

**Why not a general theory
for durable solutions for
refugees?**

**The Future
of Refugee
Law –
Refugee
Law
Initiative**

Outline of the Presentation

- **Context and Justification for the proposal of a “general theory for durable solutions for refugees”**
- **General theory:**
 - ❖ **Justification**
 - ❖ **Main objective**
 - ❖ **Foundations**
 - ❖ **Principles**
 - ❖ **Implementation**
- **Concluding remarks**

Context and Justification

- **Durable Solutions are a key component of the refugee regime, as they are instrumental for assisting refugees in either accessing protection or rights**
- **In this sense they are protection tools, and vital for integral protection**

- **Durable Solutions are not rights *in se***
- **Lack of general theory on durable solutions**
- **Complex migration current scenario**

Proposing a General Theory for Durable Solutions for Refugees

Justification

- Enabling a principled way of thinking about durable solutions, through the introduction of a holistic approach to all three existing solutions
- It would also aid in the development of principles and guidelines both for the solutions in themselves and in an integrated approach

Main Objective

To create a general theory that:

balances the interests of States and needs of refugees and that allows for effective and actual ways in which refugees can rebuild their lives in integrating and safe environments, with access to rights and protections

Foundations

- 1) durable solutions are an intrinsic part of protection
- 2) direct consequence of *non-refoulement*
- 3) enhanced dialogue with International Human Rights Law
- 4) need to measure durable solutions' efficacy

Principles

- 1) perception of durable solutions as protection**
- 2) respect to non-discrimination**
- 3) not establishing limitation of human rights**
- 4) balance States' interests and refugee needs**

5) best interest of refugees

6) involvement of refugees

7) non-hierarchical toolbox

8) choosing of the best solution for each case

Implementation

- **Soft law instruments**
- **Guiding Principles on Durable Solutions for Refugees**

Concluding Remarks

- **Thinking of the present and the future of Refugee Law, at least a discussion on the topic is needed**
- **The goal, foundations and principles set hereby should be the basic parameters**
- **Beginning the development of a general theory for durable solutions for refugees with a view to the betterment of refugee protection**

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