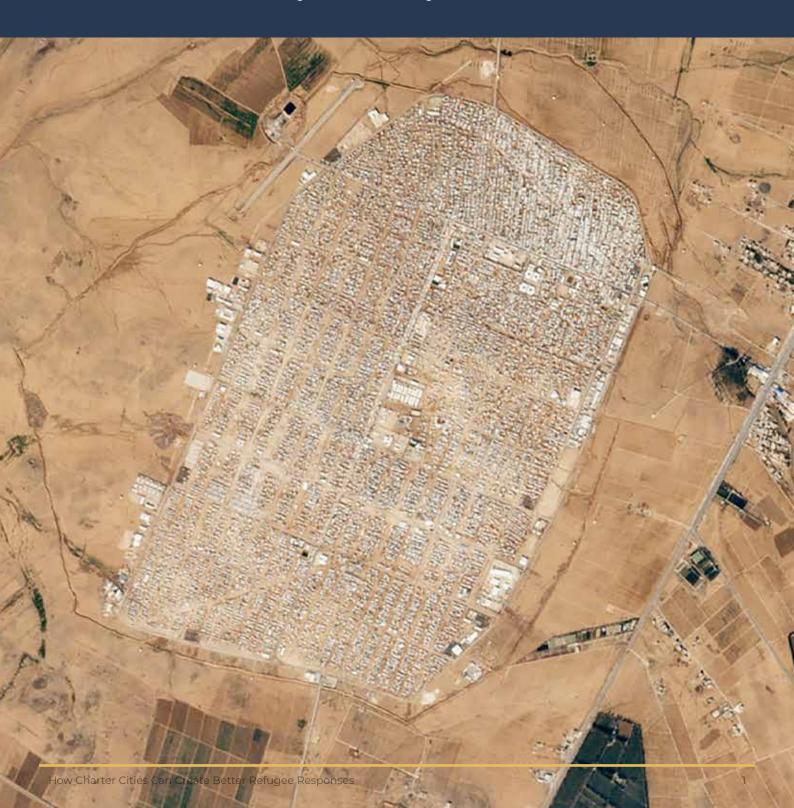# How Charter Cities Can Create Better Refugee Responses

By Sarah Doyel

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Abstract

In a world with increasing numbers of forcibly displaced persons, this paper explores how charter cities can generate more effective responses to refugee movements and place refugee and local community needs firmly at the center of local governance. The innovations in governance offered by the special jurisdictions of charter cities provide promising policy tools that support refugee agency and autonomy in situations of protracted displacement. Existing practices that keep refugees in de facto permanent encampments for years are fundamentally flawed and damaging to refugees, local communities, and national governments alike, as well as a contravention of refugees' rights and freedoms. Scholars and practitioners increasingly recognize the importance of social and economic rights and livelihoods to any 'durable solution' for refugees. This paper illustrates the ways in which charter cities can achieve these aims while also providing long-term benefits and sustainable development for local communities. Though integration at the national policy level is always more protective than localized policy, it is not always possible. In the absence of national-level policy changes, charter cities can generate immediate improvements for refugees' living conditions and access to livelihood options while simultaneously demonstrating the benefits of integration to national governments. Over time this demonstration effect can help overcome the political obstacles to more just, equitable, and effective refugee responses.

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About The Author

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1. Introduction

The statistics characterizing the state of global displacement today boggle the mind. Data from the United Nations High Commissioner for Refugees (UNHCR) shows that the number of forcibly displaced people worldwide increased by more than 35 million over the last ten years, rising from 43.3 million[1] to 80 million[2] between 2009 and mid-2020. That number represents UNHCR's highest count on record. Of this figure, 26 million are recognized as refugees under UNHCR's legal definition and many more are considered to be de facto refugees.

Furthermore, the number of refugees who 'return home' has simultaneously decreased, with recorded numbers indicating only 317,200 refugees repatriating to their country of origin and 107,800 resettling in a third country in 2019 (together totaling less than 2% of the 26 million).[3] Forced migration, particularly that which involves the legal and political complexities of crossing an international border, is one of the defining policy issues of the contemporary era.

A majority of refugees (78%) are in what are known as protracted refugee situations, defined as circumstances in which a group of refugees from a given country is "living in exile for more than five consecutive years."[4] Despite the lengthy nature of most displacement, policymakers continue to pursue return and resettlement as first-order policy responses. Moreover, UNHCR and other international organizations tasked with protecting refugees are perpetually under-resourced. State attempts at achieving international cooperation on the issue tend to devolve into collective action

failure. The result is that refugees the world over are left in a state of permanent liminality, unable to return but barred from formally integrating into the countries in which they live. Many reside in encampments that were never designed for long-term use. Most are partially or fully restricted from working: according to the Refugee Work Rights Scorecard, only two of the 34 countries surveyed by the project provide full access and rights to work for refugees.[5]

Short-term policy responses for long-term situations hurt not only refugees, but also local communities and national governments. The international community is in dire need of response options that protect and support refugees while also supporting economic security and stability in the countries where they are. This paper explores charter cities as applied to refugee responses to facilitate local integration through special municipal jurisdictions that permit refugees to work, start and own businesses, own property, engage in collective and cooperative social structures, and help direct the governance of the charter city in which they live. I henceforth refer to these jurisdictions as "refugee charter cities" for brevity's sake; they are designed to support free movement and are open to all.

A refugee charter city is a geographically bounded jurisdiction given broad, devolved authority over a host of policy domains, which allows this jurisdiction to implement deep local governance reforms that often aren't politically possible at the national level. Charter cities as a concept can be used to achieve localized policy reforms across myriad pressing areas, but this paper focuses exclusively on how

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[1] United Nations High Commissioner for Refugees (UNHCR) (2018), "Global Trends: Forced Displacement in 2018," https://www.unhcr.org/5d08d7ee7.pdf.

[2] See UNHCR's Refugee Data Finder: https://www.unhcr.org/refugee-statistics.

[3] UNHCR (2019), "Global Trends – Forced Displacement in 2019," p. 2, https://www.unhcr.org/5ee200e37.pdf.

[4] USA for UNHCR (2020), "Protracted Refugee Situations Explained," https://www.unrefugees.org/news/protracted-refugee-situations-explained. UNHCR originally required the group of refugees to number more than 25,000 individuals but has since relaxed that definition in some cases: https://www.unhcr.org/en-us/excom/exconc/4b332bca9/conclusion-protracted-refugee-situations.html.

[5] See the Global Refugee Work Rights Scorecard, part of the Refugee Work Rights Campaign launched by Asylum Access: https://refugeeworkrights.org/scorecard.

the charter cities model can be applied to refugee issues. Specifically, it examines how charter cities can facilitate the local integration of refugees in the absence of inclusive policies at the national level. Despite having a wide range of rights on paper, refugees often have few in practice, especially those who are living in restrictive camp environments. National integration policies provide the best protection for refugees, but the lack of political feasibility or poor implementation of these policies in some settings means localized reforms are required to address refugees' needs. Charter cities can promote the social and economic rights of refugees and sustainable development through easing access to work and business permits and generating formal economic opportunities.

I draw on refugee policy and migration studies literature in my discussion of this model, as well as interviews with practitioners in the humanitarian, development, governance, security, and social enterprise sectors.[7] This paper also benefits from background conversations with urban planners, sociologists, and Housing, Land, and Property (HLP) rights practitioners, and from my own professional experience facilitating access to social services for asylum seekers in the United States.

Several definitions merit explanation at the outset of this paper. A refugee is a person who crossed an international border, generally out of fear of persecution in their country of origin, and has been recognized as having a legitimate claim to legal protection under the 1951 Refugee Convention and related 1967 Protocol. An asylum seeker is someone who has applied for protection but has not yet received a determination of their claim to refugee status. For the purposes of this paper, I use these terms interchangeably, as part of the charter city approach is granting the same rights and opportunities to everyone residing within its jurisdiction.

