

A Well-Founded Hope: The Human Right to a Life Project in the Context of Forced Displacement

- With a Case Study of Forcibly Displaced Ukrainians in Oslo.

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Abstract

The life project is a transcendental human right as it embodies an everlasting expression of human dignity, materialized in exercising the inherent human freedom to design and pursue such existential project. In other words, the human right to a life project gives meaning to human dignity and a sense of purpose for human life. Forced displacement often results in the significant reduction of the possibilities of adopting a life project, instead replacing it with a state of uprootedness. This thesis analyzes the scope of the right to a life project vis-à-vis several challenges faced by forcibly displaced people, particularly Ukrainians in Oslo. Drawing from doctrinal and jurisprudential precedents, the study includes interviews with eight victims of forced displacement and stakeholders involved in their support in Norway.

Altogether, I offer a concept of a life project within the context of forced displacement, identify and examine the types and determinants of the life projects of the interviewees, and conclude with *de lege ferenda* policy recommendations for a ‘best’ practice. I aim to contribute towards the universal recognition and safeguard of the life project as human right for every person and as the well-founded hope for those forcibly displaced.

Key words: Life Project, Human Dignity, Freedom, Forced Displacement, Ukrainian War, Humans Rights, Refugee Law, Migration Policy, Transitional Justice, Jus Post Bellum.

*They have no idea what it's like
to lose home at the risk of
never finding home again
to have your entire life
split between two lands and
become the bridge between two countries*

Immigrant – Rupi Kaur.

This work is dedicated to all forced migrants who find themselves split between two lands, mainly to the eight Ukrainian refugees who bravely shared the damage of their own life projects.

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Introduction

I had to go from Ukraine to Norway, but my passion, my dreams, my goals, those have not changed. The obstacles, yes, new problems, new issues that I have to overcome. But my dream is still with me (...) Before this interview I had different feelings and thoughts about the integration process, but now I can say that those words, when I read them, well I said ‘oh, that’s about me!’. Those are the point, the center, the exact words that needed to be said to describe how I feel and how I want to express myself if I talk to the government¹.

This was one reaction I witnessed from a Ukrainian refugee interviewed for this project.

In her current real life story, as in this thesis, the concepts of life project and forced displacement are the main characters. Set in an interdisciplinary human rights scenario, the plot deals with the dramatic interplay between them, with the dreams and goals of millions of displaced people that are vanishing in every step taken away from home. There is very limited knowledge when it comes to such damage, to the feeling of emptiness and lack of purpose endured as a refugee. It comes as no surprise that the life project rescues that dignity lost in displacement.

Forced displacement implies a journey that is not only physical. This journey can be of different lengths, routes, risks. But on the scale of the intangible, the victims also transit between their aspirations, their self-purpose and all that integrates their “life project”. A project now subjected to forced change. Although intangible, the life project is not invaluable, and its worth is always intertwined with human dignity expressed in exercising the right to freedom in the process of choosing that project. As it will be elaborated afterwards, this vital decision-making possibility has been recognized by legal scholars and by jurisprudence as a human right.

Forced displacement is then a journey traversed with diminished dignity within reduced options in the universe of potential life projects. Very few studies have ventured into grasping the perils of that agony. Thus, this study traces a research line into the bases of the life project’s meaning within the multilayered framework of forced displacement —a research guided by interdisciplinary insights, a qualitative methodology, and first-hand refugee narratives.

¹ Interview with participant 2, mins. 45-46.

The thesis aims to answer *what is the scope of the right to a life project in the context of forced displacement*. As one outcome of that analysis, I offer a draft concept, the “words” that the interviewee was referring to. In fact, I grounded all theoretic proposals by including an empirical case study, interviewing eight Ukrainians refugees that fled from the war with Russia in 2022. They are now based in Oslo, handling simultaneously with the processes of uprootedness and integration. Consequently, I also attempt to examine *to what extent the Norwegian state protects the right to a life project of forcibly displaced Ukrainians*.

The project consist of four chapters: 1. Methodological framework, explaining the need of applying both an interdisciplinary approach coherent with human rights and a qualitative tactic to substantiate the theory incorporating the victim’s voices; 2. Theoretical framework, delving into the concept of the life project from its philosophical underpinnings, its juridical assimilation and resistance in the Inter-American System, as well as its interplay with forced displacement and the consequences that derive from that interaction; 3. Case study of forcibly displaced Ukrainians in Oslo, compiling common results from interviews, with the challenges and opportunities vis-à-vis the accomplishment of their life projects; 4. Lessons learned towards *de lege ferenda* policy recommendations to uphold this human right.

Based on the findings obtained throughout the thesis’ chapters, it became evident that the concept of a life project, albeit harmonized with the legal precedents, turns distinctive when observed through the lens of forced displacement: for those that are uprooted, their existential aspirations called “life project” evolve to provide a well-founded hope and defend their dignity.

All in all, I intend to shed light into the undiscussed importance of the life project: for the forcibly displaced people to receive new vocabulary aiding to articulate their struggle and demand compliance; for the policy-makers intending to alleviate the struggle to understand their duties. This project is only a stepping stone, at most, for protecting the challenged dignity of those that have been forced to flee.

Justification statement

The global surge in force displacement has cast a stark spotlight on the urgent need to tackle the phenomenon from manifold perspectives. To be precise, the United Nations High Commissioner for Refugees (UNHCR) recorded from 2021 to 2022 the largest yearly increase in the number of refugees worldwide with an updated dramatic record number of more than 35 million by the end of last year². With this backdrop, the ongoing full-scale invasion in Ukraine substantiates this latest rise and represents an upsetting microcosm of the broader displacement picture, with a total round 6.3 million out of the national borders by November 2023³.

At this point, Norway alone has registered almost 70.000 forcibly displaced Ukrainians from the premiere of the European Temporary Protection Directive in 2022, amounting to a parallel, disproportionate, order in the national immigration system. The volume of individual asylum seekers from other nationalities adding up 2022 and 2023 statistics make less than 10.000⁴. There is, undoubtedly, a quantitative justification for this study. It justifies as well receiving the Norwegian Red Cross stipend for research with humanitarian impact in 2022. Though, refugees and *other* migrants⁵ cannot be reduced to numbers for mere securitization services. Every migrant carries luggage filled with stories.

The stories of refugees entail persecution, displacement, and, in spite of the protection status, serious disruptions for the entire repertoire of human rights, including for the life project.

² UNHCR, *Global Trends in Forced Displacement 2022*, 2023, <https://www.unhcr.org/global-trends-report-2022>

³ UNHCR, *Ukraine Refugee Situation*, 2023, <https://data.unhcr.org/en/situations/ukraine>

⁴ Norwegian Directorate of Immigration (UDI), *Asylum applications lodged in Norway by Citizenship and Month (2022 and 2023)*, 2023, <https://www.udi.no/en/statistics-and-analysis/statistics/asylum-applications-lodged-in-norway-by-citizenship-and-month-2022/> <https://www.udi.no/en/statistics-and-analysis/statistics/asylum-applications-lodged-in-norway-by-citizenship-and-month-2023/>

⁵ This research adheres to the “inclusivist definition of migrants” sponsored by Jørgen Carling in order to provide the best conditions for analyses, policy and protection. See “The phrase ‘refugees and migrants’ undermines analysis, policy and protection”, *International Migration*, 61, (2023): p. 403, <https://doi.org/10.1111/imig.13147>

There is, undoubtedly, a qualitative justification for this study too. This second validation is underscored by the inexistence of research correlating forced displacement and the life project, notwithstanding the crucial outcomes of the referred interaction for human rights —as it will be argued all across the thesis.

Forced displacement is unfortunately a defining feature of our times, and every study navigating the legal, political, sociological, psychological, economic and any other dimensions of displacement deserves attention. In this case, by exploring the life project engaging directly with forcibly displaced people, I expect not only to illuminate individual struggles but also gain insights into broader societal implications and legal frameworks out of academic inquiry; helping to bridge the identified lacunae and to pave a research avenue and a policy niche with a methodology ready for replication. This research seeks to enable the victims' voices to mold, refine, and enhance our conceptual grasp of the life project as magnified by the Ukrainian crisis and by many other current conflicts all around the world.

1 Methodological framework

The research strategy carefully chosen for this thesis is that of an interdisciplinary and qualitative study. Owing to the essence of a Masters of Law, it is indispensable to employ a legal method at first. Yet, the political and humanitarian components of the referred issue call to reach beyond a black letter analysis and to include other social sciences sources to build interdisciplinary research, which, as claimed by Deplano and Tsagourias (2021), conveys as a benefit that it “conceptualizes the structure and functioning of international law through social sciences research methods by placing international law within the intellectual roots of those cognate disciplines”⁶.

⁶ Rossana Deplano and Nicholas Tsagourias, *Research Methods in International Law* (Cheltenham, United Kingdom: Edward Elgar Publishing, 2021), p. 4.

In the light of the two main categories of social studies, this belongs to the qualitative investigation⁷. Moreover, every qualitative research demands engagement with social actors involved in the topic, an empirical focus has been integrated by interviewing eight Ukrainian victims of forced displacement that have been settled in Oslo, Norway, to subtract raw data about their understanding of their life projects in order to contrast it with the available doctrinal, jurisprudential and normative standards on the matter. That is also aligned with recent calls in academia to implement an ethnographic “attitude” when analyzing refugee law matters, for conceptualizing or demanding rights, and for creating and spreading of new norms⁸. Further accounts on the employed methods follow below.

1.1 Methods

1.1.1 Interdisciplinary

‘Life project’ was coined within the legal doctrine drawing from philosophical readings; which have also been considered, as they are essential to succeed in a truly holistic examination of the concept as a human right and as the main object of this study⁹. Precisely, as it will be detailed in the theoretical framework, the jurisprudence of the Inter-American Court of Human Rights (IACtHR) proceeded to articulate the concept into the classification of a ‘right’, and the standard that it has set encompasses the cornerstone for breaking down any empirical material.

⁷ Tom Clark, Liam Foster, Luke Sloan, and Alan Bryman, *Bryman's Social Research Methods* (Oxford: Oxford University Press, 2021), p. 350.

⁸ Maja Janmyr, “Ethnographic Approaches and International Refugee Law”, *Journal of Refugee Studies*, (2022): p. 04, <https://doi.org/10.1093/jrs/feac042>

⁹ Some authors, even when advocating in favor of the methodology, admit that interdisciplinary endeavors can be criticized as “pseudo-science” claiming that “one can be a ‘native speaker’ in one or, at most, a very limited number of disciplines while broad work results in laxity and unreliable findings”. Outi Korhonen, “From interdisciplinary to x-disciplinary methodology of international law”, *Research Methods in International Law*, ed. Rossana Deplano and Nicholas Tsagourias (Cheltenham, United Kingdom: Edward Elgar Publishing, 2021), p. 346. Whilst these perspectives have been taken into account, choosing *life project in the context of forced displacement* as an object of study within strict legal boundaries could only score as myopic project given it has also non-legal inherent components.

In addition, international norms linked to that project and to displacement have been involved consistently. In general, human rights is a usual field for interdisciplinarity and methodological heterogeneity: “it is neither a discipline nor delimited by a single discipline; and it is both a *research subject* (internally determined) and a *research object* (externally observed)”¹⁰.

The appraisal of all interdisciplinary scientific literature has been scrutinized through a “narrative review” method, or a comprehensive assessment and a critical interpretation of the relevant sources¹¹. As mentioned, such sources have been systematized according to doctrinal, jurisprudential, or normative nature, without any restriction on time of their publication or their geographical origin. The inclusion of sources has been narrowed only pursuant the pertinence and relevance for answering the research questions and providing policy recommendations, which is also a factor to label this thesis as interdisciplinary research.

1.1.2 Qualitative

As much as recurring to an interdisciplinary narrative review, the characteristics of this research correspond with those of “empirical phenomenology”. As elucidated by Aspers (2009), this is a sub-category of qualitative research that “proceeds from the assumption that every scientific explanation must be grounded in the meaning and structure of those studied”¹². In this occasion, all the normative, jurisprudential and doctrinal reflections around the right to a life project shall be matched vis-à-vis the experience of forcibly displaced Ukrainians in Oslo; signifying that the victim’s perspective is the core of the analysis.

¹⁰ Malcolm Langford, “An interdisciplinary and multimethod type of research in human rights”, *Research Methods in Human Rights*, ed. Bård Andreassen, Hans-Otto Sano and Siobhán McInerney-Lankford (Cheltenham, United Kingdom: Edward Elgar Publishing, 2017), pp. 161 and 162.

¹¹ Supra, note 7, p. 84.

¹² Patrik Aspers, “Empirical Phenomenology: A Qualitative Research Approach (The Cologne Seminars)”, *Indo-Pacific Journal of Phenomenology*, 9:2 (2009): p. 01, DOI: 10.1080/20797222.2009.11433992.

In fact, it was with the same spirit that IACtHR addressed *Loayza Tamayo v. Peru*, its seminal case about the right to a life project¹³. The Court stated that the testimony of the victim could not be weighted separately but with the full body of evidence: “The victim’s testimony has unique import, as she is the one who can provide the most information concerning the consequences of the wrongful acts of which she was the victim”¹⁴.

On another note, a study of an ongoing crisis such as the mass and forced displacement of Ukrainians tends to lack enough secondary sources to rely on; particularly when there is a focal point on the interplay of different variables as the right to a life project substantially, or their settlement in Oslo, Norway, geographically. There is a plain necessity to obtain primary data, or “first-order constructs”¹⁵, and that could be attained by conducting interviews. As put by Weiss (1994):

[I]nterviewing gives us access to the observations of others (...) We can learn about the work of occupations and how people fashion careers, about cultures and the values they sponsor (...) We can learn all the experiences, from joy through grief, that together constitute the human condition¹⁶.

The right to a life project, so intertwined with this human condition, can be better tested through interviewing¹⁷. This will facilitate meeting the research aim of describing the process of forced displacement, developing detailed descriptions of the impact towards the life projects of those forcibly displaced, and integrating the multiple perspectives gathered. Further, interviews provide fuller responses than closed, quantitative, survey questions.

¹³ See IACtHR, *Loayza Tamayo v. Peru*, Reparations and Costs, 1998, https://www.corteidh.or.cr/docs/casos/articulos/seriec_42_ing.pdf

¹⁴ Ibid, para. 73.

¹⁵ This is the term employed by Aspers in his take about the empirical phenomenology. Once related with the theory selected as a scheme of reference, first-order constructs lead to the construction of second-order constructs or “accounts of accounts”. Supra, note 12, pp. 05 and 06.

¹⁶ Robert Weiss, *Learning from Strangers – The Art and Method of Qualitative Interview Studies* (New York: The Free Press, 1994), p. 01.

¹⁷ Ibid, p. 09.

Given the case, Weiss (1994) clarifies that such type of deeper interviews is likely to rely, purposively, “on a sample very much smaller”, and the analysis will rely “less on counting and correlating and more on interpretation, summary and integration”¹⁸. It is important to be aware that there is vast disagreement about what is an acceptable minimum sample size, but this endeavor has bearded in mind the delicate balance to avoid a sample that is so small as to make it hard to manage saturation¹⁹, neither too large that hinders a profound itemization²⁰. Apropos, it was determined to target a sample size that “attempts to maximize the range”, this is a sample that would select respondents deliberately to get instances of all or, as in this case, some of the dissimilar forms that are present in a larger population, like age and gender²¹.

In that sense, it was decided *a priori* to interview eight forcibly displaced Ukrainians settled in Oslo, which represent 0.5 % of the total of people that were settled in the municipality under collective protection during 2022²². Those that arrived in 2023 have been excluded as they would only be able to offer a short-sighted version of their integration process.

The decision to limit the sample to Oslo was double-pronged. First, out of convenience. The project was undertaken in cooperation with the Norwegian Red Cross after granting this research a stipend for its humanitarian potential. As part of the collaboration, the Oslo Red Cross enabled their contacts and facilities to conduct the interviews face-to-face at their offices.

¹⁸ Ibid, p. 03.

¹⁹ Sebele-Mpofu and Serpa have concluded that the definition of “saturation” is surrounded by convolution in academia, but it is also increasingly playing key role in boosting research quality in qualitative research. In their recent and extensive literature review, they found that the minimum sample size in phenomenological studies, as this one, should be 6 interviewees; whilst single case thesis should ordinarily hold 15 to 30 interviews. Favourate Sebele-Mpofu and Sandro Serpa (Reviewing editor), “Saturation controversy in qualitative research: Complexities and underlying assumptions. A literature review”, *Cogent Social Sciences*, 6:1 (2020), DOI: 10.1080/23311886.2020.1838706.

²⁰ Onwuegbuzie and Collins (2007), cited by Clark, Foster, Sloan, and Bryman (2021). *Supra*, note 7, p. 386.

²¹ *Supra*, note 16, p. 22.

²² In 2022, there was a total of 1.984 refugees and forcibly displaced persons that settled in Oslo and, out of those, 1.617 count with collective protection. See settlement figures from the Directorate for Integration and Diversity of Norway (IMDi), 2023, <https://www.imdi.no/om-integrering-i-norge/statistikk/K0301/bosetting>

This assured a safe environment for the interviewees; which is critical to build trust and for them to speak as openly as feasible²³. Additionally, by concentrating in one municipality, it was made possible to tailor the policy recommendations to Oslo, as many integration policies are not decided on a national but on a municipal level.

There were not any other kind of limitations to the sample, more than being of legal age to participate under direct consent and with the maturity to answer about their life projects. However, more women than men participated in the interviews; but that was only proportional to the general population of forcibly displaced Ukrainians in Norway²⁴.

Regarding the questionnaire, it has been selected an approach of “fixed-question–open-response”, allowing the interviewees to answer freely without sacrificing the systematization of the data collection, nor the opportunity of producing some degree of quantitative treatment of the material. Following Weiss (1994), “[T]his makes it possible to report proportions and correlations as well as experiences and meanings”²⁵.

It was permitted nonetheless to add out-of-the-script follow-up questions to avoid falling in downsides of the referred approach warned by the same author, i.e., the option of the interviewers to encourage certain response at length²⁶ or, even worse, lose the actor-centered perspective of the empirical phenomenology²⁷. The scheme prepared entails 25 semi-structured questions²⁸ set to discuss experiences and feelings in the midst of forced displacement, their settlement period in Oslo as well as their integration process; all in connection with the life project before and after coming to Norway²⁹.

²³ Supra, note 7, p. 431.

²⁴ According to a general survey for profiling the forcibly displaced Ukrainians in Norway, almost 80% of the Ukrainians that received temporary protection status in 2022 were women. That is explained by the restrictions for men to leave Ukraine under their martial laws. See Vilde Hernes et al. “Ukrainian Refugees – experiences from the first phase in Norway”, *Norwegian Institute for Urban and Regional Research*, 2022, p. 06, <https://oda.oslomet.no/oda-xmloi/bitstream/handle/11250/3029151/2022-11.pdf?sequence=1&isAllowed=y>

²⁵ Supra, note 16, p. 13.

²⁶ Ibid.

²⁷ Supra, note 12, p. 08.

²⁸ Supra, note 7, pp. 425 and 426.

²⁹ See Annex 2.

While the voice of the victims have been prioritized, views of institutional authorities mandated to protect refugees have also been considered through separate interviews to understand measures taken that could directly or indirectly influence the enjoyment of the right to a life project. This includes the leader of the research project investigating Ukrainian refugees' encounter with Norway, commissioned by the Directorate of Immigration and the Directorate for Integration and Diversity. Though, the notes taken during these interviews were not included in the correlations between the victims' perspectives, but they facilitated the analytical process and the formulation of policy recommendations.

Lastly, processing of the data was effectuated under a "thematic content analysis" to ascertain patterns³⁰. The task was accomplished with the assistance of NVivo, a qualitative software to handle the collected data by organizing it and coding it³¹, implying that portions of the interview transcripts can be seen as belonging to certain labels.

Some codes, as "life project", were theoretically driven; whilst others simply emerged inductively and were data driven³². The coding analysis went past the semantic substance and looked for underlying assumptions, exercising "contextualism"³³. After that, two main themes³⁴ surfaced and were related with the scientific literature in Chapter 2 in order to pull results and conclusions in chapters 3 and 4.

³⁰ See Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology", *Qualitative Research in Psychology*, 2 (2006): p. 79. DOI: 10.1191/1478088706qp063oa.

³¹ See Lumivero, "About NVivo", 2023, <https://help-nv.qsrinternational.com/20/win/Content/about-nvivo/about-nvivo.htm>

³² Both alternatives are accepted and could work in complementarity as stressed by Braun and Clarke (2006). Supra, note 30, pp. 83 and 84.

³³ That is, "to acknowledge the ways individuals make meaning of their experience, and, in turn the ways that the broader social context impinges on those meanings, whilst retaining focus on the material and other limits of 'reality' sitting in between both of the two epistemological poles of essentialism and constructivism". Supra, note 30, p. 81.

³⁴ Braun and Clarke (2006) state that a theme "captures something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set". Themes are then high-ordered codes. Supra, note 30, p. 82.

1.2 Limitations and ethics

Time and language constraints were some of the determining factors to the number of persons interviewed. Norway counts with very strict data privacy regulations, especially for groups in situation of vulnerability as refugees. Acquiring all institutional approvals, together with technological software installations demanded for securing the data, consumed already almost an entire academic semester.

Therefore, probability sampling, in contrast with one that attempts to maximize the range, would have reached beyond the timeframe of this research by requiring, at least, around 60 respondents to represent a larger population³⁵. That would have also implied the need for a translator, as finding candidates with fluency in English was challenging enough given that only a limited portion feels comfortable communicating in the language³⁶. It was, generally speaking, difficult to get interview subjects despite using several recruiting strategies in cooperation with the municipality of Oslo, the Red Cross, the Ukrainian Association in Norway and more.

In the light of the potential ethical qualms derived from dealing with sensitive personal data, it is key to mention that this project was done with the approval of the Norwegian Agency for Shared Services in Education and Research (Sikt), successor to the Norwegian Centre for Research Data (NSD), after complying with their notification form for personal data and with delivering forms to obtain informed consent from the interviewees (reference number 149 949).

Participants could request access to their recordings, make corrections of their own information and withdraw their consent at any moment, including after the interview. Identifiable details have been anonymized to ensure the victims' safety. In that vein, collected data has been securely stored within the Services for Sensitive Data (TSD) of the University of Oslo.

³⁵ *Supra*, note 16, p. 21.

³⁶ According to the quoted general survey for profiling the forcibly displaced Ukrainians in Norway, only 11% reported to be fluent in English and 60% declared that they spoke the language poorly or not at all. *Supra*, note 24, p. 07.

Finally, the whole research was carried out with a “reflexive approach”³⁷, as a value-free approach would have been impracticable for me as the researcher. The social location of being part of another forced and massively displaced group is a *positionality* that was not overlooked, but rather welcomed for assuming the role of an “insider by proxy”³⁸ and, supported by previous works³⁹, exercise empathy towards interviewees without influencing over the findings.

