jacobsen, “Can refugees benefit the state? Refugee resources and African statebuilding,” *Journal of Modern African Studies*, 40 (4), 2002, 577-596.
- 43 Karen Jacobsen, “Livelihoods and Forced Migration”. In Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (eds.), *The Oxford Handbook of Refugee and Forced Migration Studies* (Oxford: Oxford University Press, 2014), pp. 99-110, p. 12.
- 44 Ibid, p. 19. See also S. Ucak, J. Holt, and K. Raman, *Another Side to the Story: A Market Assessment of Syrian SMEs in Turkey* (New York, New York: Building Markets, 2017).
- 45 C. Huang, S. Charles, L. Post, K. Gough, *Tackling the Realities of Protracted Displacement: Case Studies on What’s Working and Where We Can Do Better* (Washington, D.C.: The Center for Global Development and the International Rescue Committee, 2018); C. Huang, *Global Business and Refugee Crises: A Framework for Sustainable Engagement*. The Tent Foundation and the Center for Global Development, 2017.
- 46 Cindy Huang and Jimmy Graham, “Are Refugees Located Near Urban Job Opportunities?” Center for Global Development, *Policy Brief*, June 18, 2018.

47 Huang and Graham, “Are Refugees Located Near Urban Job Opportunities?”.
48 See <https://talentbeyondboundaries.org/>
49 See <https://talentbeyondboundaries.org/>. Other initiatives that are worth further
discussion include the skills partnership program advocated by Michael
Clemens. See for instance, “Global Skill Partnerships: a proposal for technical
training in a mobile world”, *IZA Journal of Labor Policy*, 4 (2), 2015, 1-18.
50 New York Declaration. Retrieved from
<https://refugeesmigrants.un.org/declaration>.
51 For a rich survey of some of this research see for instance Clemens, Huang and
Graham, *The Economic and Fiscal Effects of Granting Refugees Formal Labor
Market Access*; Jacobsen, “Livelihoods and Forced Migration”.
52 In my view, there is plenty of criticism in the literature that simply misstates the
project and focuses on a target based on misreading of the work. Examples of
this kind include criticisms by Behzad Yaghmanian, “How Not to Fix the
Refugee Crisis – A Response to ‘Refuge’”, *Refugees Deeply*, 20 April 2017,
available at:
[https://www.newsdeeply.com/refugees/community/2017/04/20/how-not-to-fix-
the-refugee-crisis-a-response-to-refuge](https://www.newsdeeply.com/refugees/community/2017/04/20/how-not-to-fix-the-refugee-crisis-a-response-to-refuge), last accessed 6 November, 2018.
See also Tom Newby, “Refuge: Transforming a broken refugee system – but
into what?” *Care Insights*, Development Blog, 30 May 2017, available here:
<https://insights.careinternational.org.uk/development-blog?start=98>
Last accessed 6 November, 2018.
53 Heaven Crawley, “Migration: Refugee Economics”, *Nature* 544, 26-27, 6 April
2017, accessed 18 June, 2018, p. 2.
54 Crawley, “Migration”, p. 3.
55 Crawley, “Migration”, p. 5.
56 For a very informative exchange see, for instance, “Are jobs the answer?”
available at: <https://www.odi.org/events/4467-refugees-are-jobs-answer>.
ODI website last accessed 06 November 2018.
57 A classic example is the issue of exploitation, which I consider further in
Section 6.3.
58 For a few examples see Behzad Yaghmanian, “How Not to Fix the Refugee
Crisis – A Response to ‘Refuge’”, *Refugees Deeply*, 20 April 2017, available
at: [https://www.newsdeeply.com/refugees/community/2017/04/20/how-not-to-
fix-the-refugee-crisis-a-response-to-refuge](https://www.newsdeeply.com/refugees/community/2017/04/20/how-not-to-fix-the-refugee-crisis-a-response-to-refuge), last accessed 6 November, 2018.
Also
Daniel Trilling, “Should we build a wall around North Wales?” *London Review
of Books*, 39 (14) 13 July 2017, 15-18.
59 For a good summary see Karen Jacobsen, “Livelihoods and Forced Migration”.
In Elena Fiddian-Qasmiyeh, Gil Loescher, Katy Long, and Nando Sigona (ed.),
The Oxford Handbook of Refugee and Forced Migration Studies (Oxford:
Oxford University Press, 2014), 99-110.
60 For some of these charges see Heaven Crawley at “Are jobs the answer?”
available at: <https://www.odi.org/events/4467-refugees-are-jobs-answer>;

Also Tom Newby, “Refuge: Transforming a broken refugee system – but into what?” *Care Insights*, Development Blog, 30 May 2017, available here: <https://insights.careinternational.org.uk/development-blog?start=98>

Last accessed 6 November, 2018.

⁶¹ Alexander Betts, personal communication.

⁶² Daniel Trilling, “Should we build a wall around North Wales?” *London Review of Books*, 39 (14) 13 July 2017, 15-18.