A migrant is a person who has moved away from their place of habitual residence for a prolonged length of time, usually defined as at least somewhere between three to twelve months. Refugees are a type of migrant, but not all migrants are refugees. Lastly, internally displaced persons (IDPs) are those who have been displaced within national borders. Most of the world's displaced people are IDPs, and charter cities can play a role in their local integration as well. "Host countries" are the countries in which refugees are living and are also referred to as "destination countries" or

Refugee Camps	Refugee Charter Cities
Limited planning – Established as short-term shelters without sustainable infrastructure or governance, often without consulting refugees themselves or local communities.	**Responding to long-term needs** – Proactive planning and urban management are implemented, recognizing that after the emergency phase refugee camps often become long-term settlements.
Limited rights and freedoms – People living in camps experience heavy restrictions on movement and the activities of daily life.	**Expanded rights and freedoms** – All who live in the jurisdiction have the rights to work, own property, start a business, and engage in formal governance structures.
Managed by one organization – One organization, usually UNHCR or a host government agency, manages the daily operations of the camp. This organization does not typically specialize in urban management or city planning, to the detriment of refugees.	**Coalition governance** – An administrative body led by UNHCR in coordination with local government, refugees, local communities, and the private sector administers the jurisdiction. Public-private partnerships allow more efficient urban management and public service provision.
Limited administrative autonomy – The administrative unit managing the camp is not flexible and cannot respond to changing conditions.	**Administrative autonomy** – The new administrative body is given broad devolved authority, which allows the refugee charter city to respond more quickly to changing conditions.

"receiving countries" in migration discourse and scholarship. I use the term "local communities" to refer to the local contexts where refugees live, specifically non-refugee communities consisting primarily of host country nationals. Many scholars and activists have rightfully called attention to the problematic implications of the language around "host" countries or communities. I use this terminology for simplicity's sake as it matches the language frequently used by UNHCR.

In Section 2, I explain the existing refugee response mechanisms and their flaws, paying special attention to policies and practices around encampment (and the discrepancies between the two). Section 3 offers alternative responses to these problems in the form of the refugee charter cities model. Section 4 discusses a case study where the model might offer benefits to refugee integration, focusing on some of the largest refugee encampments in the world in Kenya. Section 5 presents my concluding reflections and points to the questions policymakers and practitioners might take up when considering these policy options.

2. Situating the Problem

2.1 Existing Response Mechanisms

The 1951 Refugee Convention (hereafter referred to as "the 1951 Convention") was the United Nations' response to the mass displacement that occurred as a result of World War II. It remains the central instrument of refugee law. The 1951 Convention defined who could be classified as a refugee, the rights of those determined to be refugees, and the obligations of signatory states to provide legal protection and access to those rights. The rights range from social and economic to civil and political. One of the most central entitlements is the right to non-refoulement, or protection for refugees against forcible return to their country of origin pending determination of refugee status.

The 1951 Convention was originally written to only apply to refugees originating in the postwar European crisis of displacement. The 1967 Protocol removed the Convention's geographic and temporal limits.[8] 142 states are parties to both the 1951 Convention and the 1967 Protocol, and 148 states are parties to at least one of the two.[9] UNHCR lays out three 'durable solutions' that states can and should offer to refugees: voluntary repatriation to their home country, resettlement in a safe third country, and local integration in the country of asylum.[10] Non-binding agreements and norms may also be considered part of the global refugee regime, such as the 2018 Global Compact on Refugees.

The Global Compact on Refugees (GCR) is a non-binding framework to improve refugee response through four key objectives, one of which aims to "enhance refugee self-reliance."[11] 181 Member States voted in favor of the Compact in 2018.[12] Though the GCR is not legally binding under international law, it can in theory provide a framework to encourage new policies that are more accountable to refugees and their needs, rights, and livelihoods. International human rights law, with its much greater breadth of application, can also reinforce the refugee regime and fill in some of its gaps.

Despite these attempts by the international community to increase and improve refugee protection, there remains a vast protection gap for many displaced persons. Asylum seekers wait months or even years before receiving an adjudication on their asylum claim. Many are denied on their first application and must spend even more time and money on a lengthy appeals process. Furthermore, many forced migrants don't qualify for refugee status at all under the 1951 Convention and 1967 Protocol despite experiencing displacement across international borders.[13]

The UN and other international agencies, as well as individual states, continue to emphasize repatriation and resettlement as the primary 'durable solutions' for refugees despite the extremely low rates of both (approximately 1.6% and 0.4% of recognized refugees, respectively[14]). The UN and Member States continue to pursue short-term responses with the idea that refugee stays will be temporary, even when direct and longstanding evidence indicates the contrary. 2.6

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[8] UNHCR, "The 1951 Refugee Convention," https://www.unhcr.org/en-us/1951-refugee-convention.html.

[9] UNHCR (2015), "States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol," https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf

[10] UNHCR USA, "Solutions," https://www.unhcr.org/en-us/solutions.html.

[11] UNHCR, "The Global Compact on Refugees," https://www.unhcr.org/en-us/the-global-compact-on-refugees.html.

[12] International Institute for Sustainable Development (2018), "UNGA Votes to Adopt Global Compact on Refugees," SDG Knowledge Hub, https://sdg.iisd.org/news/unga-votes-to-adopt-global-compact-on-refugees.

[13] For a more complete discussion of forced migration and displacement that falls outside the parameters of the Convention and Protocol relating to the Status of Refugees, see Alexander Betts (2013). Survival Migration: Failed Governance and the Crisis of Displacement. Cornell University Press: Ithaca, NY.

[14] See UNHCR (2019), cited in the introduction.

million registered refugees reside in camps.[15] This figure does not include unregistered refugees or asylum seekers, of which there are many more. There is no definitive data on the average length of stay in a refugee camp, but refugee studies scholars have placed the average duration of displacement at around ten years.[16]

An aerial view of the Za'atari refugee camp in Jordan, February 2016
Photograph by Planet Labs, Inc., distributed under a CC BY-SA 4.0 license

[15] UNHCR, "Refugee Camps," https://www.unrefugees.org/refugee-facts/camps.

[16] James Milner and Gil Loescher (2011), "Responding to protracted refugee situations: Lessons from a decade of discussion." Refugee Studies Centre, University of Oxford, Forced Migration Policy Briefing 6, p. 3, https://www.rsc.ox.ac.uk/files/files-1/pb6-responding-protracted-refugee-situations-2011.pdf.

2.2 UNHCR

The role of UNHCR has expanded significantly since its founding in the post-WWII period, morphing from what was originally envisaged as a temporary entity providing legal guidance to refugee-hosting states to the sprawling humanitarian agency it is today.[17] Irrespective of the debates over the reasons behind the progressive enlargement of UNHCR's mandate, the fact remains that the agency is chronically underfunded and overstretched.

Images of UNHCR-run refugee camps are now well-known to the public. Some feature seas of tents that house more people than the nearest cities. UNHCR defines camps as "temporary facilities built to provide immediate protection and assistance to people who have been forced to flee due to conflict, violence or persecution…that offer a safe haven for refugees where they receive medical treatment, food, shelter, and other basic services during emergencies."[18] Current UNHCR policy is "to pursue alternatives to camps, whenever possible, while ensuring that refugees are protected and assisted effectively and are able to achieve solutions."[19]

Camps might sometimes be the only immediate option to provide shelter in response to mass forced migration, as conflict-induced displacement tends to result in unpredictable and rapid movements of large groups of people. These temporary settlements can provide safety in response to brief instances of conflict, after which refugees and IDPs can safely return home if possible and if they wish to do so. Yet such short-lived situations are few and far between.

UNHCR and host countries maintain refugee camps while continuing to pursue their two favored 'durable solutions', resettlement and return—options that are statistically the rarest and most difficult to achieve. The result is that camps designed for temporary stays become de facto permanent settlements. 80% of refugees who live in camps remain there for five years or longer.[20] Unplanned settlements, especially those in already under-resourced areas, can strain local communities and environments.[21] It is crucial to note that these costs are not necessarily the result of refugee settlement per se but rather a consequence of deficient policy and practice. Most importantly, encamped settlements can become places of stagnation and abysmal living conditions for refugees. Camps as de facto permanent residential and commercial zones are unsustainable, and yet many have operated this way for decades.

Aside from the fact that UNHCR's mandate is simply too broad to allow it to specialize in the urban management needed in these de facto permanent settlements, evidence suggests that the agency's tendency to take on responsibilities of service provision, administration, and local governance diminish its ability to advocate on behalf of refugees. International relations scholar Sarah Deardorff Miller finds that the more UNHCR takes on the role of a "surrogate state" at the domestic level by assuming the duties normally accorded to state agencies, the less influence the agency has on the state's treatment of and policies toward refugees.[22]

UNHCR needs the freedom to leverage its legitimacy and political clout to advocate for refugees, and refugees and local communities

[17] Alexander Betts (2012). "UNHCR, autonomy, and mandate change." In Joel E. Oestrich (ed.). International Organizations as Self-Directed Actors: A Framework for Analysis, Oxford: Routledge, p. 118-119.