2 Theoretical framework

2.1 Conceptualizing the Human Right to a Life Project

2.1.1 Understanding the life project from its philosophical underpinnings

The classification of this research as interdisciplinary in nature is due, partially, to the strong convenience of resorting to a philosophical frame of reference to understand the depth entailed within the concept of the life project. For Carlos Fernández Sessarego, who introduced the life project as a legal postulate, it is imperative to turn to philosophy as a first step, since it comes to support the law insofar as it clarifies the closeness of the life project to human dignity and therefore the need for its protection as a juridical good. In his words:

If we did not turn to [F]ilosofical [A]ntropology with the purpose of highlighting certain guiding principles that serve as necessary and inescapable support for our exposition, it would not be improbable to think that the harm to the life project could be just a mere abstraction, a deceptive conceptual game, a simple illusion, something unreal, in short⁴⁰.

³⁷ Longhurst (2009), cited by Clark, Foster, Sloan, and Bryman (2021), defines reflexivity as the practice of examining one’s own ‘embodied subjectivities’ in order to gain new insights into research. The authors claim that it can be a useful tool if used with discretion to assess when it should be integrated within the research process. *Supra*, note 7, pp. 367 and 368.

³⁸ Carling, Bivand Erdal and Ezzati (2013) claim that, within migration studies, there are new positionalities beyond the typical insider-outsider paradox of social research. One of those is the “insider by proxy”, a position where the researcher is an immigrant too, but from another migrant group than the one being studied; creating a sense of commonality with the insider group that “transcends ethno-national divides”. See “Beyond the insider-outsider divide in migration research”, *Migration Studies*, 2:1 (2014): pp. 36–54. DOI: 10.1093/migration/mnt022.

³⁹ See Ramón Barreto, “Forced Migration and Our Life Projects”, *Caracas Chronicles* (2022), <https://www.caracaschronicles.com/2022/04/13/forced-migration-and-our-life-projects/>

⁴⁰ Carlos Fernández Sessarego, “Daño al proyecto de vida” [Damage to the life project], *Derecho PUC* 50 (1996): p. 48, https://revistas.pucp.edu.pe/imagenes/derechopucp/derechopucp_050.html

It was indeed the existential philosophical anthropology of Sartre, Zubiri and Heidegger the inspiration for Fernández Sessarego in his very important legacy on the life project aiming at its addition into the normative structure of civil law, as a generic component of the damage to the person, and then into international human rights law.

Going directly to its referents, the ensuing positions are found: Jean Paul Sartre (1943) proclaims that “the essence of the human being is suspended in his freedom (...) Man does not exist first in order to be free subsequently; there is no difference between the being of man and his being-free”⁴¹. Put another way, the philosopher equates freedom to the essence of humans. The person is not only born free, but *is* free because it is an ontological type of freedom. With similarity, and in the same period, Xavier Zubiri (1944) has an even narrower description of that freedom which is the human essence in his works. According to his thoughts, “[I]nstead of limiting himself, like the animal, to conduct himself in an environment, man has to carry out or fail to carry out purposes and outline projects for his actions. *The total system of these projects is his world*”⁴² (Emphasis added).

‘Freedom’ seems to be the first key term for this dissertation, and the following question is, freedom for what? To decide a life project. It is what truly distinguishes humans from other species. That was the conclusion reached by Fernández Sessarego since the fifties in his dissertation as a law undergraduate, in which he printed that “man is freedom that projects itself”⁴³. Though, it happens that this specific type of freedom, is one that is no longer ontological, but one that has been catalogued by Fernández Sessarego as a “phenomenological type of freedom”.

⁴¹ Jean Paul Sartre, *Being and Nothingness* (Washington: Washington Square Press, 1993), p. 25.

⁴² Xavier Zubiri, *Naturaleza, Historia, Dios* [Nature, History, God] (Madrid: Alianza Editorial, 1994), p. 9.

⁴³ Enrique Varsi Rospigliosi, “Creaciones e Innovaciones Jurídicas de Validez Universal por Carlos Fernández Sessarego” [Legal Creations and Innovations of Universal Validity by Carlos Fernández Sessarego], *Athina* 14 (2018): p. 27, https://repositorio.ulima.edu.pe/bitstream/handle/20.500.12724/7372/Varsi_Fernandez_Sessarego.pdf?sequence=1&isAllowed=y

With phenomenological freedom, any decision made becomes an act, and every act become phenomena, that is, whatever which appears in the world⁴⁴.

The next element highlighted by philosophy is ‘time’, particularly by Martin Heidegger (1927). He asserted that “time must be brought to light —and genuinely conceived— as the horizon for all understanding of Being *and for any way of interpreting it*” (Emphasis added)⁴⁵. Fernández Sessarego, accurately, interpreted this premise as demarcation for freedom. In other words, time is the canvas where freedom unfolds. Moreover, the author points out that the life project “has temporality as a condition”⁴⁶, as only a finite life gives sense to the need to project oneself through freedom.

It is then appropriate to update Fernández Sessarego’s thesis statement to affirm that *human being* is freedom that projects itself *in time*. Hence, a panoramic view of all the positions reveals that, as Fernández Sessarego had already concluded, freedom (phenomenological) and time (future) are interconnected and are, therefore, “the two existential assumptions of the life project”⁴⁷. These assumptions are consistently considered hereafter.

2.1.2 The recognition and evolution of the right to a life project in national laws and international human rights jurisprudence

By virtue, amid other forces, of the influential contributions of Fernández Sessarego to shed light on this particular importance of the harm to the person, the Peruvian Civil Code of 1984 was the first one in the world that incorporated that such damage would be compensable⁴⁸.

⁴⁴ Carlos Fernández Sessarego, “Daño al proyecto de vida” [Damage to the life project], *Fernández Sessarego*, YouTube Video (2017), <https://www.youtube.com/watch?v=k37R6Yagdi0>

⁴⁵ Martin Heidegger, *Being and Time* (London: Must Have Books, 2021): p. 39.

⁴⁶ Supra, note 40, p. 50.

⁴⁷ Supra, note 40, p. 81.

⁴⁸ See *Civil Code of the Republic of Peru* (1984): art. 1985, <https://www.minjus.gob.pe/wp-content/uploads/2015/01/Codigo-Civil-MINJUS-BCP.pdf>

In logical sequence, this became the breeding ground for discussions on the scope of this type of harm, which would include the damage to the life project as a specific component. Apropos, less than a year after the promulgation of the Code, Fernández Sessarego published an article where he claimed: “[T]he most serious damage that can be caused to a person is that which has a radical impact on his or her life project, meaning, an act that prevents the human being from realizing his or her existential fulfillment in accordance with the freely chosen life project”⁴⁹.

That was, according to his own testimony, the first opportunity for the jurist to set down in writing this “radical” form of harm to the person, which is the damage to the life project. And from that moment on, he devoted himself to understanding the corollary of such harm, which he would later describe in the following terms:

[t]he damage to this project entails a psychosomatic collapse of such magnitude for the subject—for a certain subject—that it affects his freedom. The psychosomatic impact must be of such a magnitude that the subject experiences an “existential void” (...) The existential void is the result of the loss of meaning suffered by human existence as a consequence of damage to its life project⁵⁰.

Whereas much can be added from his contributions, it would be indispensable to say, at least, that Fernández Sessarego would later establish three forms of damage to the life project: (i) Frustration, which would imply an absolute loss of the possibilities to fulfill the project; (ii) deterioration, similar to a partial loss of the ability to project; and (iii) minor, which is an easily compensable, type of damage⁵¹. This classification is illustrative when analyzing the damage to the life project in the context of forced displacement and the correspondent type of reparation.

⁴⁹ Carlos Fernández Sessarego, “El daño a la persona en el Código Civil de 1984” [Damage to the person in the Civil Code of 1984], *Libro Homenaje a José León Barandiarán* (1985): p. 202.

⁵⁰ *Supra*, note 40, pp. 83 and 84.

⁵¹ *Supra*, note 44.

Decades later, analogous sections would be included in legal instruments of France⁵² and Argentina⁵³, but they already refer explicitly to compensations falling on the damage to the “life project”; demonstrating a palpable evolution of this type as a component of the damage to the person. Likewise, even without dedicated laws, other Latin American Supreme Courts joined the movement by issuing reparation measures for damage to the life project; as in Brazil, Colombia, Dominican Republic and Venezuela, as compiled by Chang Hernández (2016)⁵⁴.

Nevertheless, while the comparative value of these norms is not underestimated, the avant-garde jurisprudence of the Inter-American Court of Human Rights (IACtHR) is has a higher hierarchy for this study, by having provided access to the life project to international human rights law; safeguarding the dignity of the human person from an existential damage.

The premiere of the life project in the Inter-American System had place in the case of María Elena Loayza Tamayo from 1998⁵⁵. IACtHR explained that it takes account oneself calling in life, oneself particular circumstances, potentialities and ambitions, permitting to set for oneself, in a reasonable manner, specific goals, and to attain those goals⁵⁶. IACtHR stated:

The concept of a ‘life plan’ is akin to the concept of personal fulfillment, which in turn is based on the options that an individual may have for leading his life and achieving the goal that he sets for himself. Strictly speaking, those options are the manifestation and guarantee of freedom. An individual can hardly be described as truly free if he does not have options to pursue in life and to carry that life to its natural conclusion. Those options, in themselves, have an important existential value (...)⁵⁷.

⁵² Cf. *Law for equal rights of people with disabilities* (2005): arts. 11 and 12, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000809647>

⁵³ Cf. *Civil and Commercial Code* (2014): art. 1738, http://www.saij.gob.ar/docs-f/codigo/Codigo_Civil_y_Comercial_de_la_Nacion.pdf

⁵⁴ Guillermo Chang Hernández, “Desarrollo del Daño al Proyecto de Vida en la Jurisprudencia de la Corte Suprema” [Development of the Damage to the Life Project in Supreme Court Jurisprudence], *Diálogo con la Jurisprudencia* 214 (2016): pp. 100 and 101, <http://changabogados.com/books/Desarrollo%20del%20da%C3%B1o%20al%20proyecto%20de%20vida%20en%20la%20jurisprudencia%20de%20la%20Corte%20Suprema.pdf>

⁵⁵ *Supra*, note 13.

⁵⁶ *Ibid*, para. 147.

⁵⁷ *Ibid*, para. 148. N.B.: IACtHR translated the victim’s original request of assessing the damage to the “proyecto de vida” [“life project”, in her native Spanish] as “life plan”. Nonetheless, the Court later adopted the term life project in the English version of its decisions starting from the concurring opinions of that case.

As with the contributions of Fernández Sessarego, the Court's conceptualization of the life project must be interpreted in a 'Semitic' way, not precisely because it is read from right to left, but because the construction of the concept occurs by first scrutinizing its damage, and only then its meaning emerges. In this case, in light of the damage suffered by Tamayo.

Going more in-depth, Judges Cançado Trindade and Abreu-Burelli summarized by the same token the nature of the life project. In their joint concurring opinion, they underscored that the life project is "ineluctably linked to freedom, as the right of each person to choose her own destiny"⁵⁸. In encouragement of their point of view, the Judges reminded that, more than half a century ago, the American Declaration of the Rights and Duties of Man warned in its preamble, without euphemisms, that "*spiritual development is the supreme end of human existence and the highest expression thereof*"⁵⁹. The integrality of the human person includes its spirit, ratifying that the damage to the life project goes beyond a mere moral damage⁶⁰.

This ground-breaking ruling becomes an implicit concurring vote with the postulates of Fernández Sessarego regarding the sense of the life project and its need for legal protection. Furthermore, the author almost immediately published an article in which he welcomed the adoption of the judgment and described it as "a leap in quality that will not go unnoticed and with which a new era begins"⁶¹.

⁵⁸ Ibid, joint concurring opinion of Judges Antônio Cançado Trindade and Alirio Abreu-Burelli, para. 15.

⁵⁹ Ibid, para. 10.

⁶⁰ N.B.: Fernández Sessarego devoted an extensive part of his work on the life project and its damage to "demarcate" it from other types of damage, especially moral damage, with which it is usually confused. Even when there is no capacity here to make any further allusion to it, it is essential to observe that this work adopts his vision, which can be summarized as follows: Damage to the person includes material damage, moral damage and damage to the life project. Whilst moral damage deals with non-pathological psychological damage of an emotional nature, damage to the life project points to the transcendental, to the spiritual character of the human being, which has also been referred to by the Judges of IACtHR. See Carlos Fernández Sessarego, "Deslinde Conceptual entre 'Daño a la Persona', 'Daño al Proyecto de Vida' y 'Daño Moral' [Conceptual Demarcation Between 'Damage to the Person', 'Damage to the Life Project' and 'Moral Damage']", *Foro Jurídico* 02 (2003): pp. 21-30 and p. 50, <https://revistas.pucp.edu.pe/index.php/forojuridico/article/view/18280>

⁶¹ Carlos Fernández Sessarego, "El Daño al 'Proyecto de vida' en una reciente Sentencia de la Corte Interamericana de Derechos Humanos" [The Damage to the 'Life Project' in a recent Ruling of the Inter-American Court of Human Rights], *Themis* 39 (1999): p. 464, <https://revistas.pucp.edu.pe/index.php/themis/article/view/10443/10909>

After more than two decades, IACtHR has built solid jurisprudence on the right to a life project after recognizing its existential value and procuring reparations in dozens of judgments. The first concept established has been constant, but, naturally, facts and circumstances of each case vary. In a closer look at the jurisprudence, a red thread emerges: forced displacement.

In majority of the cases dealing with the life project, forced displacement has been rather a cause or a consequence of the damage to a life project. From individual exile circumstances such as that of Loayza Tamayo, to that of the collective displacement endured by victims of generalized violence⁶², or by the many indigenous communities that have been displaced from their ancestral lands and prevented from their traditional way of life due to the imposition of industrial projects⁶³. In these last collective rulings, IACtHR has ordered the states to provide the relocation of the communities⁶⁴; demonstrating that forced displacement must be repaired. Having clear that the life project and forced displacement have a relevant interplay in the jurisprudence, any pertinent premise instituted by IACtHR will be detailed in Section 2.2 and will serve as a landing strip for all the inputs coming from the testimonies collected in Section 3.2.

Bridging the gap between the Inter-American and European jurisprudence

The European Court of Human Rights (ECtHR) has not explicitly undertaken the “life project” as a standalone human right in its judgments. However, while the European wider panorama differs from that of the Inter-American System, ECtHR has too considered many aspects related to human dignity and personal development through the interpretation of rights enshrined in the European Convention on Human Rights (ECHR).

⁶² See, e.g., IACtHR, *Massacres of Mapiripán, Pueblo Bello, Ituango v. Colombia*, 2005 and 2006, respectively; *Plan de Sánchez, Dos Erres v. Guatemala*, 2004 and 2009, respectively; and *El Mozote v. El Salvador*, 2012.

⁶³ See, e.g., IACtHR, *Indigenous Communities of Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek v. Paraguay*, 2005, 2006 and 2010, respectively; *Saramaka, and Kaliña and Lokono peoples v. Suriname*, 2007 and 2015, respectively; and *Lhaka Honhat Indigenous Community v. Argentina*, 2020.

⁶⁴ See, e.g., the last case where IACtHR has considered the right to a life project, *The Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*, Merits, Reparations and Costs, 2020, paras. 329 and 330, https://www.corteidh.or.cr/docs/casos/articulos/seriec_400_ing.pdf

Those rights, as elucidated with reiteration above, are essential components of pursuing a life project. Then, since the case study of this thesis takes place in European jurisdiction, it comes to germaneness illustrating briefly how, without concrete precedents, its legal framework has the potential to protect the right to a life project; including that of Ukrainians who have been victims of forced displacement due to war.

In order to substantiate this approach, it is useful to point out some cases dealt with by ECtHR. For instance, the Court has examined several cases concerning the right for a private and a family life (Article 8 of ECHR), which covers a broad range of issues, including that of personal autonomy, personal development, and an ability to form and maintain relationships. Here is convenient to cite the renowned case of the *Big Brother Watch*⁶⁵, where it was ruled that some aspects of the British mass surveillance regime violated privacy rights, highlighting the importance of personal autonomy and protection from undue interference. It would not be implausible to ponder how the Ukrainian people's lives and their autonomy has gone through an even more drastic undue interference that disrupts their life projects.

Secondly, one of the ways in which ECtHR has interpreted the right to education can also be contemplated (Article 2 of Protocol No. 1 to ECHR), as it has stressed the enabling importance of education for personal development and, it goes without saying, for the fulfillment of one's life project. Let us take as an example the longstanding *Belgian linguistic case*⁶⁶, in the context of language and cultural identity. The Court found a violation of the right to education due to some French children's inability to access education in their mother tongue. Is this not the same tragedy faced by which millions of displaced Ukrainian children?

⁶⁵ ECtHR, *Big Brother Watch et al v. the United Kingdom*, 2021, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%5C%22001-210077%22%5D%7D>

⁶⁶ ECtHR, *Case "Relating to Certain Aspects of the laws on the use of Languages in Education in Belgium" v. Belgium*, 1967, <https://hudoc.echr.coe.int/tur#%7B%22itemid%22%3A%5B%5C%22001-57524%22%5D%7D>

Without pretending to be exhaustive, one can end bridging exercise by discerning cases which subject matter is even closer to this thesis. On the basis of the same Article 8 of its human rights Convention, ECtHR, although to a lesser extent, has also assessed certain damages to communities whose worldview, linked to the lands they inhabit, have been affected.

In connection with this, the case of *Yordanova and Others v. Bulgaria*⁶⁷ could have also commented on the impact on the life project. Paraskeva (2017) made an exhaustive study of the affectations met by internally displaced persons in Europe, like the Romani people favored by this judgement. The article encompasses impacts to their rights to the enjoyment of possessions, a home, freedom of movement, a political life, and, again, private and family life in ECtHR's cases⁶⁸. This sorrow is not dissimilar to that confronted by refugees and, in both contexts, this multiple and complex transgression of their rights has significantly reduced the spectrum of their possibilities for fulfilling a project of existential value in the future.

As a sub-conclusion, despite the caveats, it is not far-fetched to draw some parallelisms between the Inter-American and the European jurisprudence. The difference, at the risk of being obvious, is that the Inter-American jurisdiction has taken a step further in evaluating how, subsumed in violations of the rights protected by its Convention, some damages impact the very essence of the human being, which is phenomenological freedom. It is not a coincidence that Fernández Sessarego, in the last statement made during his lifetime on the life project, urged the continued development of jurisprudence in this area⁶⁹. And it is a safe bet that his intent surpassed any geographic barriers⁷⁰.

⁶⁷ ECtHR, *Yordanova et al v. Bulgaria*, 2012, <https://hudoc.echr.coe.int/fre#%7B%22fulltext%22%3A%5B%5C%22Yordanova%20and%20others%20v.%20Bulgaria%22%5D%2C%22itemid%22%3A%5B%5C%22001-110449%22%5D%7D>

⁶⁸ Costas Paraskeva, "Protecting Internally Displaced Persons under the European Convention on Human Rights and other Council of Europe standards. A Handbook", *Council of Europe*, 2017, <https://rm.coe.int/handbook-costas-paraskeva-eng/168076087f>

⁶⁹ Supra, note 44.

⁷⁰ In fact, he presumed that the region where the right to a life project emerged explains its limited diffusion: "Some sectors of European doctrine cannot imagine that, in a distant country and legally dependent on its tradition and influence, a new and very useful institution aimed at the integral protection of the person could be created.

With this in mind, I will now proceed to tackle the resistance against the life project as a human right and to elaborate on its self-standing character. Later, I will be delving directly into forced displacement and its impact on the life project, and then narrow the focus even more and point to the impact suffered by forcibly displaced Ukrainians in Oslo.

2.1.3 Resistance against the human right to a life project

Despite few, the life project itself has already faced resistance against its assimilation into human rights law that must not be omitted for the sake of a truly comprehensive analysis. In the same Loayza Tamayo judgment, Judge Jackman, even though concurring with the case's decision, noted his disagreement with the notion of the alleged life project for its lack of clarity and legal basis. From his standpoint, based on the American Convention on Human Rights, article 63, it is not convenient to broaden the items of reparation in use, since these are already integrated in others, and the newly proposed ones were excessively broad⁷¹. He was even more severe in a later ruling in which he claimed that the Court was “eager to find innovative methods to punish respondent states (...)”⁷².

On the other hand, certain sectors of the doctrine of the country where the idea arises as well as of other Latin American countries, usually await the European blessing to pay attention to or approve the unprecedented initiative (...). See Carlos Fernández Sessarego, “El ‘Daño a la Libertad Fenoménica’ o ‘Daño al Proyecto de Vida’ en el Escenario Jurídico Contemporáneo” [‘Damage to Phenomenological Freedom’ or ‘Damage to the Life Project’ in Contemporary Juridical Scenario], *e-Revista Persona* 73 (2008), https://www.revistaper-sona.com.ar/Persona73/73Sessarego.htm#_ftnref16. In the European doctrine, only some Spanish and Italian scholars, as pointed out by Fernández Sessarego, have acknowledged the existence of this human right. One of them is Ana Salado, who stated: “From this side of the Atlantic, the way the Honorable Inter-American Court of Human Rights has acted in the area of reparations is a source of great satisfaction and we believe that it would be appropriate for our admired European Court of Human Rights to look beyond Europe because it has much to do in the area of reparations”; see *ibid*, p. 92. Therefore, Fernández Sessarego's work, as this work compiling both Inter-American insights and ethnographical “attitude”, is contributing to mitigate the “methodological nationalism” in academia and particularly in refugee law; see *supra*, note 8, p. 07.

⁷¹ *Supra*, note 13, separate concurring opinion of Judge Oliver Jackman, p. 1.

⁷² IACtHR, *Gutiérrez Soler v. Colombia*, Merits, Reparations and Costs, 2005, separate concurring opinion of Judge Oliver Jackman, p. 2, https://www.corteidh.or.cr/docs/casos/articulos/seriec_132_ing.pdf

As for the doctrine, it shall be pondered that Zavala de González (2005) believes that there is no “single” existential project as Fernández Sessarego has argued, and, therefore, she criticizes his measurement of the fatality of the damage that can be caused, saying that there are other existential alternatives⁷³. León Hilario (2008) also catalogues in related terms the value of the project, having said that the amount of compensation has been “inflated” for something that “for not being visible and for being changeable, for being invaluable and for propitiating the monetization of dreams and longings, should be kept in the field of the irresarcible”⁷⁴.

The above is an accumulation of critique that not only affects the conceptualization of the life project, but would also imply practical consequences at the time of compensation for its damage. Ergo, this position maintains, as already saturated by Fernández Sessarego’s articles, that it should not be thought in a way that leads to the impunity of a damage that, if it cannot be quantified because it is an existential value, should be able at least to be grounded in the field of reparations according to the damage being minor, with quality of deterioration, or at the level of frustration. It would only be unjust not to try compensating a damage which its commission has not been refuted by any of the critics.

Similarly, as Calderón Gamboa notes (2005), Judge Jackman did not participate in the debate on the spiritual dimension of the human being, as Cançado Trindade and Abreu-Burelli did⁷⁵ to justify the need of the differentiated reparation —and neither did the opposed authors.

