Home alone?

A review of the relationship between repatriation, mobility and durable solutions for refugees

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1. Introduction

1. This report argues that there is a need for a paradigmatic shift in international approaches to durable solutions for refugees. Human mobility should be fully integrated into the durable solutions framework. Such a change would recognize the value human mobility can add to the economic, social, political and cultural life of both the individual and wider communities affected by displacement.

2. In particular, there is an urgent need to revise practices and understandings of repatriation, so that this durable solution is no longer understood to be incompatible with continued use of mobile and migratory livelihood strategies. Repatriation should be firmly conceptualized as a political act, involving the remaking of citizenship and consequent re-accessing of rights through reavailment of national protection in the country of action.

3. Repatriation may often — but need not always — involve physical return. Especially in fragile post-conflict states with inadequate capacity to meet their citizens' basic social and economic needs, physical return may actually harm reconstruction efforts by exacerbating state fragility, even as refugees' political repatriation is a necessary condition for recovery and state-strengthening.

4. While it may at first appear counter-intuitive to connect the idea of repatriation to refugees' continued movement, splitting citizenship from residency would open up new space within the durable solutions framework to build more flexible and more resilient solutions. Such a development within the UNHCR's policies on repatriation would also help to combat the continued insistence of some states on the notion of repatriation as a return "home": an aspiration which has been heavily and repeatedly critiqued by a number of forced migration researchers (Warner (1994); Malkki (1995); Hammond (2004)).

5. This paper is divided into two parts. The first part — on repatriation deconstructed — considers the flaws in current practices and understandings of refugee repatriation and post-conflict reconstruction, as well as the value, scope and limits of the protection that incorporating mobility into repatriation can provide.

6. The second part of the paper — on repatriation reconstructed — outlines a possible framework for integrating migratory strategies into understandings of repatriation and reconstruction. The paper concludes by scoping out a possible role for UNHCR in facilitating the incorporation of mobility into repatriation and makes a number of recommendations about how this could be accomplished.

7. This paper follows one published in October 2009, entitled 'Extending Protection? Labour Migration and Durable Solutions for Refugees' (Long (2009a)) which considers the possible contribution of labour migration to durable solutions in broad conceptual terms. This current paper — with its particular focus of the role of mobility in repatriation — should be read together with the first more general paper.

8.   It should also be recognized from the outset that many of the ideas discussed in this paper are not entirely new. Many leading migration researchers — in particular van Hear, Stepputat and Nyberg-Sorensen — have long suggested that the role of transnational mobility in providing de facto solutions for forced migrants should be better recognized as providing a basis for 'enduring solutions' to displacement (Van Hear (2003); Koser and van Hear (2003); Nyberg-Sorensen (2004); Adepoju et al. (2007); Stepputat (2004)).

9.   There has also been a considerable amount of research and policy work undertaken on the links between migration and development. This paper draws on the findings of research which details the potential economic, social, political and cultural contributions mobility may bring to both migrants and their communities of origin (e.g. Nyberg-Soernsen et al., Ratha (2003)). It is only more recently, however, that forced migrants' role in country of origin development has been the subject of specific study (Fagen (2006); Lindley (2007, 2009); Omata (2009)).

10.   This paper underlines the potential value of mobility to the international refugee protection regime. Mobility in durable solutions is not merely an expedient means of ensuring access to sustainable livelihoods post-return, but is also a key right in itself that should guide the development of all future durable solutions frameworks.

11.   The paper acknowledges the political obstacles likely to impede such a change in approach, but also suggests how such resistance from states might begin to be countered. Most crucially, the paper aims to move beyond forced migration research agendas — where the value of protection mobility is already broadly recognized — to consider how mobility might be practically incorporated into refugee return policies.

12.   It should be noted that the concepts and models of repatriation outlined in this paper relate only to refugees and other persons of concern to the UNHCR. Embracing mobility as a transnational solution for refugees and other persons of concern clearly touches on issues related to broader migration questions, including the status of so-called "irregular" migrants and the value of freedom of movement as a universally-accessible human right, particularly in an age of globalization and mass economic inequality.

13.   However, except where these questions are explicitly relevant to the issues surrounding refugees' access to sustainable durable solutions and the effect this is likely to have on reconstruction efforts, they are not directly addressed in the analysis which follows.

2. Repatriation deconstructed

14.   Refugee repatriation, at its most basic, has been traditionally equated with the physical return of refugees to their country of origin. This is the "popular" understanding of repatriation - a "return home" from exile. It is an interpretation that states have been keen to endorse: a refugee's return to a non-political "home" represents a restoration of 'the national order of things' (Malkki (1995)).

15.   Physical return removes the international dimension of the refugee crisis, reducing states' international obligations and increasing inter-regional stability, while also reducing the threat of xenophobic domestic political tensions in host states. In this sense, it is the physical movement of refugee populations that "solves" the international community's geopolitical refugee "problem", as well as any domestic refugee "problem" in host communities.

16.   Yet refugee repatriation can not be equated with mere movement or simple return. Repatriation involves the re-linking of a refugee to forms of national protection, symbolised through their physical return to their country of origin. A refugee is recognized to have need of international protection not because they are merely displaced, from their country of origin, but because of the inability — or active unwillingness — of their own national state to provide protection of their fundamental human rights.

17.   Repatriation — as a "solution" to refugee status — must therefore involve the restoration of these fundamental rights. Given current forms of international political organisation that provide for the distribution of universal human rights through national citizenship, the protection which needs to be restored should be understood to include a broad range of political, social and civil rights that collectively amount to a meaningful citizenship. In this sense, repatriation can be understood the restoration of a refugees' 'right to have rights' through the restoration of citizenship (Arendt (1967 (2nd Edn.): 267).

18.   Repatriation, then, is not just return. It is a political process, involving the remaking of political community in order that refugees' rights — political, social, economic and cultural — are restored in an effective and meaningful manner. Understanding the key to repatriation to be a return to citizenship — rather than a return to physical territory — opens up the possibility of disassociating repatriation from return, by splitting the rights and resources attached to citizenship and those attached to residency.

19.   This in turn opens up the possibility of connecting mobility to understandings of "repatriation". Embracing a 'complementarity of solutions' allows for the restoration of national citizenship through repatriation and allows for an adequate response to socio-economic needs that may in fact be best met through migration and mobility (Guterres (2008): 3).

Repatriation: an ideal solution?

20. Refugee repatriation has traditionally been considered by the international community to represent the "ideal" solution to displacement (Long (2009b); UNHCR (1997)). In operational and policy terms, the early post-Cold War period between 1989 and 1997 saw the most emphatic endorsement of repatriation by UNHCR. Political confidence in the possibilities of a global shift towards liberal democratization helped to foster massive returns in Central America, Asia and Africa. Between 1991 and 1996, nine million refugees repatriated (Loescher (2001): 280-282). Measured in terms of global numbers returned "home", results during this period were indeed impressive.

21. In protection terms, however, the "achievements" of many such "voluntary" repatriation programmes during the 1990s was considerably more questionable.[1] Although throughout the 1990s UNHCR continued to insist publicly that repatriation must be voluntary, vigorous internal debate about the possibility of replacing "voluntariness" with a more effective measuring of "safety" took place (UNHCR sources; Anonymous (1997)).

22. Some argued that the post-Cold War reality of fragile states, civil and regional conflicts, shrinking humanitarian space and massive ethno-national refugee flows made UNHCR engagement in "imposed return" necessary (McNamara (1998)) . The "voluntariness" requirement in repatriation was increasingly seen — particularly by states — as an obstacle to finding 'the right balance between protecting refugees and solving the refugee problem' (UNHCR (1993) — my italics).

23. UNHCR's involvement in two repatriations that were judged by human rights organizations to be 'tantamount to forcible repatriation' (Amnesty International (1996)) — the Rohingya return from Bangladesh to Burma in 1994, and the Rwandan return from Tanzania at the end of 1996 — is now seen by senior staff within the organization as the point at which UNHCR turned away from the extremes of such practices (UNHCR sources).

24. After 1997, the language of voluntary repatriation turned away from that of 'ideal' solution to that of a 'preferred solution' to be used 'when appropriate' alongside 'conditions furthering reconciliation and long-term development in countries of return' (UNHCR (1998)). This formula — with its explicit connection of return to reconciliation and reconstruction processes — still broadly reflects the current UNHCR approach to repatriation. The organization has continued to be involved in massive repatriation operations in the past decade, most notably in Afghanistan and Southern Sudan. Around two million refugees repatriated in 2009 (Guterres (2009)).

25. However, repatriation remains a problematic concept on both the level of principle and that of practice. Despite UNHCR's movements towards a more nuanced an integrated approach to the durable solutions framework, states frequently continue

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[1] One of the earliest UN General Assembly resolutions affirmed in 1946 (as a response to controversial forcible repatriations of Soviet refugees in the immediate post-war period) that any refugee repatriation must be voluntary. The principle of voluntary repatriation quickly became an essential pre-condition to all UNHCR involvement in return, and remains so to this day (UNHCR (1946)).

to insist on repatriation as the only possible permanent or long-term solution to mass refugee flows, and to operationalize such policies.

Returning "home"

26.   A second problem with current international conceptions of repatriation is the persistent reinforcement that repatriation is a "return home" — as demonstrated with the UNHCR's own headline on World Refugee Day 2009, which announced that there were '42 million uprooted people waiting to go home' (Guterres (2009)). This continuing 'sedentary bias' (Bakewell (2008)) in understanding durable solutions sees repatriation equated with the process of physical return to a status quo ante, or "home".

27.   Understanding repatriation in these terms helps to strengthen the idea that the political connections that exist between nation and state, or the cultural connections that associate people and place, are "natural" rather than constructed. This assumption in turn helps to reinforce the structure of contemporary international political organization. Yet it is clear from the work of several anthropologists and sociologists that repatriation can not be understood as a "return home".

28.   Warner, Malkki and Hammond are among those who have stressed the processes of home-making that stem from refugee repatriation, particularly after longer-term periods of exile (Warner (1994); Malkki (1995); Hammond (2004)). Refugees' life-experiences — including the experiences of flight and exile themselves — make a return to a pre-flight "home" both frequently undesirable and sociologically impossible.

29.   Particularly following long-term exile, refugees may have little interest in a physical return "home", even if they recognize the value that a restoration of citizenship and the reconstruction of their communities of origin may bring. Long-term refugees may be embedded in socio-economic networks in their host communities even if they have no access to formal naturalization processes at state level. Importantly, extended exile is the norm for the majority of refugees. In 2004, sixty-one percent of refugees remained in Protracted Refugee Situations (PRS).[2] The result is that many refugees will not have ever seen the "home" to which they are supposedly eager to "return".

30.   Geographically, return movements may also correspond to broader processes of industrialization and urbanization that mean socio-economic opportunities may also lie outside of the pre-flight "home". UNHCR has recently acknowledged this and deliberately emphasizing that repatriating refugees should not be expected to return back to their communities of origin, but must be allowed to move and settle freely within their states of origin (UNHCR (2008b)).

31.   This observation is borne out when considering previous experiences of repatriation, in which many "returnees" did not return to their original places of residence through choice. In the 1990s for example, three-quarters of Guatemalan

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[2] A PRS is defined by the UNHCR as a refugee population of 25,000 persons or more which has been in exile for five or more years in a developing country (UNHCR (2006): 106).

refugees repatriated to Guatemala did not "return" to their previous villages, but instead bought new land and formed new returnee communities (Worby (1999):21).

Fragile states and return

32.   The questions surrounding "voluntariness" in repatriation can be seen as indicative of the tensions between practice and principles in return. Similarly, the continued insistence of some elements of the international community on representing repatriation as a return "home" is reflective of the continuing conceptual and political barriers impeding acceptance of refugee repatriation as a process involving positive political change and transformation.

33.   A third problem with contemporary practices of repatriation, however, is more practical. Recent conclusions from UNHCR's ExCom — including one passed at an extraordinary meeting held in December 2009 on protracted refugee situations — explicitly state that 'voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin' (UNHCR (2009d): Conclusion on Protracted Refugee Situations: Para. E.).

34.   Most recent mass repatriation operations — such as those to Afghanistan, to South Sudan, to Liberia and Sierra Leone, to Burundi — have involved return to fragile post-conflict states and communities emerging from serious intra-state conflict, with weak public institutions and civil society and damaged socio-economic capacities. These conditions create serious obstacles to refugees' durable return.