[18] See UNHCR, "Refugee Camps," cited above.

[19] UNHCR (2014), "UNHCR Policy on Alternatives to Camps," https://www.unhcr.org/en-us/protection/statelessness/5422b8f09/unhcr-policy-alternatives-camps.html.

[20] Alexander Betts and Paul Collier (2017) Refuge: Rethinking Refugee Policy in a Changing World. Oxford University Press: Oxford, p. 8.

[21] Sarah Deardorff Miller (2018), "Assessing the Impacts of Hosting Refugees." World Refugee Council Research Paper No. 4, https://www.cigionline.org/publications/assessing-impacts-hosting-refugees

[22] Sarah Deardorff Miller (2017), UNHCR As A Surrogate State: Protracted Refugee Situations. Routledge: Oxford, p. 6.

need organizations that specialize in urban management to give them the assistance they need at the highest quality, lowest cost, and quickest timeframe possible. One way to achieve this is through charter cities. These special jurisdictions can restore UNHCR to its responsibilities of facilitating international cooperation and coordinating legal protection while localized public and private agencies provide the direct support, assistance, and services that experience demonstrates refugee populations sorely need.

2.3 Critiquing Encampment

The overarching problem with refugee camps is that they are a short-term response to protracted situations that require long-term policies. Killian Kleinschmidt, who previously managed the UNHCR-run Za'atari refugee camp in Jordan, identifies "killing the myth of return" as an essential first step to improving the conditions on the ground.[23] We need approaches that are responsive to the lived experiences of most refugees. Most neither formally repatriate nor resettle through UNHCR. The third option of local integration, combined with urban management best practices and regulatory reforms, can bridge the gap. Current policies and practices focused on temporary-but-permanent camps cannot create sustainable living situations and livelihood opportunities for refugees.

The "Catch-22 of Refugeehood"

Leaving aside moral critiques of encampment as policy and practice, which are vitally important but beyond the limits of this paper, there are a number of normative and ethical problems with refugee camps. Enforced dependence on aid suppresses the agency of asylum seekers and refugees who already face limited choices in highly bureaucratic asylum processes. Mandating reliance on aid by prohibiting economic activity results in what might be called a "catch-22 of refugeehood." Asylum seekers and refugees are not permitted to work in most countries and so must engage in informal economic activity in order to survive, but those survival strategies are viewed by the public—including some policymakers[24]—as indicating they don't 'really' need help.

This phenomenon explains the proliferation of dangerous and paradoxical narratives of refugees, which falsely depict them as both drains on the welfare state[25] and "bogus asylum seekers"[26] who are using asylum channels solely for purposes of economic gain. Ultimately, curtailing refugees' agency in pursuing livelihood activities like seeking formal employment or starting their own business creates immediate socioeconomic harm, but the damage goes deeper than that. The practice also supports pernicious narratives that feed upwards into policy discourse and downwards into everyday acts of racism and xenophobia.

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[23] Kilian Kleinschmidt, interview with the author, December 15, 2020.

[24] See UK Home Secretary Priti Patel's speech at the 2020 Conservative Party Conference: https://www.conservatives.com/news/home-secretary-priti-patel-fixing-our-broken-asylum-system.

[25] Antony Loewenstein (2018) "Australia's Brutal Refugee Policy Is Inspiring the Far Right in the EU and Beyond." The Nation, June 18th, https://www.thenation.com/article/archive/australias-brutal-refugee-policy-inspiring-far-right-eu-beyond.

[26] Steve Kirkwood, et al. (2016), "Who Counts as an Asylum-Seeker or Refugee?" In Steve Kirkwood et al. (eds.). The Language of Asylum: Refugees and Discourse. Palgrave Macmillan: London, p. 2.

Security

Many states pursue policies of encampment for security reasons, but existing camp models tend to exacerbate security risks rather than mitigate them. Encampment increases the incidence of communal violence, especially when camps are overcrowded.[27] Camps can present a security risk to host countries and to refugees and local communities; there are some documented instances of refugee militarization in camps, a full discussion of which is beyond the scope of this paper.[28] Nevertheless, the degree to which refugees have come to be perceived as a security threat has often resulted from deliberate processes of securitization by state actors and UNHCR.[29] The risk more often emerges due to conflict with the local community stemming from scarcity or underlying ethnic tensions.[30] These risks are not inherent to refugees and can be mitigated through policies that foster social cohesion and broader economic growth, both for local communities and for refugees.

Economy

Camps as long-term settlements can be harmful to a country's overall economy and the socioeconomic wellbeing of refugees and local communities. First, incurring the short-term costs of setting up and operating a camp while maintaining forced economic stagnation within the encamped area can generate resentment in the local community. This may in turn increase the risk of communal conflict. Second, prohibiting asylum seekers and refugees from working or running businesses in the formal economy forces them into informality.[31]

Conversely, camps can be associated with significant inflows of revenue and foreign investment in the form of aid, but the artificially closed boundary of camps means the local community does not always benefit from spillovers or supply chain linkages that could provide broader regional benefits. Formalization can augment the benefits already generated by the informal economies that exist in many camps.[32] Furthermore, the considerable amount of informal economic activity in encamped areas represents a massive loss in potential tax revenue for both local communities and state governments.

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[27] Kerstin Fisk (2019), "Camp settlement and communal conflict in sub-Saharan Africa." Journal of Peace Research, 56(1), pp. 58-72. https://journals.sagepub.com/doi/10.1177/0022343318814588.

[28] Sarah Kenyon Lischer (2005), Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid. Ithaca, NY: Cornell University Press, p.10.

[29] Anne Hammerstad (2011), "UNHCR and the Securitization of Forced Migration." In Alexander Betts and Gil Loescher (eds.). Refugees in International Relations. Oxford University Press: Oxford, pp. 237-260.

[30] Daniel Krcmaric (2014), "Refugee Flows, Ethnic Power Relations, and the Spread of Conflict." Security Studies 23(1), pp. 182-216. https://www.tandfonline.com/doi/abs/10.1080/09636412.2014.874201.

[31] See Section 3.2.3 of this paper, "The advantages of formality," pp. 15-16.

[32] Some of the largest examples include the Dadaab refugee complex in Kenya, the Za'atari refugee camp in Jordan, and the Kutupalong refugee camp in Cox's Bazar, Bangladesh.

Urban Management

UNHCR is not an urban management organization. It does not specialize in the technical skills needed to address the complex practical needs of encamped persons, nor should it be expected to do so. Humanitarian agencies' adoption of such a wide range of service activities misses the opportunity to harness the higher-quality, lower-cost services offered by specialized service providers. Several practitioners have cited UNHCR's resistance to transferring public services such as water and waste management away from the agency. There are several possible reasons for this resistance that for the sake of brevity I will not address here.

Many public services are run by private entities to great success,[33] however, and the savings generated by more efficient systems could be reinvested into the broader community, into further necessary infrastructure provision, or into subsidizing—fully or partially—service delivery to any resident who cannot pay.[34] Crucially, it's three times cheaper to plan and install infrastructure ahead of settlement.[35] Proactive planning, as opposed to current practices of retroactively building around ever-expanding informal settlements, thus represents another major source of cost savings for UNHCR and local administrators.[36] Due to funding constraints, transferring services away from generalist humanitarian agencies and to specialized providers may be the best way to guarantee access to services.

Human Rights

Encampment produces a toxic environment in which refugees are simultaneously heavily surveilled and removed from the reach of accountability mechanisms to which they can appeal for redress. Evidence of human rights violations in refugee camps is pervasive and widespread, from gender-based violence to squalid living conditions to harassment and abuse by authorities. On paper, UNHCR has increasingly moved towards rights-based approaches of assistance, but the agency's existing practices of encampment are antithetical to this strategy. Regulatory reforms and formalization are not a panacea for systemic and interpersonal violence. Nevertheless, they will go a long way to ensuring accountability for violence.