⁷³ Matilde Zavala de González, “Daño a Proyectos de Vida” [Damage to Life Projects], *Revista de Responsabilidad Civil y Seguros* 4 (2005): p. 3.

⁷⁴ Leysser León Hilario, “Inflando los resarcimientos con automatismos. El daño al proyecto de vida y otros espejismos de nuestra magistratura” [Inflating compensation with automatism. The damage to the life project and other mirages of our judiciary], *Foro Jurídico* 08 (2008): p. 74, <https://revistas.pucp.edu.pe/index.php/forojuridico/article/view/18495/18735>

⁷⁵ Jorge Calderón Gamboa, *Reparación del Daño al Proyecto de Vida por Violaciones de Derechos Humanos* [Reparation for the Damage to the Life Project due to Human Rights Violations] (Ciudad de México: Editorial Porrúa, 2005): p. 42, <https://www.corteidh.or.cr/tablas/24484-1.pdf>

That debate continues to develop in the midst of a new *jus gentium*, and the late Judge Cançado Trindade himself has stated that those lawyers who are opposed to this novel tendency “seldom dare to go outside positive law, being on the contrary receptive, if not subservient, to relations of power and dominance, and so paying a disservice to International Law”⁷⁶. That pertains as well to those that does not defend the human value of the life project. Hence, upcoming section will be further deliberating about undiscussed challenges that the life project might confront as a self-standing human right beyond the Inter-American System.

2.1.4 The life project as a self-standing, universal human right

At this stage, with jurisprudence of IACtHR as a backup and the bridge built between it and ECtHR, one could straight-forwardly avow that the life project *is* a self-standing, universal human right. But one can always expect some skepticism too. In that sense, since one of the aspirations of this research is to awaken an academic debate on the contextualized concept of the life project, it is worthwhile digging deeper into the theory of rights, especially of human rights, in order to strengthen the character of the life project as self-standing human right and take this for granted in the discussions to come. Only then I could start for once and for all with a meticulous inspection of the unknown interplay between the human right to a life project and forced displacement.

The life project within the theory of rights

⁷⁶ Antônio Cançado Trindade, *International Law for Humankind: Towards a New Jus Gentium* (Leiden: Martinus Nijhoff Publishers, 2010): p. 160.

Emblematic scholars dedicated to the theory of rights, particularly to their nature and structure, such as Wesley Hohfeld⁷⁷ and his modern interpreters, have made it clear that what is understood by “right” will always be subjected to a historical and evolutionary interpretation. For the legal philosopher Leif Wenar (2005), the concept has been “reshaped, fitfully, and by strong social forces, for nearly two thousand years (...) We in the twenty-first century are the inheritors of a concept that has been pulled and cut by many hands, over many years”⁷⁸. In the midst of the pulls and cuts, scholars are in a relentless search for a single logical form or a single function that all rights share. That, no doubt, would facilitate the introduction of a new right, in this case the right to a life project.

Wenar’s conclusion in this regard is truly illuminating. For him, “any theory that must retreat to a technical language of ‘strictly speaking’ is not, strictly speaking, a theory of rights”⁷⁹. In the theory of rights, especially the theory of human rights as discussed below, there is no room for “strictly speaking”. This is precisely because the *macro-context* of a certain historical moment, the civil, political, social, economic, environmental, among other milieus, will demarcate the interpretation of the right in question.

That does not equal to a lack of categorization tools for rights. In his inferences, the same author established that a best effort for a ‘common thread’ would be that “every right is a right as they attain to mark exemption, or discretion, or authorization, or entitle their holders to protection, provision, or performance”⁸⁰.

⁷⁷ More than a century ago, Hohfeld, among other legal contributions, designed a template for displaying the complexity of every right’s internal structure and the meaning of its assertions. This has served as the beginning line for countless studies in the theory of rights. See Wesley Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning* (New Haven: Yale University Press, 1919).

⁷⁸ Leif Wenar, “The Nature of Rights”. *Philosophy & Public Affairs*, 33 (2005): p. 252, <https://www.jstor.org/stable/3557929>

⁷⁹ Ibid.

⁸⁰ Ibid.

As human beings, it is the rule, and not the exception, that we are entitled to freedom and do not require special authorization for its exercise. On the contrary, the exception would be the limits to that freedom against the freedom of others, for instance. In contrast, we have the *discretion* to materialize ontological freedom on the phenomenological plane in one way or another; to pursue one or another life project.

On the other hand, that freedom of which we are holders, entitle us of a protection, provision and performance. As a human right, the state has the obligation to *protect* the freedom embedded in the life project in both a positive and negative manner⁸¹; i.e., to *provide* with all means to exercise it and to prevent any *performance* that may obstructs such exercise, especially from the state itself, which should be the protector. This makes it possible to tie the life project, from a simple yet satisfying theoretical point of view, not only to one but to several of the presuppositions for the conceptualization of a right⁸². ‘Non-strictly speaking’, the life project is a right in the light of the theory of rights.

The life project within in the current human rights macro-context

As sketched, the shallow adequacy of the life project to the theory of rights finds acuity in the macro-context in which it arose, has developed, and is found today. Oyague and Mayorca (2018) have even recorded how this criterion has been reinforced in cases that have discussed the right to a life project, which emphasize on broadening the reparations spectrum⁸³.

⁸¹ See Stanford University, “Positive/Negative Liberty”, *Encyclopedia of Philosophy* (2021), <https://plato.stanford.edu/entries/liberty-positive-negative/>

⁸² Similar justification arguments can be found in similar emerging rights as in the right to a “happy life”, which attempts to grounds this “bundle of rights” in the constitutive elements of a right, the genealogy of human rights and its structure and content. N.B.: This logic is not entirely applicable as that last element, the content, varies. The right to a happy life sets weight in the actual satisfaction of complex needs, whilst the right to a life project focuses on the existential possibility of being free to choose a project, regardless of its achievement. See Liu Zhiqiang and Yan Naixin, “On the Right to a Happy Life as a Human Right”, *Journal of Human Rights*, 19:6 (2020): 819-836, https://heinonline.org/HOL/Page?handle=hein.journals/jrnlhmch19&div=68&g_sent=1&casa_token=&collection=journals

⁸³ See Olenka Woolcott Oyague and Diego Monje Mayorca, “El daño al proyecto de vida: Noción, estructura y protección jurídica según los parámetros establecidos por la Corte Interamericana de Derechos Humanos”

Like the researchers point out, IACtHR has unhesitatingly stated that all human rights instruments are “living instruments, which interpretation must keep pace with the shifting times and the current conditions of life”⁸⁴, and that such a development constitutes a “fundamental orientation to strengthen the advancement of international human rights law”⁸⁵.

IACtHR has been faithful to its position, since its rulings on the life project inaugurated a new paradigm of contemporary reflection on justice. A paradigm that, as the doctrine affirms, “is leaving behind the traditional, formalistic, legalistic, individualistic visions of justice, to give way to a new perspective centered on the victims’ sense of injustice”⁸⁶, inspired by “the principle of the dignity of the human person as the primary purpose of law”⁸⁷.

As can be noted, the interpretative dynamism summons us, during these times, to recall the origins of human rights that spring from human dignity, now rethought from the life project as means of expression. Moreover, I am not pleased in this thesis to rely exclusively on the sense of justice of *other* victims whose life projects has been damaged reported by IACtHR’s judgements. It is thus essential to include the voices of current victims, not only because it is a moral duty, but in addition the analysis would lack rigor and would remain as mere speculation in the newly-fangled offshoot of forced displacement.

Now, when discussing a new human right, such as the life project, it always surfaces an apparent urgency to find a place for it within the so-called “three generations” of human rights.

[The Harm Done to the Life Plan: Notion, Structure and Legal Protection According to the Parameters Established by Interamerican Human Rights Court], *Utopía y Praxis Latinoamericana* 23:2 (2018): p. 134, <https://www.redalyc.org/journal/279/27957770009/27957770009.pdf>

⁸⁴ IACtHR, *Gómez-Paquiyaury Brothers v. Peru*, Merits, Reparations and Costs, 2004, para. 165, https://www.corteidh.or.cr/docs/casos/articulos/seriec_110_ing.pdf

⁸⁵ IACtHR, *Tibi v. Ecuador*, Preliminary Objections, Merits, Reparations and Costs, 2004, para. 144, https://www.corteidh.or.cr/docs/casos/articulos/seriec_114_ing.pdf

⁸⁶ Paloma Nuez Sánchez-Cascado, “El daño al proyecto de vida en la Corte Interamericana de Derechos Humanos a la luz del pensamiento político de J. Shklar” [The damage to the life project in the Inter-American Court of Human Rights in the light of J. Shklar’s political thinking], *Andamios*, 17:42 (2020):147, https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-00632020000100147#fn25

⁸⁷ Astrid Galán Galindo, “Entre justicia y moralidad: criterios metateóricos en cuanto a la justicia, la moral y el derecho” [Between justice and morality: Metatheoretical criteria regarding justice, moral and law], *Novum Jus*, 10:2 (2016): pp. 112, <https://novumjus.ucatolica.edu.co/article/view/1321>

It is true that the generations illustrate the status-quo at the moment of the declaration of new rights or the interpretation of existing ones. The first wave of civil and political rights, as the second for economic, social and cultural rights, and the third for collective rights, they were all a reflection of the agendas and priorities of different benches from the international community.

Nonetheless, in this case, it would be a mistake to look for an indentation between these generational lines for entrenching the life project. First, due to the pyramidal myth dragged by the generations, as if one was more important than other. This has been disproved on countless occasions by countless scholars. To cite one of them, the “Three Generations Theory is a misrepresentation which has undermined historical complexity, excluded other geographies from the evolution of human rights and helped to instill a hierarchy of rights which has nurtured an analytical complacency and over-simplification”⁸⁸. Second and foremost, it would also be a mistake to aspire placing the life project in a category of rights being all inapplicable to it. The right to a life project is neither exclusively civil, nor political, nor economic, nor social, nor ecological, nor collective, nor any other type. This has been proved in diverse types of case law in which the right has been applied in the Inter-American System, as elucidated in Section 2.1.2. It is all of them at once, although it is not inexorably materialized in all of them simultaneously.

Some scholars have expressed this point in a very sharp fashion: “The Inter-American legal system is decolonizing the human rights script imported from Europe (...) Latin America does not look at its reality by separating human rights into categories or generations”⁸⁹. The right to a life project acquires a particular significance “as a sign of light born of the secular memory of our peoples, of their ancestral cultures, of the centuries of violence and inequalities, poverty, plundering and exploitation”⁹⁰.

⁸⁸ Steven Jensen, “Putting to rest the Three Generations Theory of Human Rights”, *OpenGlobalRights*, 2017, <https://www.openglobalrights.org/putting-to-rest-the-three-generations-theory-of-human-rights/>

⁸⁹ Alicia Pierini, “El proyecto de vida, un derecho aún sin garantía” [The life project, a right still unguaranteed], *El Clarín* (2015), https://www.clarin.com/opinion/corte-interamericana-derechos-humanos-derecho-proyecto-vida-asignacion-universal_0_HyjmUBtwQe.html

⁹⁰ Ibid.

One might then think that it is a right that runs parallel to the generations; like “enabling” rights, that facilitate the enjoyment of other rights, for instance the right to non-discrimination. Neither, because the right to a life project is a self-sufficient right and entails an end in itself, the end of being able to exercise human dignity and ontological freedom by elaborating, with fair possibilities, a project of existential value.

This makes it a right that is not parallel but cross-cutting to the human rights generations for the content of all of them provide the means to exercise the right to a life project, not its end. Consequently, if it should be catalogued in any way, it would be more appropriate qualifying it as a *transcendental* human right. It does not circumscribe the value of the spirit or human dignity at a given historical moment or macro-context, but transcends and circumscribes the value of the spirit or dignity at any moment or in any macro-context.

In conclusion, one cannot, and should not, aspire to a single formula for the recognition of new rights. Such punchline has been reiterated in some analogous examples from the ongoing international human rights agenda, like the adoption of the right to solidarity. As its Independent Expert admits, the discussion of the resolution has met with fierce opposition for attempting to establish a right that, according to its detractors, does not qualify under international human rights law⁹¹. His response is that “The modern conception of human rights recognizes both the stability of its core foundational content as well as its (limited) contingency in a diverse world (...)”⁹². Complementarily, based on Phillip Alston’s criteria, the Independent Expert added that “applying a stable and unchanging formal list of substantive requirements as the litmus test for human right-ness will tend to be rather unrealistic, at least on the global level”⁹³.

⁹¹ United Nations Human Rights Council, *Revised draft declaration on human rights and international solidarity - Report of the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor*, Resolution A/HRC/53/32, 2023, para. 7, <https://digitallibrary.un.org/record/4011942?ln=en>

⁹² Ibid, para. 8.

⁹³ Ibid, para. 10. It is possible that Alston refers to the standards set by the UN General Assembly in its resolution 41/120, from 1986, for developing new international instruments in the field of human rights. See <https://digitallibrary.un.org/record/126473>

However, it has to be pointed that the referred example pursues the recognition of the right to solidarity via a UN resolution. So this is a seemingly opportunity to state, in black-and-white, that the purpose of bringing the attention to the life project as a self-standing human right of universal applicability is not the same to procure its international recognition by means of any concrete legal tool. IACtHR, as many national jurisdictions, did not need one to acknowledge its reality and its *sui generis* damage, neither that it could be duly repaired in adherence to already existent, and binding, instruments.

The takeaway for the present study is that any “new” human right, to establish itself as self-sufficient, has to acquire its own value in its current macro-context without detaching itself from some support with the theory of rights and with the foundations of human rights. Having succeeded in this task for the transcendental right to a life project, I will continue now to explain about how this human right has a significant interplay with forced displacement.

2.2 Interplay between the life project and forced displacement

Just as I have positioned the right to a life project within the current human rights macro-context, it is feasible, as well as opportune for this study, to position it within the micro-context of forced displacement. As already noted, UNHCR has warned about the progressive increase of refugees and displaced persons in the world, emphasizing the Ukrainian crisis⁹⁴. These are record figures that merit a proportional increase in the attention to victims, including their life projects. This section will therefore expose the interplay between those variables.

Zubiri (1944) already said that a life project is determined by future possibilities of projecting freedom. Furthermore, the philosopher also stated that the number of possibilities is not conditioned exclusively by the extension of time, but by an “effective dealings with things”⁹⁵.

⁹⁴ Supra, notes 1 and 2.

⁹⁵ Supra, note 42, p. 326.

In dealings with things, over time, one discovers the possibilities of projecting oneself, but one also encounters “resistance” that force people to modify their understanding of things and, subsequently, their life project. Quoting him, “[T]he way we deal with things circumscribes and modifies the area of possibilities that man discovers in them. It is the objective content of what we call ‘situation’”⁹⁶. This means that there is, juxtaposed to the temporal condition of possibilities, a *situational* condition of possibilities. In this particular case, forced displacement is, precisely, a situation that gives rise to a series of obstacles for the life project.

To understand the dynamics of the two key concepts of this work, it must first be clear what is implied by “forced displacement” too. The UN High Commissioner for Refugees (UNHCR), in its annual report on global trends in forced displacement, defines it as a displacement that occurs “as a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order”⁹⁷. It is an umbrella term encompassing a variety of distinct legal situations such as refugees, internally displaced persons, forced migrants, and, in some cases, victims of human trafficking as clarified by the International Organization for Migration (IOM). What they have in common, the Organization argues, is that they all comprise force, compulsion, or coercion; although the drivers can be diverse⁹⁸.

Here arises a first semantic, even etymological, contact between the life project and forced displacement. If the life project is phenomenological freedom, if freedom is one of its essential conditions, then force, compulsion or coercion opposes it. It is not the displacement, *per se*, what is antagonistic to freedom, but the involuntary movement. It does not result from a choice in the universe of existential possibilities that people can make for their life. On the contrary, the force comes to contract that universe and, in some cases, in many cases, what may be left out in that shrinkage is what is existential for the person.

⁹⁶ Ibid.

⁹⁷ Supra, note 1.

⁹⁸ IOM. *Glossary on Migration*, 2019, p. 77, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf

By flipping the coin, on the other side is found the temporal condition of the life project. If the life project is future, how is it that a present situation could truncate it? Within what Fernández Sessarego calls “symptomatology of damage to the life project”, he explains that not only is the project future and certain, but that its damage involves the exact same elements. There the jurist is assisted by De Cupis, who in simple words explains that the future damage “is that which, though it has not been born until then, it is certain that it appears in the future”⁹⁹.

Fernández Sessarego adds that future harm usually occurs in two ways. In the first hypothesis, there are unmistakable harmful consequences of an event that has already occurred: a current damage. And, in accordance with the course of events, these consequences will be prolonged in time and may even be aggravated: a continuing or successive damage¹⁰⁰.

The damage to the life project in the context of forced displacement incorporates both modalities: There is a current damage by the loss of material and immaterial goods, by war, by disaster, by whatever the cause of force is. The quantity of rights that cease to be enjoyed might vary, but it is always numerous and complex, and it may be that this current loss already impacts the life project tied to a land, to a physical home, to a family life, etc. In addition, the violation of these same rights, according to the course of events, may worsen and lead to a continued damage and even to total frustration of the project if it does not prosper in readapting. This is why the role of the receiving state is crucial in restoring the possibilities of exercising freedom, temporarily and permanently if it should occur, to retake the life project or at the minimum to configure a “substitute” project¹⁰¹. This would embody a well-founded hope, one that is only subjective, but objective too as it would be felt with encouraging conditions in place.

⁹⁹ Supra, note 40, p. 86.

¹⁰⁰ Ibid.

¹⁰¹ Fernández Sessarego claimed that, in some cases, “it may happen that the personality of the victim, despite frustration to his life project, given the strength of his personality and desire to live, manages to overcome, to some extent, the consequences generated by the damage and finds a substitute project, a new way of living, which, without being the authentic one, allows him to continue living, giving his life a certain new meaning”.

Whereas, regrettably, no dedicated studies have been found in the literature that contrast the life project in the context of forced displacement that facilitate delving into these thoughts, it seems like merely Kate Ogg (2022) has recently seen refuge's functions from the same prism that I do. The scholar has outspokenly argued, also based on several refugee stories, that a contemporary model of 'refuge' should comprise supplementary purposes past 'protection', including "restoration of a meaningful life" and "dreaming of and creating a future"¹⁰².

It is frustrating to witness that the author strives to ground those purposes, so close in words to those presented here, in refugee rights in apparent obliviousness of the fact that there *is* one that exactly subsumes her (our) vision: the life project. This indorses the key role of awareness conveyed by this work for refugee law scholars, just as the importance of Ogg's influences to apprehend the interaction between forced displacement and the life project.

In that vein, it should be remarked that Ogg claims that building a rewarding and meaningful life while displaced involves "providing conditions in which a refugee can grow and develop"; including to restore not only security and safety, but also "freedom" and "having choices about their lives' directions"¹⁰³. This is directly aligned with one of the basic assumptions of the life project. As if that were not enough, she also discusses the temporal assumption, when she points out that refuge, together with a restoring function, has one of "rejuvenating" that "flows over into generating aspirations *for the future*" (Emphasis added)¹⁰⁴.

Tangential themes have been flagged by other refugee academics from around the globe.

See Carlos Fernández Sessarego, "El Proyecto de Vida, ¿Merece Protección jurídica?" [The Life Project, Does it Deserve Juridical Protection?], *e-Revista Persona* 75 (2008). This was reiterated, almost in identical terms, in new articles of the author published in 2013 and 2016.

¹⁰² Kate Ogg, *Protection from Refugee*, Cambridge: Cambridge University Press, 2022, pp. 30-37, DOI: 10.1017/9781009024259.

¹⁰³ *Ibid*, p. 31.

¹⁰⁴ *Ibid*, p. 35.

For instance, already decades ago, Anderson (2001) interviewed refugee children in Germany and concluded that they lived in “constant uncertainty” as regards their “life planning”¹⁰⁵. Also, Kublitz (2015) argued that Palestinians settled in Danish camps were trapped in a loop of “un-becoming” that hinders their integration process and, in some cases, shoves them to ever-seek becoming elsewhere¹⁰⁶. More recently, Neve (2021) evaluated how the journey to ‘adulthood’ of unaccompanied Hazara male minors in Australia was shaped by “disruptions” impacting their “life-building”¹⁰⁷. In Türkiye, Alawadin Maqul et al. (2020) measured the life satisfaction among Syrian, Iranian and Afghan refugees; finding that educational status, religion, gender and income driving elements affecting fulfilment and, consequently, “long-term residence”¹⁰⁸. Lastly, Jacques et al. (2020) had a general discussion about how integrating makes a difference in supporting a migrant’s transition “from dreaming to reality”¹⁰⁹. Some of their contributions will be complementary inputs for the analysis of Ukrainians in Oslo, the case study of this thesis. Still, none of them have connected the dots between life project and forced displacement.

The jurisprudence of the Inter-American Court has at least moderately filled the spotted knowledge gap by deciding strategic cases in regards to forced displacement (and life project). Their lessons learned have been compiled in a recent booklet and show how, while most of the cases have involved indigenous peoples displaced from their ancestral lands, the concept of forced displacement for the Inter-American System is linked to the Colombian armed conflict.

¹⁰⁵ Cf. Philip Anderson, “‘You Don’t Belong Here in Germany...’: On the Social Situation of Refugee Children in Germany”, *Journal of Refugee Studies* 14:2, 187-199, 2001, <https://doi.org/10.1093/jrs/14.2.187>

¹⁰⁶ Cf. Anja Kublitz, “The Ongoing Catastrophe: Erosion of Life in the Danish Camps”, *Journal of Refugee Studies* 29:2, 229-249, 2016, <https://doi.org/10.1093/jrs/fev019>

¹⁰⁷ Cf. Amy Neve, “Building a Life in Australia: Young Hazara Men and the Journey to ‘Adulthood’”, *Journal of Refugee Studies* 35:1, 454-470, 2021, <https://doi.org/10.1093/jrs/feab052>

¹⁰⁸ Cf. Sayed Alawadin Maqul, Sevcan Güneş, and Tuğba Akin, “Comparative Analysis of Life Satisfaction among Syrian, Iranian, and Afghan refugees in Turkey: Case of Denizli”, *Journal of Refugee Studies* 34:2, 2376–2393, 2020, <https://doi.org/10.1093/jrs/feaa055>

¹⁰⁹ Cf. Carmen Jacques, Kelly Jaunzems, Layla Al-Hameed, and Lelia Green, “Refugees’ Dreams of the Past, Projected into the Future”, *M/C Journal* 23:1, 2020, <https://doi.org/10.5204/mcj.1638>

That context is even more alike to the crisis of forced displacement that concerns this research. In the case of the Mapiripán massacre, IACtHR begins by agreeing with the highest Colombian Court in clarifying that “it is not the formal registration with governmental entities that gives an individual the character of displaced person, but the mere fact of having been compelled to leave the place of habitual residence”¹¹⁰.

