

# **NEW ISSUES IN REFUGEE RESEARCH**

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## **The local integration and local settlement of refugees: a conceptual and historical analysis**

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## **Introduction**

This paper examines the role of local integration and local settlement as a means of addressing and finding durable solutions to refugee problems. The paper begins with an attempt to define the concepts of local integration and local settlement, as well as their relationship to each other. The following section explains why the international community has paid relatively little attention to these approaches in recent years, and why it has preferred to pursue a solutions strategy which focuses predominantly on repatriation.

The paper goes on to suggest that voluntary repatriation is not an immediately attainable solution for many of the world's refugees, nor is it necessarily the most viable one for others. On the basis of this analysis, the paper concludes that a comprehensive strategy is required for refugee problems to be effectively addressed and resolved, involving a revitalized approach to local integration, local settlement and the promotion of self-reliance.

### *Defining local integration*

The notion of 'local integration' is frequently used in the refugee context, and yet it lacks any formal definition in international refugee law. The lack of clarity surrounding the concept is reinforced by its frequent confusion with a related but different concept, that of 'local settlement'.

For the purposes of this paper, local integration can be regarded as a process which leads to a durable solution for refugees. It is a process with three interrelated dimensions.

First, it is a legal process, whereby refugees are granted a progressively wider range of rights and entitlements by the host state. Under the terms of the 1951 Refugee Convention, these include, for example, the right to seek employment, to engage in other income-generating activities, to own and dispose of property, to enjoy freedom of movement and to have access to public services such as education. The process whereby refugees gain and accumulate rights may lead to the acquisition of permanent residence rights and ultimately to the acquisition of citizenship in the country of asylum.

Second, local integration can be regarded as an economic process. For in acquiring the rights and entitlements referred to above, refugees also improve their potential to establish sustainable livelihoods, to attain a growing degree of self-reliance, and to become progressively less reliant on state aid or humanitarian assistance. In accordance with these indicators, refugees who are prevented or deterred from participating in the local economy, and whose standard of living is consistently lower than the poorest members of the host community, cannot be considered to be locally integrated.

Third, local integration is a social process, enabling refugees to live amongst or alongside the host population, without fear of systematic discrimination, intimidation

or exploitation by the authorities or people of the asylum country. It is consequently a process that involves both refugees and the host population.

The concept of local integration does not imply the assimilation of refugees in the society where that have found asylum. While the concept of assimilation is to be found in the 1951 UN Refugee Convention, the international community has always rejected the notion that refugees should be required or expected to abandon their own culture, so as to become indistinguishable from members of the host community. As one scholar has pointed out, integration is a more useful term than assimilation, suggesting as it does that refugees “maintain their own identity, yet become part of the host society to the extent that host population and refugees can live together in an acceptable way.”<sup>1</sup>

### *Local integration as a durable solution*

Local integration is commonly referred to as one of the three ‘durable solutions’ available to refugees, the others being voluntary repatriation to the country of origin and resettlement in a third country. Strictly speaking, it can be argued that the process of local integration becomes a durable solution only at the point when a refugee becomes a naturalized citizen of his or her asylum country, and consequently is no longer in need of international protection.

The definition used in this paper, however, which emphasizes the multidimensional nature of local integration, casts some doubt upon such a restrictive interpretation of the concept. For it is quite possible for a refugee to acquire and exercise a wide range of rights, to become entirely self-reliant and to develop close social ties with the host country and community, without becoming a naturalized citizen of the asylum state. In such circumstances, it would be pedantic to suggest that such a person had not attained a very real degree of local integration.

### *Defining local settlement*

Whereas local integration can be regarded as a process that leads towards a durable solution for refugees, the notion of ‘local settlement’ is best defined as a strategy for dealing with mass refugee movements. It was practised most widely between the 1960s and 1980s, at a time when Africa and other developing regions were experiencing a growing number of large-scale refugee influxes.

Responding to these influxes, host governments recognized the new arrivals on a prima facie basis and provided them with land where they could establish new settlements, engage in farming and other economic activities. While the international community was expected to support such refugees for an initial period, it was assumed that they would eventually attain self-sufficiency, enabling their settlements to be ‘handed over’ from UNHCR to the authorities of the host country.