The poor conditions, limited opportunities, and heavy restrictions that tend to characterize life in camps have led more than half of the 26 million UNHCR-recognized refugees to settle independently in cities. Urban self-settlement comes with its own set of problems, however, including but not limited to low-waged and dangerous jobs, lack of access to adequate housing, and a severing of social ties with kin and other refugees who remain encamped and are often a key source of informal assistance.[37] Broader integration of refugees who do not have access to repatriation or resettlement is critical. When political resistance proscribes statewide possibilities for formal integration, however, making all kinds of refugee settlements more

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[33] One example of such a PPP in refugee camps is a UN-supported social enterprise approach to plastic waste management in the Jewi and Nguenyyiel refugee camps and Gambella Town in Ethiopia. The project reduced plastic pollution while simultaneously providing a source of income to refugee and host communities in these areas. It was cited as an example of a successful "People-First Public-Private Partnership" (PF-PPP) by the United Nations Economic Commission for Europe. To read more about the evaluation of UNECE's PPP initiative, see https://unece.org/sites/default/files/2020-12/PR6BBB~1.PDF. To read more about the initiative in Ethiopia, see https://globalcompactrefugees.org/article/waste-value-w4v-ethiopia.

[34] This suggestion belongs to Kilian Kleinschmidt, interview with the author, December 15, 2020.

[35] Paul Collier et al. (2019), "Informal settlements and housing markets." International Growth Centre, https://www.theigc.org/reader/informal-settlements-and-housing-markets/exploiting-untapped-revenues-from-urban-land.

[36] It is of course impossible to fully plan refugee responses on a proactive basis, as forced migration tends to result from conflicts or crises that create unpredictable, sudden-onset movements. The preferred option for refugees who are displaced in short-term situations is likely to return home if and when it is possible. Once displacement is clearly becoming a long-term phenomenon—either through continued refugee movements or the protraction of the situation that produced the displacement—it makes sense to plan responses with a view towards sustainable policies and practices that support refugees in the long term.

[37] UNHCR, "Urban Refugees," https://www.unhcr.org/en-us/urban-refugees.html.

sustainable places to live mitigates the above risks and ensures refugees can easily access humanitarian assistance (and informal social assistance) if and when they need it.

Refugee camp in Iraqi Kurdistan, June 2014
Photograph by Enno Lenze, distributed under a CC BY 2.0 license

3. Offering Alternatives

3.1 Existing Proposals

The refugee charter cities model is not an entirely new concept. Though it offers unique combinations of various ideas and practices to innovate at the margins of humanitarian refugee responses, the refugee charter city draws upon several existing models that have been proposed and implemented in various locations around the world.

3.1.1 Related but Distinct Models

SEZs

The most familiar of these models is the classical Special Economic Zone (SEZ), traditionally used to minimize or eliminate tariffs to liberalize trade and foreign investment in certain geographic areas. Well-known SEZs include those implemented in China after 1978, which proved so successful in generating economic growth that by 2008 over 90% of Chinese municipalities had some form of SEZ within their boundaries.[38] The economic success of SEZs has become increasingly difficult to replicate as trade has liberalized. In addition to SEZs, there also exist proposals for "SEZ plus" models, of which SDZs or Sustainable Development Zones are one iteration.[39]

Charter Cities

The simplest definition of a charter city is "a city granted a special jurisdiction to create a new governance system." In a charter city, certain regulations are untethered from national policy to allow more freedom to innovate; the driving purpose of a charter city is to "[improve] governance through deep regulatory and administrative reforms."[40] Charter cities are governed by an independent administrative body in partnership with the host country, often through a public-private partnership (PPP) agreement with a private developer. Given that refugees and displaced persons by definition require protection and assistance, however, the administrative governing body of a refugee charter city would need to be led by an international organization such as UNHCR that has a mandate to protect refugees, asylum seekers, and IDPs. UNHCR alongside host governments, refugees, local communities, and urban developers would establish governance and urban management systems within the jurisdiction.

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38 Jin Wang (2013), "The economic impact of Special Economic Zones: Evidence from Chinese municipalities." Journal of Development Economics, 101, pp. 133-147, https://www.sciencedirect.com/science/article/abs/pii/S0304387812000934.
39 Sustainable Development Zones, which the SDZ Alliance names as the leading model in the "SEZs Plus" movement, build on the economic openness and "decentralized innovation" of SEZs but goes beyond them to emphasize sustainable development. The three primary goals of SDZs, according to governance consultant Michael Castle-Miller (interview with the author, December 22, 2020), are to lower the barriers to working in the formal economy, starting and owning a business, and owning a home. Each of these elements is encompassed in the refugee charter cities model. For more information on SDZs, see the SDZ Alliance website: https://sdzalliance.org.
40 See the Charter Cities Institute reference guide, "An Introduction to Charter Cities." https://www.chartercitiesinstitute.org/post/introduction-to-charter-cities.

3.1.2 Real-world Examples of Localized Governance Models

Versions of each of these models have been implemented across the world to varying degrees of success. The United Nations Conference on Trade and Development (UNCTAD) 2019 World Investment Report estimates that 5,400 SEZs in 147 distinct economies are already in existence and an additional 500 are actively planned.[41] The SDZ Alliance features projects in Ethiopia and Libya, along with seven others in various planning stages around the world.[42] Ciudad Morazán in Honduras, currently under development, is one example of the charter city model in action.[43]

Initiatives around localized integration for refugees are numerous. The Jordan Compact, a version of which Oxford professors Alexander Betts and Paul Collier famously proposed in a 2015 Foreign Affairs article,[44] offered $1.7 billion USD in grants and loans and relaxed export regulations to the Jordanian government in exchange for its issuance of 200,000 work permits to Syrian refugees and the inclusion of Syrian children in the education system. The Jordan Compact remains one of the highest-profile examples of localized governance reform for refugees and did have some marked successes, not least of which was rare large-scale cooperation among donor governments, host governments, and international organizations.[45]

A full assessment of the Jordan Compact is beyond the scope of this paper, but several of its flaws are instructive for new attempts to secure refugee social and economic rights. Its fundamental failure to consult refugees and local communities meant that the jobs offered to Syrian refugees in the SEZ were far from where they lived and heavily restricted by sector, resulting in a misalignment between skills and preferences on the one hand and jobs on the other. Additionally, the Compact did not address underlying financial, logistical, and social barriers to access for work permits and business licenses,[46] nor did it establish independent monitoring or accountability mechanisms to ensure the protection of refugees.[47]

As a policy briefing on the Jordan Compact by the Overseas Development Institute noted, the Compact created "little space for local NGOs or for the perspectives of refugees. This resulted in government interests being at the forefront, with little attention on the needs and aspirations of refugees or the specific constraints facing refugees, local businesses, and local communities." These failings and misalignments are ones that refugee charter cities would take seriously and aim to correct by giving each of these key actors—refugees, local communities, and the private sector—important roles in charter city governance.

Another example is the Kalobeyei settlement in Turkana County, Kenya, which offers integrated cash assistance, entrepreneurial training, and agricultural land use programs to both refugees and local communities;[48] establishes economic,

[41] See UNCTAD (2019) "World Investment Report 2019, Chapter 4 – Special Economic Zones," https://worldinvestmentreport.unctad.org/world-investment-report-2019/chapter-4-special-economic-zones/

[42] See the SDZ Alliance website: https://sdzalliance.org/projects.

[43] See the Ciudad Morazán website: https://www.morazan.city/about.

[44] Alexander Betts and Paul Collier (2015) "Help Refugees Help Themselves: Let Displaced Syrians Join the Labor Market." Foreign Affairs, November/December 2015, https://www.foreignaffairs.com/articles/levant/2015-10-20/help-refugees-help-themselves.

[45] Meral (2019), "Assessing the Jordan Compact One Year On: An Opportunity or a Barrier to Better Achieving Refugees' Right to Work." Journal of Refugee Studies, 33(1), p. 56. https://academic.oup.com/jrs/article-abstract/33/1/42/5607553?redirectedFrom=fulltext.

[46] Cindy Huang and Kate Gough (2019), "The Jordan Compact: Three Years on, Where Do We Stand?" Center for Global Development, March 26th, https://www.cgdev.org/blog/jordan-compact-three-years-on.

[47] See Meral (2019): pp. 50-51.

[48] See Betts et al. (2019) "The Kalobeyei Model: Towards Self-Reliance for Refugees?" Refugee Economies Programme, Oxford University, https://www.refugee-economies.org/publications/the-kalobeyei-model-towards-self-reliance-for-refugees.

educational, housing, financial, and business cooperatives involving refugees;[49] and provides cash-based interventions by UNHCR and other international organizations.[50] As I later discuss in the Kenya case study, the implementation of Kalobeyei suggests that charter cities might be a politically viable option to facilitate local integration as an alternative to encampment.