Forced displacement happens *de facto*, not *de jure*. Not only that, in a subsequent judgment IACtHR has given as irrefutable that forced displacement implies both a *multiple* and a *continuous* violation of human rights that leaves the displaced population in a situation of severe vulnerability. To be precise, hereby follows the Court’s statement:

Due to the complexity of the phenomenon of displacement and the wide range of human rights that are affected or at risk, and in view of the circumstances of special vulnerability and defenselessness in which displaced persons generally find themselves, their situation can be understood as a *de facto* lack of protection. This situation, according to the American Convention, obliges states to adopt positive measures to reverse the effects of their condition of weakness, vulnerability and defenselessness, including with respect to the actions and practices of private third parties¹¹¹.

It is striking that IACtHR asserts that displacement entails a multiple and continuous violation of human rights, since it has already been emphasized that the harm to the life project is, in turn, one that occurs as a result of the violation of various fundamental rights and that tends towards continuity. Hence, forced displacement has, if not the certainty, a high potential to damage the life project. It is also notorious that the Court extended the responsibility to grant reparation measures even when the state was not responsible for the harm, something that brings special applicability for refugees whose life project was frustrated by other than recipient state.

¹¹⁰ IACtHR, *Personas en Situación de Desplazamiento Forzado* [People in Situation of Forced Displacement], *Cuadernos de Jurisprudencia de la Corte Interamericana de Derechos Humanos* 3 (2022): p. 3, https://biblioteca.corteidh.or.cr/engine/download/blob/cidh/168/2022/49/68694_2022.pdf?app=cidh&class=2&id=38873&field=168

¹¹¹ IACtHR, *Members of the Village of Chichupac and neighboring communities of the Municipality of Rabinal v. Guatemala*, Preliminary Objections, Merits, Reparations and Costs, 2016, para. 173, https://www.corteidh.or.cr/docs/casos/articulos/seriec_328_esp.pdf

It is a pity that the Court did not specify an interaction between forced displacement and life project in its booklet, but it does not mean that it is not part of its jurisprudence, as cited before.

Appropriate to mention that, one more aspect underlined by IACtHR throughout the jurisprudence collected in the booklet on forced displacement, is that this phenomenon tends to cause an “accentuated” vulnerability in the displaced women and children¹¹². In the scenario of Colombia, the International Center for Transitional Justice has studied in detail how displacement has affected the life projects of women and men in different ways:

Uprooting affects traditionally isolated peasant women more harshly than men. The rupture of their intimate bonds with close kin and neighbors, their lack of social and geographical mobility before displacement, and the threat of family disintegration all constitute significant obstacles to the reconstruction of these women’s life projects in a new, urban environment¹¹³.

The discussion reaches an interesting aspect as the author brings up to the debate the question of how the life project, as a concept that has been “difficult to digest”, could be relevant to these cases. “Many may say that a ‘life project’ for a poor illiterate peasant woman in an isolated area is an illusion”¹¹⁴. This is a provocative inquiry that, as the International Center for Transitional Justice accounts, merits the breakdown of the concept into its necessary material and moral conditions —as it has been done in the preceding sections. Only then, could one realize that in the universe of each person, irrespective of its dimensions, there are more than a few possibilities for creating a project of existential value. In that case, given the answer of the same report, only the loss of the home of these women, which was their refuge and often their center of production and the guarantee of their autonomy, can reach the verge of a life project and its loss would leave them, or has left them, in a state of “uprootedness”.

¹¹² Supra, note 110, p. 34.

¹¹³ Donny Meertens, “Forced Displacement and Gender Justice in Colombia – Between Disproportional Effect of Violence and Historical Justice”, *International Center for Transitional Justice*, 2012, p. 8, <https://www.ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Gender-Colombia-CaseStudy-2012-English.pdf>

¹¹⁴ Ibid.

Late Judge Cançado Trindade, one of the greatest defenders of the referred right, has also argued that uprootedness disrupts the spiritual dimension of people's life project. In his words, with it "one loses the spontaneous means of expression and communication with the outside world, as well as the possibility of developing a project of life"¹¹⁵.

These are decisive sources to fully comprehend the interplay between the life project and forced displacement. Uprootedness delineates more clearly what are the consequences of the existential damage caused by the loss of the life project within the context of displacement. It is a "moral" consequence of displacement, as Suárez Rivero (2010) describes it¹¹⁶, since the displaced community loses part of its cosmovision and identity that must then be reconstructed from an abstract context that neither of its members know, that they do not belong to it and to which they have no roots. Uprootedness feels as being utterly lost, overwhelmed, travelling a grueling path without any compass. It is the antagonist of a well-founded hope.

For the scholar, "the construction of this identity represents a second violence, a consequence of the first"¹¹⁷. What is the same, in Fernández Sessarego's view, there is a current and a continuing damage. Therefore, as Suárez Rivero argues, the *restitution* of the possibilities to fulfill a life project becomes the ideal conduit for the "redignification" of the community that was been victim of displacement¹¹⁸—without ruling out the alternative of providing the means for configure a "substitute" project.

¹¹⁵ Antônio Cançado Trindade, "El desarraigo como problema humanitario y de derechos humanos frente a la conciencia jurídica universal" [Uprootedness as a Humanitarian and Human Rights Problem in the Universal Juridical Conscience], *Derecho internacional humanitario y temas de áreas vinculadas* 78 (2003): p. 78, https://www.icrc.org/spa/assets/files/other/03_cancado.pdf

¹¹⁶ Although there is concordance with the author's postulates, I differ with his titling of "moral" consequences as per the conceptual demarcations established before. It is rather a spiritual or transcendental consequence. See *supra*, note 60.

¹¹⁷ David Suárez Rivero, "Las consecuencias morales del desplazamiento: una demanda por la reconstrucción del 'proyecto de vida'" [The moral consequences of displacement: a demand for the reconstruction of the 'project of life'], *Desplazamiento en Colombia: prevenir, asistir y transformar cooperación internacional e iniciativas locales*, ed. Cristina Churruza Muguruza and Donny Meertens. (Bogotá: La Carrera Editores, 2010): p. 291.

¹¹⁸ *Ibid.*

If the damage to the life project leads to an existential void, forced displacement is, in reality, a coerced leap from a ravine to the abyss of uprooting where one does not see, at least at first glance, means of projection as one is isolated from an “effective dealing with things”, from the situational condition of the life project.

Returning to the transitional study, Meertens (2012) argues that the harm is reparable. The ideal durable solution is the return of the displaced, so that they can continue with their life project accompanied by the state and by a reconstruction of their capacities¹¹⁹. Many times, still, return is not possible in the short term, or at all, and here lies the innovation of this work: Use the voice of the victims to find, from their own meaning, which are the ideal measures to alleviate the damage to their life projects, to recover hope. For that, IACtHR’s reparations other than restitution and more legal references are of helpful for tailoring responses.

Lastly, to validate the hypothesis that forced displacement entails damage to the life project, it is worthwhile to add an interpretation of rigorous legal technicality. Calderón Gamboa (2005) has suggested a criterion to be employed each time that the right to a life project has allegedly been breached, which also summarizes everything that has been stated so far¹²⁰:

1. A damage that affects the objective freedom of the subject, which does not allow him or her to develop projection; which could be divided into two distinct types: a) A direct violation of individual freedom that directly disrupts the life project; b) A violation of a human right by which the normal projective development of human beings is impeded.
- Or 2. A damage that, due to the omission of the state’s duties, the subjects do not even have the possibility of considering a life project.
3. A certain damage.
4. That is of great entity.
5. That is repairable (at least partially, as IACtHR has attempted¹²¹).
6. That is not of a material or moral nature (as for Fernández Sessarego¹²²).
7. That must be directly related to the violation (Notes added).

¹¹⁹ Supra, note 113, p. 15.

¹²⁰ Jorge Calderón Gamboa. *Reparation of the Damage to the Project of Life due to Violations of Human Rights* (2005): pp. 72 and 73, <https://www.corteidh.or.cr/tablas/24484-1.pdf>, pp. 72 and 73.

¹²¹ Supra, note 13.

¹²² Supra, note 60.

All of these seven elements apply to forced displacement as a damage. In a nutshell, forced displacement is an epitome cause for the disruption of the right to a life project and it fetches uprootedness as its differentiated consequence. The recognition of the right to a life project in the context of forced displacement would highlight the importance of protecting the rights of displaced persons, and of providing them with the all support they need to rebuild their lives and pursue their most meaningful aspirations with a well-founded hope. Likewise, forced displacement evokes the dignity that is inherent to the person and therefore accompanying them in every movement. Human dignity is no other than that which distinguishes that person from any other species. It is synonymous with ontological freedom which, in action, equals to the phenomenological capacity to run a life project. That makes it indispensable to safeguard it.

2.2.1 Contextualizing the concept of the life project for cases of forced displacement

Based on the whole discussion throughout this chapter, it is reasonable to affirm that the life project has a scope of its own in the context of forced displacement, conceptualized as: *For those forcibly displaced, the human right to a life project is a well-founded hope based on the collection of meaningful aspirations and goals and the freedom to pursue them. It gives existential purpose to their lives and recall their human dignity beyond current circumstances. Thus, it could be adapted to the context of displacement, but it could not be fully compromised, as that would signify for the person an existential void amounting to uprootedness*¹²³.

¹²³ In the process of building this contextualized concept proposal, both legal and philosophical insights about ‘concepts’ and their formation have been observed. In that sense, departing from the general idea that a concept is ‘legal’ as long it embodies some kind of legal content, scholars have identified several kind of legal concepts according to the type of legal content that they embody. This specific proposal could be more accurately identified as a concept with a “law-stating function”, and not a juridical-operational one, since it focus on the substantive meaning of the human right to a life project and its legal implications but it does not involve a practical operation (in itself). See Åke Frändberg, “An Essay on Legal Concept Formation”, in *Concepts in Law*, ed. Jaap C. Hage and Dietmar Pfordten (Dordrecht: Springer, 2009): pp. 1-16, https://doi.org/10.1007/978-90-481-2982-9_1

As it can be grasped, the essence of this very new concept maintains the consensus reached between the doctrine and the case law. Its essence remains unchanged. There are, nonetheless, some variations: (i) a common meaning, a well-founded hope; (ii) a concrete the cause for the damage, the forced displacement; and (iii) a particular “symptomatology of the damage”, or the way in which the existential void is crystalized, which equals to become uprooted if the damaged reaches the threshold of deterioration or frustration in Fernández-Sessarego’s scale.

In the middle of the causes and consequences, adjustments are also embedded, since the phenomenon of displacement does nothing but exalt the life project as a manifestation of human dignity materialized in its freedom, ontological and phenomenological. This is why it can and must be adapted helped by measures taken by states involved; which are always responsible for protecting human rights, including the life project as one of them.

This is a preliminary concept of the life project with general applicability to all contexts involving forced displacement. Starting in the following chapter, it will be set in line along with the rest of the theoretical framework to the case study of forcibly displaced Ukrainian based in Oslo. As part of this interaction, and respecting the methodology of empirical phenomenology, the interviews will put the voice of the victims at the core of the discussion, and the proposed nuanced conceptualization will be exposed to feedback during the conversations to assess the extent to which the interviewees identify with it and how could it be of use for them.

The upcoming and last section of this chapter is intended to ground all the theoretical postulates just unveiled regarding the life project in the context of forced displacement in the 1951 Refugee Convention. This is as an obligatory step for synchronizing the right to a life project, gestated in (Inter-American) human rights law, with the prospective *lex specialis* given by the Convention when scrutinizing the right to a life project of refugees¹²⁴.

¹²⁴ Even though I support the complementarity approach sustained by Vincent Chetail. See “Systemic Approach to International Humanitarian Law, Refugee Law and Human Rights Law”, *The Oxford Handbook of International Law in Armed Conflict*, ed. Andrew Clapham, Paola Gaeta, Tom Haeck and Alice Priddy (Oxford: Oxford University Press, 2014): pp. 701 and 702.

2.2.2 Grounding the human right to a life project in the context of forced displacement in the 1951 Refugee Convention and other human rights hard law instruments

James Hathaway starts the first edition of his renowned work on refugee *rights* claiming that “the greatest challenge facing refugees arriving in the developed world has traditionally been to convince authorities that they are, indeed, entitled to recognition of refugee status”¹²⁵. One could think that this utmost challenge does not apply to forcibly displaced Ukrainians in Europe as they, despite having too a *well-founded fear of being persecuted*¹²⁶, are not seen within the continent as ‘Conventional’ refugees for enjoying an extraordinary *collective* and *temporary* protection¹²⁷ that exempts them from proving their status on an individual basis.

While this may be true, and in consideration that this extraordinary condition will be analyzed in the next chapter, this exception does not apply to Ukrainians who seek asylum outside Europe, who are required to comply with all the provisions of the Refugee Convention. Needless to say, it also does not apply to the rest of the forcibly displaced people in Norway nor in the rest of Europe. In that sense, and knowing that there is an overriding interest in promoting that all forcibly displaced should have the right to a life project, this section is dedicated to weaving links between such right and the general regime of refugee rights recognized in the 1951 Convention, its 1967 Protocol, and other pertinent human rights hard law instruments.

One of Hathaway’s (2021) strongest arguments is that the Convention, primary source of refugee-specific rights in international law, has an underlying structure for the entitlement of those rights that is hierarchical and discriminatory due to a distinction between citizens and non-citizens, physically and lawfully present refugees, and refugees that are lawfully staying¹²⁸.

¹²⁵ James Hathaway, *The Rights of Refugees under International Law* (Cambridge: Cambridge University Press, 2005): p. 01, DOI: 10.1017/CBO9780511614859.

¹²⁶ UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 2010. See the element of art. 1(A) of the Convention, <https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees>

¹²⁷ European Council, *Temporary Protection Directive*, Directive 2001/55/EC, 2001, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32001L0055&qid=1648223587338>

¹²⁸ James Hathaway, *The Rights of Refugees under International Law* (Cambridge: Cambridge University Press, 2021): Chapter 3, DOI: 10.1017/9781108863537.001.

The question that concerns us, aware that there is no expressed mention of the right to a life project in the Convention, as it is child of its time, is whether or not this right is enabled in it through the rights that are plainly acknowledged in the above-mentioned categories.

This is actually a complex task because, as Hathaway identifies, not all civil rights are assured to non-citizens, economic rights are defined as duties of progressive implementation, and the international obligation of non-discrimination has not always been interpreted in a way that guarantees all refugees the substantive benefit of relevant protections¹²⁹. It is additionally intricate as the source to enjoy the right to a life project can spring from any right, as already discussed. From the *freedom* to enjoy any right with an existential purpose. With this in mind, it becomes unessential to construct an exhaustive distinction of each of the refugees' right listed in the Convention and its connection to the life project —this will only be completed for the case study. What is really important to say is that Hathaway's categories also pose a graded structure for the guarantee of the right to a life project in the context of forced displacement.

The level at which refugees can enjoy the right to a life project is equally subjected to their level of attachment to a certain state other than the one the person is fleeing from. As a matter of example, the simple *physical presence* of a refugee entitles them to have covered some basic necessities of life¹³⁰, as access to healthcare¹³¹, to food and shelter¹³² and to be free from deprivation¹³³. This is valid even in cases where the Refugee Convention falls short, thanks to human rights law filling gaps via rights recognized in both International Covenants¹³⁴.

¹²⁹ Ibid, p. 173.

¹³⁰ Ibid, p. 581.

¹³¹ UNGA, *International Covenant on Economic, Social and Cultural Rights*, 1966, art. 12 (1), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

¹³² Ibid, art. 11.

¹³³ UNGA, *International Covenant on Civil and Political Rights*, 1966, arts. 6 (1) and 10 (1), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; supra, note 126, art. 20.

¹³⁴ This ratifies the thesis of Chetail claiming that the complementarity approach constitutes the most cogent frame of analysis for capturing the multifaceted interactions between humanitarian law, refugee law, and human rights law. See supra, note 124, p. 703.

No single person would be able to pursue a life project without satisfying the elementary needs.

Progressively, the *lawful presence* of a refugee brings other rights potentially tied to the life project, as self-employment¹³⁵. And, on a higher qualification, only those refugees who are *lawfully staying* can access, for instance, to a wage-earning employment¹³⁶ and practice a profession¹³⁷; which could become, sometimes, crucial rights for one's life project. With this structure, a pertinent drive of the 1951 Convention that Hathaway described in an earlier work could not be achieved: the rights in the Convention “afford refugees a real measure of autonomy and security to devise the solutions which they judge most suited *to their own circumstances and ambitions*” (Emphasis added)¹³⁸.

It results evident that states pursue a race to the bottom targeting to grant merely basic rights whilst denying or limiting refugees' rights interrelated to more complex needs that are, at least, equally relevant for the fulfillment of the right to a life project. On a regional level, Ogg (2022) sustains that this has resulted in European decision-makers “approaching refuge as a scarce commodity and one stripped down to the barest minimum of protections”¹³⁹.

In fact, the arguments substantiating the human right to a “happy life” are rather instructive at this step. In a new-fangled article, the principle giving a material basis to that model is this: “When their basic needs are met, people do not stop their pursuit of a happy life. Instead, psychological and social needs appear for personal esteem and feelings of accomplishment”¹⁴⁰.

¹³⁵ Supra, note 126, art. 18.

¹³⁶ Supra, note 126, arts. 17 and 24; note 131, arts. 6 and 7. N.B.: Norway has made a reservation to art. 17 of the Refugee Convention and reduces the level of attachment of this right from “most-favored foreigner” because of the regional labor market policy of the Scandinavian countries, supra, note 128, Chapter 1, note 74.

¹³⁷ Supra, note 126, art. 19.

¹³⁸ James Hathaway, “Forced Migration Studies: Could We Agree Just to ‘Date’?”, *Journal of Refugee Studies*, 20:3 (2007): p. 364, <https://academic.oup.com/jrs/article/20/3/349/1591558>

¹³⁹ Supra, note 102, p. 07.

¹⁴⁰ Supra, note 82, p. 821.

People, all kinds of people. Tragically, one must remind that refugees abandon their country, not their kind and neither their needs for personal esteem and feelings of accomplishment that are inherent to the general notion of a life project and persists in its contextualized concept.

The logic is so elementary that the advocates of a happy life as a human right raised Maslow's classic "Hierarchy of Needs", consisting of five levels tiered from basic to complex: physiological, safety and security, love and belonging, self-esteem, and self-actualization¹⁴¹. Standing in front of that layout, one sees that only physiological and safety and security needs are, in paper, the only ones arranged for all refugees. The needs of belong and love, esteem, and self-actualization, which, again, are equally relevant for the fulfillment of the right to a life project, are refused for many of those apparently protected by the Refugee Convention.

What is worst, as established, not even all physiological and safety needs of refugees would be covered if it was not for the complementary protection of human right. Accordingly, freedom, one of the two existential assumptions of the project, is tightened, making that the human right to a life project is not immediately compatible with the Refugee Convention. After all, as put by Betts and Collier (2017), the world has radically changed since the genesis of the Convention, but it is still there, being "ever less appropriate for modern needs"¹⁴².

Besides, denial or limitation of complex needs vital for the guarantee of a life project, or the *options* to satisfy them¹⁴³, is a crystal-clear discriminatory treatment. And discrimination not only operates between citizens and non-citizens, but also between non-citizens and refugees and even between refugees themselves.

¹⁴¹ Ibid.

¹⁴² Alexander Betts and Paul Collier, "Refuge – Transforming a Broken Refugee System", (London: Penguin Random House, 2017): p. 23.

¹⁴³ It does not harm to reiterate the fundamental difference between the right to a life project and the right to a happy life, sketched in note 81. The right to a happy life has a higher threshold, for its satisfaction would imply the actual *achievement* of the aspirations and goals integrating the life project. The right to a life project concentrates on the *freedom* to design an existential project after the universe of *options* available, basic and complex options. Fernández Sessarego made that explicit: "Freedom, which constitutes our being, is independent of the realization or not of the project. The realization or frustration of a project does not deny freedom as man's being (...)", supra, note 101, p. 82.

It is suitable to make a U-turn towards the work of Hathaway. Based on the conclusions of the Human Rights Committee interpreting article 26 of the Covenant on Civil and Political Rights, the scholar admitted that non-discrimination law “has not yet evolved to the point that refugees and other non-citizens can safely assume that it will provide a sufficient answer to the failure to grant them rights on par with citizens”¹⁴⁴.

Once again, this backwardness is inconsistent with a modern concept of refugees (Not even necessarily with one of the latest). By 1951, the same year that the Refugee Convention was adopted, Hannah Arendt asserted from exile: “The new refugees were then persecuted not because of what they had done, or what they have thought, but simply because of what they unchangeably were —born into the wrong kind of race, the wrong kind of class or drafted by the wrong kind of government”¹⁴⁵.

It is subsequently reprehensible that both Hathaway and the Committee have failed to embrace or barely mention avant-garde standards, as those set by the Inter-American System, which elevated the duty of non-discrimination to the realm of *jus cogens*¹⁴⁶. The dignity of all humans shall entitle them, without discrimination, to all human rights, including to a life project even in the context of forced displacement.

Unfortunately, discrimination does not end in the Refugee Convention. Hathaway did mention that the referred UN conclusions add nothing to the force of those rights that are already defined to mandate implementation for *all* refugees on terms of parity with citizens¹⁴⁷. As per article 3 of the 1951 Convention, refugees integrate a generic class equally worthy of protection.

¹⁴⁴ Supra, note 128, p. 265.

¹⁴⁵ Hannah Arendt, “The Origins of Totalitarianism”, (London: Penguin Classics, 2017): p. 294.

¹⁴⁶ IACHR, *Compendium on Equality and Non-Discrimination. Inter-American Standards*, 2019, para. 26, <https://www.oas.org/en/iachr/reports/pdfs/compendium-equalitynondiscrimination.pdf>

¹⁴⁷ Supra, note 128, p. 265.

There is no further pretext, beyond the already ill-graded structure of the Convention, to discriminate among refugees. That reasoning does not automatically apply within the so-called Conventional refugees and those who under the Temporary Protection Directive, as it will be outlined in the case study of Ukrainians in Norway.

3 Impact of forced displacement on the life project: Case study of forcibly displaced Ukrainians in Oslo

Beginning with a broad view, the study of the human right to a life project within the Norwegian migratory framework is problematic to grasp because it implies looking at a “grey zone” between asylum and humanitarian protection, as named by Cecilia Bailliet. Already two decades ago, the scholar identified as part of the reason for this ‘color’ the lack of awareness of “mixed motives” in the persecution of those fleeing, confusing them as “economic migrants”¹⁴⁸. In concrete, her case analysis revealed: “There is a danger that the more education and resources an applicant has, the less likely he or she may be considered to merit protection”¹⁴⁹.

This raises some issues of interest. On the surface, it has already been stipulated that one of the forms in which the life project is materialized is in the professional or vocational sphere. This type of project, which is one of the most frequent and tangible, usually goes hand in hand with *education and resources*. So the flaw of the Norwegian system is placing obstacles for those asylum seekers who arrive with a clear life project of that kind if it comes up in their interviews. The existence of a well-founded fear of persecution should not be equated with a lack of an existential aspirations, even if they are evidenced monetarily.