35.   The Excom paragraph's intended purpose is to ensure that political preconditions do not 'impede the exercise of the refugees' right to return' (UNHCR (2009d): Conclusion on Protracted Refugee Situations: Para. E.1). Yet in reality, a refugee's right to return is not often threatened.

36.   In fact, refugee repatriation to fragile post-conflict states and communities is often likely to occur as soon as is possible, under significant pressure from host countries interested in "solving" their refugee problem and in the interest of donor states keen to equate mass return with visible progress on post-conflict reconstruction. This form of premature return may 'plac[e] fragile institutions in the country of origin under significant strain... further undermining peace-building efforts' (Milner (2009): 26).

37.   Similarly, for many refugees, the major obstacle to their repatriation — once their state of origin begins to emerge from conflict — is not a lack of desire to return, but a lack of confidence in the ability of the state and its authorities to guarantee basic security and dignity. Even following the agreement of a peace-building framework which includes an agreed pathway for refugee return — such as the 1995 Dayton Peace Accords for Bosnia, the Bonn Agreement for Afghanistan in 2001 or the 2005 Sudanese Comprehensive Peace Agreement — violence and insecurity may persist locally on the ground.

38.   An absence of state capacity to absorb refugee flows may often result in serious obstacles to the securing of viable and dignified socio-economic livelihoods. In Afghanistan, for example, the massive numbers who chose to repatriate were unexpected, and led to serious stress being placed on extremely limited Afghan

resources. Given the fact that 'many returnees found themselves in a worse position after their return than before... the scale and speed of the return helped to divert yet more of the limited funds available for reconstruction into emergency assistance',

39.   Turton and Marsden argue that even the facilitation of this Afghan return by the UNHCR was misguided (Turton and Marsden (2002)).[3] Surveying Afghanistan today, it is difficult to dispute the recent conclusion of the International Crisis Group that 'as security deteriorates in and around Afghanistan, the successful repatriation of millions of refugees appears ever more elusive' (International Crisis Group (2009)).

40.   Institutional incapacity — and the resulting corruption which frequently accompanies such weaknesses — has also frequently created obstacles for returnees interested in reclaiming or accessing land. This may not only prevent returnees' access to sustainable livelihoods, but may also re-ignite intra-community conflicts or create new divisions between returnees and "stayees", as has occurred for example in Southern Sudan (Duffield et al. (2009); Pantuliano et al. (2009)).

41.   In addition to these threats posed by repatriation to fragile communities and states, the impact of fragile state repatriation on refugees' themselves must also be acknowledged. Continuing insecurity and violence (whether targeted at returnees or a more general phenomenon), socio-economic deprivation or even destitution and cultural shock (particularly in PRS and especially apparent if state fragility has resulted in a loss of gender-based freedoms) may all contribute to the non-sustainability of repatriation to fragile states.

42.   Furthermore, leaving a host community or state may result in measurable losses, particularly in terms of economic opportunities, cultural freedoms and access to education and training. This is especially true for women and youth. There is also a clear link between the success of return and subsequent IDP movements within fragile states of origin, as seen in both Afghanistan and Sudan (International Crisis Group (2009)).

43.   These concerns raise serious questions about how the "success" of refugee repatriation can best be measured. In a 2004 paper, Black and Gent argue that that the goal of the international community should be to secure refugees "the right to sustainable return' (as per the definition used by the United Nations Mission in Kosovo) (Black and Gent (2004)). This aim for sustainable return reflects their assessment that in reality, circular migration movements and transnational or mobile livelihoods play an important role in supporting refugee repatriation (Stepputat (2004)).

44.   Sustainability in return clearly requires a significant institutional commitment to social and political capacity building at a state level, but — in Black and Gent's terms — it also can involve the fostering of transnational links: 'refugee return could be particularly valuable in terms of promoting sustainability by opening up economic, social or cultural linkages with former countries of asylum that could help the home country to withstand shocks' (Black and Gent (2004): 16). Importantly, this approach to repatriation moves away not only from measuring "success" in repatriation by the

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[3] Since 1985, UNHCR has distinguished between "facilitated" and "promoted" repatriation based on its assessment of conditions in the country of origin.

absolute permanency of return, but also encourages a community-focused rather than individual approach to measuring the impact of repatriation (Black and Gent (2004): 15).

45.   In summary, current practices of organized mass refugee repatriation frequently fail to respect recognized standards of "voluntariness". This is largely because states have a continued political interest in expediting refugee populations' physical return to their country of origin. States also continue to insist on an understanding of repatriation as a sedentary "return home", despite the considerable body of research showing that successful repatriation is a transformative and creative process building new understandings of home. This is again because of political interest in the "re-rooting" of populations.

46.   These pressures for early repatriation have lead to several refugee repatriation operations not being able to sustain long-term reintegration, particularly in fragile post-conflict states with little internal capacity for political or socio-economic resilience. Given this failure to foster sustainable form of repatriation and reconstruction, it is clear that a new approach is needed in order to create the conditions necessary to ensure refugees' sustainable and voluntary repatriation.

Repatriation and reconstruction

47.   For refugee repatriation to offer good prospects for sustainable reintegration in post-conflict states, it is clear that repatriation must be linked to reconstruction, in both political and socio-economic terms. However, it is important to note that the concepts of "state-building", "state-strengthening" and "capacity-building" that underpin contemporary approaches to post-conflict reconstruction are not unproblematic themselves. This is evident if the ways in which refugee repatriation has been linked to reconstruction are considered.

48.   Given the international communities controversial recent involvement in "rebuilding" Iraq and Afghanistan, it is now widely acknowledged that many state-building processes are frequently over-technocratic and often exacerbate rather than address deficits in state legitimacy and regime accountability (see Chandler (2006); Bickerton (2007); for a good example of a technocratic account of state-building see Ghani et al. (2005)).

49.   Understanding repatriation to be an integral component of nascent peace-building — rather than a response to a fundamental change of circumstances that would in time lead to the cessation of refugee status under the 1951 Convention — is not a new practice. The 1979-1980 Zimbabwean repatriations were intended to ensure the return of Zimbabweans to the country in time to participate in the 1980 General Election that would signal the end of white rule in Southern Rhodesia (Jackson (1994)).

50.   In 1993, refugee return to Cambodia after the signing of the Paris Peace Accords was similarly intended to ensure mass participation in the Cambodian elections. Yet these early examples show the dangers inherent in linking repatriation movements to symbolic moments of state reconstruction. In Zimbabwe, demographic manipulation of the repatriation process by ZANU ensured the scale of their victory in the elections.(Jackson (1994)).

51.   In Cambodia, although the actual movement of refugees across the Cambodian border was extraordinarily effective, reintegration itself was fragile. Acute land shortages meant that by the end of 1993, seventy-three percent of returnees were still classed as 'needy' or 'at risk' by the World Food Programme. Many were seen by neighbours and relatives as both community outsiders (for departing) and community burdens (for their failure to reach economic self-sufficiency) (Garcia-Rodicio (2001): 123-125).

52.   Furthermore, in 1992 the Khmer Rouge had opted out of the peace process that precipitated repatriation efforts (Eastmond and Ojendal (1999): 43-44). Long-term post-conflict reconstruction concepts such as security, development and restorative justice were therefore far more elusive to locate in Cambodian return (Garcia-Rodicio (2001): 123-124).

53.   The controversies surrounding the 2009 Afghan elections, although not directly linked to refugee repatriation, have also provided a very recent reminder of the folly of relying on the completion of technical exercises in democracy to demonstrate progress in building accountable and responsible political communities. Similarly, the difficulties that have plagued repatriation processes in Southern Sudan (as detailed in e.g. Pantuliano et al. (2009)) are directly connected to preparations for the 2010 secession referendum.

54.   These provide clear evidence that focus on what might be termed the demographics of democracy — in the interests of reinforcing claims of national sovereignty — prioritises the return of people rather than the content of their citizenship. Without basic security and socio-economic sustenance to complement technical participation in elections, return is unlikely to provide a sustainable solution to exile.

55.   Repatriation has, of course, long been linked to broader reconstruction and development aspirations. High Commissioner Lubbers' introduction of the concept of the "4Rs" — repatriation, reintegration, rehabilitation and reconstruction — in 2003 highlighted processes of linking repatriation to development that had begun as early as the ICARA II conferences in the mid-1980s (Lippmann and Malik (2004); Loescher et al. (2008)).

56.   Such activities were in part prompted by the need to prevent recurrent cycles of flight due to continuing instability in areas of return. By connecting repatriation to the notion of development as a pathway to long-term state stability, some claims could be made to justify the act of repatriating refugees to fragile and insecure states such as Bosnia or Afghanistan. It was through UNHCR's 'efforts to consolidate the durable solution of repatriation and reintegration in countries of origin [that it is]... reducing the risk that violence, armed conflict and population displacements will recur' (UNHCR (1998), in Crisp (1999): 9).

57.   Linking repatriation and reconstruction therefore serves a double purpose. On the one hand, it provides a means of addressing the "root causes" of flight, and offers a welcome recognition that repatriation is not just return, but involves complex, long-term and gradual processes of reintegration and reconciliation. Yet less positively, it has also been argued by senior UNHCR staff members that such activities not only stretch the UNHCR's mandate well beyond comfort, but also help to mask the real political causes of continued flight (Crisp (1999): 19-20).

58.   Contemporary refugee crises in areas such as Congo, Somalia and Afghanistan lend weight to the argument, advanced by MacRae as early as 1999, that such displacements should be understood as symptomatic of chronic political failure and the absence of a sufficiently robust state to enforce the basic norms of social order (MacRae (1999): 1-2). This has serious implications for development or capacity-building projects, because while the distribution of emergency relief may be imagined as purely humanitarian in certain circumstances, longer-term development is a necessarily political project requiring some form of relationship with state power and authority (Crisp (1999): 22).

59.   A further problem with return-as-reconstruction is that return processes have frequently been used as a cipher for successful reconstruction: a visible "safe" return provides donor countries with the opportunity to signal the "success" of reconstruction efforts, providing a justification for political and financial disengagement. It also allows state of origin governments to point to returning populations as "proof" of the legitimacy of their rule and the success of reconstruction. Furthermore, it is clear linking the return of refugees to state-building and reconstruction discourses has been at least in part prompted by a decline in the political space made available for asylum-seekers in Western donor states.

60.   By presenting return as a necessary component for any successful state re-building process, donor governments are able to understand the uncertainty of qualities such as "safety" in Afghanistan or Iraq in terms of 'obstacles to return' rather than 'justifications to stay' (Zimmermann (2009)). These interests in promoting the "success" of reconstruction and in closing-off Western national space to refugee populations in response to domestic political agendas helps to explain why the UK government insisted in 2003 that Iraqi refugees had 'a moral obligation to return and assist in the rebuilding of the country' (Amnesty International (2003)).

61.   This overview suggests that "good" practices of post-conflict reconstruction — gradual, informed by local practices and political cultures, focusing on building political community and not completing technocratic exercises — do indeed benefit from refugee repatriation, understood as a form of political reconnection. Repatriation of refugees adds legitimacy to the process of state-strengthening and ensures that national inclusion is the basis for future political settlements.

62.   Exposure to new cultural values and better educational opportunities may in some cases mean that repatriates are able to act as "promoters" of human rights, playing a strong role in constructing a new civil society. More practical skills-accumulation and easier access to financial resources may also result in repatriates playing an important role in socio-economic reconstruction. As Milner's work has recently emphasized, leaving refugees out of peace-building plans is likely to risk the long-term disruption of state reconstruction. In these terms, it is clear that repatriation should be connected to reconstruction (Milner (2009)).

63.   The problem, however, arises when repatriation is equated with immediate physical return. Early return may serve to create the appearance of a resolution of a refugee crisis before refugees' rights can be genuinely and meaningfully restored. This may respond to states' political interests in restoring populations to their "natural"

places and thus strengthen the security of nation-states, but it is unlikely to lead to improvements to refugees' and other citizens' human security.[4]

64.   To avoid the risks of early return being assumed to equate to full repatriation or a desirable component of post-conflict reconstruction, a new approach to reconstruction and repatriation processes is needed. One such approach may be to integrate opportunities for mobility alongside those for physical return in formulating plans for refugee repatriation and post-conflict reconstruction.