3.2 The Refugee Charter City

3.2.1 Overview

The refugee charter city model combines the economic reforms of SEZs, the sustainable development focus of SDZs, and the municipal regulatory reforms of charter cities with an emphasis on refugee rights and empowerment. Broadly speaking, a charter city in this context is a planned zone that makes changes to existing refugee settlements. Such a special jurisdiction could be implemented across various types of urban, rural, and encamped settlements, but for the purposes of this paper, I focus on encampments due to the clear disparity between UNHCR policy and practice in this area and the urgent need to avoid encampment.

The primary function of a refugee charter city is to introduce regulatory reforms that provide economic opportunities for refugees and local communities and operationalize refugees' social and economic rights, which are all too often neglected in practice. The special jurisdiction of the city seeks to encourage investment from within the host country and from abroad, to minimize barriers to starting small businesses that create jobs, to support refugee agency in pursuing these

jobs as well as entrepreneurial activities, and to strengthen formal linkages between refugees' economic activity and the local and regional economies within the host country.

These aims arise from the recognition that most refugees experience prolonged displacement that results in long-term settlement. Though UNHCR's mandate to protect refugees makes it a vital actor in these spaces, the reality of chronic underfunding warrants an approach that stimulates a local economic base in these areas so that they become more self-sustaining over time. Far from absolving international organizations and national host governments of their responsibilities to refugees, charter cities require integrated and coordinated partnerships and planning among these agencies and the private sector in order to provide better urban management and services. Moreover, key actors in this partnership are refugees and local communities themselves.

Policy reform at the national level is always preferable, for refugees and local communities and for governments. Nationwide inclusion and integration measures provide the highest levels of protection to refugees and asylum seekers and also the greatest benefits to the host country in terms of social cohesion, tax revenue, and economic growth and development. In recognition that national policy reforms for refugee integration can be extremely difficult to achieve, however, the charter city model offers an alternative in the meantime. Criticisms that localized governance further segregates refugees ignore the fact that such policies are only proposed in good faith when national inclusion is not politically or materially viable.[51]

The charter city model that this paper explores is also not a one-size-fits-all approach. Contextual considerations are vital in determining whether the model can help facilitate refugee integration. Security analyst Wolfgang Pusztai reiterates this point by stressing the importance of assessing

[49] See International Labour Organization report "Mapping responses by cooperatives and social and solidarity economy organizations to forced displacement." https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_742930.pdf.

[50] UNHCR "Cash-Based Interventions," https://www.unhcr.org/en-us/cash-based-interventions.html.

[51] Kilian Kleinschmidt, interview with the author, December 15, 2020.

the "strategic environment" of a given refugee situation and country.[52] Refugee charter cities thus contain core features that can be iterated or adapted across different contexts.

The administrative body for the refugee charter city would consist of a coalition of partners—refugees, local community members, national and local government representatives, civil society organizations, and private sector actors—led by UNHCR in a coordinating role. The coalition is ultimately accountable to UNHCR, but UNHCR is a coordinator rather than a camp manager or direct service provider. This model is closely aligned to Camp Coordination and Camp Management (CCCM) Cluster protocols under the UN Cluster Approach, which state that "an NGO partner or a national or local authority" is typically responsible for camp management (CM) and that only "where capacity is limited" will UNHCR "support a CM or take on the role itself."[53]

Finally, though charter cities represent a concerted effort to improve refugee responses, they are open to all. Rights are recognized not only for refugees who have been individually granted protection under the 1951 Convention but also for those recognized as refugees on a *prima facie basis"*[54] through mass displacement, and for asylum seekers who have not yet received a determination of their status. IDPs and other country nationals can also live, work, and start businesses in the jurisdiction, in the spirit of achieving greater integration and cohesion among these groups and promoting freedom of movement.

3.2.2 Key Features

Social and Economic Rights

The rights of refugees enumerated in the 1951 Convention are progressive in that the Convention provides for "an incremental continuum of protection that depends on the intensity of the territorial bond between a refugee and his/her state of asylum."[55] In other words, the longer a refugee lives within a territory, the more rights they accrue. This is why the charter cities model is particularly powerful in protracted situations. In theory, refugees living in extended exile should have access to the full array of rights under the Convention. They do not in practice.

Arguably the most central feature of charter cities for refugees is the assurance of refugees' social and economic rights within the zone. Under Article 17 of the 1951 Convention, refugees have the same right to "wage-earning employment" as other foreign nationals. They also have the right to self-employment and "to establish commercial and industrial companies" under Article 18. Article 14 grants refugees the rights to invent, design, and trademark their work in accordance with the same levels of rights as those in the refugee's country of "habitual residence." Finally, it bears noting that the spirit of the Convention compels signatories to strive for parity between refugees and national citizens whenever possible.[56]

Refugees thus ought to be able to work, start businesses, engage in entrepreneurial activity, and invent and create in the formal economy of their respective host countries. Few countries facilitate meaningful access to these entitlements.[57] Refugee charter cities would grant work and

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[52] Wolfgang Pusztai, interview with the author, January 22, 2021.

[53] UNHCR, "Camp Coordination and Camp Management (CCCM) Cluster (IASC)." UNHCR Emergency Handbook, https://emergency.unhcr.org/entry/47946/camp-coordination-and-camp-management-cccm-cluster-iasc.

[54] Hein de Haas, Stephen Castles, and Mark J. Miller (2020), The Age of Migration: International Population Movements in the Modern World. Sixth edition. The Guilford Press: New York, p. 32.

[55] Vincent Chetail (2014), "Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law." In Ruth Rubio-Marín (ed). Human Rights and Immigration. Oxford University Press: Oxford, p. 41-42.

[56] To read the text of the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, see https://www.unhcr.org/en-us/3b66c2aa10.

[57] See the Global Refugee Work Rights Scorecard: https://refugeeworkrights.org/scorecard.

business permits to refugees, as well as provide protections for commercial, industrial, and artistic property. The administrative coalition of the charter city could also facilitate access to financial capital for refugee business owners—a major obstacle that the Jordan Compact did not sufficiently address—through credit or start-up loans, in addition to skills training and education as requested by refugees. Such activities can also further develop relationships between refugees and local communities, as they often already engage in frequent exchange of ideas and skills.[58]

Shelter structures in the Dadaab complex in Kenya, 2012
Photograph by Jo Harrison for Oxfam, distributed under a CC BY 2.0 license

[58] Alexander Betts et al. (2014), "Refugee Economies: Rethinking Popular Assumptions." Refugee Studies Centre, University of Oxford, p. 40, https://www.rsc.ox.ac.uk/files/files-1/refugee-economies-2014.pdf.

Land Use and Property Rights

Refugees have the right to own "movable and immovable" private property according to the "no less favorable" treatment of other foreign nationals, which is granted under Article 13 of the Convention. The ability to formally acquire and hold property is of particular importance to forcibly displaced persons, many of whom lose assets when they flee. Housing, land, and property (HLP) rights are therefore a crucial element of restoring autonomy and agency to refugees. The protection of these rights is also vital to economic activity; people are less likely to establish businesses or purchase assets if they cannot be assured of the security of these assets. Though formal property titles may not always be possible for reasons elaborated in the following paragraph, property ownership can serve as collateral for refugees to obtain bank loans that further support their agency and autonomy.

Establishing land use and property rights is not a straightforward matter. Coalition members must recognize that securing tenure "is a process, not a fixed system."[59] This is especially true in areas where environmental factors or population density make access to arable or habitable land scarce. Dispute resolution mechanisms that take communal and customary rights into account are necessary to avoid creating, reinforcing, or exacerbating asymmetries that foment resentment towards refugees. Where there is strong political resistance to granting legal titles to refugees, communal models such as land trusts may be one option.[60]

Public-Private Partnerships

Public-private partnerships (PPPs) are another feature of a refugee charter city and serve the dual function of ameliorating humanitarian funding shortfalls and attracting investment. There is no universal definition of PPPs, but the World Bank Group's Public-Private Partnership Legal Resource Center broadly defines a PPP as a "long-term contract between a private party and a government entity, for providing a public asset or service, in which the private party bears significant risk and management responsibility and remuneration is linked to performance."[61]

This risk assumption achieves buy-in from host governments that are either unable or unwilling to engage in public service provision to encamped areas, which has heretofore resulted in inefficient de facto management by UNHCR. Kilian Kleinschmidt highlighted the importance of PPPs in making service provision to encamped areas less costly and better-managed.[62] Regulation and oversight by the governing coalition are key to holding private sector actors accountable, but the charter cities model ultimately reimagines the private sector as a vibrant space for engagement by all the stakeholders in the zone, including refugees themselves.