This approach to the problem of mass refugee influxes was acknowledged in the 1967 OAU Refugee Convention, which says that member states “shall use their best

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<sup>1</sup> T. Kuhlman, *Asylum or aid? The economic integration of Ethiopian and Eritrean refugees in the Sudan*, African Studies Centre, Leiden, 1994, p. 56.

endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.”

The relationship between the concept of local integration and that of local settlement is a somewhat ambiguous one, complicated by the tendency of some commentators to use them interchangeably.

For the purposes of this paper, the following distinction can be made. The notion of local integration is based on the assumption that refugees will remain indefinitely in their country of asylum and find a solution to their plight in that state. Ideally, but not necessarily, that will involve the acquisition of citizenship.

Local settlement, however, does not presuppose that refugees will find a durable solution in their country of asylum. In some instances, locally settled refugees might indeed remain in exile, becoming progressively integrated there in legal, economic and social terms. But in other instances, local settlement might be a temporary phase, allowing refugees to live with a degree of dignity, security and prosperity, pending the time when they are able to benefit from the solution of voluntarily repatriation.

### *The history of local integration*

When the international refugee regime was established some 50 years ago, the international community recognized the potential for refugee problems to be resolved by means of local integration. Writing in 1950, for example, at a time when the International Refugee Organization was being dissolved and UNHCR was being established, the UN Secretary-General predicted:

The refugees will lead an independent life in the countries which have given them shelter. With the exception of ‘hard core’ cases, the refugees will no longer be maintained by an international organization as they are at present. They will be integrated in the economic system of the countries of asylum and will themselves provide for their own needs and those of their families. This will be a phase of the settlement and assimilation of the refugees.

The 1951 UN Refugee Convention also envisaged the local integration of refugees, and in this respect drew particular attention to the role of citizenship in the search for durable solutions. According to article 34 of the Convention. “the contracting states shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings.”

While the principle of local integration may be firmly established in international refugee law, its practice has been very limited in the years since the refugee problem became a worldwide phenomenon.<sup>2</sup>

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<sup>2</sup> For an opinionated history of solutions to refugee problems, see B.S. Chimni, ‘From resettlement to involuntary repatriation: towards a critical history of durable solutions to refugee problems’, *New Issues in Refugee Research*, Working Paper no. 2, UNHCR, Geneva, 1999.

From the 1960s until the mid-1990s, the industrialized states generally acknowledged that the asylum seekers to whom they granted refugee status would be allowed to remain indefinitely on their territory, to acquire a wide range of rights and entitlements, and eventually to acquire citizenship.

That approach has not been entirely discarded, and the option of local integration continues to be open to individuals who are recognized as refugees in the world's more prosperous regions. During the past decade, however, the industrialized states have demonstrated a growing propensity to grant limited and temporary forms of asylum to people who are in need of protection, with the expectation that those people will return to their country of origin - either voluntarily or at the request of the authorities - as soon as it is safe to do so. This approach was implemented most systematically with regard to those asylum seekers who fled from Bosnia to Western Europe during the wars in former Yugoslavia.

Elsewhere in the world, local integration has been practised even less systematically. While some notable exceptions can be found, the countries of Asia, the Middle East and Eastern Europe have not generally favoured or pursued this solution to refugee problems. Resettlement or repatriation has been – and continues to be – the norm.

In Africa (and Central America) the situation has been more diverse. As indicated earlier, between the 1960s and 1980s, many African countries admitted large numbers of refugees, provided them with land and facilitated their efforts to become self-reliant. In a relatively small number of cases, the local settlement approach was a prelude to local integration, with refugees becoming citizens of the states which had granted them asylum.