The value of mobility

65.   Current practices of repatriation and reconstruction are therefore problematic for a number of reasons. "Voluntariness" in repatriation is often difficult to guarantee. The idealized notion of a "return home" often reflects neither the wishes of refugees nor the possibilities afforded by repatriation, particularly in PRS. Fragile states are often ill-equipped to deal with the political, social and economic consequences of mass return influxes.

66.   Focusing on the demographics of return mean that "proving" the success of reconstruction may become a technical exercise in which return marks the completion of the process, rather than the beginning of longer complex efforts to produce a responsible and responsive state. In all these cases, it is physical return, rather than "repatriation" — understood as a political process of reconnection with the state — that creates many of the difficulties. Mobility in repatriation may, however, offer an opportunity to combine the best elements of repatriation and reconstruction and enhance the sustainability of both processes, to the benefit of both refugees and states.

Mobility and freedom

67.   Why does mobility matter? Is mobility a means to an end, or an end in itself? It we are to move towards the incorporation of mobility into durable solutions, it is important to answer these questions so that we can understand on what basis and under what conditions we should protect mobility.

68.   Clearly, mobility has a role to play as a method of facilitating access to important rights and resources. Particularly in terms of socio-economic strategies, it is clear that migration can play a crucial role in securing access to sustainable livelihoods. In terms of refugee repatriation and post-conflict reconstruction, as discussed above, mobility offers a possible means to offset many of the weaknesses of physical return programmes by providing access to alternative social, economic and cultural resources outside of the state of origin that may benefit refugees, their families and communities, and their home state.

69.   This role that migration can play in development processes has been recognized for the past decade, particularly in terms of remittance contributions. Nyberg-

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[4] This paper understands human security to be a broad concept which prioritises the protection of human life and the preservation of human freedom and human dignity over the continued protection of a regime or state's survival. As per UNDP's 1994 definition, this involves both "freedom from fear" and "freedom from want" (UNDP (1994)).

Sorensen et al's seminal study of the migration-development nexus in 2002 noted that 'remittances are double the size of aid and at least as well targeted at the poor' (Nyberg-Soernsen et al.: 5).

70.   These findings have developed into a general consensus among the international community that migration can be a positive force for development, with research findings suggesting that the economic power structures associated with remittance-led development may thus have a profound role in shaping the structures of states emerging from conflict (Ratha (2003); Fagen (2006)). Migration offers opportunities to access sustainable livelihoods that may simply not exist in the community of origin, leading Nyberg-Sorensen and Van Hear to argue that 'the most important resource for the development of LDCs is people connected by transnational networks' (Nyberg-Soernsen et al.: 24).

71.   The World Bank estimates that even despite the current global recession, remittances to developing countries will total some $290 billion. The UK Department for International Development is not alone in promoting donor development programmes that acknowledge that 'migration can make a positive contribution to poverty reduction and development (DFID (2007); World Bank (2009)). Migration also does not only make economic contributions to development. Migrants may 'contribute new skills and life views, whether they return or not' (Nyberg-Soernsen et al.: 10).

72.   Although it is important to guard against overly simplistic views of the impact of migration upon communities of origin (some of the potential pitfalls — such as remittance dependency, increased intra-community inequality and tensions, and reduced political accountability — will be discussed in Part II), this brief overview confirms that mobility in repatriation and reconstruction could play a functional role, facilitating broader development processes and access to greater economic and social opportunities.

73.   Yet mobility is more than just migration, a means to the end of socio-economic remittances. Mobility is in fact an end in itself, a good worth protecting for its own sake. In a recent report from the UNDP on the general relationship between mobility and human development, de Haas argued that mobility should be understood as 'a fundamental capabilities-enhancing freedom itself', not least because such movements allow the expression of individual agency (de Haas et al. (2009):1 and 2). UNHCR recognizes freedom of movement to be 'a principle enshrined in international human rights law' (UNHCR (2009e)).

74.   The Universal Declaration of Human Rights similarly states that 'everyone has the right to freedom of movement and residence within the borders of each state... Everyone has the right to leave any country, including his own, and to return to his country.' (United Nations (1948): Article 13) While the wording of Article 13 underlines the difficulties in balancing the right to human movement against the expression of state sovereignty through the control of entry to state territory, it is nonetheless obvious that freedom of movement — even if limited by states' political interests — should be considered a fundamental human freedom essential to the protection of 'inherent human dignity' (United Nations (1948): preamble).

75.   Protecting and enhancing refugees' mobility (within the limits of the law) is therefore an essential task for UNHCR to undertake in itself. This need for mobility is

further compounded in the case of repatriation. Recognizing freedom of movement as a human right underlines the importance that any return "home" be a refugee's choice rather than a product of expectations or obligations imposed by the international community.

76. Far from being a simple adjunct to durable solutions, allowing a neat circumvention of the problems caused by the shrinkage of resettlement options or the return of refugees to still-fragile states, the protection of mobility should therefore be seen as a central goal of the international refugee regime. This is not as radical as might at first be assumed: Nansen passports — the pre-UNHCR refugee identity document created under the League of Nations in the 1920s and 1930s — were after all initially intended to facilitate refugees' freedom of movement across international borders in search of viable employment (Skran (1995)). In developing a discourse which links refugee protection with mobility, migration and the securing of socio-economic livelihoods, contemporary discussions may in fact be returning full circle to a central principle of earlier protection regimes.[5]

77. Mobility in repatriation might involve the integration or combination of repatriation processes with opportunities for access to regularized labour migration channels, or continued temporary or permanent residency in a host community. It is conceivable that mobile repatriation might be a precursor to eventual physical return pending reconstruction, or it might represent a durable solution in itself in which a state's political community broadens to include transnational and diasporic members.

78. The possible forms mobility in repatriation might take will be discussed in more detail in Part II of this paper, but what is clear is that access to mobility needs to be understood as a central component of any approach to refugee protection, a facilitator of refugees' access to rights and an important freedom in itself. In the last three years, UNHCR policy has begun to reflect just such considerations.

Mobility, solutions and UNHCR

79. Recognizing the value mobility could bring to practices of repatriation reflects a wider shift within UNHCR since 2006 towards the embrace of mobility and its integration into the durable solutions framework. Policy documents issued in the past three years have repeatedly stressed the potential value mobility could add in rethinking durable solutions to take account of new complexities and challenges, particularly in dealing with PRS populations and in cases where political causes of flight may also be connected to economic needs for continued migration, such as might result from endemic state fragility (e.g. in Zimbabwe or Afghanistan).

80. To date, mobility has largely been presented by UNHCR in terms of refugees' potential access to labour migration channels. UNHCR's January 2007 10-Point Action

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[5] Given this history, it is interesting to consider why and when the shift to an "anti-mobility" discourse took place. Little attention has been paid to this question, but one possible explanation might be found in the evolution of UNHCR and its predecessor organizations in the immediate aftermath of World War II, when many millions across Europe were "IDPs" (persons physically displaced by the conflict) rather than refugees, and who therefore required only material assistance to return home. Alternatively, the anti-mobility turn may have occurred in the aftermath of decolonization and as a response to a wider tightening of international migration pathways.

Plan on Mixed Migration and Refugee Protection suggested that 'beyond the classic durable solutions, legal migration opportunities may open up a complementary avenue for some refugees' (UNHCR (2007d): Para. 7).

81.   In a discussion paper prepared for the High Commissioner's Dialogue on Protection Challenges held in December 2007, this idea was expanded upon. UNHCR pointed to the potential benefits which could accrue to both host state and the state of origin if refugees are able to remain in the state of asylum even after the original cause of flight has disappeared:

> ...by living and working abroad, such people effectively reduce the competition for jobs and other scarce resources in their country of origin, and thereby contribute to the peace building process. As far as countries of asylum are concerned, the continued presence of refugees... may make a valuable contribution to the growth and productivity of both local and national economies (UNHCR (2007a): para.51).

82.   In June 2009, the Department of International Protection Services released a further commentary on refugee protection and mixed migration, which explicitly highlighted the role that international migration could play in meeting the socio-economic needs of refugees' from or being hosted in fragile states: 'in the context of globalization, and at a time when many host countries and countries of origin in a post-conflict phase cannot yet offer adequate jobs and livelihoods... legal migration to a third country could offer an alternative, either short term or permanently' (UNHCR (2009c)125).

83.   Other policy documents have also reinforced this emphasis on freedom of movement and refugee mobility as important and positive contributors to refugee protection, particularly when connected to durable solutions. As already noted, the 2008 Policy on Return and Reintegration activities makes clear that post-repatriation freedom of movement should be protected, and no attempt made to contain returnee populations within communities of origin.

84.   The September 2009 Urban Refugee Policy also stresses freedom of movement within these terms, emphasizing the need for solutions to be based around the provision of "effective protection":

> A refugee who is unable to live in decent and dignified conditions and who has no real prospect of finding a durable solution in or from their country of asylum within a reasonable timeframe cannot be considered to have found effective protection. When a refugee moves to seek reunification with immediate family members who are not in a position to reunite in that person's country of first asylum, and when a refugee moves as a result of other strong linkages with the country of destination, the onward movement may also be justified (UNHCR (2009e): para.155).

85.   UNHCR's interest in mobility as a part of a durable solutions framework is undoubtedly linked to its work on the Afghan Comprehensive Solutions Framework from 2003 onwards (UNHCR (2003)), and by its recent experiences in using the

ECOWAS Protocol on Free Movement to deal with residual Liberian and Sierra Leonean populations in hosting West African states (Adepoju et al. (2007)).

86. Yet in reality, beyond these cases there has been little attempt to move beyond a growing recognition of the potential value of mobility to refugee protection in general policy statements towards an understanding of how mobility as a component of repatriation and return processes could work in practice. Part II of this paper now offers some suggestions about possible frameworks for such an implementation.

3. Repatriation reconstructed

87.   It is clear that the success of mass repatriation is inextricably connected to the complex processes underpinning post-conflict reconstruction and vice versa. The survey of contemporary repatriation and reconstruction practices in Part I, however, demonstrates that it is extremely difficult to negotiate between the demand for swift refugee return and the reality of slow, tentative peace building. In 2006, speaking about the prospect of a durable refugee return to Southern Sudan, UNHCR High Commissioner Antonio Guterres underlined the difficult symbiotic relationship between repatriation processes and broader post-conflict reconstruction:

88.   Large-scale population returns are difficult to sustain if development stalls and instability grows. Without adequate resources for development, institution-building and reconciliation, societies can unravel again, dormant conflicts can reignite, and civilians can be forcibly displaced once more... [Yet] over and over, we see that their [refugees] participation is necessary for the consolidation of both peace and post-conflict economic recovery. Sustainable peace and recovery are necessary to allow refugee returns. Yes. But refugee returns are every bit as essential to sustained peace and recovery (Guterres (2006)).

89.   It is, however, highly questionable whether in terms of early post-conflict reconstruction it is the physical return of refugees which is crucial to success. What is however necessary is a political reconnection between the refugee diaspora and the state, in order to reinforce the legitimacy of the post-conflict state's claim to exercise sovereignty on behalf of and distribute rights to the national population, and provide refugees with access to those political rights.

90.   This political "repatriation" — a process of national incorporation — is clearly essential to ensure sustainable peace-building. The fragility of most post-conflict states means that encouraging repatriates to seek mobile livelihoods may reduce pressure on fragile state infrastructure, help finance reconstruction and on an individual level offer greater autonomy and opportunities to such "repatriates", pending their eventual physical return at a later and more stable stage of the peace consolidation process.

De facto mobile repatriation

91.   These observations are borne out by considering refugee-returnees' own practices. Evidence shows that the model of "return" as a mono-directional process from a host state to a "home" community does not reflect the reality of refugees' search for solutions.[6] Turton and Marsden, for example, suggest that at least 200, 000 of the refugees who "repatriated" to Afghanistan in 2002 had left the country by the end of the year (Turton and Marsden (2002)).

92.   This was not simply a response to the difficulties encountered in returning to a fragile state (although these did play an important role), but also reflected refugee

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[6] For more detailed account of refugees' development of self-settled solutions, see Extending Protection? (Long (2009a)).