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[59] Internal Displacement Monitoring Center, Displacement Research & Action Network, and the Norwegian Refugee Council (2015), "Home sweet home: Housing practices and tools that support durable solutions for IDPs."
Internal Displacement Monitoring Center, p. 6, https://www.internal-displacement.org/publications/home-sweet-home-housing-practices-and-tools-that-support-durable-solutions-for-urban-idps.

[60] An example of such a trust that already exists in many majority-Muslim countries is the waqf ("endowment" in Arabic), a charitable endowment of land or funds for public use in accordance with Sharia law. To learn more about waqf as a means for development and specifically the achievement of the Sustainable Development Goals (SDGs), see Mohammad Abdullah (2018), "Waqf, Sustainable Development Goals (SDGs) and maqasid al-shariah." International Journal of Social Economics, 45(1), pp. 158-172. https://www.emerald.com/insight/content/doi/10.1108/IJSE-10-2016-0295/full/html.

[61] PPP Knowledge Lab, "PPP Reference Guide," https://pppknowledgelab.org/guide/sections/1.

[62] Kilian Kleinschmidt, interview with the author, December 15, 2020.

Community-led Governance

The grassroots approach of charter cities strengthens existing ties between refugee and local communities and creates space for new linkages to grow. Community-led governance of the city can be partially achieved through the governing coalition, which includes refugees and local community members akin to the "oversight board" proposed in an SDZ.[63] A critical distinction, however, is that this coalition does not merely perform an oversight function over the administrative entity but is rather a key part of the administrative entity itself. Though UNHCR would lead the coalition in a coordinating role, incorporating refugees and local communities in policy formation, oversight, and accountability processes ensures that the needs and voices of those living in the city are at the center of governance. The involvement of private sector actors in the governing coalition is also likely to generate greater levels of responsiveness to refugee and local community needs than the large, 'top down' bureaucracies of international organizations. This is because the private sector's main aim is to fulfill local demand; if it fails to do this, private enterprises go out of business.

Collective structures

Collective ownership and cooperative groups constitute the social and economic parallels to participatory governance in refugee charter cities. Land trusts, housing cooperatives, and what the International Labour Organization calls "Social and Solidarity Economy Enterprises and Organizations" (SSEEOs) create opportunities for refugee ownership and inter- and intra-community social and economic relationships.[64] Many SSEEOs have been successfully implemented in various countries across the world from Italy to Ethiopia to the occupied Palestinian territory. [65]

In partnership with the IKEA Foundation, UNHCR has already implemented livelihood cooperatives across the five Dollo Ado refugee camps in Ethiopia that "seem to be popular among both refugees and host populations."[66] An evaluation of these initiatives from Oxford University's Refugee Economies Programme found that the interventions "have had a range of positive impacts on welfare outcomes for refugees and the local community," but importantly, that "the main determinant of variation in success to date seems to be the degree of market integration of the activities, including the potential for diverse and robust market linkages."[67] The project provides an example of the positive impact that can arise from greater investment in market-based elements of refugee livelihoods.

Charter cities can also build on existing collective structures in local communities, which can be especially helpful for women refugees who face higher barriers to economic activity. For example, Dr. Holly Ritchie, founder of the refugee women's empowerment social enterprise THRIVE for Change, pointed out that mutual aid networks have been particularly important for refugee women during the COVID-19 pandemic.[68] Overall, there is a strong need from both a normative and

[63] See the SDZ Alliance's concept proposal: https://static1.squarespace.com/static/5d5488a97f30dd0001a098eb/t/5dc1bca9b0099d31d01aea9f/1572977833859/SDZ+Concept+Proposal+-+FINAL.pdf.

[64] International Labour Organization, "Resources on Cooperatives, Migrants and Refugees: Forced Displacement," https://www.ilo.org/global/topics/cooperatives/areas-of-work/WCMS_546691/lang--en/index.htm.

[65] International Labour Organization (2020), "Mapping responses by cooperatives and social and solidarity economy organizations to forced displacement." International Labour Organization - Prospects, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_742930.pdf.

[66] Betts et al. (2019), "Refugee Economies in Dollo Ado: Development Opportunities in a Border Region of Ethiopia." Refugee Economies Programme, University of Oxford, p. 21, https://www.refugee-economies.org/publications/refugee-economies-in-dollo-ado-development-opportunities-in-a-border-region-of-ethiopia.

[67] Betts et al. (2020) "Building Refugee Economies: An evaluation of the IKEA Foundation's programmes in Dollo Ado." Refugee Economies Programme, University of Oxford, p. 10, https://www.refugee-economies.org/publications/building-refugee-economies-an-evaluation-of-the-ikea-foundations-programme-in-dollo-ado.
Dr. Holly Ritchie, interview with the author, February 11th, 2021.

[68] Dr. Holly Ritchie, interview with the author, February 11th, 2021.

an empirical perspective to center refugee voices in the design of governance, business practices, programs, and institutions. This is both because refugees should have agency in governance, given that their settlement is usually anything but temporary, and because they have the best knowledge on their own needs and existing social structures.

Monitoring and Evaluation

Finally, appropriate and effective monitoring and evaluation mechanisms must be part of any charter city, especially in the context of refugee response. Benchmarks are critical to assess not only the model's efficacy in improving welfare and livelihood opportunities for refugees and local communities, but also its general fit to the social, political, economic, and cultural contexts of the area. Metrics should be standardized across quantitative and qualitative indicators and must also speak to the lived experiences of residents of the city and nearby communities.

UNHCR has camp planning standards that specify infrastructural and environmental requirements[69] as well as general indicator frameworks, but to the best of my knowledge, there is no universal blueprint for assessing refugee encampments. Evaluations tend to be decentralized.[70] Nick van Praag, founder and executive director of the international NGO Ground Truth Solutions, suggests that engaging in assessment at the response-wide level allows

evaluators to design questions and benchmarks that meaningfully reflect the stated aims of any given humanitarian response plan.[71] In addition to "objective" indicators about the aid delivery itself, assessments also ought to include refugees' perceptions of the effectiveness of service delivery.

Reporting the results of evaluative data collection to participants is critical not only to prevent assessments from simply collecting dust on a storage shelf, suggests van Praag, but also to forestall survey fatigue among participants.[72] This disillusionment is a major issue in encamped areas.[73] Evaluation must be both rigorous and judicious, and it must always drive meaningful change. The clear allocation of public service provision to distinct entities, rather than what often amounts to ambiguous responsibilities among UNHCR and host governments, will also reduce the risk of duplicative assessment efforts.

3.2.3 Benefits of the Model

The potential benefits of refugee charter cities are many and varied, as I detail below. First and foremost, however, the model's realization of refugees' social and economic rights in practice is rooted in the fundamental principle of human dignity. As this paper has demonstrated, refugees living in camps are too often treated as objects to be placed in the equivalent of "storage facilities for people" despite UNHCR's best intentions.[74] Providing meaningful access to the full menu

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[69] UNHCR, "Camp planning standards (planned settlements)," https://emergency.unhcr.org/entry/45581/camp-planning-standards-planned-settlements.

[70] See UNHCR's 2018-2022 Evaluation Strategy: https://www.unhcr.org/5a93c8637.pdf.

[71] Nick van Praag, interview with the author, January 27, 2021.

[72] Nick van Praag, interview with the author, January 27, 2021.

[73] Kilian Kleinschmidt notes that refugees in some camps in Pakistan placed signs at camp entrances imploring humanitarian fieldworkers to stop engaging in assessments. Interview with the author, December 15, 2020.

[74] Talia Radford (2015), "Refugee camps are the 'cities of tomorrow', says humanitarian aid expert." Dezeen, November 23rd, https://www.dezeen.com/2015/11/23/refugee-camps-cities-of-tomorrow-killian-kleinschmidt-interview-humanitarian-aid-expert/.

of rights enumerated for refugees under the 1951 Convention, including the right to formal wage-earning employment and opportunities for self-employment and entrepreneurship, recognizes refugees as full people who have the skills, capacities, and desires to lead autonomous lives. Such recognition is basic for all migrants but particularly important for refugees, who by definition have faced serious constraints and violations of their agency throughout the migratory process.