During the past two decades, however, such opportunities have diminished. Increasingly, refugees in Africa find themselves confined to camps or designated zones, where they are discouraged from becoming self-reliant and under pressure to repatriate, even in situations where conditions in the country of origin remain unsafe or unstable.<sup>3</sup> Indeed, a number of African states have acknowledged that by limiting the potential for local settlement and integration, they hope to promote the early repatriation of refugee populations.<sup>4</sup>

### *A hierarchy of solutions*

The developments described above are symptomatic of the international community's changing approach to refugee problems. At the time when UNHCR's Statute was established, "the voluntary repatriation of refugees, or their assimilation within new national communities," were regarded as equally desirable and feasible durable solutions. In more recent years, however, the three solutions have been placed in a hierarchy by the international community, with voluntary repatriation assuming growing precedence over resettlement and local integration.

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<sup>3</sup> J. Crisp, 'No, solutions in sight: the problem of protracted refugee situations in Africa', *New Issues in Refugee Research*, Working Paper no. 75, UNHCR, Geneva, 1997.

<sup>4</sup> B. Rutinwa, 'The end of asylum? The changing nature of refugee policies in Africa', *New Issues in Refugee Research*, Working Paper no. 5, UNHCR, Geneva, 1999.

Executive Committee conclusion 29 of 1983, for example, called upon governments to facilitate the work of UNHCR “in creating conditions favourable to and promoting voluntary repatriation, which whenever appropriate and feasible is the most desirable solution for refugee problems.”

Executive Committee conclusion 58 of 1989 restated the same principle, requesting governments, in close cooperation with UNHCR, to “promote appropriate durable solutions, with particular emphasis firstly on voluntary repatriation and, when this is not possible, local integration and the provision of adequate resettlement opportunities.” Eight years later, in conclusion 79 of 1996, the Executive Committee provided an even more explicit endorsement of the hierarchy, describing voluntary repatriation (somewhat ungrammatically) as “the most preferred solution” to refugee situations.

The international community’s recent emphasis on the resolution of refugee problems by means of voluntary repatriation can in some respects be regarded as a positive development. For experience has shown that many refugees are eager to return to their country of origin and will do so once it is safe to do so. At the same time, it is clear that the designation of voluntary repatriation as “the most preferred solution,” has been prompted by other considerations.<sup>5</sup> These include:

- increased concern about the negative economic and environmental impact of large-scale refugee populations in countries which are struggling to meet the needs of their own citizens;
- the reluctance of host states to accommodate large numbers of refugees, resulting from a perception that the more prosperous members of the international community are not sufficiently committed to burden-sharing;
- a belief that exiled populations represent a threat to local, national and regional security, especially in situations where bona fide refugees are mixed with armed elements;
- popular antagonism to the presence of refugees, mobilized in some cases by the media and unscrupulous politicians; and,
- an increasingly restrictive asylum climate, associated with a fear that states are losing their ability to control the movement of people across international borders .

As a result of the factors identified above, countries in many parts of the world have become increasingly reluctant to admit large numbers of refugees and asylum seekers. And they are generally disinclined to take any action - such as promoting local integration or local settlement - which might imply the permanent or long-term presence of such people on their territory.

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<sup>5</sup> These factors are discussed in more detail by J. Crisp, ‘The international politics of migration and asylum’, in *The Politics of Migration: Managing Opportunity, Conflict and Change*, by Sarah Spencer (ed), Blackwell Publishing, Oxford, 2003, and by K. Jacobsen, ‘The forgotten solution: local integration for refugees in developing countries’, *New Issues in Refugee Research*, Working Paper no. 45, UNHCR, Geneva, 2001.



While it is important to recognize this reality, it is equally important to acknowledge that refugee problems - and the problems of refugees - cannot be adequately addressed by means of voluntary repatriation alone.

First, it has become clear that a large proportion of the world's refugees are destined to remain in their countries of asylum for very long periods of time, due to the protracted nature of the conflicts which have forced them to leave their homeland. And it has become equally clear that simply 'warehousing' refugees for years on end, deprived of the right to freedom of movement and without access to educational and income-generating opportunities, has many negative consequences.