"returnees" following patterns of seasonal migration or returning to better employment prospects in Iran and Pakistan (having picked up repatriation assistance packages). In these cases, their decision to leave Afghanistan should not be classed as ricochet flight or displacement, but understood as a rational socio-economic decision. Furthermore, the fact that their physical return was not permanent should not be taken to suggest that they were not participating in repatriation and reconstruction processes through circular migration and remittance sending.

93.   In her study of Somaliland return migration Nyberg Sorensen confirms these observations, classifying returns — particularly from the wider and more educated diaspora — as often involving "staggered" or "revolving" repatriation (Nyberg-Sorensen (2004): 15). "Staggered" repatriation involves the splitting of family units, as one member (usually a male head of household) returns, leaving the rest of the family in a host community until safety and security in the state of origin can be assured.

94.   This has also been reflected in Afghan return patterns, as returnees work in Afghanistan for the reconstruction effort (commanding higher equivalent salaries than are available in Pakistan), while their family remains resident in Pakistan (International Crisis Group (2009)). The reverse form of rational economic leverage has also been observed in Afghanistan among less skilled migrants. Monsutti reports that such Afghan labourers may return their families to their community of origin, accessing the support of kin networks, before joining seasonal or circular transnational migration flows outside the state's borders (Monsutti (2008)).

95.   "Revolving" returnees are described by Sorensen in terms of failure, as those who:

> ...after an intended "permanent" return go back to Europe or North America, either because they have been unable to renew their contract within the 'development industry' have failed in their business efforts, or have been unable to convince their families in the wider diaspora to join them (Nyberg-Sorensen (2004):15).

96.   Currently practices of refugee repatriation do not often allow for such "revolving" return under regular processes. There is often little opportunity for a regularized return to a host community if physical return fails to provide adequate livelihood opportunities. However some recent innovations have tried to better reflect the fact that repatriation may not always offer a successful outcome for refugees, particularly in post-conflict and fragile societies, into their return programmes.

97.   One example is the Danish Repatriation Act, passed in 2000, which gives those recognized refugees who have repatriated an opportunity to change their minds and return to Denmark within a year of their repatriation. Since 2000, 306 Iraqis have elected to repatriate, with 73 ultimately choosing not to remain in Iraq and to return to Denmark (Riiskjaer and Nielsson (2008): 1).

98.   Another response to these "revolving" return of educated diaspora is particularly intended to harness the potential contributions to reconstruction of refugees who have found already found a "durable solution" through naturalization or dual citizenship. There has been a marked growth in the number of formal programmes designed to encourage short-term returns to societies undergoing post-conflict reconstruction: these visits allow educated and skilled members of the

diaspora to contribute to reconstruction, despite the fact that they are extremely unlike to return permanently.

99.   This kind of "repatriation" seeks to benefit both refugee and the community of origin by connecting "old" and "new" identities. Recent examples of such programmes specifically targeted at diaspora populations displaced through conflict include have included the World Bank Afghanistan Directory of Expertise and the IOM's Return of Qualified Afghans programmes (Jazayery (2002); AISK (2003); IOM (2005)).

100.   Other forms of flexible "repatriation" that belie a simple association between return and durable solutions can also be identified. Some members of the Iraqi refugee diaspora, for example, can be characterised as transborder "commuter" repatriates, remaining in Jordan, Lebanon or Syria but making regular visits back to Iraq to collect rents, check on land and visit family (Crisp et al. (2009)). De Waal has observed similar behaviour among IDPs in Darfur, where camps are used as secure "dormitories" for IDPs who continue to participate in rural life (de Waal (2009)).

101.   The sum of these analyses is a clear indication that the relationship between reconstruction and return is extremely complex and difficult to define. There are clearly many forms of "return" which can contribute to reconstruction, and for many refugees continued mobility appears to be a crucial aspect of any sustainable post-conflict repatriation strategy.

102.   It is thus difficult to disagree with Nyberg-Sorensen's conclusion that 'so-called durable solutions are not bound to be either integration or repatriation but could well combine the two in durable transnational, transregional or translocal strategies' (Nyberg-Sorensen (2004):21). This echoes Stepputat's assertion that '"sustainable return"' may involve continued mobility within and between borders' (Stepputat (2004)).

103.   But how does increased refugee mobility enhance prospects for post-conflict reconstruction and sustainable return? And what — if any — is an appropriate role for international involvement in protecting such mobility? Four basic assumptions appear to lie behind both researchers' interest and refugees' uses of mobility.

104.   Firstly, that increased mobility offer opportunities for increased remittance flows. Secondly, that increased freedom of movement also offers opportunities to preserve professional skills in states where educated refugees professionals can access the infrastructure necessary to undertake training and to work, and then through return at a later point transfer these skills to their communities of origin as a form of "brain gain". Thirdly, that building up an economic diaspora offers opportunities to use transnational political pressures to build new political forms of accountable governance. Fourthly, that the incorporation of mobility increases refugees' autonomy in choosing how to respond to their political, social, economic and cultural needs.

105.   Mobile repatriates may physically return at a later date having contributed to reconstruction in absentia, or some may find an eventual "solution" in naturalization or dual citizenship. Above all, a conceptual movement towards embracing mobility allows the international community to distance itself from the "all or nothing" approach that has traditionally governed its approach to refugee return, and move instead towards a more nuanced and holistic approach to durable solutions.

106.   It is important, however, to investigate in more detail the assumptions such claims rest on. In particular, what is the role played by refugee remittances in supporting post-conflict reconstruction? How does this role link to prospects for sustainable return? What are the social and political roles that such mobile "repatriates" play in reconstruction and are these conducive to sustainable reconstruction? Perhaps most importantly of all, what impact might these new forms of migration-centred "return" have on the lives of such "mobile repatriates" themselves?

Remittances

107.   In recent years, the value of remittances in supporting development has been recognized by the international community. In 2009, the World Bank estimated a total remittance flow of $290 billion to developing countries, and highlighted the resilience of remittance flows despite the global economic recession (World Bank (2009)). The potential for remittances to contribute to development agendas has been greeted enthusiastically by donor states (e.g. DFID (2007)), although researchers have repeatedly warned that states should not assume that remittance-led development may eventually reduce out-migration (e.g. Nyberg-Soernsen et al.: 5).

108.   Nevertheless, remittances are now assessed as being a key component of development programmes: 'considerably larger than the size of development aid and at least as well targeted at the poor in both conflict ridden and stable developing countries' (Nyberg-Sorensen (2004): 11).

109.   The vast majority of research into remittance flows has not considered the particular dynamics that are likely to influence refugee remittances, far less the impact of refugee remittance practices on the likelihood of return. Clearly, there are some important distinctions between migrant and refugee remittance-sending: most obviously, while refugees may become remittance-senders, this is not their motive for leaving their community of origin.

110.   Furthermore, the vast majority of refugees do not send remittances: there is evidence from Kenya and Ghana that a substantial number, particularly in protracted situations, actually depend on receiving remittances (Lindley (2007); Omata (2009)). Yet there is a growing body of work that focuses on the role of remittances in conflict and crisis (e.g. Fagen (2006); Lindley (2009)) and which does have some important ramifications for connecting mobility, repatriation and reconstruction.

111.   One general finding about repatriation which is particularly relevant to our concern with the role mobility can play in encouraging sustainable repatriation and reconstruction is the finding that remittance-led development may in fact increase intra-community financial inequality. As Van Hear's work has shown, the range of a migrant or refugee's mobility is to a great extent correlated with their economic and social status in their community of origin (Van Hear (2004)).

112.   Mobility is dependent upon class: 'long distance mobility is increasingly the preserve of those who can afford to pay migration agents' inflated fees' (Koser and van Hear (2003): 8). This is confirmed by recent fieldwork reports from a researcher working with Liberian refugees in Ghana. These reports suggest that it is largely the elite — in this case the distinct cultural group of Americo-Liberians — who have

access to resettlement and migration opportunities, and are thus able to transfer remittances (Omata (2009)). This class bias within remittance flows may widen inequalities and even ethnic and other group-based tensions within refugee populations and between refugees and "stayees". This has obvious implications for the prospects of fostering reconciliation through refugee "return" and reconstruction.

113.   Inequalities may also widen between different sectors of a fragile-state population because remittances are largely directed toward private recipients and family groups. Although remittance flows may therefore help to secure the livelihoods of those who have access to personal remittances, and in times of conflict prevent some further displacement, the inequality of access to remittance funds mean that such benefits will not be evenly distributed.

114.   This is particularly true given the evidence that in conflict-torn societies, remittances tend to be used to meet daily subsistence needs and provide access to services such as health care and education rather than to invest in infrastructure or development projects which are more likely to benefit wider groups (Koser and van Hear (2003): 7). This reluctance or inability to invest in more long-term projects clearly becomes less of an obstacle once reconstruction begins.

115.   Community-based projects and "Hometown Associations" provide an example of how remittances can be used to encourage more productive development projects, such as the case of Tamil youth in France who set up funds for Sri Lankan secondary education (Sriskandarajah (2002): 305). However, the fact remains that remittances tend to operate as a private good, hence the World Bank's recommendation that 'Governments should treat remittances like any other source of private income. As remittances are private transactions they should not be thought of as a substitute for debt or aid flows.' (World Bank (2009)).

116.   Remittances represent nevertheless a significant and even vital contribution to families, communities and states emerging from conflict and crisis. Lindley's work mapping the contributions of the Somali diaspora, for example, suggests that on average $3 110 dollars a year were remitted by the Somali diaspora to family networks: community and investment transfers brought the total remitted to an average of $4 440 (Lindley (2009)). This is likely to often represent a vital lifeline during the disruptions of conflict, and can clear provide a significant boost to early reconstruction. It is not however evident that such contributions to reconstruction will immediately lead to better prospects for such refugee-remitters' physical returns.

117.   Lindley's work also reports that 'many refugees with family connections in the more stable parts of the Somali regions would like to return permanently; however, relatively few do so, for a variety of reasons, often including the fact that people back home depend on their remittances' (Lindley (2009): 1328). States may also actively encourage continued migration even as they simultaneously promote continued financial and social "repatriation".

118.   For example, since independence the Eritrean diaspora has been asked to contribute two percent of income to the state as a "healing tax" (Koser and van Hear (2003): 15). Similarly, El Salvador has played an instrumental role in lobbying for the extension of the temporary protection assistance afforded to some Salvadoreans in the US since 2001. The Salvadorean government also provides legal assistance to those pursuing asylum claims, despite the emergence of the country from civil war nearly

two decades ago. These state policies reflect the fact that by 1998, 15 percent of Salvadorean households were supported by $1.34 billion in remittances (Gammage (2007); Koser and van Hear (2003)).

119.   Greater refugee mobility may result in increased access to remittances and better prospects for sustainable reconstruction (at least at sub-state levels). Yet this evidence suggests that such developments may not increase the prospects for physical return. However, as 2002 researchers were concluding that 'physical return it not the only way to integrate refugees in post-conflict reconstruction' Koser and van Hear (2003).[7]

120.   Connecting repatriation to mobility whilst simultaneously reducing the insistence on prioritising return as a solution may help to empower refugees and provide economic security to a wider community. Yet it is necessary to also recognize that if remittance dependency obstructs the prospects for refugee return, this may not be a positive development, but reflect the abdication of wider international responsibilities to contribute to post-conflict recovery.

121.   As Lindley remarks: 'a diaspora perspective makes it clear that someone — somewhere — pays, a fact too often lost in the overwhelming focus of the literature in migrants' countries of origin' (Lindley (2009): 1330). Given UNHCR's first consideration must be to ensure the protection of refugees' rather than the best means by which to ensure their country of origin's sustainable reconstruction, this is a serious consideration. Opening up the prospect of mobile "repatriation" must not result in increased obstruction of refugees' abilities to exercise their physical "right to return", if and when this should be desired by a refugee.

The limits of repatriation without return

122.   Developing a form of repatriation that does not involve physical return may enhance the quality of protection offered to refugees. It will do so by increasing their autonomy and their choice of dignified livelihood options, providing for a greater possibility of sustainable and voluntary eventual return and responding not just to individual but also to community needs by making a more effective contribution to reconstruction efforts. A possible framework for such mobile repatriation is outlined below.