¹⁴⁸ Cecilia Bailliet, “Study of the Grey Zone between Asylum and Humanitarian Protection in Norwegian Law & Practice”, *University of Oslo*, Report of the Ministry of Local Government (KRD), 2003, p. 55, <https://www.jus.uio.no/ior/personer/vit/ceciliab/dokumenter/KRD-rapport.pdf>

¹⁴⁹ Ibid, p. 158.

Granted, the question of whether the defect persists is valid, but the underground gives impetus to the present¹⁵⁰. By closing the gaze of that initial broad view, it will be observed later in this chapter that the profile of forcibly displaced Ukrainians in Norway is, in a large majority, of highly educated people¹⁵¹. Therefore, there is also a valid speculative question of what would have been the approval rate of these cases if they did not have collective protection.

Although the answer will remain a matter of speculation¹⁵², these grounds somewhat clarify the context in which a general study of the human right to a life project in the Norwegian migration framework would embark. In contrast, the specific study that concerns this thesis has found very useful departing references for the life project of Ukrainians who fled. Take the following sample: “*Trodde drømmen brast*” (Thought the dream broke) is the headline of an article and a pairing national television report of one of the largest media outlets in the country. In it the journalist narrate the story of a young Ukrainian dancer who did not concede defeat on her existential aspiration and, despite her rough refugee path, is now part of the prestigious Norwegian Opera and Ballet¹⁵³.

¹⁵⁰ However, recent studies might help to dissipate the doubts. Other scholars have claimed that new focus on alternatives for a global migration scheme are including “pathways for persons who can bring particular skills or fulfill specified employment outcomes, and thus caution must be exercised in ensuring that they do not undermine the international protection regime by transforming refugee protection into a regular migration scheme”. See Michelle Foster, “Displacement and Social and Economic Rights”, *The Oxford Handbook of Economic and Social Rights*, ed. Malcolm Langford and Katharine G. Young (Oxford: Oxford University Press, 2023): p. 17.

¹⁵¹ According to the general survey for profiling the forcibly displaced Ukrainians in Norway, 81% had started or completed some sort of higher education. *Supra*, note 24, p. 06.

¹⁵² If curious, Chetail (2014) suggest an answer worth considering: “Though nothing precludes the application of the refugee definition to persons fleeing armed conflicts, states’ interpretations remain highly divergent and frequently restrictive”. *Supra*, note 124, p. 723. On the contrary, the 2016 UNHCR’s Guidelines on Refugee Status in Situations of Armed Conflict advocate that “at times, the impact of a situation of armed conflict and violence on an entire community, or on civilians more generally, strengthens rather than weakens the well-founded nature of the fear of being persecuted of a particular individual”, para 17, <https://www.unhcr.org/media/unhcr-guidelines-international-protection-no-12-hcr-gip-16-12-02-december-2016>

¹⁵³ See Silje Holtan Enghaug and Truls Aagedal, “*Trodde drømmen brast*” [Thought the dream broke], *TV 2* (2022), <https://www.tv2.no/nyheter/innenriks/trodde-drommen-brast/15350811/> N.B.: Ironically, the specific “break” of the girl’s dream in the article is not related to the process of forced displacement –at least not formally. The reason they allude for the rupture is that, once accepted into the Norwegian Opera and Ballet, the girl and her mother were allocated by the Norwegian authorities in a residence located almost four hours away from Oslo, where she practiced. What it is observe here, *prima facie*, is a disregard for her life project in the local settlement policy. Fortunately, the case was resolved thanks to media coverage, but the interviews in this research exhibit that not everyone is as lucky.

Interpreting the same content, international law would have given this story a different headline: *Her human right to a life project was at risk of violation*. It is, precisely, this identical exercise what occupies the chapter hereby, i.e. to evaluate the testimonies of the eight forcibly displaced Ukrainians interviewed from a human rights and refugee law perspective, specifically from a rights-based approach in the light of the right to a life project.

3.1 Ukrainian forced displacement crisis: background and protection status

It is public knowledge that the Ukrainian crisis tops most international emergency rankings given its magnitude and the speed of its incidence. The reason is no less known, in 2022 Russia deployed a full-scale invasion in its neighboring country¹⁵⁴, which has left a toll of nearly 30.000 civilian casualties in less than two years¹⁵⁵. Besides, as stated, currently more than 6 million Ukrainians have left their national borders escaping from violence, terror and misery¹⁵⁶. Lack of respect for rules of armed conflicts, as evidenced in this case¹⁵⁷, triggers grotesque corollaries for displacement¹⁵⁸ —and for the life projects of those forcibly displaced.

¹⁵⁴ See the timeline and map of the invasion in Encyclopedia Britannica, “Russia-Ukraine War [2022–present]”, 2023, <https://www.britannica.com/event/2022-Russian-invasion-of-Ukraine/The-Ukrainian-counterattack>

¹⁵⁵ UN High Commissioner for Human Rights, “Ukraine: civilian casualty update 24 September 2023”, 2023, <https://www.ohchr.org/en/news/2023/09/ukraine-civilian-casualty-update-24-september-2023#:~:text=Total%20civilian%20casualties,9%2C701%20killed%20and%2017%2C748%20injured.>

¹⁵⁶ *Supra*, note 2.

¹⁵⁷ Following recent conclusions of a UN report, the violations include torture, rape and deportation of children. Cf. “Commission of Inquiry finds further evidence of war crimes in Ukraine”, 2023, <https://news.un.org/en/story/2023/10/1142617#:~:text=A%20new%20UN%20report%20has,a%20study%20issued%20in%20March.>

¹⁵⁸ A plurality of war factors affect the duration and type of both displacement and return. Compliance with International Humanitarian Law is one alternative to address root causes of displacement and to create an environment conducive to safe and dignified returns. Cf. International Committee of the Red Cross, *Displacement in times of armed conflict: how international humanitarian law protects in war and why it matters*, 2020, <https://www.icrc.org/en/document/ihl-displacement>. Bearing in mind that logic, some scholars have argued that forced displacement is not just a consequence of conflict, but rather “an integral part of the military tactics of modern warfare” and call for new accountability methods in international law. See James C. Simeon, “Enhancing Refugee Protection Through the Criminalization of ‘Mass Forced Displacement’”, *Refugee Law Initiative*, 2018, <https://rli.blogs.sas.ac.uk/2018/08/02/enhancing-refugee-protection-through-the-criminalization-of-mass-forced-displacement/>

The occurrence of a major war on European territory for the first time in this century might be one of the most palpable explanations for the commensurate magnitude and speed of the international response. Apart from some indirect military involvements, the international community has demonstrated an array of “lawfare” maneuvers ranging from several individual and collective economic sanctions, to many judicial offensives in the International Court of Justice, the International Criminal Court, the European Court of Human Rights, and a number of national proceedings applying universal jurisdiction¹⁵⁹. Part of this range has been to adopt measures facing the massive influx of people.

Moreover, one of the differentiating factors in analyzing the Ukrainian displacement crisis facing others of similar weight is that its legal protection and fostering policies are framed within the unprecedented implementation of the European Temporary Protection Directive. Indeed, over 90% of the conflict’s refugees has been covered by its prerogative¹⁶⁰. In this regard, it turns essential to understand more thoroughly what the general implications of the referred instrument for the right to a life project are, together with its application nuances in Norway, before advancing to the interviews’ section.

3.1.1 Temporary protection

Guy Goodwin-Gill and Jane McAdam (2021) make clear that “temporary protection” is not defined by refugee law, nor by any international law branch, since the instrument belongs to the political field to be employed when it is coping with specific mass-influx emergencies¹⁶¹.

¹⁵⁹ See Julia Crawford and Thierry Cruvellier, “Ukraine Responds to Warfare With ‘Lawfare’”, *JusticeInfo*, 2022, <https://www.justiceinfo.net/en/89266-ukraine-responds-to-warfare-with-lawfare.html>

¹⁶⁰ *Supra*, note 2.

¹⁶¹ Guy Goodwin-Gill, and Jane McAdam, *The Refugee in International Law* (Oxford: Oxford University Press, 2021): p. 292, DOI: 10.1093/law/9780198808565.001.0001P. Whilst not defined by international law, the same author argues that it is “firmly and soundly based in customary international law, in the practice of States and in their understanding of obligation”, *ibid*, p. 298.

In the European scenario, according to the description of its drafter institution, it is considered “an exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin”¹⁶².

The overall purpose of this *political* type of refuge, which was instrumented for Europe in the Directive 2001/55 of its Council, is to streamline the protection’s recognition process in order to prevent that the denoted mass influx overwhelms the regular national asylum systems. Otherwise, it could impact the ‘effective’ and ‘efficient’ operation of that system. The purpose is not to result in a *legal* recognition of refugee status, albeit it might it might conduct to it on a subsequent process¹⁶³.

While designed more than two decades ago after the conflicts in the former Yugoslavia, the threshold posed by the illustrated Ukrainian displacement crisis is the first one that has convinced the Council to active it unanimously. In some manner, the implementation of this Directive overrules the Refugee Convention given that, without having any significant content conflict, its rights ostensibly reach beyond those included in the 1951 Convention and are granted in a more expedite fashion.

Within the hierarchical structure of the Refugee Convention offered by Hathaway (2021), it would equal an immediate leap up the scale of rights to the level “lawfully staying”¹⁶⁴.

¹⁶² Supra, note 127.

¹⁶³ Supra, note 161, p. 293. This is probably the reason why in 2022 one third of beneficiaries in Europe preferred to apply for asylum and not for the temporary protection. See EU Agency for Fundamental Rights, *Fleeing Ukraine – Displaced People’s Experiences in the EU*, 2023, p. 5, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-ukraine-survey_en.pdf

¹⁶⁴ Supra, note 128, Chapter 6. Although the scholar reminds that the right to engage in employed or self-employed activities granted by the Temporary Protection Directive also authorizes to give priority to EU citizens and most-favored foreigners.

It can be then remarked that its named ‘beneficiaries’¹⁶⁵ enjoy of a residence permit enabling them to access to accommodation or housing, social welfare, medical care, education, employment, family reunification and to free movement within European Union (EU) countries¹⁶⁶, even back to their country of origin for visits¹⁶⁷.

Self-evidently, the life project does not partake such repertoire. Nonetheless, a trivial view of the Directive could lead one to consider that, following the logic built in Section 2.2.2, greater rights would optimize the interaction between temporary protection and the life project insofar as the purposeful aspirations are better served by the larger number of options available. This is a mirage. For just as amid the binomial of *freedom* to project oneself in the future and *forced* displacement, the match of *temporary* protection and *future project* infers supplementary contradictions which stretch from the semantic to the substantive. The European Temporary Protection Directive happens to be even more discordant with the right to a life project than the Refugee Convention, as it collides without deviation against both of its existential assumptions: freedom *and* temporality.

It is worth recapping that both philosophy and IACtHR’s jurisprudence dealing with the life project have discussed the ‘temporality’ component. Zubiri (1944), reflects on the range of the future in association with the projective freedom. His conclusions are that the more distant future is, the lesser are the possibilities to project. Quoting the author: “I already have, relatively, the possibilities with which I am going to act in two hours. But I do not have in my hands the possibilities to act in eleven years. The possibilities, in fact, are becoming clearer (...)”¹⁶⁸;

¹⁶⁵ The Directive reserves the use of the word “refugees” for those persons protected under the 1951 Convention. See *supra*, note 127, art. 2.

¹⁶⁶ *Ibid*, arts. 12-15.

¹⁶⁷ According to the same European Council “any short visit to Ukraine should not be considered by EU countries as a decision to return voluntarily before the temporary protection ends. This means that a short trip back to Ukraine should not lead to the revocation of the residence permit and loss of rights attached to the status”. That is a major difference with the Conventional overture, notably more restrictive for refugees when it comes to this. See https://eu-solidarity-ukraine.ec.europa.eu/returning-ukraine-questions-and-answers_en

¹⁶⁸ *Supra*, note 42, p. 328.

i.e. the philosopher proclaims that one needs clarity in the future in order to be able to project oneself, conviction instead of uncertainty. Additionally, IACtHR ratifies this prerogative and recognized that “the term ‘project’ implies a temporal dimension (...) within the framework of a transient life, people have the right to make the options they feel are best, of their own will, in order to achieve their ideal”¹⁶⁹. The fact that life is finite, and endowed with freedom, is what makes humans have the natural need to project ourselves.

So, on the one hand, the temporary protection provide the forcibly displaced population with a safe and secure environment and, at least, with access to basic rights that can be crucial for the survival of people fleeing war. Potentially, they could too be of palliative use for the impaired human dignity and for the ability of projecting in an existential magnitude.

On the other hand, projection could only occur short-term, or ‘one year at the time’. The wording of the Directive establishing the protection for a period of one year, possible to extend for a *maximum* of one more year, leaves no doubt that the spirit of the Directive-makers was that the events triggering the instrument’s initiation were expected to cease within two years¹⁷⁰. This clearly not the case. The EU member states had to agree on extending the protection for an additional year, until March 2025, as there are no decisive signs that the full-scale invasion in Ukraine will end any time soon¹⁷¹. There is still not a durable solution available, and the forcibly displaced Ukrainians are living in a ‘limbo’ that limits their ability to design and pursue life aspirations and goals¹⁷².

¹⁶⁹ Supra, note 72, separate opinion of Judge Antônio Cançado Trindade, para. 3.

¹⁷⁰ Supra, note 127, art. 4.

¹⁷¹ See European Council, *Ukrainian refugees: EU member states agree to extend temporary protection*, 2023, <https://www.consilium.europa.eu/en/press/press-releases/2023/09/28/ukrainian-refugees-eu-member-states-agree-to-extend-temporary-protection/>

¹⁷² It is important to acknowledge that the indicated ‘limbo’ could affect as well refugees under Conventional protection, and particularly during the waiting process that many times take place in camps with miserable conditions. In fact, according to UNHCR, whilst the average varies, there is abundant evidence that some asylum seekers or refugees may even spend decades living there and “it is common to have entire generations growing up in camps”, see <https://www.unrefugees.org/refugee-facts/camps/>. However, given the focus of the selected case study, I am currently only looking at the implications of the EU Directive.

The selection of the term ‘limbo’ was not casual, rather one academically stimulated. Betts and Collier (2017) state that those forcibly displaced “need and should be entitled to expect three things: Rescue, autonomy, and an eventual route out of limbo”¹⁷³. It is unknown whether the authors proposed that the prospects should be fulfilled in the same order, but it could be assumed to be apparent that the expectation of rescue should occur in the first instance. And, in this case, the temporary protection would depict a means of rescue. The doubt emerges on the next two expectations, since the exposed value of the life project raises this hypothesis: without an eventual route out of limbo, it would be difficult to achieve autonomy and with it the alluded to capacity to design and pursue an existential project¹⁷⁴. With the same essence, the authors point out that for the period refugees are in limbo, one shall be “creating an enabling environment that nurtures rather than debilitates”. In that view, their protection regime should incorporate “all of the things that allow people to thrive and contribute rather than survive”¹⁷⁵.

With all these problematic dilemmas developing from the execution of a protection tool for mass displacement that is, allegedly, more adjusted to present days and more sophisticated than the 1951 Convention, Ogg (2022) was rather sharp by asserting that this era is one of protection *from* refuge. The scholar, applying a ‘recasting project’ in which she systematized litigation from all latitudes *against* refuge, concluded that the concept of ‘refuge’ is not worthy of the name¹⁷⁶. For reasons of recent occurrence, Ogg did not refer to the crisis of Ukraine, so the testimonies collected by this thesis will serve to test to what extend does her conclusion is equally applicable to them and to the right to a life project, or whether their case is even poorer due to the temporal flaw already criticized here.

¹⁷³ Supra, note 142, p. 24.

¹⁷⁴ Inputs from the interviews could clear the panorama, thus I was intentionally guiding the participants to discuss ‘uncertainty about the future’ as a potential obstacle in the ability to have autonomy and to project oneself. See supra, note 29, question 12.

¹⁷⁵ Supra, note 142, p. 144.

¹⁷⁶ Supra, note 102, preface.

3.1.2 Forcibly displaced Ukrainians in Norway

There are at least two contextual layers to strip away in this section for a better understanding of the interview narratives: on the outside, a brief appraisal of the broader situation of the Norwegian migration and integration system and, within it, a more meticulous assessment of the distinctive treatment given to forcibly displaced Ukrainians.

The latest 2020 Migrant Integration Policy Index (MIPEX) locates Norway on top of the second (out of ten) items in terms of the quality of integration, with a score of 69/100, which defines it as a country with a “slightly favourable comprehensive integration”. States in that category commonly guarantee equal rights, opportunities and security for immigrants, but their policies do not always encourage the public to see immigrants as their equals, neighbors and potential citizens. In the report commentaries, they noted that “due to the insecurity facing immigrants who want to settle permanently, Norway fell from the ‘Top Ten’ leading countries”¹⁷⁷. The fact that *stability* occurs to be the ‘Achilles’ heel’ of the Norwegian integration scheme echoes the burdens of the element of temporality for the life project, and it does not only causes distress in a temporary protection regime.

An analogous and more recent study from the Sustainable Government Indicators ranks Norway similarly, adding a finding that could elucidate the country’s backslide in the immigrant’s requirements for naturalization and attaining a sense of belonging: “There is tension between the pursuit of a policy of multiculturalism and respect for ethnic differences, and the belief in strict principles of equal treatment which, according to its critics, easily becomes a kind of hidden pressure for assimilation”¹⁷⁸.

¹⁷⁷ See MIPEX, *Key Findings*, 2020, <https://www.mipex.eu/key-findings>

¹⁷⁸ See Sustainable Governance Indicators, *Integration Policy Report*, 2022, https://www.sgi-network.org/docs/2022/thematic/SGI2022_Integration.pdf

Actually, those verdicts align with part of the recommendations that UNCHR gave to Norway for their refugees. In 2021 the agency asked the national government to review the increased use of cessation to end the protection status and the enlargement of the requirements for acquiring permanent residence and citizenship¹⁷⁹.

In parallel with this broader situation, Norway has complied with the activation of the Temporary Protection Directive in line with Section 34 of its Immigration Act, which expressly spells out that “such a permit shall not provide the basis for a permanent residence permit”¹⁸⁰. It is also more stringent in terms of the permit’s renewal by specifying that it “may be extended for a period *not exceeding* three years” only then, “a temporary permit *may* thereafter be granted that *may* provide the basis for a permanent residence permit”¹⁸¹ (Emphasis added). In another way, there are two certain things for beneficiaries of this Directive: protection and uncertainty.

It has been said, that is the case for majority of the 65.885 Ukrainians who have arrived in the kingdom since February 2022¹⁸². Norway is leading the Nordic countries in terms of reception, in the last month of October alone, more than 1.000 refugees per week registered in the country fleeing from Ukraine; representing a total of 60% of those incoming in the region¹⁸³.

¹⁷⁹ See UNCHR, *Recommendations to Norway for strengthened refugee protection*, 2021, p. 2, <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2021/11/UNHCR-Recommendations-to-Norway-Nov-21.pdf>

¹⁸⁰ Ministry of Justice and Public Security of Norway, “Immigration Act”, 2008, sec. 34, <https://www.regjeringen.no/en/dokumenter/immigration-act/id585772/>

¹⁸¹ Ibid.

¹⁸² Supra, note 2. N.B.: The Temporary Protection Directive does not cover Ukrainians that were living outside of Ukraine at the moment that war broke out. More than 800 Ukrainians are in Norway seeking for alternative protection, and the waiting times for them surpass a year. In the meantime, they have very limited rights and their passports have been retained. See Henrik Hokaasen Røyne, “Ukrainske Andrii (32) er uten pass og bankkonto: – Det er uverdigg [Ukrainian Andrii (32) is without a passport and bank account: – It is undignified], *TV 2* (2023), https://www.tv2.no/nyheter/innenriks/ukrainske-andrii-32-er-uten-pass-og-bankkonto-det-er-uverdigg/15862884/?fbclid=IwAR3gzHM_RlKrnVOBfQIJgM6jYtIbQaTteWVt52LN11CnG3gforVn47vuJ0

¹⁸³ See Norwegian Telegram Agency, “UDI med 3.000 nye mottaksplasser” [UDI with 3.000 new reception places], *Aftenposten* (2023), https://www.aftenposten.no/norge/i/mBKed4/nyhetsstudio-sistenytt?pinnedEntry=87455&fbclid=IwAR01260bMH9CtC6LTz6nF2tHAXepZxB36Hl-U4RMm-sNO_6J6jpEIyZqUww0

Based on this fresh increase, authorities admit to be working under pressure to upsurge the capacity of the National Arrival Center at Råde, as well as to ab-lib new emergency accommodations¹⁸⁴. Also, 37.000 more settlement places for refugees of all origins have already been approved for 2024¹⁸⁵. In Oslo municipality, 100% of the 2.170 refugees requested in 2022 have by now been settled in 2023, 1.550 of them under temporary protection, and the city has been asked to take in a total of 1.650 more for the upcoming year¹⁸⁶.

The Norwegian Institute for Urban and Regional Research (NIBR) has been appointed by the two main authorities in their field, the Norwegian Directorate of Immigration (UDI) and the Directorate of Integration and Diversity (IMDi), to measure the particular impact of the reception and integration of Ukrainians in the country.

Their first report was presented in 2022, with multiple revealing data on the profile and satisfaction of the studied population—which is the same target group of this thesis’ interviews. An updated version of the report will be published in early 2024, yet the project’s research leader, Vilde Hernes, granted me an interview for this thesis in October this year including some of the trends for that forthcoming version¹⁸⁷.

Among the key factors highlighting from the report is that Ukrainians who have fled to Norway were, at that point, generally ‘happy’. On a scale from 1 to 5, the average was 4.5¹⁸⁸. Views on the Norwegian reception were ‘good’ too, although slightly lower with 3.8 points¹⁸⁹.

¹⁸⁴ Ibid.

¹⁸⁵ IMDi, *Bosettingstall* [Settlement figures], 2023, <https://www.imdi.no/planlegging-og-bosetting/bosettingstall/#Oslo>

¹⁸⁶ Ibid.

¹⁸⁷ Ramón Barreto, Interview with Vilde Hernes, project leader of the research “Ukrainere på flukt” [Ukrainians on the run] of the Norwegian Institute for Urban and Regional Research, *Personal Interview*, Oslo, 2023.

¹⁸⁸ *Supra*, note 24, p. 07.

¹⁸⁹ Ibid.

Dissatisfaction was mainly linked to lack of updated and clear information on the implications of temporary protection¹⁹⁰; an issue that Hernes explained in the interview has been taken up by the authorities with the formation of a new digital platform with centralized information¹⁹¹.

Aside from that, ‘employment’ is another recurrent field within integration studies. Though, since the NIBR’s report focused on the initial stage of reception, labor is one of its missing topics/problems. Hernes stated that the new version will include this variable. For the time being, inferences can be drawn from other sources. For instance, IMDi notes in its 2022 Integration Report that immigrants have lower employment rates than the rest of the population. In 2021, 69% of immigrants were employed against 79% in the rest of the population¹⁹². There is a dramatic disparity with refugees with a residence period of less than six years: only 23% were employed¹⁹³. Not surprisingly, the digit rises to 58% for those settled for more than six years, once they have completed their introductory program and become fluent in Norwegian¹⁹⁴.