Social and Economic Cohesion

Building upon this recognition of refugee agency, the refugee charter cities model fosters stronger social and economic cohesion among refugees and local communities. The framework permits stronger social ties and affords full legal weight to economic relationships between refugees and local community members. The legal and regulatory protections that the charter city model can offer refugee-owned businesses, for example, the security they need to expand and employ more staff (many of whom might be country nationals).

One of the largest studies of "refugee economies" to date was undertaken in Uganda, where national policy allows refugees to work and own businesses. The study found that 14% of employees in rural refugee-owned businesses were Ugandan nationals, and that number increased to 40% in the capital city of Kampala.[75] Refugee employees

and solo entrepreneurs also reinforce these ties, creating a web of supply chain and labor linkages between refugees and local communities. These connections not only benefit domestic small and medium enterprises (SMEs) and make refugees more economically secure but also likely decrease the propensities for conflict[76] and anti-immigrant sentiment that can arise when refugee influxes occur.

Sustainable Development

These social and economic benefits create immediate economic growth that helps to offset the short-term costs of absorbing large numbers of refugees. They also strengthen the migration-development nexus over time. Protections ensuring the rights of refugees to start and own businesses and patents are crucial to innovation that generates long-term growth. Refugees, like anyone else, have a vast array of skill sets that they bring with them to their destination country.

Rather than stymying possibility through excluding refugees' economic activities from the formal economy, the charter city model supports their work. Protecting rather than curtailing such activities ensures that the provision of humanitarian assistance and development aid leads to long-term investment in refugees, local communities, and broader regions rather than merely short-term relief.

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[75] See Betts et al. (2014): p. 19.
[76] For example, a study in Rwanda finds qualitative evidence that economic exchanges among refugees and local communities increases levels of trust and decreases propensities for conflict among these groups: https://comparativemigrationstudies.springeropen.com/articles/10.1186/s40878-019-0139-1.

The Advantages of Formality

Refugee charter cities encourage formality over informality. Refugee encampments are already hubs of significant informal activity. Even before the provision of work permits to Syrian refugees in Jordan, the 80,000-person Za'atari camp was home to a robust and rapidly urbanizing informal economy.[77] Similarly, the Dadaab refugee complex in Kenya has "a vibrant community" with "animated and varied markets" in which local entrepreneurs and refugees alike engage in economic activity.[78]

The model, then, does not propose the top-down creation of new economies but rather adjustments to better facilitate those that already exist. These changes offer a broad array of benefits to refugees, local communities, and host countries. Refugees and local communities have more and better opportunities for employment, business formation, and entrepreneurship that are protected and enforced by the city's governing laws. Local and national governments benefit not only from the additional economic activity unlocked through formalization but also increased tax revenues from wage-earning labor and businesses. Formality also creates investment opportunities for domestic and foreign investors. Lastly, outsourcing administration to the governing coalition reduces the bureaucratic burden of administering the area for national governments that are often already severely resource-constrained.[79]

Feasible Options

The refugee charter city model aims to circumvent much of the gridlock in current policy debates around refugees by moving governance and assistance from the national to the local level. Deep political resistance to the idea of accepting large numbers of people across national borders is a common problem in many countries, including in democratic states where politicians face regular elections. Fearing that providing sustainable, meaningful opportunities for refugee integration could be perceived as tantamount to prioritizing refugees' needs over those of national citizens, policymakers often focus on their short-term political survival at the expense of refugees and asylum seekers.

Though misplaced, this fear is understandable in the Global South, where the countries that host the majority of the world's refugees also often struggle to provide for their own citizens. Moving the question of refugee rights to the local level, though always with a view towards greater inclusion at the national level, can overcome the collective action failure[80] that impedes national-level reforms. The lower level of political risk associated with local, geographically delimited opportunities for regulatory reform in charter cities also encourages policy innovation, which can then translate to more integration-oriented policy at the national level once policymakers see the benefits on a smaller scale.

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77 Michael Kimmelman (2014), "Refugee Camp for Syrians in Jordan Evolves as a Do-It-Yourself City." The New York Times, July 5th, https://www.nytimes.com/2014/07/05/world/middleeast/zaatari-refugee-camp-in-jordan-evolves-as-a-do-it-yourself-city.html.

78 International Labour Organization (2019), "Doing Business in Dadaab: Market Systems Analysis for Local Economic Development in Dadaab, Kenya." https://reliefweb.int/sites/reliefweb.int/files/resources/Doing-Business-in-Dadaab-April-2019_Final-Report.pdf.

79 Many of these points rely on my conversation with Michael Castle-Miller, who stressed that the informal economic activity that policymakers view as "illegible and chaotic" is in fact a major driver of economic growth. He thus suggests that it is the job of policymakers to "follow the lead" of refugees and host communities to legalize activity that is already happening, and to regulate at the margins only insofar as necessary for public health and safety. Interview with the author, December 22, 2020.

80 For more on how charter cities can help address problems of collective action, see https://www.chartercitiesinstitute.org/post/mancur-olson-as-an-inspiration-for-charter-cities.

Preventing the "Race to the Bottom"

Decentralizing refugee protections to the local level when governments make national inclusion impossible prevents the damaging and dangerous 'race to the bottom' among host countries. Asylum seekers do not have the legal right to claim asylum until and unless they reach another country's territory. What this means is that states try to prevent asylum seekers from ever reaching their borders. Evidence suggests that 'pull factors' can matter in forced migrants' decision-making processes.[81] [82] As a result, states compete to have the least attractive and therefore most harmful policies. One could argue that this amounts to the abdication of their obligations under the 1951 Convention, but signatories retain a huge amount of discretion with respect to national asylum policies.

Facilitating greater integration at the local level through charter cities removes the incentive to engage in the race to the bottom. One example of this is the sanctuary cities movement that began in the United States in the 1980s and has since spread to Canada, the United Kingdom, continental Europe, and across the Global South.[83] These cities have afforded strong protections to asylum seekers when national policies fail to do so. Localized refugee responses have thus created havens for refugees that can not only mitigate harsh national policy but also diffuse norms of greater integration for refugees up to the national level over time.

Relatedly, refugee charter cities can also bring states into better compliance with their existing obligations under international law.[84] Better alignment with international law is not only a practical necessity for the safety and well-being of asylum seekers but also a normative good that helps to strengthen international cooperation in the refugee regime.

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[81] Mathias Czaika and Krisztina Kis-Katos (2008), "Civil conflict and displacement: Village-level determinants of forced migration in Aceh." Discussion Paper Series No. 4, University of Freiburg. https://www.econstor.eu/bitstream/10419/47895/1/587483601.pdf.

[82] Pratikshya Bohra-Mishra and Douglas Massey (2011), "Individual Decisions to Migrate During Civil Conflict." Demography, 48(2), pp. 401–424, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3365856/.

[83] I am indebted to CCI Head of Research Kurtis Lockhart for his suggestion to include this example. For a cross-country comparative overview of sanctuary cities, see Blanca Garcés Mascareñas and Kristin Eitel (2019), "Sanctuary Cities: A Global Perspective." Barcelona Centre for International Affairs (CIDOB), https://www.cidob.org/en/articulos/anuario_internacional_cidob/2019/sanctuary_cities_a_global_perspective.

[84] For a more complete discussion of the ways in which charter cities and similar models help to operationalize international refugee law, see Michael Castle-Miller (2018) "The Law and Policy of Refugee Cities: Special Economic Zones for Migrants," Chapman Law Review, 21(2), pp. 303-332, https://papers.ssrn.com/abstract=3212930.

4. Case Study: Kenya

This model is one collection or 'package' of policy mechanisms that can be part of broader humanitarian and legally protective responses to refugee crises. Its highly customizable nature means UNHCR, policymakers, and coalition partners can adapt the model's core features according to national and local contexts and the needs of refugees and local communities. A charter city in one area may therefore look different from those in neighboring regions or countries. Applying the charter cities framework as an alternative to encampment in Kenya offers an illustration of how the model might support refugee rights and sustainable development in a country that has used encampment as its primary refugee response in recent decades.