123.   However, before mapping out how mobility might be incorporated into repatriation frameworks, it is important to recognize the limits that may attach to a "repatriation" — defined through the resumption of citizenship and continued connection to the community — which occurs without physical return.

124.   Some potential drawbacks — particularly the potential consequences of an over-dependence on remittances for community reconciliation prospects and refugees' own ability to ever physically return — have been discussed. But two political risks — that long-term diaspora engagement in the political reconstruction

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[7] Considerable research has been carried out relating to the transnational political, social and economic relations that may help to connect diasporas to "homelands". However, given this paper's focus on the value mobility may offer in providing refugees' access to sustainable repatriation, this is beyond the scope of this project.

without return may weaken the accountability of the state, and that enhanced mobility may in fact undermine rather than strengthen state-level structures — also need to be acknowledged.

125.   Those refugees who form part of Western diasporas — such as the Afghan, Sri Lankan Tamil or Tutsi Rwandan communities in North America and the US — are likely to have skills and resources that make their continued association with their states of origin extremely attractive to an emerging and weak state lack infrastructure and resources. Given the class dimension of refugee mobility, such groups may have had significant economic and political powers prior to flight, or they may have accumulated capital, skills and international connections during their period in exile.

126.   Such former refugees are extremely unlikely to be interested in permanent, physical return to their country of origin as they have no rational political, social or economic need to do so (see e.g. Jazayery (2002)). Many may however seek to involve themselves in the rebuilding of their "home" state through remittance flows, short "skill transfer" visits and political engagement. This can be projected as a kind of "repatriation" that may be extremely helpful in propelling reconstruction efforts forward.

127.   Yet if this form of repatriation is never followed by any return "home", there are significant risks to the sustainability of a peaceful political settlement. Such diaspora citizens may often hold an extremely romanticized view of a "home" they have never visited, or a "cause" they fled to defend (Fieldwork Rwanda; Markowitz and Stefansson (2004)).

128.   As a result they have unrealistic expectations of what peace should entail, and in contesting from afar the basis for peace-making without having to suffer the direct consequences may act as "spoilers" of reconciliation processes. It has been claimed, for example, that the UK Sri Lankan Tamil population continued to fund and support politically the LTTE Tamil Tiger insurgency without recognizing the full costs of civil war. Following the 2009 defeat of the LTTE, demonstrations across the diaspora 'elided the horrifying predicament of the civilians with the political interest of the Tigers' (Sriskandarajah (2002); Rajasingam (2009)).

129.   Even when such "elite" refugees do return, however, this may not be enough to promote integration. Especially in cases where returnees hold citizenship in another state — providing not only for economic but political mobility — there is widespread evidence that such returnees' motives are viewed with cynicism and their commitment to national capacity-building questioned.

130.   In Afghanistan, for example, ICG reports that foreign Afghans working with international organizations are 'often accused of being motivated by the high salaries... rather than a longer term commitment to the country's future... "They've left their families in the West, they invest in the West and they keep a hand on their foreign passport they have in their pocket"' (International Crisis Group (2009): 10).

131.   In Somaliland, Sorensen's interviews record similar sentiments: '"those who return have a leg abroad and only try to make money here. Somalis are all individualists. Everyone is striving alone"' (Nyberg-Sorensen (2004): 21).

132.   These comments reflect the tensions between individualistic and community models of development. However they also speak very clearly to the existence of a limit to the benefits of "repatriation" — as a mobile process of reconnection that could involve dual citizens, without their absolute commitment to the country of origin. In opening up the flexibility of mobile "repatriation" to refugees and emphasizing the benefits that transnational networks can bring to fragile states, it is important that the international community guard against the prospect of such states being "captured" by diasporic elites who are able to capitalise on the advantages of mobility and migration without having to engage with the problems attached to residency.

State-building or community-strengthening?

133.   The aims of post-conflict reconstruction and repatriation are generally imagined as part of "state-strengthening" exercises. Yet remittance-led reconstruction is likely to distribute most of its benefits at a family or a community level. Such contributions will improve socio-economic prospects and thus enhance stability within such states, but they are unlikely to directly contribute to strengthening state institutions at a national level.

134.   Furthermore, the encouragement and protection of mobile transnational networks and livelihood strategies as a means of promoting sustainable and autonomous return works by providing families and communities with resilience against the shocks of state fragility not by strengthening the state, but by providing alternative economic and social structures that cut across state borders. Such strategies may result in greater family or community social and economic stability, but they may not result in a more integrated state territory or stronger state institutions.

135.   This observation clearly limits the capacity of some mobile repatriation strategies to contribute state-building. However, the international community should consider whether in fact, this "obstacle" points to a need to reconsider not only the aims of repatriation but also the aims of reconstruction. Many fragile states are historically fragile artificial creations that have failed to connect with the majority of the population on their territory, or offer meaningful citizenship (Jackson (1990); Grovogui (1996)).

136.   Refugee flows are often consequences of such state failure. It should therefore be questioned whether weak states emerging from serious civil conflict are the best locus on which to focus socio-economic reconstruction efforts. De Haas is among those migration scholars who have argued that assessments of migration and development fixate on national-level outcomes, and ignore the benefits that may have accrued to mobile individuals (de Haas et al. (2009): 20).

137.   This argument is equally valid when considering post-conflict reconstruction and repatriation. While Black and Gent are right to insist that repatriation must also be understood in terms of its community impact as well as an individual choice (Black and Gent (2004)), a state is not necessarily synonymous with a community. In fragile regions stronger communities may be the key to lasting stability rather than state-building projects that fail to reflect the political realities in places such as Somalia and Afghanistan. Unlocking mobility in refugee repatriation and return may in fact

prompt a radical rethink of the way we understand human security and political community.

A framework for connecting repatriation, reconstruction and mobility

138.   The potential value — as well as the possible pitfalls — of recognizing the contribution mobility can make to refugee protection is clear. So too is the need to re-think international understandings of repatriation, in order that the practice is not seen merely reduced to the practice of return. However, a number of questions remain about both the practicability of such a concept and its protection implications.

139.   How might UNHCR and the international community go about implementing these new forms of repatriation in practice? Should the international community play in promoting refugee mobility, and if so why? Under what circumstances is linking mobility with repatriation likely to enhance "voluntariness" in repatriation and return, rather than curtail refugees' access to other alternative solutions of local integration and resettlement?

140.   The last two questions are perhaps easier to answer that the first. Linking mobility to refugee repatriation has an obvious resonance in two particular refugee situations. It is likely to prove particularly useful in dealing with residual PRS populations, and in combating fragile states' inability to offer sustainable return even as they are willing and desirous of eventual refugee repatriation.

141.   Given the connections between restrictions on regular migration and refugees' use of irregular and clandestine forms of movement that often involve considerable protection risks, recognizing and seeking to facilitate refugees' agency would help UNHCR's to better meet its protection duties and reduce refugees' vulnerabilities. For the wider international community, there is also the prospect that formal recognition of refugee's contributions to reconstruction through continued mobility may enhance the opportunities for sustainable state and community reconstruction. A more difficult question, however, is what form such international involvement should take.

Residual refugee populations

142.   It is now recognized that some refugees, particularly those who have experienced long-term exile, have been born in their "host" communities or have built up strong social, economic and cultural links with host populations. Such refugees often have no interest in ever physically returning home, even when the conditions of flight have been removed and many of their compatriots have chosen to physically return (UNHCR (2008a): para. 95).

143.   In some cases, such populations may qualify for naturalization under national law, or exceptionally be offered opportunities for formal naturalization, as has occurred in the recent case of those 1972 Burundians in Tanzania (although this process itself has been limited (Fielden (2008); International Refugee Rights Initative (2009): 6)).

144.   There is, however, significant opposition to both the de facto and de jure local integration of refugees in a number of refugee-hosting states, including Thailand, Pakistan, Iran and Kenya among others. Other refugees may be offered third-country

resettlement places. Yet the number of resettlement places falls far short of the number of refugees identified by UNHCR as needing access to this solution, let alone the number of refugees who desire entry to resettlement programmes. (UNHCR Sources).

145.   One solution to the continued dependence of these residual populations on international protection may be to encourage their formal resumption of citizenship in their state of origin while offering access to continued residency in their host community.

146.   The Economic Community of West African States (ECOWAS) and the recent initiatives designed to offer just such a solution to residual Sierra Leonean and Liberian refugee populations offers the best practical example to date of using mobility to link de facto local integration with de jure repatriation (see Adepoju et al. (2007); Long (2009a)).

147.   Using pre-existing free movement protocols which provide all citizens of ECOWAS states with the rights to reside and to work in other ECOWAS states as a basis, in July 2007 a multipartite agreement was signed by Nigeria, Sierra Leone, Liberia, ECOWAS and UNHCR. Under the terms of this agreement, Nigeria agreed to issue members of the residual refugee population with three-year work and residency permits at the same time as Liberia and Sierra Leone issued a passport. UNHCR meets the costs.

148.   In April 2009 the first batch of 349 passports was issues to Liberians who had chosen to remain in Nigeria, followed by the first issuing of passports to Sierra Leoneans in June 2009. In these cases, refugees must explicitly agree on taking up this offer that they are voluntarily re-availing themselves of national protection in their country of origin and no longer require international protection (UNHCR (2007c)). UNHCR's 2010 Regional Operations profile for the Gambia reports that in collaboration with UNHCR, the Government of Sierra Leone has now offered some 5,600 passports to former refugees wishing to integrate locally in their host countries (UNHCR (2009b)).

149.   This durable solution — providing regularized long-term residency and continued access to labour markets in host communities — allows a from of "repatriation" which does not require return. By regaining citizenship, refugees re-enter the national-state structure through which normal access to meaningful human rights is regulated and need no longer rely on international protection. Significantly, they are not required to abandon the "home" they have made in exile to achieve this.

150.   While for some refugees repatriation without return may represent a "second-best" solution, which offers a means of regularizing de facto self-settlement in the absence of the possibility of formal naturalization, it is important to note that for others this combination of political repatriation with continued physical residency in the host community may in fact offer a preferred solution.

151.   As Adepoju et al. have noted, particularly in regions where dual citizenship provisions do not exist many refugees may be interested in keeping a link to their original "imagined community". This may be for practical reasons (such as concerns with accessing inheritance) or to provide a continued sense of cultural or social

affinity with a community of origin, even when physical return is not practical (Adepoju et al. (2007)).

152.   Moving towards permanent residency outside a country of citizenship, without intending on undergoing formal naturalization (even if available) should not be considered an unusual practice just because the original exit from the country of origin was prompted by political persecution. Many scholars have emphasized that eradicating the original reasons for flight does not necessarily equate to providing sufficient reasons for return (Crisp et al. (2009); Long (2009a)) and a refugee may over time come to understand their own identity as that of a migrant, or an alien resident, rather than as a refugee who is awaiting return.

153.   Choosing not to naturalize may reflect the multiple-layered identities that build up across borders for migrants as well as refugees. Recent statistics from the US Department of Homeland Security, for example, suggest that only around 60 percent of those immigrants granted legal permanent residence in the US choose then to naturalize in the ensuing 20 year period (Baker (2009)).

154.   Within ECOWAS, the provision of this solution has tended to be framed as an unusual means of securing local integration (Adepoju et al. (2007)). This perhaps demonstrates the tendency of international observers to categorize solutions based on refugees' locations rather than refugees' more multi-faceted and cross-border connections. Yet the "repatriation" element of this solution should not be ignored, nor assumed to merely reflect an instrumentalist decision by refugees to "use" state of origin citizenship as nothing more than the provider of legal status.

155.   As Lindley has recently written, some studies of migrant remittances show that 'certain groups continue to remit, particularly in response to urgent needs, long after settling permanently abroad' (Lindley (2009): 1330). However, it is fragile states' inability to offer sustainable return to refugee populations that do wish to physically return — but can not do so due to continued state incapacity — which demands a far more urgent revision of international understandings of the relationships between repatriation, reconstruction and mobility.

Bilateral migration accords

156.   The incorporation of mobility into post-conflict repatriation and reconstruction programmes could take several different forms. One very obvious means of facilitating and protecting refugees' mobilities would be to link bilateral migration accords to repatriation agreements. In establishing the terms of tripartite agreements for refugee repatriation to a post-conflict state, host states and states of origin could be encouraged to build in bilateral agreements designed to enhancing refugee mobility. These agreements could allow for the opening of specific migration channels for repatriates, permitting their continued stay in their host community as active members of the labour force.