An inflection point for refugees from Ukraine emerges here. As per IMDi, in 2021 more than half of the refugees in Norway have no education at the upper secondary school level¹⁹⁵. In contrast, the NIBR report underscores that more than 81% of Ukrainians have started or completed some sort of higher education¹⁹⁶. Concurrently, almost 80% hope to be employed or self-employed if their stay in Norway prolongs¹⁹⁷.

¹⁹⁰ Ibid.

¹⁹¹ Cf. “New in Norway” launched in June 2023 following the recommendations from NIBR’s report <https://www.nyinorge.no/en/>. Unfortunately, the platform “is adapted for adults who have applied for or are going to apply for protection because of the war in Ukraine”, hence other refugees remain without clear information until further notice.

¹⁹² IMDi, *Integration indicators – Status and trends in 2022, 2023*, p. 37, [https://www.imdi.no/content-assets/507ec06524674e4ca041a7f920395045/integration-indicators-2022.pdf](https://www.imdi.no/contentassets/507ec06524674e4ca041a7f920395045/integration-indicators-2022.pdf)

¹⁹³ Ibid, p. 38.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid, p. 20.

¹⁹⁶ *Supra*, note 151.

¹⁹⁷ Ibid.

It would not be irrational to consider that certain part of the latter percentage would expect that their future job will be related to their high education. Nor would it be unreasonable presuming that this combination could be linked to their life projects. But there is contradiction in the immigration system, which offers a “fast track” in the language course for those with that education level. Simultaneously, all professional jobs require higher proficiency in Norwegian. Ergo, those who need better Norwegian for their professional future, and potentially for their life projects, are receiving a reduced offer¹⁹⁸. This contradiction was confirmed by Hernes in the interview and will be evaluated in the new report¹⁹⁹.

Finally, concerning prospects for the future and the repeated temporality, closely intertwined with the life project, NIBR’s report quantified last year that only 26% of Ukrainian refugees in Norway wanted to return as soon as the invasion is over²⁰⁰. The rest was unsure whether they wanted that, and already 20% of them had decided to stay even if the conflict finishes soon. Correspondingly, just 16% believed then that war would end within the year²⁰¹. Only 3% of the refugees said they would return if they had to live in a part of Ukraine other than their place of origin. In that scenario, 66% would prefer to stay in Norway²⁰². Hernes estimates an upward trend in the new report for these aspects, as indicated in the interview²⁰³.

¹⁹⁸ Many Norwegian teachers are worried about how realistic is it for those under temporary protection to achieve a sufficiently good level of Norwegian during a shortened introductory course. See NIBR, *Fem utfordringer for å få ukrainere raskt i arbeid* [Five challenges to get Ukrainians into work quickly], 2022, <https://www.os-lomet.no/forskning/forskningsnyheter/hurtigspor-arbeidsliv>

¹⁹⁹ Inputs from the interviews could clear the panorama, thus I was intentionally guiding the participants to discuss ‘professional aspirations’ as a potential element of their life projects. See supra, note 29, question 3.

²⁰⁰ Supra, note 24, p. 11. This is comparable in scale with the regional standard, where around one third aimed for the same. See supra, note 163.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Inputs from the interviews could confirm that estimation, thus I was intentionally guiding the participants to discuss ‘expectations for the future’ and their potential impacts for their life projects. See supra, note 29, question 16.

Again, it would not be far-fetched to attribute the conceivable increase in willingness to stay to the outlook for the future development of the invasion, which is, perhaps, only murkier today.

This accentuates the responsibility of local decision-makers to prepare for an imminent long-term scenario that is unharmonious with a temporary protection. In Norway, furthermore, experience has left substantial lessons. This type of collective protection had already been granted during the 1990s with poignant outcomes that shall be avoided in new opportunities²⁰⁴.

3.2 Interviews

Recapitulating main methodological aspects (expounded in Section 1.1.2), the interviews to be discussed hereafter were guided following an “empirical phenomenology”²⁰⁵, which is nothing more than prioritizing the own meaning of the interviewees, their narratives of displacement. For this reason, the conversations followed a semi-structured script with no time limit, so that they could be deep and the interviewees had every opportunity to explain in as much detail as wished about their life projects before and after their forced journeys. They averaged 75 minutes, and all of them were conducted between September and October 2023.

I also took care of the physical conditions of the meeting, having made sure that it took place in person and in the premises of the Oslo Red Cross, with which some participants were already familiar and found in it a safe and trusting space²⁰⁶. But I must note that having started the interviews with a “reflective approach”²⁰⁷, with a personal note of my own forced path away from home, was the key that opened the doors to their testimonies according to the participants.

²⁰⁴ At the end of that war, Norwegian authorities returned several Kosovo Albanians despite that many were locally integrated and the situation in their homeland was still perceived as unstable. This ‘hard’ side of the protection policy brought a high political cost and major consequences for those who have taken root in Norway. In this regard, see, e.g., Jan-Paul Brekke, “Kosovo - Norge, tur og retur: Midlertidig opphold for kosovoflyktninger” [Kosovo - Norway, return trip: Temporary residence for Kosovo refugees], *Institutt for samfunnsforskning*, 2002, <https://samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/handle/11250/177633>

²⁰⁵ See supra, note 12.

²⁰⁶ See supra, note 23.

²⁰⁷ See supra, note 37.

Identity of the interviewees is anonymized and their quotes will be attributed to them as “Participant 1”, and so on. As for the profiles gathered, all of these refugees were settled in Oslo during 2022, ensuring a sufficient experience curve for them to be able to give their opinion on the integration process and not only on the reception stage. There were eight interviewees, six women and two men²⁰⁸, between 19 and 40 years of age. Seven of them came from metropolitan cities in Ukraine. All of them had at least started higher education, and half of them hold a master’s degree. Among other personal features, two of them are married and two are divorced, counting in the latter group a mother. Only one of them had claimed belonging to a minority classification other than ‘refugees’, a man who identified as homosexual.

Regarding the method for processing the collected data, I followed a “thematic content analysis”²⁰⁹, consisting of assigning ‘codes’ to segments of the interviews which content fitted in different thematic labels pertinent for the research questions. The criteria for allocating codes was double-pronged: (i) theoretically driven, assigned to segments discussing essential topics for the thesis as ‘life project’ or ‘forced displacement’; and (ii) empirically driven, assigned to segments quantitatively or qualitatively relevant. Quantity was measured calculating both the percentage obtained in questions that had a multiple choice format, and the ranking of the word frequency of each transcript, eased by using the software NVivo; while quality was captured applying “contextualism”, looking for substantial underlying meanings of the answers received.

More than ten codes were pinned. After that, codes with related content were grouped into high-ordered clusters called ‘themes’. Two main themes emerged for the analysis: “Types of life project”, with a strong emphasis for the professional category; and “determinants of the life projects”, referring to advantages and disadvantages posed by the process of displacement or/and by Norway as the reception state, and that are cross-cutting to all types of life project.

²⁰⁸ This disparity was explained above. See supra, note 24.

²⁰⁹ See supra, note 30.

Those themes allow to elaborate on all relevant inputs of the interviews, contrasting them with doctrinal and jurisprudential concepts explained in Chapter 2, in a systematized manner and with the aim to understand to what extent does the Norwegian state protects their life projects.

3.2.1 Types of life project

Starting with the types and not with the determinants of the life projects of the Ukrainian respondents is coherent with the systematized elaboration. The determinants will be valid for all the typified projects, so the types should be unveiled first. This will be the main difference between these upcoming sections and Chapter 2, where the conceptual bases were laid down ready to be replicated for studying any type life project in any context of forced displacement. Here, instead, I seek exclusively the use of those determinants and other theoretical postulates that are relevant to the types of existential project presented by the participants in the interviews.

Out of the eight participants, seven of them were relatively able to pinpoint what was their ‘original’ life project, the one that emerged under ‘normal’ conditions, before been forced to undergo through the process of displacement. Four of the participants did not contemplate any obstacles on their path towards their life project before the war. For participant 4, whose existential project was not clear neither before nor is it clear yet, two things could happen: that she had not reached a stage of lucidity to define it for ordinary reasons of time, or that there are some psychological issues preventing her from doing so.

Fernández Sessarego discussed the ‘emergence’ of the life project on several occasions. For the father of the right to a life project, not all people mature in the same way nor are they capable at the same moment or age of the taking the decision for a certain project: “The defining moment varies by the personality and all conditioning factors to which people are subjected”²¹⁰.

²¹⁰ See supra, note 101. This was also reiterated, almost in identical terms, in almost every new allusive article issued by the author; including his last publications of 2013 and 2016 listed in the table of references.

Though, he also stated that it may occur that even at an adult age the “defining moment” still does not arise, so that it cannot be discarded that some individuals are “disoriented, insecure, without a project marked by a personal connotation, with unclear profiles, where the values that the subject has decided to live and that, in fact, does live cannot be clearly seen”²¹¹.

There are concomitances with the comments of participant 4, who declared that she has felt “constantly lost” and experiencing “mental health problems”²¹², to which she attributes the obstacles to find the purpose in her life²¹³. But, as Fernández Sessarego argues, this does not mean that the participant would “absolutely” lack a life project, since this would merely not be possible in light of the unwavering human’s nature of being free and temporary. It is just that, for some reason (most probably those reasons she exposed in the interview), the participant is currently unable to perceive with clarity a personal sense of purpose²¹⁴.

Alternatively, knowing that certain events or “conditioning factors” can define the life project, one hypothesis that can be put forward is that displacement could then embody one of those defining factors. This could befall either to configure the original life project of participant 4, or one under the label of “substitute” life project for the other participants. It is still early to corroborate that hypothesis in the case of participant 4, but the testimonies of the rest have posed a trial for the referred concept of a substitute project that will be pondered within the determinants for the life projects²¹⁵.

For the time being, one more theoretical item needs clarification before moving on to the type of life project of the other seven participants. The life project is always one, singular.

²¹¹ Supra, note 40, p. 91.

²¹² Interview with participant 4, min 2.

²¹³ Ibid, min. 11.

²¹⁴ Supra, note 211.

²¹⁵ See supra, note 101.

Fernández Sessarego also expresses about this, indicating that, although one lives projecting oneself and designs multiple projects in life according to manifold interest and purposes, it is possible to differentiate among them “one that is radical, that commits the whole being, that is the one in which the destiny is at stake and which gives meaning to life”²¹⁶. This has been acknowledged by the jurisprudence of IACtHR too²¹⁷. Hence, this is the only one that carries an existential value distinguishing *the life project* from the rest of the *projects in life*. Some participants spoke of their aspirations in ‘plural’ mode, mentioning professional and family goals. But it is for the motives given above in this paragraph that they were required, if not to rule out other projects, to at least prioritize only *one* type of project²¹⁸.

The results are revealing. They could select between four main elements as options to typify their projects: family, professional, cultural, or other type of project (specifying which). As explained, participant 4 could not choose. Participant 5, who is a mother of four children, chose without doubts a family life project; and participant 7, who is a dancer since a young age, was the only one who opted for a cultural type of project. Meanwhile, participants 2 and 6 directly selected one of professional kind. Finally, participants 1, 3 and 8 stated that both family and professional goals were vital for them. However, after being compelled to rank those, the three of them prioritized a professional life project.

Some additional profiling details should not be omitted, as participants 2 (19 years) and 6 (25 years) are students and single, whereas the participants 3 (40 years) and 8 (25 years), hesitant in their responses, were married but without having children. This encourages to contemplate in the analysis of the definition *and* evolution of the life project personal characteristics beyond interests, as age and marital status. In any case, the ultimate count is showing that five out of the eight participants gave more weight to the professional element for their life projects.

²¹⁶ Supra, note 40, p. 83. This was reiterated, almost in identical terms, in almost every new allusive article issued by the author; including his last publications of 2013 and 2016 listed in the table of references.

²¹⁷ See supra, note 57.

²¹⁸ See Annex 2, question 3.

Evidently, this in any way means that a family oriented, a cultural, or any other type of life project has less value. There universe of possibilities for the life project is totally horizontal, never hierarchical. But it does imply that it should be made hereby a deeper reflection on the professional life project as well as proportional emphasis at the moment of formulating de lege ferenda policy recommendations.

Family life project

For participant 5, her worldview revolves entirely around her four children, who are of minor age. In the interview, she fervently recounted that she had always dreamed of being a mother, and that such compulsion was progressively and further consolidated with each child birth. Cecilia Bailliet (2013) has meticulously explained this eventual interplay of ‘motherhood’ and the life project and how, pursuant to IACtHR’s jurisprudence, it can uphold human dignity of mothers rather than diminish it with harmful gender stereotypes²¹⁹.

As for obstacles, having a job that she described as permanent, enjoyable and well-paid, she indicated that only her divorce was momentarily a complication to provide a stable life for her children, but she also clarified that it was already overcome. Therefore, there were “no obstacles” in her path just before she was bound to migrate. This forced decision was also made with her children in mind: “I went with my daughter to get food at the supermarket and I realized there were no children, no young people in the streets, it was very sad and I did not want my children to live with that”²²⁰.

²¹⁹ Cecilia Bailliet, “From the CEDAW to the American Convention: Elucidation of women’s right to a life’s project and protection of maternal identity within Inter-American human rights jurisprudence”, in *Women’s Human Rights. CEDAW in International, Regional and National Law*, ed. Anne Hellum and Henriette Sinding Aasen (Cambridge: Cambridge University Press, 2013): p. 178, <https://www.cambridge.org/core/books/abs/womens-human-rights/from-the-cedaw-to-the-american-convention/9E158C4A8E6FB148A107236AF95AE543>

²²⁰ Interview with participant 5, min. 14.

With respect to the present, her life project remains essentially the same, except for having mutated around ‘reunification’ since her oldest son, a 14-year-old teenager, decided to return as he was not able to adapt at school and asked to go back to his father and friends. There are two substantial points here: First, she enjoyed the possibility of traveling to Ukraine to take him to his father and return, a matter that I will detail in the determinants section. Second, *reunification* as such, given that, initially, being together with their families is not an obstacle for Ukrainians under the temporary protection regime because all family members, even those spouses who are not Ukrainian nationals, fall under protection collectively.

Here surfaces a flaw in the Directive and in its titular purpose of being ‘temporary’. Those who have been granted that sort of protection have a six-month limit before other family members can join them, or else they must meet all of the migratory requirements of a usual family reunification, including income requirement and fatiguing delays²²¹. The NIBR report underscores that, at least in 2022, one out of four respondents had a spouse who remained in Ukraine and more than 60% reported having parents or other close family members still in the country²²². Not less important, about one third said that they planned or hoped that additional family members could come to Norway²²³.

This suggest that, for some, it may occur a transition to another legal regime which has been vastly criticized for its restrictiveness as a consequence of the short-minded scope of the European Union Temporary Protection Directive²²⁴. Hathaway (2021) has been one of the scholars touching upon ‘family reunification’ within the framework of refugee’s rights, noting that Northern states virtually decline family unity to refugees awaiting determination of their status since the most beneficial European standards are openly excluded during that period²²⁵.

²²¹ See UNHCR, *Family reunification*, 2022, <https://help.unhcr.org/norway/applying-for-family-reunification/>

²²² Supra, note 24, p. 11.

²²³ Ibid.

²²⁴ See supra, note 179, pp. 07 and 08.

²²⁵ Supra, note 128, p. 666.

In sum, family-based life projects of refugees in Norway, including Ukrainians temporarily protected, has potential limitations set up²²⁶.

Cultural life project

On the other hand, the interview with participant 7, whose life project is of a cultural nature, was the most challenging but also tremendously enriching. The data suggests that this life project was the most vivid, palpable. Since early ages the participant had been a dancer and singer, and always dreamed of a life as an artist. For reasons of family pressure and concerns about “stability” in the future, she decided to study medicine. Yet, the participant never gave up on passion, but in fact integrated it by engaging in entrepreneurship and established a preventive medicine center where dancing was involved as a method. In parallel, she continued to dance. The participant’s words are an almost literal reflection of the doctrine’s and IACtHR’s understanding of the ‘spiritual’ dimension of the human being, from which the life project springs²²⁷: “ever since my childhood, art was *what my soul wanted*”²²⁸ (Emphasis added). So tangible is the fidelity to the project that today the participant works as a dance instructor in a sports center and takes part in cultural activities of the Ukrainian community in Oslo²²⁹.

The toughest part of the conversation did not come until I asked her the questions related to the disruption of her life project due to forced displacement and to its current situation. At that stage, the participant turned somewhat emotionally unstable and challenged this research:

²²⁶ In all fairness, while this might be the case for a regular family reunification process, IMDi seems to consider ‘family unity’ in their current settlement distribution. Two of the interview participants declared that they received an offer in Oslo after having requested it motivated by counting with family or acquaintances in the Norwegian capital. At the same time, two other participants said that potential professional opportunities were disregarded by IMDi to be placed in Oslo.

²²⁷ Supra note 59.

²²⁸ Interview with participant 7, min. 9. In fact, as per the word frequency counter, the participant mentioned the word “soul” more than 10 times during the interview.

²²⁹ Hathaway (2021) remarks that “Refugee associations may alternatively play a role in preserving values and elements of identity of the refugee community within the context of a dominant host culture – for example, language, family structure, and religious beliefs”. See supra, note 128, p. 1050.

“Life project? My soul is broken, people are dying, so what life project? I forgot about all of that! (...) How could I think of dancing when so many people die? Children are dying!”²³⁰

Given the level of distress, I opted to stop recording and relieve the participant from additional pressure. Rather, I offered her to disregard the whole interview and just have an informal dialogue about “survivor’s guilt”²³¹ and how her life project could actually be of use in times of a war where *culture* happens to be not collateral damage but a genuine target²³². That chat lasted almost one extra hour, with many interesting inputs that unfortunately are off-record. The critical thing is that it reassured the participant, who then took the initiative to resume with the interview. After confirming, I decided to continue but omitting any other possibly triggering question. The interview ended excellently, with the participant thanking for the “empathy” and showing her support for the project and for the draft concept:

The concept is inspiring, helps to remind your identity, what you are inside, what your soul wants. Now I feel like a cultural soldier (...) Still in war people need to save their own dreams, what makes you wake up every day with something to live for. So, yeah, this is a very important concept²³³.

The participant transformed, in few minutes and by her own reasoning, her opinion on the life project as a presumably selfish and useless concept in the context of war, to seeing it as a ‘weapon’ to safeguard a Ukrainian culture never so jeopardized. This delineates the great empowering capacity that the concept could have for the forcibly displaced population if it was sufficiently known among them and, better still, if it was recognized for them as a human right.

²³⁰ Supra, note 228, min. 79.

²³¹ Survivor’s guilt is defined by Cambridge’s dictionary as “difficult and painful feelings caused by the fact that you are still alive after a situation in which other people died”, <https://dictionary.cambridge.org/dictionary/english/survivor-guilt>. There is abundant research on the survivor’s guilt of refugees, see, e.g., Jacinta Goveas, and Sudharshana Coomarasamy, “Why am I still here? The impact of survivor guilt on the mental health and settlement process of refugee youth”, *Youth and mental health: Hope, power, and resilience*, ed. S. Pashang, N. Khanlou, and J. Clarke, 101–117 (New York: Springer International Publishing, 2018), https://doi.org/10.1007/978-3-319-64838-5_6

²³² That what is at stake is not only the material cultural heritage being destroyed in Ukraine, but the very *national identity* that Russia is reportedly trying to eradicate. See, e.g., Isabelle Mandraud, “Russia’s war in Ukraine is also a culture war”, *Le Monde* (2023), https://www.lemonde.fr/en/opinion/article/2023/06/03/russia-s-war-in-ukraine-is-also-a-culture-war_6028932_23.html

²³³ Supra, note 228, min. 94.

Professional life project

Whilst there is no record of similar striking quotes in the transcripts connected to a particular life project of professional nature, still more than half of the participants stated that their “work” was the crucial element for their future aspirations. “Work” was as well within the most frequently spoken words in the interviews. Moreover, when answering about the motives for (forcibly) choosing Norway over other European options, six out of eight interviewees referred to factors as “good conditions for refugees” or “good quality of living” that involved, amid other things, good working conditions.

Professional development is one archetypical life project. In IACtHR’s jurisprudence, *Cantoral Benavidez v. Peru* (2001) was a milestone. The case’s judgement accounts that the events dramatically altered the course that victim’s life would otherwise have taken, “it prevented the victim from fulfilling his vocation and his potential with regard to his preparation for his chosen career and his work as a professional. All this was highly detrimental to his ‘life project’”²³⁴. When ‘dreaming’ of becoming ‘something’, spending decades of training for that, work can indisputably acquire an existential value. As explained by Quintana García (2021), in the case of Cantoral Benavidez work is the material basis where one finds not only the break of the victim, but also a chance for the victim of restarting a life project or obtaining the conditions to move to a similar one that was correspondent with his expectations, vocation and potential²³⁵.

The right to work is categorically recognized both in the 1951 Conventional regime, for refugees that are lawfully present or staying²³⁶, as in the EU Temporary Protection Directive²³⁷.

²³⁴ IACtHR, *Cantoral Benavides v. Peru*, Reparations and Costs, 2001, para. 60, https://www.corteidh.or.cr/docs/casos/articulos/seriec_88_ing.pdf

²³⁵ Luis Quintana García, “Configuración del daño al proyecto de vida en el Derecho del Trabajo: sus aportes desde la jurisprudencia de la Corte Interamericana de Derechos Humanos y la doctrina y jurisprudencia peruana” [Configuration of the damage to the life project in Labor Law: its contributions from the jurisprudence of the Inter-American Court of Human Rights and peruvian doctrine and jurisprudence], *e-Revista Internacional de la Protección Social* 1 (2021): p. 422, https://institucional.us.es/revistas/Prot_Social/6_1_2021/Art_19.pdf

²³⁶ *Supra*, notes 135-137.

²³⁷ *Supra*, note 166, art. 12.

What is more, as reminded by Hathaway (2001), there seems to have been a clear awareness of the drafters of the Refugee Convention that there were few rights more central to their self-sufficiency than the right to work: “without it all other rights were meaningless. Without that right no refugee could ever become assimilated in his country of residence”²³⁸.

In Europe, around two thirds of those who had been in paid work in Ukraine before the start of the war found a job in the host country during 2022²³⁹. That share is far from the state of affairs in Norway, as less than 10% were employed by the end of last year²⁴⁰. Nevertheless, this gap needs to be interpreted in context. Already before the Ukrainian migration crisis, the refugees in Norway took longer to enter the labor market compared to those in other Nordic countries; and this is not necessarily something negative.

A joint report by Norwegian, Swedish and Danish researchers from 2020 concluded that, although refugees in Denmark find work faster, employment rate among refugees ends up being higher in Sweden and Norway over the upcoming years, the latter being even sizably better at finding jobs for female refugees²⁴¹. The reason inferred by the study is that greater economic benefits in Norway allow refugees to complete their introductory course and acquire the adequate level of Norwegian required to enter the formal market without being urged to get ‘whichever’ job²⁴². These conditions have been maintained with the mass influx of Ukrainians. Thanks to this, updated data exhibits that, for example, only 30% of Ukrainian refugees have been settled through the Swedish Migration Agency while in Norway the count exceeds 90%²⁴³.