It prevents refugees from developing their human potential and limits their ability to make a positive contribution to the economy and society of the country which has granted them asylum. It creates a situation in which refugees - especially young males - are more prone to become involved in illicit and anti-social activity. And it means that refugees will lack the skills and motivation they need if it does eventually become possible for them to return to and reintegrate in their country of origin.

Second, there are situations in which the promotion of local integration or local settlement have a particular potential to succeed. Such is the case when refugees share a language, a culture or an ethnic origin with the host community. Similarly, when refugees bring particular skills to their country of asylum, when they move into areas where land is available, and when their presence can attract resources and investments which would not otherwise be available to the area, a response based solely on the expectation of an eventual repatriation movement is not necessarily the most rational one.

Third, while it is true to say that many of the world's refugees do yearn for the opportunity to return safely to their homes, it must also be recognized that others feel unable to do so. This may be because they have established close economic or social links to their country of asylum. But it may also be because the circumstances which forced them into exile were so traumatic that they cannot bear the thought of going back to their country of origin. Significantly, the 1951 UN Refugee Convention recognized this possibility. According to article 1 (C.5) of that instrument, a refugee should not be expected to return home, if because of reasons "arising out of previous persecution" that person has a need to remain in the country of asylum.

Fourth and finally, while it is true to say the pursuit of local integration has received relatively little support from the international community, it would be wrong to give the impression that refugees are incapable of settling peacefully and productively in the countries where they have found asylum. Indeed, there is evidence to suggest that in developing regions, most notably in Africa, very large numbers of refugees are "self-settled", supporting themselves without international assistance and living with the local population.<sup>6</sup> In the search for durable solutions, the sometimes tenuous legal status of such refugees should not be ignored.

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<sup>6</sup> While some efforts have been made to estimate the proportion of refugees who are "self-settled," they are not sufficiently reliable to be cited.

### *Towards a more comprehensive approach*

The analysis presented above suggests that the international community's current approach to refugee problems, focusing almost exclusively on repatriation to the country of origin, ignores a number of important issues. Namely,

- that a large proportion of the world's refugees are currently unable to repatriate in safety and dignity;
- that long-term care-and-maintenance programmes bring few lasting benefits to host countries, donor states or to refugees themselves;
- that refugees who are unable to benefit from local integration or to attain a degree of self-reliance are more likely to move on to urban areas or to other countries and regions, thereby exacerbating the problem of irregular migration; and,
- that local integration, local settlement and the promotion of self-reliance can in certain circumstances be an appropriate and viable means of addressing refugee situations.

On the basis of these conclusions, a strategy for solution of refugee problems might usefully be based on the following general principles.

While acknowledging that voluntary repatriation will continue to be the durable solution sought and attained by the largest number of refugees, the international community should recognize that a comprehensive approach is required, which adequately addresses the situation of people who are unable - and who may never be able - to return to their country of origin.

In any refugee situation, all three durable solutions should be pursued simultaneously, in accordance with the circumstances and characteristics of different individuals and groups within the refugee population. Refugees who have the desire, the potential or the need to become locally integrated should be enabled to do so by means of appropriate legal and assistance measures. Refugees who have already attained a good degree of social and economic integration should be given a secure legal status and residence rights, including the opportunity to become naturalized citizens of the asylum country.

Even in situations where local integration does not appear to be a viable solution for large numbers of refugees, self-reliance and local settlement should be vigorously pursued as an interim measure. Such a strategy runs counter to the prevailing climate in many parts of the world, and, if it is to be realized, will require the political will of host countries, the financial resources of donor states and the expertise of development organizations.

Such a strategy will also require the international community as a whole to recognize that the search for durable solutions to refugee problems is not a zero-sum game, with one strategy precluding the other. In simpler terms, local settlement and self-reliance do not preclude the possibility of voluntary repatriation once the causes of flight have disappeared.

Indeed, there is evidence to suggest that refugees who enjoy a high degree of legal, economic and social security in their country of asylum are better equipped for the task of return and reintegration than those who have been warehoused in camps for many years on end. In this respect, the resources that are required to promote local settlement and self-reliance in countries of asylum should be regarded not as an expense, but as investment in both local development and in regional peacebuilding.