157.   Bilateral migration accords could set down conditions under which access to regularized migration channels encourages eventual sustainable return. Such limits could include temporal limits on the duration of the migrant visas, or limits on the number of family members who are eligible to apply for migration visas. Under such

a programme, access to visas could be made contingent on other family members physically returning to their community of origin.

158.   However, it is unlikely these restrictions would be helpful in ensuring the sustainability of an eventual repatriation. Arbitrary temporal limits on work visas linked to repatriation run the risk of only postponing refugees' difficult decisions about return to a fragile state. This is particularly true if the time limits imposed are of short duration and intended to act primarily as a reassurance to local communities that such temporary migration permits will not serve as a back-door to local integration.

159.   There are also significant protection risks involved if the migration rights in the host community are of short duration. A refugee who has opted to become a migrant-repatriate is no longer in need of international protection: this means that if their residence and work permits expire, they may be subject to harassment and deportation. This is especially serious if reconstruction in the state of origin has not yet progressed to a point where return is a viable option.

160.   Indeed, the success of reconstruction — and therefore of the sustainability of any solution — may in part depend on the length of time such migrant-repatriates can continue to work in their host communities. Research suggests that economic migrants from poor states are best placed to contribute to development through return after 10-15 years (Wickramasekara (2002); Black and Gent (2004)). This time span is sufficient for the accumulation of capital, skills and the fostering of transnational networks.

161.   Although some refugees may have been able to start this process of enrichment during the period of their exile, this observation — coupled with the fact that the states to which such refugees hope to return have often been crippled by conflict — suggests that repatriate-focused migration channels should be viewed as long-term initiatives. This again underlines the need for the international community to move away from its preoccupation with the moment of return to focus instead on the gradual and complex processes involved in repatriation.

162.   Similarly, a limit on the number of family members able to apply for work-permit rights as a means of delaying physical return and providing continued access to socio-economic livelihoods in the host country would be likely to prove unworkable without heavy bureaucratization. Such bureaucratization (necessary to avoid fraudulent claims) and the associated costs would act as impediments rather than facilitators of refugees' regularized residency in a host state pending their return. Furthermore, if access to migrant rights for family breadwinners is made dependent on certifying the return of families to their state of origin, it is likely to prove an even more time-consuming and difficult process (see Afghan case study below).

163.   Again, such policies would appear to be motivated by a desire to remove refugees from their place of exile rather than a commitment to development, reconstruction and sustainable repatriation (Ammassari and Black (2001)). In both cases, placing such limits on the duration or the social structure of repatriate-migration would be likely to lead only to increased irregular and clandestine flows of "revolving" returnees, with all the attendant protection and security risks for both refugees and states. This is because the continued fragility of the place of return

(particularly in terms of adequate access to socio-economic opportunities) means that repatriates' continued mobility in these cases is driven by need and not just desire.

164.   A more positive form of bilateral migration agreement intended to promote repatriation could focus not on limiting opportunities in the host country, but instead on enhancing the positive contributions that access to adequate socio-economic opportunities through migration could make to country of origin reconstruction. The value of remittances to development and reconstruction programmes is now well-recognized (Ratha (2003)). Programmes intended to strengthen the sustainability of eventual return by increasing repatriates' mobility could work by maximizing the impact of remittances. One model for such a programme is Mexico's Programa 3x1 para Migrantes.

165.   This initiative sees municipal, state and federal governments each give one US dollar for every dollar donated by hometown associations in the US to community development or other productive projects. Since being established as a Federal programme in 2002, by 2007 6000 projects had been financed, with average annual federal investment of $15 million USD (Menocal (2007); Osterroth (2009)).

166.   Another similar scheme is the Migration for the Development in Africa (MIDA) programme in Italy and Ghana/Senegal. This programme, established in 2002, aimed to establish partnerships to channel collective remittances of Ghanaian and Senegalese migrant associations. Such collective remittances spent by the migrant associations were matched by IOM and the Italian government (de Haas et al. (2009): 44).

167.   The object of the Mexican and Italian programmes are not to encourage migrants' returns to their country of origins. Nor, given the underlying frailty of states of origin and host states in areas where refugee flight occurs, would it be possible for regional actors to contribute to the costs of such a programme. However, international actors could cover the costs of such a programme relatively easily, particularly given the huge costs already associated with international involvement in the reconstruction of Afghanistan, Iraq, Sudan etc.

168.   By encouraging refugee-migrants to invest their capital in community development in the state of origin, reconstruction may be more successful on an absolute scale — but more importantly, providing such groups or individuals with some degree of autonomy over the shape of such reconstruction efforts is likely to encourage their eventual return to communities whose reconstructions they have helped to shape and influence.

Generalized liberalization of migration regimes

169.   A second related model for the integration of mobile livelihood strategies with repatriation efforts would be to encourage the general liberalization of regional migration channels alongside the facilitation of refugee repatriation as part of peace-building efforts. This initiative would have two key advantages over specifically repatriate-focused programmes.

170.   Firstly, the broad liberalization of migration regimes with a region would benefit not only refugees interested in securing a more sustainable return. It would instead allow all citizens of the post-conflict state to have greater choice over

livelihood strategies. Given that repatriates no longer need international protection against persecution, their need for continued mobility reflects their states' continued inability to provide meaningful rights, particularly in socio-economic terms.

171.   If repatriation is in any sense a viable option, such refugees are no longer conceptually distinct from other similarly deprived citizens of fragile states (apart from the fact they have already crossed an international border). This solution may therefore be seen as a "fairer" option in that it does not unnecessarily privilege refugees' access to mobile livelihoods over the access of other deprived and poor citizens.

172.   Secondly, a general liberalization of regional migration would better reflect both the historical and future needs for mobility to be used as a means of facilitating access to rights and resources. As Bakewell's work in Zambia and Angola (Bakewell (2000)) and Monsutti's work in Afghanistan (Monsutti (2006, 2008)) has demonstrated, transnational approaches to livelihoods frequently pre-date the creation of fixed nation-state boundaries.

173.   This is particularly true in the global South where such borders were artificially imposed across far more persuasive tribal or ethnic "imagined communities". This the case, for example with the Pushtun on the Afghan-Pakistani border who despite being 'citizens of two distinct and often antagonistic states' have retained close ties (International Crisis Group (2009): 17).

174.   If effective durable solutions for refugees are to be implemented, these solutions need to take account of existing cultural and socio-economic norms, and not tie repatriation to sedentary understandings of communities. Given the continuing massive inequality between states and regions (for example, Afghanistan's GDP in 2008 was $10.2 billion, compared to Iran's GDP of $385 billion (World Bank figures)), there also needs to be a recognition that "sedentary" solutions are not likely to be possible in the short-term: nor are the necessarily desirable in the medium or long-term.

175.   Seasonal migration and transborder trade are effective and resilient livelihood strategies that in regions where states ' capacities are weak and the threat of conflict high may be particularly important in withstanding political shocks. There is evidence that 'increasingly restrictive immigration policies and in particular the introduction of visa restrictions [has] the effect of pushing migrants into permanent settlement rather than the reverse' (de Haas et al. (2009): 11).

176.   While researchers need to be wary about drawing direct parallels between studies of migrant behaviour and refugee decision-making processes in repatriation, this finding nevertheless suggests that liberalizing migration regimes is likely to encourage eventual return when conditions allow. Such return might nevertheless continue to involve trans-border trade or seasonal labour out-migration.

177.   Despite the obvious advantages encouraging freedom of movement is likely to have in terms of facilitating durable solutions for refugees and strengthening reconstruction processes, moving towards full liberalization is likely to be a slow and difficult process. States' interests in border securitization mean they are directly opposed to greater border permeation. This is particularly true in post-conflict regions where violence may often cross insecure regional borders, particularly if peace-

building processes have displaced rebel or "spoiler" groups rather than co-opted them.

178.   International Crisis Group (ICG) has suggested that the Afghan, Pakistani and Iranian governments could work together towards a Free Movement Protocol along the lines of the ECOWAS model (International Crisis Group (2009)). However other observers are quick to point out that the ECOWAS protocol has only been used to address a small number of residual refugee groups and is poorly understood and patchy in its regional implementation (UNHCR sources).

179.   The ILO is equally sceptical about the possibility of encouraging bilateral or regional migration liberalization programmes elsewhere (ILO interview). However, moments of regional peace-making — particularly where large refugee populations are involved and host states are primarily interested in reducing the burden this population represents and preventing the prospect of future influx — may offer a window in which promoting flexible migration regimes as a constituent part of any peace agreement may prove less difficult than at a later date.

180.   As the ICG recently concluded on the Afghan crisis 'the international community could have avoided this crisis had it acknowledged earlier the complexity of Afghans' mobility instead of addressing their presence abroad only as a refugee/returnee issue' (International Crisis Group (2009): 19). However, this approach to mobility and return is likely to remain aspirational rather than operational in the foreseeable future.

Repatriation, reconstruction and mobility in Afghanistan

181.   International efforts to promote sustainable Afghan return and reconstruction provide an important example of the possibilities a mobility-enhancing framework can offer in the search for durable solutions, as well as underlining the serious obstacles posed by states' reluctance to recognize the role mobility can play in securing refugees' eventual return and Afghanistan's future reconstruction.[8]

182.   Since 2002, over 5.6 million refugees have repatriated to Afghanistan from Iran and Pakistan, over four million under the auspices of a UNHCR-negotiated tripartite agreement. However, as of 2008 there remain around three million refugees (2.14 million in Pakistan, 910 000 in Iran) who are awaiting a sustainable durable solution to their PRS (Tennant (2008): 3).

183.   These figures reflect in part the growing destabilisation of the Afghan state after 2005. Yet they figures are also indicative of the complexity of the Afghan refugee population and the need for significant innovation if the "solutions" to this refugee crisis are to prove durable. It was in light of this complexity that in 2003 UNHCR adopted the Comprehensive Solutions Framework.

184.   This document, which planned for the first stage of mass repatriation to be completed by 2005 and for ensuing population movements to be addressed as a 'migration and development challenge' (UNHCR (2003)), identified four key groups

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[8] The following section is a summary of a more detailed account of Afghan mobility strategies which is available in Extending Protection? (Long (2009a))

likely to have remained outside Afghanistan. These were refugees who remained in need of international protection, long-term exiles who 'have developed strong links with their host communities and are economically self-reliant by virtue of their protracted stay and may wish to remain', migrant Afghans and Afghan refugees no longer in need of international protection who wished to return when conditions allowed (UNHCR (2003)).

185.   In terms of considering the impact mobility could have on understandings of return, our interest lies primarily with the last two of these groups. Refugees who remain in need of international protection can not, by definition, be repatriated. Similarly, although some Afghan diaspora from Iran and Pakistan may wish to contribute financially to reconstruction and to maintain some connections with their state of origin, it is clear that long-term exiles (including the 77 percent of refugees in Pakistan who have lived in exile for over thirty years) should be primarily understood to be interested in de facto local integration.

186.   More intriguing are efforts to provide some means of facilitating refugees' and returnees' continued access to mobile livelihood strategies within the framework of repatriation, recognizing that such movements are both an inevitable consequence of Afghanistan's current endemic state fragility have a long historical tradition. They also reflect the degree of developmental disparity between the Afghan economy and those of Iran and (to a lesser extent) Pakistan.

187.   In Iran, the Bureau for Alien and Foreign Affairs (BAFIA) has issued work permits as a compulsory part of the Amayesh refugee registration process. It has pursued schemes through which Iran-based Afghan families would repatriate in exchange for time-bound but renewable work permits being issues to a few members of each household. More recently, it has attempted to reach a bilateral agreement with the Afghan government which would see Afghan refugees in Iran surrendering their Amayesh documentation in order to qualify for a work and residency permit (UNHCR sources; Long (2009a)).

188.   On the surface, these proposals appear to recognize the need to provide Afghans with access to economic livelihoods outside of an Afghan state still unable to provide basic security or access to basic rights despite several years of reconstruction. Yet there is considerable scepticism among the international community that these schemes are designed to facilitate mobility and encourage sustainable return.