²³⁸ That is a quote from the representative of the United States of America at the Plenipotentiaries Conference. See supra, note 128, p. 946.

²³⁹ Supra, note 163.

²⁴⁰ IMDi, *Integration indicators – Status and trends in 2023*, 2023, p. 55, <https://www.imdi.no/globalassets/dokumenter/indikatorer-status-og-utviklingstrekk/hvordan-gar-det-med-integreringen-i-norge-2023-.pdf>

²⁴¹ Vilde Hernes et al, “Nordic integration and settlement policies for refugees”, *Nordic Council of Ministers*, 2020, p. 12, <https://nordicwelfare.org/wp-content/uploads/2020/04/Nordic-integration-and-settlement-policies-for-refugees-1.pdf>

²⁴² Ibid, p. 13.

²⁴³ Helle Lyng Svendsen, “Vil kutte i støtten til ukrainske flyktninger: –Vi er nær smertegrensen” [Will cut support for Ukrainian refugees: –We are close to the pain limit], *Nettavisen* (2023), <https://www.msn.com/nb->

In parallel, the initial employment rate is currently being scandalized by a segment of Norwegian politicians who are asking to reduce the economic benefits together with the period of the introductory course and language training in order to push refugees to work faster and also to deter future refugees to prioritize Norway over the neighboring countries²⁴⁴.

That sector is omitting facts, misleading the discussion, avoiding an ideal solution and potentially hindering local growth. It is omitting the findings of the Nordic Council of Ministers that demonstrate the method is fruitful in the long-run. It is misleading the discussion too by insinuating that Ukrainian refugees are (forcibly) deciding on Norway for the economic benefits and not for the ultimate stability that it conveys, as claimed by the Fafo Institute for Labour and Social Research²⁴⁵; and with validation from the interviewees' responses related to motives of coming to Norway. It is also avoiding an ideal solution by promoting a reduction of Norwegian benefits for refugees instead of encouraging an increase of such benefits across the Nordic countries applying an 'all-for-the-bottom' logic condemned by Fafo²⁴⁶. Lastly, it is potentially hindering local growth that would result from well-prepared refugees who can professionally repay the investment made by the state in them; an element in which I will elaborate later aware of projections indicating a non-temporary stay.

This is no attempt to contradict the goal that refugees should work as soon as possible, but there are middle-ground solutions such as increasing job skills in the introduction program that will lead them to reach adequate jobs²⁴⁷ and, ideally, in line with their professional profiles.

[no/okonomi/nyheter/vil-kutte-i-st%C3%B8tten-til-ukrainske-flyktninger-vi-er-n%C3%A6r-smertegrensen/ar-AA1jDzum?ocid=socialshare&cvid=219c957598c44707b691149a042e0d4d&ei=10](https://www.imdi.no/okonomi/nyheter/vil-kutte-i-st%C3%B8tten-til-ukrainske-flyktninger-vi-er-n%C3%A6r-smertegrensen/ar-AA1jDzum?ocid=socialshare&cvid=219c957598c44707b691149a042e0d4d&ei=10)

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ This, indeed is a recent proposal from the government. Cf. IMDi, 2023, <https://www.imdi.no/om-imdi/aktuelt-na/regjeringen-vil-fa-ukrainere-raskere-ut-i-jobb/>

There are two things to bear in mind in this sense. First, the group of refugees coming from Ukraine has a high level of education which, as a general rule, requires a proficient level of Norwegian for a professional performance²⁴⁸. Additionally, circling back to the life project, ‘whichever’ job would not please the existential threshold to be considered a life project; it has to be a one that is “fulfilling their vocation and their potential with regard to their preparation for their chosen career”²⁴⁹. It is not a coincidence that other studies reveal that dissatisfaction among the refugee population tends to be proportional to their educational level: Recurrently, the most dissatisfied are the most educated²⁵⁰. That niche with professional ambitions are not merely satisfied with a job, not even one with a good salary, but with a job they find meaningful.

Here follows a closer look at the perspectives of the interviewees. Participant 1 is a master’s degree holder who aims to be a language teacher and, at some point, reach a position in the school management; participant 2 just started a bachelor in architecture before the war began, and she is so attached to that aspiration that rejected a settlement offer in the north of Norway to take a place that she received at a program for refugees from the University of Oslo; participant 3 was a successful journalist working as reporter for a national television network; participant 6 wanted to be a renowned chef, and he was previously on track with a job as sous-chef; and participant 8 is a coffee enthusiast whose dream was to own a café, for which he was saving money. Those are reasonable, specific, attainable goals consonant with their interest and with years of vocational, financial or other sort of preparation—which is IACtHR’s criteria²⁵¹.

Drawing further patterns, “Norwegian”, as “work”, was high in the frequency word-ranking of the interviews. Indeed, four of those five participants declared that ‘language’ was one the current obstacles for pursuing their life projects, and criticized that the so-called “fast-track” language course was just not enough for them to aim for a local professional placement.

²⁴⁸ See supra, note 196.

²⁴⁹ Supra, note 234.

²⁵⁰ Supra, note 108, p. 2390.

²⁵¹ Supra, notes 56 and 234.

A reduction of the language offer for forcibly displaced Ukrainians is only a “fast-track” for a collision with their right to a life project of professional kind. As articulated by Edwards (2005), the right to work is particularly important to refugees and asylum-seekers “as means of survival and as a contribution to their sense of dignity and self-worth. It provides with an opportunity to participate in and contribute to their host community, while improving language and other skills” (Emphasis added)²⁵². Benefits of this opportunity would be incomplete if the refugees are pressured to take ‘whichever’ job, likely with low wages and in workplaces where no one speaks the local language, as it happens in other Nordic countries²⁵³.

As if the arguments were not plentiful at this point, when answering the question “if you could ask one thing from the authorities for supporting your life project, what would it be?”, half of the interviewees answered with a request regarding the extension of the Norwegian course. For two of those requesters it makes special sense, as participants 3 and 6 asserted that their life projects have now evolved towards certain type of cooperation between Ukraine and Norway. Participant 3, the journalist, is now undertaking a project for a bilingual digital tool that serves a dictionary and that could also provide with supplementary aid for migrants coming from Ukraine, helping them to learn the language and adapt faster. Meanwhile, participant 6, the cook, is researching about market opportunities for importing agricultural products that could also be used in his future own restaurant. They have both developed a ‘binational’ kind of life project²⁵⁴. Thus, the way how forced displacement can produce a breeding ground for ‘substitute’ projects will be tested within the determinants of the life projects.

²⁵² Alice Edwards, “Human Rights, Refugees, and the Right ‘To Enjoy’ Asylum”, *International Journal of Refugee Law* 17:2, 2005, p. 293, <https://academic.oup.com/ijrl/article/17/2/293/1548262?login=true>

²⁵³ Supra, note 243.

²⁵⁴ The concept of a “substitute” life project has been explained supra, note 101. As a reminder, it may happen that the personality of the victim, despite frustration to the original project, manages to overcome the consequences generated by the damage and finds a substitute, a new way of living with a new existential meaning.

At this point, the arguments for supporting the means to chase a professional life project are definitely plentiful. But, perhaps, the most persuasive pitch for the authorities is one found among the testimonies of the displacement victims. On top of the prospective benefits for their own life projects, even for those with a binational scope now, participant 8 commented:

I would ask Norway to invest more in us. I think Norway is making a mistake. It is not a secret that most of us are professionals, hardworking, but there is no plan for us in the future. I asked some parliamentarians that visited us in the introduction program, they don't know what is going to happen with us. They will be wasting the help that they have given us if they don't allow us finish our course and, eventually, to stay and work²⁵⁵.

It is sad that the same participant is one of the group that admitted not feeling in the capacity of pursuing a life project at the moment. In this particular case, participant 8 explained that the apparent impossibility is because he has had no other option than using almost all of the savings for the café to sustain himself in Norway and for helping his family back in Ukraine. The participant has tried to find a professional position to avoid expending those funds, yet the job search has been hopeless: "I thought that it would be easier for an English-speaker, for an IT professional like me to find a job. Not at all. It is very hard to get a professional job in Norway as a foreigner"²⁵⁶. The life project is the participant's solution, his well-founded hope.

The Norwegian state shall adopt a 'win-win' approach as advised by participant 8. The life project of refugees is at stake, and authorities on the one hand have been reproofing for decades mixed-motives of asylum seekers promoting, citing Bailliet (2003), "the stereotype of the refugee as a drain on society rather than an active participant"²⁵⁷. On the other hand, the same authorities are now hurrying forcibly displaced Ukrainians to become a member of the economically active population at any cost without letting them prepare and actually make the most of their capabilities for the benefit of themselves, their life projects, *and* society as a whole.

²⁵⁵ Interview with participant 8, min 48.

²⁵⁶ Ibid, min. 30.

²⁵⁷ Supra, note 148, p. 158.

Evidence of the correlation between economic progress and refugees is vast. As a matter of sample, for Betts and Collier (2017) refugees must not be perceived “only as a humanitarian issue but also as one of development”, and point at prosperous cases that the scholars have studied from Uganda²⁵⁸; for Foster (2023), states should consider that one of the key objectives of the 2018 Global Compact on Refugees was “to foster inclusive economic growth for host communities *and* refugees (...)” (Emphasis added)²⁵⁹. If accomplished properly, that growth could be accompanied by a guarantee of the human right to a life project for numerous refugees that find their existential purpose in their dream job²⁶⁰.

3.2.2 Determinants of the life projects

The discussion of the three types of life project reflected in the interviews included, up to certain degree, a complementary treatment of their specific determinants. As anticipated, determinants are understood hereby as those factors that provide prominent advantages and/or disadvantages to the life project or that completely condition its materialization and enjoyment. The responsibility for these factors is shared by two, in some sort of symbiotic relationship: by the cause of the damage to the life project, forced displacement, and by the Norwegian state as the recipient of Ukrainian refugees and the duty bearer of human rights. It is a co-responsibility because part of these factors that are directly caused by forced displacement are managed in one way or another by Norway; and another part is independent of displacement and lie in the Norwegian migration system or in the Temporary Protection Directive that this system applies.

²⁵⁸ Supra, note 142, p. 30.

²⁵⁹ Supra, note 150, pp. 15 and 16.

²⁶⁰ In that same vein, Skran and Easton-Calabria (2020) are calling policymakers to not overemphasize economic aspects and think of self-reliance more broadly than mere economic independence by observing sociopolitical factors. See Claudia Skran and Evan Easton-Calabria, “Old Concepts Making A New History: Refugee Self-Reliance, the Livelihoods and the ‘Refugee Entrepreneur’”, *Journal of Refugee Studies* 33:1, 2020, p. 5, <https://academic.oup.com/jrs/article/33/1/1/5819371?login=true>

In total, four main codes were identified within the transcripts that embody cross-cutting determinants for any kind of life project, namely: (Non-)discrimination; the feeling of being stuck between a nostalgia for the past and an uncertainty about the future; the privilege to visit Ukraine; and the potential use of the draft concept for a life project in the context of forced displacement. The findings follow below.

(Non-)discrimination

The previous migration crisis that Europe faced before the Ukrainian was eight years ago, when Syrians were forced to leave their country also by the millions and due to complex war causes. Among the several reflections left by that wave of refugees was the treatment they were given by state agents and by the receiving societies. The 2015-2016 “Shadow” Report from the European Network Against Racism registered that, in that period, politicians, media commentators and social media users delivered anti-immigrant policies, statements and racist hate speech particularly towards Muslim migrants that still today are remaining in impunity and truncating their integration process²⁶¹. The response was not utterly exceptional in Norway, as recently published studies prove that a portion of Syrian refugees have not only perceived a discriminatory treatment in different levels of society, but that such behavior impact their chances of suffering post-traumatic stress disorder (PTSD) symptoms²⁶².

Without making direct comparisons for the moment, the record of the above-mentioned manifold racist acts motivated including in this research’s interview guide a question related to the perception of discrimination as a possible obstacle to the life projects of Ukrainian refugees.

²⁶¹ The European Network Against Racism, *2015-2016 “Shadow” Report on Racism and Discrimination Against Migrants*, 2016, p. 3, https://ec.europa.eu/migrant-integration/sites/default/files/2017-05/shadow-report_2015x2016_long_low_res.pdf. Additionally, if seen meticulously, one can notice that IMDi’s 2022 annual report states that, at the end of 2021, 40% said that they wanted to receive more refugees, which is 20% less than in the measurement of March 2022, just after the Ukrainian war started. See supra, note 192, p. 63.

²⁶² Esperanza Diaz, “Perceived Discrimination and Mental Health Among Syrian Refugees in Norway: A Cross Sectional Study”, *European Journal of Public Health*, 33:2 (2023), <https://doi.org/10.1093/eurpub/ckad160.900>

It was a (pleasant) revelation that none of the Ukrainian participants selected this option as one of their current problems. Just participant 1 mentioned that she had occasionally felt a slight disdain for not speaking Norwegian to customers in her job as a waitress, but did not consider it an impediment for her life project. Comparisons then become inevitable, and the participants' opinions are harmonized with academic and institutional findings.

Numerous scholars have been quick in trying to grasp what are the reasons that justify a selective solidarity. While non-Ukrainian refugees are even offered assaults, the new arrivals not only have immediate protection, but enjoy social or corporative benefits ranging from free use of public transportation to get to know their host cities, telephone and internet services to keep communication with their families, or even visits to the zoo for the children that leave their peers of other nationalities improvising toys in reception centers²⁶³. The causes, each deep enough for independent studies, lie in the concept of 'otherness' carrying multiple prejudices that do no harm to Ukrainians who are seen as locals, white Europeans, with education and common values. Moreover, there is much more sympathy for an invasion that all Europeans can relate to than for a distant, confusing 'civil' war in Syria²⁶⁴. Personal and also political causal links to the benevolence for the Ukrainian struggle become tangible.

For the nature and drives of this thesis, it is necessary to underline that there too are legal links. Alsbeti (2023), for instance, argues that the response to the Ukrainian crisis is proof that the international community has made a targeted application of international and refugee law in a manner that is unjust *and* unlawful towards other migratory crisis of the same scale²⁶⁵.

²⁶³ Addie Esposito, "The Limitations of Humanity: A Differential Refugee Treatment in the EU", *Harvard International Review*, 2022, <https://hir.harvard.edu/the-limitations-of-humanity-differential-refugee-treatment-in-the-eu/>

²⁶⁴ Ibid.

²⁶⁵ Deanna Alsbeti, "A Double Standard in Refugee Response: Contrasting the Treatment of Syrian Refugees with Ukrainian Refugees", *Human Rights Brief*, 26:2 (2023): p. 76, <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2032&context=hrbrief>

In contrast, it is worth recalling Goodwin-Gill and McAdam's words clarifying that the European Temporary Protection Directive is not a legal but a *political* instrument²⁶⁶. This provides with a political extenuating circumstance for a legal scaffolding that gets away with a systemic discrimination in imperative need of reform. Bailliet (2018) has scrutinized in full this legal framework intended to protect all sorts of forcibly displaced people against racism, xenophobia and other discriminatory practices, concluding that "[T]here are contradictions and overlap among the various normative instruments which render the articulation of a universal standard opaque at present"²⁶⁷. Subsequently, she calls for adopting a coordinating new protocol to the UN Convention on the Elimination of Racial Discrimination which would categorically address all forms of xenophobia against all forcibly displaced people²⁶⁸. That is a pending debt.

It is purely positive that forcibly displaced Ukrainians that have settled in Norway and in the rest of Europe do not feel discriminated against, as this would certainly be a determinant of their integration and also to their capability to live a purposeful life in their host society, regardless of their type of life project. Nevertheless, it should not be forgotten that the overarching objective of this thesis is to shed light on the damage to the life project experienced by *all* those who go through a situation of forced displacement and uprootedness.

In the local setting, many organizations have criticized the ever-so-palpable double standard in the reception of those forced to flee. The Norwegian Red Cross, as a humanitarian agent, was one the first that openly declared that the national and municipal authorities were creating an "A team and a B team" among refugees following the arrival of Ukrainians²⁶⁹.

²⁶⁶ Supra, note 161.

²⁶⁷ Cecilia Bailliet, "Protection of Refugees, Returnees, Migrants, and Internally Displaced Persons Against Racism, Xenophobia, and Discriminatory Practices", *Brazilian Yearbook of International Law*, 2018, p. 16, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3481195

²⁶⁸ Ibid, p. 25.

²⁶⁹ Bernt Apeland, "Norge lager classeskille blant flyktninger" [Norway creates a class divide among refugees], *NRK* (2022), <https://www.nrk.no/ytring/norge-lager-classeskille-blant-flyktningene-1.16113357>

Even one of the interviewees, a participant who stayed at a reception center, thanked Norway for all the benefits received whilst protesting about a differentiated treatment: “Syrians, for example, they never received as much as we do. That is unfair”²⁷⁰.

It goes without saying, it is never a question of promoting an ‘all-for-the-bottom’ logic that has been already condemned²⁷¹, but rather that this precedent should serve to underpin the principle of progressive realization of human rights²⁷², and that the treatment given to the Ukrainian population becomes the bare minimum in the measuring rod for the reception that *all* refugees should receive, without discrimination²⁷³. Regrettably, at this time the warnings of Shklar (1984) are still alive: “We have learned to shrug our shoulders at massacres, especially those of peoples we callously despise as racially or culturally inferior to us, but we react to those that occur in our own cultural orbit (...) that reveals not only our capacity for cruelty but also a myriad of self-deception and hypocrisy”²⁷⁴.

Stuck between nostalgia and uncertainty

Kate Ogg (2022) asserts that a common theme in refugee chronicles lies “in the links between the past, present and future. Many refugee memoirs address the tension between looking to the future in their place of refuge and not being able to leave their past behind them”²⁷⁵.

²⁷⁰ Interview with participant 4, min. 58.

²⁷¹ See supra, note 246.

²⁷² As explained by Olivier De Schutter, this principle imply that not only must policies in place not violate human rights, but, in addition, policies must be put in place explicitly in order to make *progress* towards fulfilling them. See “The Progressive Realization of Human Rights and the Obligation to Fulfil”, *International Human Rights Law: Cases, Materials, Commentary*, 461–512 (Cambridge: Cambridge University Press, 2010). DOI:10.1017/CBO9780511779312.006.

²⁷³ This should also teach Ukrainian society a lesson. According to the last World Values Survey, there was an increase in xenophobia in the results for Ukraine. The share of those who did not want to live next door to immigrants went from 19% in 2011 to 27% in 2020. See World Values Survey, “Ukraine in World Values Survey 2020”. *Ukrainian Centre for European Policy*, 2020, p. 79, https://ucep.org.ua/wp-content/uploads/2020/11/WVS_UA_2020_report_ENG_WEB.pdf

²⁷⁴ Judith Shklar, *Ordinary Vices*, (Cambridge: Harvard University Press, 1984): p. 43.

²⁷⁵ Supra, note, 102, p. 36.

In this case, the fresh memories of the interviewees are not an exception. The manifestation of their “tension” across time has been expressed around the idea of ‘uncertainty’. The frequency counter reflects that words and phrases like “I don’t know”, “maybe” and others that denote hesitation, often intertwined with future scenarios, were the most employed. Even more outstanding, in contrast with none of the participants choosing discrimination as an obstacle for their current life projects, the totality of them selected “uncertainty” as the biggest disadvantage. Worse, due to that obstacle, six of them do not feel able to pursue a life project nowadays.

Their feelings are heart-rending: “Long-run planning simply makes no sense after the war”²⁷⁶; “I used to have so many plans, now it scares me to plan beyond one year”²⁷⁷; “I feel like my life is on pause now”²⁷⁸; “I am an adult, doesn’t that mean that I can take my own decisions? Here I always need to wait for someone else”²⁷⁹; “The only thing we hear is ‘wait, wait, wait’. It makes you feel that you have no control over your life”²⁸⁰; “It’s been almost two years already and I’m still sitting on my backpack”²⁸¹...

Although the origin of these feelings can only be attributed to their country’s invasion and the forced displacement that derived, there is evidence in their testimonies that not all the emotional and spiritual effects were ignited in the past. The present lack of control, constant waiting and privation of stability after 21 months are now a co-responsibility of the authorities in charge of their protection. Uncertainty may be a constant in all refugee memories, however breaking the temporal tension entails external incentives absent today. None of the participants regret leaving Ukraine, but only two of them dared for the time being to say that they would ‘marry’ Norway and live happily ever after. For the remaining six, they have so far only had a bittersweet long first date with a state that has commitment issues and cannot make any promise.

²⁷⁶ Interview with participant 1, min 60.

²⁷⁷ Supra, note 1, min. 16.

²⁷⁸ Ibid, min. 40.

²⁷⁹ Supra, note 220, min. 36.

²⁸⁰ Supra, note 228, min.14.

²⁸¹ Supra, note 255, min. 50.

It would further disrupt them to be acquainted with historical facts regarding the fragile stability that Norway provided to Kosovo Albanian nationals that were also under temporary protection, coming for analogous *forcibly* warfare reasons, and were later *forcibly* returned by the authorities²⁸²; or to other groups of migrants that, having been granted with citizenship, were targeted by caseworkers digging in their fields searching for grounds to withdraw their Norwegian nationality²⁸³. Stability in Norway is fictional and this has to stop, as UNCHR has repeatedly requested in its recommendations²⁸⁴. In the interests of this research, ‘uncertainty’ is the absolute contraposition of a time horizon that serves as the canvas to draw a life project.

From this multiplicity of factors, the outcome is a “life in limbo” that is common to all forcibly displaced persons but which ends up aggravated in a position of temporary protection, as it has been argued in Section 3.1.1. The literature on this unfortunate lifestyle is abundant, multidisciplinary, and geographically distributed: from refugee studies positing that a way out of limbo is one of the solutions that should be entitled to those in situation of displacement²⁸⁵; to long-standing Canadian human rights reports detailing a multi-layered impact that restrict refugee’s family unity, mobility, access to services, etcetera²⁸⁶; including measurements of the socio-economic repercussions of limbo in France, showing a diminish willingness of victims to invest in country-specific human capital, such as language and friends, or to seek recognition of their qualifications or skills²⁸⁷; and also Norwegian mental health studies with recent data that illustrate how the state of liminality breaks down the people’s basic sense of a “continuity” and a “predictability” that characterize the psychological habitual manner of experiencing time.

²⁸² Supra, note 204.

²⁸³ Supra, note 267, p. 23.

²⁸⁴ Supra, note 179.

²⁸⁵ Supra, note 173.

²⁸⁶ Canadian Council for Refugees, “Refugees in Limbo: A Human Rights Issue”, *Issues and Resources*, 1999, <https://ccrweb.ca/sites/ccrweb.ca/files/static-files/limbo.htm>

²⁸⁷ Olena Havrylchyk and Nadiya Ukrayinchuk, “The Impact of Limbo on the Socio-Economic Integration of Refugees in France”, *Ifo Institute*, 3:15, 2017, p. 11, <https://www.ifo.de/DocDL/dice-report-2017-3-havrylchyk-ukrayinchuk-october.pdf>

The conclusions of the latter research deserve verbatim quoting, as it is unwittingly describing the damage to the life project revealed in the interviews of this thesis:

Prominent findings were *loss of future directedness*, feeling of being imprisoned or trapped, disempowerment, passivity and development of a negative view of self, memory disturbances with difficulty of placing oneself in time and space, disruptions of relations, *and a feeling of loss of developmental possibilities (...)* An insecure and undefined present made them *unable to visualize their future* and integrate the future in their experience of the present²⁸⁸ (Emphasis added).