The Kenyan government has pursued a strict policy of encampment in its refugee response. As a result, more than 80% of refugees and asylum seekers were living in camp settlements as of the end of January 2021. 90% are officially recognized as refugees, and the remaining 10% are asylum seekers awaiting adjudication of their claims.[85] A vast majority live in either the Dadaab refugee camp complex in Garissa County, which currently consists of three individual camps, or in the Kakuma camp in Turkana County.[86] A smaller number (roughly 40,000) live in the planned Kalobeyei settlement, also in Turkana County.

The Kenyan government is a party to the 1951 Convention and 1967 Protocol but did not establish national legislation around refugee rights until 2006. The national government initially conceived of the camps as temporary measures. As detailed by the Humanitarian Policy Group at the Overseas Development Institute, however, refugee responses in the country "shifted to care and maintenance of the large refugee population, with few options for a durable solution for their long-term exile."[87] The national government has on several occasions announced its intention to close the Dadaab and Kakuma camps, most recently in March 2021.[88] Kenya's High Court ruled in 2017 that the closure would violate international law and the country's constitution, however, and at the time of writing the camp remains open.[89]

Kenya's new 2010 Constitution, which was implemented in 2013, decentralized much of governance to the country's 47 county governments.[90] Camps in Kenya are managed by the national Refugee Affairs Secretariat (RAS) in cooperation with UNHCR. County governance is strong, however, especially in Turkana, and RAS needs permission from the county government to engage in activities at the local level. Leaders from refugee communities tend to work with RAS and UNHCR when it comes to everyday informal market activities and administration of the camp. Informal networks around clan and communal structures, particularly in the Dadaab complex where more than 95% of refugees are Somali, are a crucial element of the camps' social infrastructure.

Existing governance structures in Kenya provide a promising context for the refugee charter city model. The decentralized system of government would allow UNHCR to establish a special

85 UNHCR Kenya, "Kenya Statistics Package," https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/02/Kenya-Statistics-Package-31-January-2021.pdf.

86 UNHCR Kenya, "Key figures at a glance," https://www.unhcr.org/ke/figures-at-a-glance.

87 Sorcha O'Callaghan and Georgina Sturge (2018), "Against the odds: refugee integration in Kenya." HPG Working Paper, p. 4, https://www.odi.org/sites/odi.org.uk/files/resource-documents/12542.pdf

88 Kenya's High Court issued a temporary stay of the closure on April 8, 2021: https://www.aljazeera.com/news/2021/4/8/kenyan-court-rules-against-govt-plan-to-close-refugee-camps.

89 Human Rights Watch (2019), "Kenya: Reverse Move to Close Refugee Camp," https://www.hrw.org/news/2019/03/27/kenya-reverse-move-close-refugee-camp.

90 USAID (2019) "Devolution in Kenya," https://www.usaid.gov/sites/default/files/documents/1860/Devolution_fact_sheet_2019.pdf

jurisdiction in a given county or camp relatively easily in partnership with country administrators. Infrastructure is already localized, as are the practical elements of refugee response and camp management. Moreover, county governments are already familiar with UNHCR and have relationships with leaders of informal refugee networks. These existing relationships could be expanded and formalized into a governing coalition of the kind proposed by charter cities.

Refugees and asylum seekers in Kenya technically have the same right to work as other foreign nationals under the 2006 Refugee Act, but high barriers to permits and overall high rates of unemployment in Kenya mean few can access the formal economy in practice.[91] Many refugees (and Kenyan nationals) instead work in informal economies that are among the largest generators of foreign currency in the country. Dr. Holly Ritchie notes that while many of the women refugees with whom she works in Eastleigh (a neighborhood in Nairobi) engage in entrepreneurial activities, this entrepreneurship tends to be for purposes of survival rather than growth. Only about 10% said they would continue being entrepreneurs if they had access to formal employment opportunities instead.[92] This finding suggests that at least for women refugees, formalization is just as important for choice of work as it is for supporting entrepreneurship. It is possible, however, that if self-employed refugees were better protected and could earn more through the formal economy, entrepreneurship would become a more attractive livelihood option.

That the Dadaab and Kakuma camps in Kenya have grown exponentially since their establishment in the early 1990s means that converting the infrastructure of these areas into charter cities will be costlier than doing so in a more recently established encampment. The sheer number of people who have few options other than to live in these camps, however, means that local integration is even more important. While evidence suggests that refugees are an economic asset to local communities, these benefits are unevenly distributed due to "limited strategic engagement with camp economies."[93] The charter city provides a framework for a more strategic approach.

The livelihoods initiatives in the Kalobeyei settlement indicate political will from governing authorities and interest from funders for localized innovations that the refugee charter city framework can build on and scale. Kenya's decentralized governance model, large and long-standing encampments, and recent willingness to experiment with creative livelihoods policy and programming for refugees indicate significant potential for the application of the charter cities model to the benefit of refugees, local communities, and the national government. At the same time, the national government's repeated attempts to close the Dadaab complex suggest an urgent need to move to a more sustainable kind of refugee response.

[91] See Callaghan and Sturge (2018): p. 6.
[92] Dr. Holly Ritchie, interview with the author, February 11th, 2021.
[93] See Callaghan and Sturge (2018): p. 8.

5. Conclusion

A vast majority (85%) of refugees are located in the Global South,[94] where sustainable economic growth and infrastructural development could provide benefits to refugees and local communities alike. Conversely, these countries are also among the least resourced to contend with the consequences of ill-conceived migration policy. If the trends of recent years continue, the chasm between the rising numbers of forced migrants and the declining rates of return and resettlement will continue to widen. Failure from the international community to close the protection gap resulting from years of ineffective and inefficient refugee responses will result in more suffering, astronomical environmental and financial costs, and worsening political gridlock that could further fuel rising anti-immigrant sentiment.

The increasing xenophobia witnessed in recent years has been exacerbated by public health fears and economic devastation during the COVID-19 pandemic.[95] Conflict, lack of opportunity, and increasingly restrictive immigration policies by many countries in the Global North have pushed migrants—including refugees and asylum seekers—into deadlier migration routes as they attempt to reach the US[96] and Europe.[97] We are at a point of crisis in migration policy, but it does not need to be this way. Dominant narratives framing the mere fact of migration itself as an emergency or crisis have invited a lack of long-term planning and vision in policy that has led to expensive, ineffective, and damaging outcomes.

This paper critiqued the existing practices of de facto long-term settlement in camps and attempted to offer a creative policy alternative through a framework of refugee charter cities. This model has the potential to provide immediate relief to refugees, overstretched international organizations, and under-resourced local communities and governments. Political feasibility is the greatest barrier to realizing its implementation, as is always the case. The local and geographically bounded nature of charter cities can help to remove these political barriers to refugee integration.

Despite political challenges, the upheavals of 2020 have presented a unique opportunity to advocate for change. There is a new president in the United States, who has expressed greater willingness to engage with the international community on refugee issues than his predecessor. Policymakers and humanitarians are rethinking their approaches to refugee encampments as a result of the preventable disease outbreaks that continue to result from living conditions in the camps. This is a time for bold thought and action in a world that, if current trends hold, will only see forced displacement increase. There is no replacement for political changes at the global and national levels, but one starting point to make these changes possible is through local initiatives.

In this paper, I have attempted to offer a limited exploration of policies that have the potential to make refugee responses more just in the face of political constraints. I welcome critical engagement with these ideas. Many questions remain, including the contextual factors

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94 Amnesty International, "The World's Refugees in Numbers," https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/global-refugee-crisis-statistics-and-facts.

95 International Organization for Migration (2020), "IOM Issues Communication Guidance to Stem Rising Anti-Migrant Sentiment in the Wake of COVID-19," IOM UN Migration, May 5th, https://www.iom.int/news/iom-issues-communication-guidance-stem-rising-anti-migrant-sentiment-wake-covid-19.

96 Fernanda Echavarri (2020) "2020 Was the Deadliest Year on Record for Migrants Crossing the Arizona Desert," Mother Jones, December 22nd, https://www.motherjones.com/politics/2020/12/record-deaths-migrants-arizona-desert.

97 See IOM's Missing Migrants Project: https://missingmigrants.iom.int/region/Mediterranean.

that require careful consideration in further conversations and research. The most important question pertains to refugees' opinions, thoughts, and assessments of the topics I have raised and others I have undoubtedly missed.