189.   Instead, many international observers suspect the Iranian government of attempting to expedite the rate of return by making condition of stay difficult. It is argued that these proposals are impracticable because of the limited time-duration and costs of the permits ($70 for a six month visa) and other conditions attached (International Crisis Group (2009); UNHCR sources).

190.   The result has been to transform many long-term Afghan refugees not into mobile "repatriate" migrants, but instead into irregular and undocumented labourers susceptible to deportation. In 2007-8 over 600,000 Afghans were deported from Iran, including many who had previously held refugee status (ILO-UNHCR (2008)). Many returned within weeks as irregular migrants, demonstrating that this "solution" to Iran's refugee population offers neither the prospect of sustainable return, not the effective containment of migration flows.

191.   In Pakistan, the 2007 registration of the remaining Afghan population as "Afghans living in Pakistan" hints at the possibility of using Afghan citizenship to provide some level of consular or national protection alongside the delivery of three-year residence permits (as per the ECOWAS example).

192.   However, this 'important milestone' (Tennant (2008)) has been threatened by the growing instability of the NWFP region, and the resultant massive outpouring of a million Pakistani IDPs in 2009 from the area. UNHCR staff report that there has been an 'incredible negative reaction' (Camargo (2009)) by the Pakistani people towards the Afghan refugee population and that discussions with the Pakistani government over the renewal of the 2007 registration cards have been 'very difficult... It is not clear whether renewal will indeed happen' (Camargo (2009)).

193.   Since 2003, the Afghan population has grown by some 20 percent as a result of massive return movements, 'a huge socio-economic challenge'. Assessments suggest that Afghanistan's absorptive capacity is shrinking: 'competition for land, water, natural resources, and employment is growing sharper. Conflict and poverty underpin internal displacement, informal settlement in urban areas, and irregular migration...' (UNHCR (2009a)). This all suggests that an approach to repatriation and return which encompasses mobile livelihood strategies is not only desirable but necessary in order to combat growing instability within the region.

194.   International observers agree that 'addressing the needs of Afghanistan's mobile population will not be peripheral but central to ensuring regional peace and stability' (International Crisis Group (2009): 22). However, it is equally clear that the Iranian and Pakistani states — increasingly fragile in themselves — are unlikely to countenance significant moves away from the "securitization" of their borders and continue to insist that 'displacement is reversible and all Afghans should/will return to Afghanistan' (Tennant (2008):17).

Resettlement, mobility and return

195.   The two schemes for incorporating mobility into understandings of repatriation outlined in the previous section — namely the introduction of specific repatriate-focused migration channels and general liberalization of regional migration regimes — are focused on facilitating intra-regional mobility within and between the host community and the state of origin.

196.   Yet as the Afghan case study above demonstrates, post-conflict refugee-producing states may often be situated within a cluster of weak states (as can also be seen in the Great Lakes region and the Horn of Africa) or states without the absorptive capacity to accommodate significant numbers of unanticipated mobile "repatriates" seeking to secure economic livelihoods. If mobility is to be fully integrated into the durable solutions framework as part of post-conflict reconstruction efforts, the connections between third-country resettlement, mobility and prospects of refugee return also need to be considered.

197.   UNHCR offers resettlement places to refugees on the basis of greatest protection need, yet even for those identified as in need of resettlement, there is a considerable shortage of places (UNHCR Sources). Yet resettlement remains, for many refugees, their preferred — if unobtainable — solution. The 2008 riots in Ghana

at Liberian refugee camps were at least partly sparked by anger at the closure of resettlement opportunities to the residual population (Omata (2009); USCRI (2009)).

198.   There is growing evidence to suggest that resettlement is often viewed as the only acceptable solution, particularly in cases of PRS where rights in exile are severely curtailed (Crisp (2002):23). Lindley's work on the Somali population in Nairobi also suggests that it is resettlement which provides the initial motivation for movements to the city, which acts a 'staging post' on the journey to resettlement (Lindley (2007)).

199.   Importantly, for many of these refugees, their idealization of resettlement is not only a political but also an economic "solution" to exile. It should certainly be acknowledged that many refugees fixated on resettlement have incomplete knowledge about what resettlement might involve (in terms of standards of living etc.) (Lindley (2007); Omata (2009)). However it equally obvious that an appropriately resettled refugee in North America or Europe is likely to enjoy considerably more socio-economic opportunity than a refugee who returns to a fragile and poor state ravaged by years of conflict.

200.   Although there has been little research carried out mapping the intentions of those refugees who wish or are able to resettle, some preliminary and anecdotal evidence suggests that for some refugees, it is the absence of other migratory opportunities that lead them to prioritize resettlement over return. This interest in migration for economic benefit is not unconnected from continued reconstruction and livelihood needs: research shows that remittances from resettled refugees play a crucial role in maintaining the socio-economic livelihoods of families who have remained in exile or returned to Liberia.

201.   Some resettling Liberian refugees, for example, have been reported as claiming to have the eventual intention of returning or retiring to Liberia after accumulating capital in the US. This suggests that resettlement is not always understood as a protection mechanism by all refugees, but is sometimes viewed as a channel permitting greater economic mobility. Opening up new channels for migration which are linked to "political" repatriation and even eventual return might help to remove some of the pressure from an overloaded and abused system.[9] Even in the "misuse" of resettlement channels, however, a refugee may not only pursue personal betterment but also provide livelihoods for family still living in fragile states, funds for community reconstruction and possibly even develop a foundation for their eventual return. Such practices of mobility should therefore not be stopped, but re-directed into more appropriate frameworks.

202.   One response could be to encourage skilled refugees to take advantage of existing labour migration routes. One obstacle to refugees' entry into third countries through migration schemes for which they are otherwise qualified has traditionally

[9] It should of course be acknowledged that is not only refugee populations who "misuse" resettlement — a political solution to refugees' persecution — as an economic facilitator. Resettlement states also take decisions based not on need but on social, economic and cultural interests designed to meet the needs of their own domestic communities. Germany's recent insistence on resettling Iraqi Christians is an extreme example of resettlement decisions being publicly taken on a basis other than strict individual need (Spiegel Online: International (2008)), but is generally acknowledged that refugees who fit a particular skills profile are more likely to be accepted for resettlement by Western states (UNHCR sources).

been the need to provide a "country of citizenship" to which migrants may be returned if their permits are cancelled or not renewed on expiry.

203. UNHCR has been in discussion with resettlement states about the possibility of waiving such a requirement for recognized refugees (in effect meaning that on receipt of the migrant visa the refugee would be granted permanent leave to remain), and some have responded positively to the possibility of developing such a scheme (UNHCR sources).

204. It is arguable that this type of programme might also be of particular political interest if the refugees targeted were from states recovering from conflict where there is a significant international commitment to reconstruction. The opening up of migration opportunities could then be directly linked to remittance-provision and international interest in development and stabilisation of such fragile states.

205. Particularly obvious cases for such treatment might include the Iraqi refugee populations currently being hosted in the Middle East. Linking successful migration with the goal of securing sustainable future repatriation might help to counter some of the protection risks which could arise from refugees becoming third-country migrants dependent on residency rather than citizenship rights for protection (this became a particular problem in the Middle East in the early 1990s following the collapse of the Somali state).

206. Refugees would only move into such channels once the renewed possibility (if not the immediate practicability) of voluntary repatriation was confirmed. If migration was projected at means by which repatriation became not only possible but practicable in the long-term, this might also help to counter domestic anti-migration sentiment that has directly contributed to the shrinkage of Western asylum space.

207. There are likely to be two additional benefits in adopting such a scheme. One would be the likely reduction in the number of recognized refugees who resort to onward movements from their first country of asylum in search of effective protection, often at risk of exposure to human smuggling, trafficking and other protection risks due to the lack of opportunities for regularized movement (UNHCR (2007b)). These onward movements have been a source of considerable international controversy in the past decade.

208. UNHCR is clear that in its view, a search for effective protection requires adequate access to sustainable and dignified livelihoods to be secured, and onward movement may be justified in search of such goods (UNHCR (2009e)). Opening up migration channels to those who can not (yet) viably return "home", in order that they can secure such livelihoods elsewhere would help to reduce the protection risks taken by many refugees in the interests of securing their socio-economic survival.

209. A second benefit would be a reduction in the pressure on "classic" resettlement as a durable solution. If skilled and educated refugees were able to use migration routes to secure access to socio-economic opportunities, this might free some space within resettlement programmes to offer more places to those identified as in need of resettlement for reasons genuinely related to protection.

Post-return mobility

210.   This paper has largely focused on the role mobility can play in facilitating more nuanced and flexible forms of refugee "repatriation" that do not involve physical return and are better equipped to form part of broader reconstruction efforts. However, it is important to at least briefly consider the continued role mobility might play in encouraging sustainable post-conflict reconstruction and consolidation after refugees have made a physical return.

211.   The framework outlined above has already suggested that among the most useful strategies for incorporating return would be general liberalization of migration regimes, so that physical return need not be a final choice, but reflect the reality of "revolving" repatriates who fail to resettle in their country of origin.

212.   Certainly, there is evidence that if return fails to offer a viable protection or access to resources, returnees will return to their country of asylum or be forced into internal displacement, as has occurred with significant numbers of Afghan IDPs. As treatment of these cases suggests, re-emigration after an intended permanent return is generally viewed as a 'failure of reintegration. Black and Gent, for example, suggest that on an individual level, the sustainability of return can be measured by rates of re-emigration (Black and Gent (2004): 13).

213.   However, these claims have been developed despite a lack of either reliable statistical information or qualitative research full investigating the reasons for all refugees' "re-emigration". In fact, it is arguable that some re-emigration may not be a reflection of failures to integrate, but of successful repatriation and reconstruction.

214.   It is now reasonably well established that higher levels of development tend to coincide with increasing mobility and migration (de Haas et al. (2009)). Rich Western populations, are highly mobile in general, and particularly so in terms of their educated elites. In these terms, a cosmopolitan lifestyle is regarded as a mark of success, and suggests that the international community should be wary in intending that mobile return strategies should used to facilitate eventual permanent residency.

215.   There is no reason why repatriation — as a political solution to exile — should preclude a future decision being made to emigrate in order to seize opportunities for betterment rather than meet socio-economic needs. As counter-intuitive as it appears, widespread continued mobility may in some cases be more a mark of successful return and reconstruction than the end of population movement. There is an urgent need for more research into patterns of re-emigration to determine how re-emigration relates to the sustainability of repatriation and reconstruction.

216.   Re-emigration is not the only form of continued mobility which may occur as part of return and reconstruction movements. Internal mobility may also represent the culmination of successful processes of reconstruction and return, rather than a failure to "re-root" returnees in their communities of origin. It is arguably even more indicative of the sustainability of reconstruction and the viability of the post-conflict state to which refugees have returned, because it suggests that they are able to exercise their freedom of movement within their own state — a fundamental human right in itself.

217.   In doing so they also reinforce the legitimacy of the state, by demonstrating it is now able to function as an integrated whole. In more practical terms, facilitating internal freedom of movement post-return also reflects the reality of change which conflict — and particularly protracted conflict — involve. As Part I of this paper demonstrated, repatriation can not involve a return to an idealized "home", because both refugees' and refugees' communities will have been irrevocable altered by the processes of flight and conflict. International acceptance of internal post-return mobility, including by the country of origin to which refugees have returned, is thus both necessary and desirable. UNHCR has made significant changes to its own return and reintegration policy reflecting this approach:

218.   Reintegration does not consist of "anchoring" or "re-rooting" returnees in either their places of origin or their previous social and economic roles. For example, refugees and IDPs who have experienced urban or semi-urban lifestyles during their period of displacement may well move to towns and cities upon their return. Such forms of mobility should only be regarded as a failure of the reintegration process if returnees are unable to establish new livelihoods or benefit from the rule of law in their areas of origin, and thus feel that they have no choice but to settle in alternative locations (UNHCR (2008b)).

219.   This statement makes clear that mobility should not be confused with internal displacement, which should be identified on the basis of rights deprivation (such the right to a home of one's own choosing and the right to internal freedom of movement) rather than on the observation of movement itself.

220.   In particular, internal movement has tended to involve marked urbanization. A recent UNHCR desk review of urban reintegration found that around 60 percent of return to Somalia were hosted in the town of Hargeisa; 42 percent of Afghan returnees are hosted in urban areas (UNHCR (2009f): 6). A large number of these urban returnees were originally refugees or IDPs from rural areas.

221.   This urbanization reflects not only economic but political and cultural factors influencing choice-making in return, as urban areas are often identified as more liberal and better able to offer security (especially to women and youth) (UNHCR (2009f): 7). This internal mobility should be understood not as a threat but as an integral part of reconstruction processes which is often likely to reflect broader trends of urbanization within a state. Alex de Waal has recently argued in relation to Sudanese reconstruction that:

222.   The crisis in Darfur is the latest in a long series of such episodes in Sudanese history, and can also be seen as an instance of the accelerated traumatic urbanization of society. Whatever political resolution is achieved, many IDPs – perhaps the majority – will have a future in the cities... One way of interpreting the last six years is accelerated (and traumatic) urbanization — Darfur catching up with the rest of the country. (de Waal (2009)).

223.   Despite this growing awareness among many members of the international community that development and reconstruction must embrace internal mobility as an important adaptive strategy, some states remain wedded to the idea that return should involve re-ruralization. In Afghanistan, the UNHCR's operation response has been limited to rural areas only at the specific request of the Afghan Interim Administration 'on the basis of concern that the flow of returnees was contributing to

the cycle of urbanization and their anticipation that money and aid would be flowing predominantly toward urban areas'.

224.   That request appears to have been politically motivated, a fact which explains why both UNHCR and the Administration have not publicly acknowledged the existence of such a policy: this 'may have raised sensitive issues about the equity of focusing in rural areas whilst there were persons of concern in urban areas too' (UNHCR (2009f): 30).

225.   Increased urbanization and internal mobility are widely recognized to be important marker of progress in development. In dealing with notions of "return" and "repatriation", acknowledging the value that these processes have for sustainable reconstruction helps to underline that responses to displacement must focus on protection needs rather than physical movement.

226.   This is reinforced if the position of IDPs in relation to mobility is considered. IDPs can be identified as those who have been forced to move from their communities of origin because of the incapacity or inability of the state to protect their basic political rights. Their mobility may allow them to find de facto solutions to such rights-deprivation, particularly through urban settlement, although a full resolution of their displacement will only result from a political settlement which provides IDPs with a choice (but no obligation) to return.

227.   Nevertheless, a critical account of the relation of IDPs to mobility suggest that the international community should be careful in seeking to distinguish IDP populations — especially self-settled urban IDPs — from wider groups of urban poor who may have significant and similar needs. Many urban migrants may have resorted to migration as a livelihood coping strategy because of a lack of equal or "adequate" socio-economic opportunities in their region of origin, but this should not be confused with internal displacement as a result of a fundamental deprivation of human rights. Such movements should be addressed within a development rather than a protection framework.

4. Conclusion and recommendations

228.	Durable solutions for refugees — local integration, resettlement and repatriation — all provide for a return to citizenship. It is this return to citizenship that provides a political remedy to the political deprivation of refugees' rights as a result of either the incapacity or the active hostility of their state of origin. This means that it is a political reconnection with the state, rather than the physical movement involved in "return", which is central to providing access to durable solutions for refugees in exile. Sustainable repatriation is thus closely connected to the prospects for success in broader post-conflict reconstruction and peace-building efforts.

229.	Post-conflict reconstruction efforts themselves demand the early inclusion of refugee populations, both to legitimate the emerging state and contribute in economic terms to reconstruction. However it is clear that inclusion through physical return, particularly at an early state of recovery, can be detrimental to the sustainability of reconstruction and return. Weak and fragile states do not have the practical capacity to support large return populations (especially in socio-economic terms), even if they are eager to do so in theory.

230.	In practice, considerable numbers of refugees who return to fragile states of origin emerging from conflict develop livelihood strategies that involve continued mobility rather than return. Such mobility may involve entry into established seasonal or transnational labour markets, the "staggering" of family return to spread risk between two economies or even long-term migration alongside a more abstract "repatriation" which is marked by the regaining or retention of formal citizenship and the sending of remittances to families and communities. These strategies contribute to reconstruction prospects. In doing so they increase the prospects for an eventual physical return to represent both a voluntary choice and a sustainable outcome.

231.	Mobility could therefore play a vital role in facilitating sustainable repatriation and reconstruction. Recognizing this, UNHCR has begun to move towards the integration of mobility into its policies on return and reintegration. Notably, facilitation of mobility has played an important role in dealing with residual refugee populations in the ECOWAS region and confronting the considerable challenges posed by the continuing Afghan refugee crisis. These cases also illustrate the difficulties which are likely to be faced in encouraging the international community to embrace pro-mobility strategies, especially in terms of state responses to continued or increased population movements.

232.	Nevertheless, there is a growing consensus that sustainable reconstruction and refugee repatriation/returns will involve growing use of mobile livelihood strategies. These offer an important coping strategy in states with weak infrastructure, allowing families and communities greater resilience in withstanding the shocks that fragile states themselves may struggle to overcome. In the longer-term, repatriates' continued or increased mobility may also represent a positive outcome of reconstruction: there is considerable evidence to suggest that an increase in a population's mobility is in fact associated with successful economic development and increased equity of access to a globalized modern economy.

233.   It is important to recognize that practices of mobility may bring their own challenges. In particular, remittance-led reconstruction may exacerbate inequality within communities and between families based upon residents' access to such funds which are overwhelmingly remitted to individuals. In political terms, the involvement of wealthy diaspora in "repatriation" efforts may exacerbate class tensions: there is also a need to avoid the "capturing" of the state by returning diaspora elites, as has occurred in Rwanda and Afghanistan.

234.   However, the likelihood that repatriate mobility will strengthen community and individual power over and above state institutions should not be seen as a limitation on the usefulness of mobility-led strategies. This finding should instead be cause for the international community to reconsider both its approach to and its aims in financing "state-building" operations.

235.   Community-based local structures of power may prove to be more legitimate, more resilient and better reflect historical and cultural realities than relatively abstract concepts of a single national-state. Strengthening community structures able to effectively protect repatriates and provide other citizens with meaningful human security may in fact be easier and more successful than attempting to build states.

236.   Proposing such a paradigm-shift in approaches to reconstruction and repatriation is likely to be controversial, especially among states concerned with their own border securitization. Yet it is impossible to ignore the deep crises in state sovereignty that have led to considerable numbers of states in the global south suffering from endemic fragility and a chronic deficit of legitimacy.

237.   It is the fragility of such states which is the "root cause" of many PRS, particularly in terms of continuing obstacles to effective return. Mobility may provide a remedy to some of the constraints experienced by the populations of fragile states. However it is important that in incorporating mobility into a durable solutions framework, UNHCR does not lose sight of the deeper and more problematic structural failures of the international states-system.

238.   Integrating mobility into repatriation programmes may take several forms and is likely to depend on the particular local setting and the refugee population's particular protection needs. All such strategies reflect the need for the international community to move away from the idea of one-way movements and "solutions". Return is not synonymous with repatriation: movement is not the cause of displacement but a symptom, and may in fact provide an important remedy to some refugees' needs. Similarly, repatriation should be understood as an opportunity for positive political transformation, rather than as an elusive search to "re-anchor" refugees at "home".

239.   Ultimately, incorporating mobility within repatriation recognizes that durable solutions must be framed to protect choice. It is the absence of choice in their movement— the absence of effective rights or autonomy — which marks the refugee out as needing international protection. Protecting and encouraging mobility restores this choice, and remind us that UNHCR was not set up to contain movement, but to protect those in need from political persecution.

240.   Embracing mobility — which in itself is a significant decision — is therefore also part of a broader and arguable still more significant paradigm-shift towards

understanding UNHCR's protection work within a rights-based framework. Refugees are in essence citizens who have been deprived of their fundamental rights: the aim of the international community must be to restore such rights. Linking repatriation, reconstruction and mobility therefore represents one small — but significant — step towards the development of this broader rights-based approach to protection.

241. In light of these conclusions, this paper makes the following policy recommendations:

(i)   UNHCR should explicitly recognize that repatriation is not just a synonym for return, but is a political act reconnecting a refugee with state of origin citizenship.

(ii)   Reflecting both the individual and community dynamics which play a part in sustainable refugee repatriation, UNHCR should move to adopt benchmarks which judge the success of repatriation alongside the sustainability of broader post-conflict reconstruction efforts.

(iii)   UNHCR should avoid using the shorthand of a "return home" to describe refuge repatriation operations, and encourage states to do the same. This will help to underline that repatriation is not necessarily a mono-directional movement from exile to permanent residency in a refugee's pre-flight community.

(iv)   UNHCR should move to integrate mobility into its strategies for repatriation, recognizing that immediate return is not necessarily the best means of securing sustainable repatriation, particularly in fragile states. This could be done in a number of ways:

  •   by encouraging the agreement of bilateral migration accords specifically focused on continued returnee access to host-community labour markets;

  •   by encouraging general liberalization of regional migration regimes to better reflect the reality of existing transnational migration routes: this may be best achieved through incorporation into regional peace accords, or by encouraging the development of broader freedom of movement protocols along the ECOWAS model;

  •   by publicizing existing migration channels to those refugee-repatriates who might qualify for working visas in developed economies; this may also have the effect of reducing some of the pressure on resettlement channels;

  •   by encouraging Western states to open up migration opportunities to skilled refugees who are able to repatriate politically to post-conflict fragile states, but whose physical return is impeded by a lack of adequate socio-economic infrastructure, as a part of their support for such states' post-conflict reconstruction; and,

  •   by trying to ensure that recognized refugees in Western donor countries who do decide make a physical return to a fragile state emerging from conflict can return to their country of asylum if their return does not prove sustainable.

(v)   UNHCR and the international community should explicitly recognize the crucial role played by refugees' remittances in supporting early recovery and post-conflict reconstruction. As part of its development of pro-mobility repatriation programmes, UNHCR should consider how it can help to facilitate remittance flows from mobile repatriates to recipients in the country of origin.

(vi)   UNHCR and the international community should work to encourage those refugees who wish to make a physical return in the future, but whom at present are only prepared to engage in more political or financial modes of repatriation, to remit not only to family members but also to community development projects that are likely to have a lasting impact on the progress of reconstruction. This could be done by setting up matching fund schemes which help to target development and reconstruction assistance to the projects perceived of as most important by potential returning diaspora.

(vii)   UNHCR and the international community should work to ensure that access to mobile forms of repatriation is equitable across refugee populations. UNHCR should provide access during exile to appropriate skills and livelihood training, and where appropriate meet the costs of applying for work visas and residency permits. This should be recognized as playing a long-term role in fostering sustainable intra-community reconciliation.

(viii)   States much recognize that population mobility — whether external or internal — can be a positive forced for reconstruction and enduring community stability. States of origin should recognize that urbanization and post-return mobility are likely to reflect wider development trends and should not seek to insist on "re-ruralization" policies. Host states should recognize that mobility helps to reduce poverty and encourages sustainable reconstruction and repatriation. It therefore is likely to contribute to long-term regional stability and should not be rejected because of excessive focus on discourses surrounding "border securitization". UNHCR should work to encourage states to adopt this positive view of repatriates' mobility.

(ix)   UNHCR needs to carry out or commission more research on the role of mobility in refugee protection, including uses of mobile return strategies. While there is a general consensus that repatriation both could benefit in theory from greater incorporation of mobility, and that mobility is a solution that refugees already resort to using in practice in order to secure sustainable "returns" in fragile environments, there is little field-based empirical research which directly looks at these questions from the stand point of forced migration. This research gap needs to be addressed.

(x)   In the meantime, UNHCR should continue its moves towards incorporating mobility into its understandings of refugee protection and seek to "mainstream" its commitment to promoting mobility as a fundamental human right. UNHCR should also explicitly underline the role that facilitating refugees' mobility can have in encouraging development and peace-consolidation.

(xi)   Finally, UNHCR should make clear that its current reassessment of the purpose and shape of "durable solutions" — and the new value attached to the role of mobility in such solutions — reflect a broader shift towards a rights-based approach to addressing displacement. Embracing mobility should be just one aspect of an important policy shift away from concentrating on the containment or the reversal of refugees' movements and towards a more explicit focus on ensuring the protection and eventual restoration of refugees' fundamental human rights and dignity.

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