Together with the anticipable limbo topic, the interviews brought to the surface an unexpected issue concerning the self-identification of the participants. In some occasions, they reacted to questions that implied or directly addressed them as refugees, namely: “First of all, I don’t identify as a refugee. I am under collective protection, that’s all. I get a weird feeling when people call me a refugee”²⁸⁹; “I remember, when waiting at Råde, that people started to discuss if we were refugees. We were all scared of that word, it has a negative connotation. I mean, it was something we only saw on the news (...)”²⁹⁰. Technically speaking, participant 1 is not mistaken as a ‘beneficiary’ of the EU Directive is not equivalent to a refugee²⁹¹. Deep down these phrases portray an ‘identity crisis’, a common corollary of displacement that was discussed before when Suárez Rivero qualified it as a “second violence”, occurring when the victims result uprooted and lost in an abstract context with which they are supposed to relate²⁹².

It is also interesting that, in parallel, participant 6 had embraced the ‘refugee tag’ after finding a “system loophole” to change his status from an “Au Pair Visa” to the Temporary Protection in which he found a comparable instability, but with bigger benefits as the “free” language course²⁹³. This exemplifies how the refugee’s past influence their present perception.

²⁸⁸ Mette Sagbakken; Ida Bregård; and Sverre Varvin, “The Past, the Present, and the Future: A Qualitative Study Exploring How Refugees’ Experience of Time Influences Their Mental Health and Well-Being”, *Front Sociol*, 5:46, 2020, p. 01, DOI: 10.3389/fsoc.2020.00046.

²⁸⁹ Supra, note 276, min. 64.

²⁹⁰ Supra, note 212, mins. 22-23.

²⁹¹ Supra, note 165.

²⁹² Supra, note 117.

²⁹³ Interview with participant 6, min. 35. N.B: He qualified for the interviews as he had only arrived to Oslo in November 2021 for an “exchange” working as Au Pair. Three months after, he was on holidays in Ukraine when the war started. Once returned, he discovered that there were no rules that prevented a change of status.

In a final calculation, the forced displacement of Ukrainians brings together not just two cycles of violence as Suarez Rivero suggested, but three: displacement, identity crisis and uncertainty. European and, in particular, Norwegian authorities should be liable for this third violence by not providing responses with a caducity date that transcends one year. This exacerbates all the damage detailed by limbo impact study²⁹⁴, counting too the inability to pursue any kind of life project. Not even someone with a strong and resilient personality could certainly procure a substitute project under these conditions²⁹⁵. Apropos, the words of participant 8 shall be re-stated: “I asked some parliamentarians that visited us in the introduction program, they don’t know what is going to happen with us”²⁹⁶.

Privilege to visit Ukraine

While views on the first two determinants were firmly leaning towards one side or the other, those on this particular determinant were entirely contentious. Building on the differential treatment between groups of forcibly displaced persons, one of the factors that emerged in the theoretical framework was that Conventional asylum seekers and refugees have pronounced difficulties, if not a virtual impossibility, to visit the country from which they have sought to be protected²⁹⁷, whereas the ‘beneficiaries’ of the European Temporary Protection Directive can do as many short visits as they wish without any fear that they would lead to the revocation of their status²⁹⁸. This is why such a possibility is best labelled as a ‘privilege’.

²⁹⁴ Supra, note 288.

²⁹⁵ Supra, note 101.

²⁹⁶ Supra, note 255.

²⁹⁷ According to UNHCR Cessation Guidelines, visits to the country of origin could only occur under “compelling reasons” and, even with those in place, the visit “would not *normally* suffice the application of this clause” (Emphasis added). See UNHCR, *The Cessation Clauses: Guidelines on their Application*, 1999, para. 21, <https://www.refworld.org/pdfid/3c06138c4.pdf>

²⁹⁸ Supra, note 167.

In this sense, a question was included to find out if the interviewees had enjoyed this privilege and if they believe it was useful for their integration²⁹⁹. As noted, here the audience split in two. Only seven of the eight participants responded (due to the distress of participant 7), and four of them, including the only two who had visited Ukraine since 2022, said that the privilege could have positive effects for integration; for the remaining three, it is potentially detrimental. No one assumed a neutral position.

Within the group of those who argue that integration is hindered, a couple of phrases that stood out are: “Some don’t work that hard to integrate because they know they can always go back”³⁰⁰; “Those that want to visit Ukraine don’t see themselves here”³⁰¹; “people are just misusing the possibility of going back. They want ‘the best of both worlds’”³⁰². The opposition was less outspoken, still participant 5 highlighted that, if it was not for that privilege, she would not have been able to take her own son back and personally ensure that conditions were good enough for him to stay. Moreover, participant 8, who is a man and cannot enjoy the privilege himself since martial laws would constrain him to stay, affirmed that the possibility was “very helpful” and recounted that his wife has used it twice. They both concur that visiting Ukraine “helps psychologically, it is an extra motivation to stay if you are able to go and see with your own eyes that things are not good. At the same time, you can also visit your family. All of that removes part of the nostalgia”³⁰³.

The perspective of that last participant, and slightly of the majority, is in agreement with the opinion of Jackson et al. (2013), who connect the determinants of being stuck in the past and having the opportunity of visiting the place from which one fled in a way that is worth seeing in their own words:

²⁹⁹ See Annex 2, question 18.

³⁰⁰ *Supra*, note 276, min. 36.

³⁰¹ Interview with participant 3, min. 37.

³⁰² *Supra*, note 293, min. 49.

³⁰³ *Supra*, note 255, min 55.

Irreversibility of time is intimately connected with the irreversibility of one's place of origin, and this entwined movement *through time* and *across space* proves perplexing to many migrants, who, in imagining themselves one day returning to the place from where they started out, forget that there is no transport which will convey them back into the past (...) Often it is only by going home that it becomes starkly and disconcertingly clear that one's natal village is no longer the same and *that one has also changed*³⁰⁴ (Emphasis in original).

It is now convenient to re-include another variable in the correlation: none of the interviewees regrets having left Ukraine, and that has not changed for those who have visited their country. Perhaps then, indeed, going back can be an 'eye-opening' moment conveying a way to crack the code of being stuck in limbo. And that might as well not be the solution for everyone. For instance, participant 3, who criticized those visiting Ukraine, shared: "At some point I had to change my phone's sim card, wallpaper and time zone. It was a difficult decision but I felt that I was not-there-nor-here"³⁰⁵. For her, the way forward was via putting back the past.

One more finding remains to be put into play, the participants who have molded their substitute life project in a binational shape³⁰⁶ (including participant 3) may well exploit this privilege for materializing their new dreams. For this group, UNHCR has identified the concept of "pendular movements", meaning moving back-and-forth from Ukraine, which they expect to be an exponentially growing practice by 2024³⁰⁷. Suitable enough, Carling et al. (2021) have proposed that an extension of 'transnationalism' could be reasonable as a migration alternative for the group of people who are neither 'migrants' nor 'not-migrants'³⁰⁸. This extension could too encompass those Ukrainians embarking the 'pendulum' for their lives and new life projects.

³⁰⁴ Michael Jackson et al, *The Wherewithal of Life: Ethics, Migration, and the Question of Well-Being*, (Oakland: University of California Press, 2013): p. 21, <http://www.jstor.org/stable/10.1525/j.ctt7zw54w>

³⁰⁵ Supra, 301, min. 39.

³⁰⁶ Supra, note 254.

³⁰⁷ UNHCR, *Ukraine Situation – 2024 Overview*, 2023, <https://reporting.unhcr.org/operational/situations/ukraine-situation#:~:text=Pendular%20movements%20between%20Ukraine%20and%20host%20countries%20are%20expected%20to%20continue.&text=UNHCR%2FVictoria%20Andrievska-.In%20Ukraine%2C%20the%20need%20for%20humanitarian%20assistance%20will%20remain%20enormous.people%20requiring%20multisectoral%20humanitarian%20assistance>

³⁰⁸ Jørgen Carling, Marta Erdal, and Cathrine Talleraas, "Living in two countries: Transnational living as an alternative to migration", *Population, Space and Place*, 2021, <https://onlinelibrary.wiley.com/doi/10.1002/psp.2471>

In any case, the polarization on this question requires expanding the study sample and replicate the measurement in subsequent periods to have more concise answers about the impacts on those going back home —and on all other forcibly displaced that cannot enjoy that privilege.

Usefulness of the life project in the context of forced displacement

After more than an hour on average of conversations about their former lives, about their biggest dreams and what they were doing to achieve them; after remembering painful steps of their involuntary journeys, after reflecting about their new lives under a refugee stamp, and of the current state of their existential aspirations; after all that, one topic remained on the agenda. At that stage of the interviews, where at least the essence of the right to a life project had become clear to them, I asked the participants to read with me the draft concept created in Section 2.2.1, delineating the general meaning of a life project to one applicable for the specific context of forced displacement. I requested them to take a few minutes to process it, to inquire if anything was still vague, and only then offer me their most critical feedback, emphasizing that it was simply a draft in need of their contributions to be improved.

The results were strongly encouraging for moving forward with this project. 100% of the participants stated that the concept resonated with their current circumstances, that they felt identified with it and that its implementation could be useful for refugees. Unfortunately, and despite my pressure, there were few corrections suggested. It would have been hard for me to believe in their honesty regarding room for improvement if it was not for the salient comments.

In the discussion of whether they felt identified with the draft concept, no one had so much enthusiasm as participant 2, cited in the introduction of the thesis when she said: “[B]efore this interview I had different feelings and thoughts about the integration process, but now I can say that those words, when I read them, well I said ‘*oh, that’s about me!*’” (Emphasis added)³⁰⁹.

³⁰⁹ Supra, note 1.

Her participation also pointed at the element of dignity: “(...) The human dignity, it reminds me that I am an independent part of this new community and that I have options to pursue my own passions”³¹⁰. It is interesting that the participant unlocked the connotation of dignity as the singularity, the core, of each person. Adding up, participant 7’s underlying sense was equivalent to that of participant 2, as she stated that the concept “helps to remind your identity, what you are inside, what your soul wants”³¹¹. The reiteration of the word “remind” echoes the concept’s wording of “recalling their human dignity beyond the current circumstances”. Lastly, the final participant also declared resonating with the life project by experiencing an existential void, “I am living a meaningless life”³¹². He and all interviewees deserve a human right that protects them from that sense of emptiness.

For the question of the concept’s potential use, which answers will take an influential part in the last chapter, participant 2 was again in sync with one of the concept’s predetermined intentions that is being a linguistic tool aiding the victims of forced displacement to articulate their feelings in a way that can be useful for demanding their rights: “Those words are the point, the center, the exact words that needed to be said *to describe how I feel and how I want to express myself if I talk to the government*”³¹³ (Emphasis added). Participant 5 stated that the materialization of the concept would “help for achieving a mixed society”³¹⁴, inferring that it comprises benefits for integration. Participant 6 referred to a different purpose: “People need to know life project is a right. I am surprised no one knows about it, that is why many give up”³¹⁵. His opinion crystalizes that the life project serves as well-founded hope that would prevent the victims from surrendering from their dreams; and it complements the view of participant 8:

³¹⁰ Ibid.

³¹¹ Supra note 233.

³¹² Supra, note 255, min. 63.

³¹³ Supra, note 1.

³¹⁴ Supra, note 220, min. 49.

³¹⁵ Supra, note 293, min. 63.

“[T]hose making laws needs to look from this perspective”³¹⁶, conjecturing that there should be a legislative path for the life project.

Wrapping up, it was illustrated that a concept for the life project in the context of forced displacement would comprise minimum four key functions: (i) recall the human dignity of the victims; (ii) articulate the victims’ feelings for their reassurance in the midst of uncertainty and for catalyzing action; (iii) better integration of the victims by procuring a higher self-satisfaction without discrimination; (iv) provide with a conceptual basis for crafting new laws and policies.

Finally, only participant 3, as an experienced journalist, suggested that the concept should have a simplified, “catchy” version for addressing general public; and participant 6 did not make a proper correction but observed that the right claimed in the concept was virtually incompatible under a temporary protection (as it has been extensively argued).

As a sub conclusion from the interview’s analysis, it has become evident that the extent to which the Norwegian state protects the right to a life project of forcibly displaced people is very limited. On the one hand, it applies by inertia the hierarchical structure of attribution of basic rights for refugees, worsened by temporary protection, which is clashing with the essence of the life project. On the other hand, it deliberately practices a regime of uncertainty that is permeating the identity, stability, vision of the future, and freedom of all those who are waiting for permanent answers, Ukrainians included.

If there is one ideal way to end this section, it would be to acknowledge that each of these testimonies has the substance to write a thesis on its own. Faced with the pragmatically impossibility of doing so, I seek hereby to defend what is their most differential feature from any other species, and, concurrently, the absolute common factor within their own kind: dignity.

³¹⁶ Supra, note 255, min 66.

Their dignity is not concerned neither with their status of protection nor with their provisional place of residence, it is merely concerned with being free and capable of using that ontological freedom to “phenomenologically” design projects reflecting its value fairly. This distinctive capability deserves the safeguard at the rank of any other human right; therefore I will end with a chapter outlining a roadmap for a ‘best’ practice to its recognition and defense.

4 Towards a ‘best’ practice for the human right to a life project in the context of forced displacement

Even before millions of Ukrainians were forced to seek refuge in neighboring European countries, Betts and Collier (2017) claimed that, while the continent was facing its greatest refugee crisis since the Second World War, the institutions and instruments responding to it had remained “practically unchanged from those created in the post-war era”³¹⁷. The international community cannot keep relying on a Convention from 1951, neither on a Directive dating from more than two decades ago, as epitome mechanisms to protect people fleeing from a well-founded fear of persecution *or* from war, violence, human rights violations or natural disasters.

All of the components surrounding the concept of ‘refuge’ have radically changed, the drivers of forced displacement, the subsequent varieties of people needing protection and, mostly, the consequences for receptors as well as providers of refuge. The outcome of failing to be updated is an era of protection *from* refuge³¹⁸. Still, one element is perpetually unalterable: Human dignity as the supreme aim of protection.

This research has been a purposeful attempt to enlighten the most insightful dimension of human dignity, particularly endangered under forced displacement, which is the life project. The life project is the ultimate mean for expressing our inherent dignity, which is our freedom.

³¹⁷ Supra, note 142.

³¹⁸ Supra, note 176.

I have discovered with frustration how multiple experts in refugee studies, in their efforts of providing solutions to modern needs of humans on the run, have been only a few steps away from realizing that the refugee's lack of drive has a proper name. They have surely come close—but not close enough—to understand that the harm inflicted to the freedom of those uprooted has a configuration of its own. This spiritual type of wounds has only been formally addressed in the Inter-American System of Human Rights. However, the Court judgements have also been unsuccessful tiding up connections between what they have called “damage to the life project” and the phenomenon of forced displacement.

The product of this thesis is one more step forward, but towards a dissimilar direction as I have analyzed the interplay between those variables hitherto unrelated. This novel step is most probably flawed and most certainly insufficient, since it was taken into the completely unexplored territory of the life project in the context of forced displacement. Nonetheless, as we have reached that realm, we have been able to discern its scope, which was the primary objective set for this academic voyage. And now we need to move further. We need to find out the inner paths of this field leading to remedies that are so far non-existent for forcibly displaced people. In this sense, any practice set in motion would immediately qualify as a ‘best’ practice. In other words, given the complete absence of a cure for this newly revealed damage, the best practice is a practice in the first place.

For these reasons, although the boundary of this study is very clearly established at the border of the unprecedented diagnosis, a number of ‘practices’ of diverse nature were identified throughout the research process that are worth listing briefly in order to lay a groundwork that encourages future investigations. A ‘roadmap’ to advance in the struggle of recognizing and safeguarding the right to a life project. In keeping with the interdisciplinary core of human rights issues and the life project itself, such roadmap incorporates, at least, three main paths: a legal path, a policy path, as well as a path of transitional justice and *jus post bellum*.

Legal path

One of the fundamental premises of this thesis is that the life project is a human *right*, as comprehensively argued in Section 2.2. As a right, the legal path is its path par excellence. So much so that it was indeed built in the legal sphere, standing on philosophical foundations. Admittedly, the legal path is also the steepest path. Even within the Inter-American System, where the right to a life project was first introduced to international human rights law, there have been discrepancies concerning the type of progress that this right should make; which has delayed its development, as disclosed by the late Judge Cançado Trindade, one of the greatest defenders of the life project's significance³¹⁹.

In any event, the legal path, more precisely the judicial path, left numerous precedents full of lessons. Among the most relevant is that the damage to the life project is an existential damage with a symptomatology that is independent of other damages to the person. It is about a spiritual damage that fragments human dignity by limiting the exercise of human freedom³²⁰. It is, irrefutably, a challenging concept to grasp, but with a value just so simple to resonate with.

Accordingly, the next useful lesson is pertinently a 'practical' lesson. IACtHR's jurisprudence has left no doubt that the right to a life project does not require any instrumental recognition for its protection. By virtue of the type of life project of the person affected, there are positively other human rights specified in one or more treaties, conventions, resolutions or other international legal instruments that enable the safeguard of the life project. What becomes indispensable is to begin counting the life project in the legal equation in order to calculate a proportional damage and reparation. No obstacles are in the way of other regional or national courts to follow IACtHR's example, also in the context of displacement. A bridge has already been assembled, as demonstrated at the end of Section 2.1.2 drawing from European litigation.

³¹⁹ *Supra*, note 72, separate opinion of judge Antônio Cançado Trindade, para. 2.

³²⁰ *Supra*, notes 59 and 60.

It is not excluded, in fact it is wished, that at some point the dissemination of the right to a life project will reach a high level in the global agenda and then, guided by the universal legal conscience³²¹, the adoption of a dedicated normative instrument will be promoted. As per now, IACtHR has ruled over 30 cases in which it has considered a damage to the life project dealing with facts and rights of a wide and assorted precedence, many of them cited throughout this research. There is solid case-law available for replication.

Though, an issue that has been little discussed hereby, knowing that the focus was on an analytical and not on a resolution stage, is the means of redress that the Court has dictated in the decisions of those cases. Fernández Sessarego anticipated the difficulties that a judge could face in determining the magnitude of a concrete harm to a person's life project as in establishing some appropriate reparations: "This is probably a problem that is impossible to solve with mathematical accuracy, a situation that is aggravated given both the characteristics of each human being as well as the individual importance of his or her life project"³²².

As a matter of fact, the life project is so complex and so 'invaluable', that in that first approach of *Loayza Tamayo*, in 1998, IACtHR did not dare to set any amount or any other satisfactory measure as reparation for its damage, alleging that there was absence of precedents in the field³²³. Fernández Sessarego differed with the Court, asserting that if it was possible to pecuniary satisfy an emotional damage, with greater cause it must be possible to do so in the case of damage to the project of life³²⁴. And it appears that IACtHR heeded, as it progressively integrated such satisfactory measures starting from 2001³²⁵.

³²¹ *Supra*, note 76, p. 144.

³²² *Supra*, note 40, p. 92.

³²³ *Supra*, note 13, p. 153.

³²⁴ *Supra*, note 61, p. 460.

³²⁵ *Supra*, note 234.

Nevertheless, those early judgments were not aimed at remedying forced displacement, and even the later ones that did address that type of harm are not akin to the Ukrainian crisis. For example, the last case where IACtHR discussed the life project was in 2020. There, the Court ordered, as in previous situations where indigenous communities had been removed from their ancestral lands, a *relocation* of the victims³²⁶. *Restitution* is the only reparation that can fully solve the total frustration of the life project of the uprooted. Or rather it is the most suitable first stage of a reparation that must be accompanied by a “redignification” of the victims, in the words of Suárez Rivero, with a subsequent reestablishment of the life project³²⁷. The difference is that the facts of all these cases have taken place in one single jurisdiction. In contrast, the responsibility for the displacement of the Ukrainian population lies neither with the state of origin nor with the receiving state, so ordering their relocation is not plausible³²⁸.

In light of these circumstances, although the legal path is paved for the life project, it does not seem to be the panacea for Ukrainians. At least not if the litigated fact is collective displacement. It is not discarded that national and international judicial instances may alleviate their harm in the light of breaches of their rights as refugees.

Likewise, also within the normative field, it should not be taken for granted that refugees should be entitled to “a way out of limbo”³²⁹, for “rights of solution”³³⁰. No refugee status, and obviously least of all under the EU Temporary Directive, is intended to be a permanent status.

³²⁶ Supra, note 63.

³²⁷ Supra, note 117.

³²⁸ While ordering “relocation” might not be possible for Norway, it is worth reminding that IACtHR claimed that states had to adopt positive measures to reverse the effects of their condition of weakness, vulnerability and defenselessness of forcibly displaced people, “including with respect to the actions and practices of private third parties”. Supra, note 111. IACtHR’s claims are they are not binding for Norway, but any state that is a genuine defender of human rights should aim for the most favorable standards.

³²⁹ Supra, note 173.

³³⁰ Supra, note 128, p. 1128.

As Hathaway claims, it is a surrogate protection to ensure the well-being and autonomy of persons compelled to leave their own country “*until and unless* national protection is again available to them”³³¹ (Emphasis in original).

In refugee law, the classic “durable solutions” are voluntary repatriation, resettlement to a third country and naturalization or local integration³³². Although repatriation is always on the table, and a few are estimated to use it³³³, the forcible causes that drove them out of Ukraine in the first place remain valid and show no signs of improvement. Resettlement may be required in states with a crowded reception, but it is never ideal because forcing the victims to start from scratch in third country is a submitting them to a new violence³³⁴. Therefore, this path leads to the conclusion that European states should provide rapidly, legally and not merely politically, an integration beyond the “temporary” scope to alleviate uncertainty and, in our interests, to fix objective conditions for (re)pursuing a life project. Studies and testimonies cited in this work highlight the urgent need to outdo the “one year at a time” protection regime.

In parallel, I share the same fear uttered by Costello and Foster (2022). For the scholars, any intense push to reduce, by legal means, the chasm in the “discretionary” treatment given to Ukrainian refugees vis-à-vis other ‘normal’ refugees could be casting a threat to the ‘generosity’ that underlies the positive discrimination³³⁵. For these grounds, a more conciliatory policy path should also be envisaged.

Policy path

³³¹ Ibid.

³³² See UNHCR, *Solutions*, 2023, <https://www.unhcr.org/what-we-do/build-better-futures/solutions>

³³³ Supra, note 307.

³³⁴ Supra, note 117.

³³⁵ Cathryn Costello and Michelle Foster, “(Some) refugees welcome: When is differentiating between refugees unlawful discrimination?”, *International Journal of Discrimination and the Law*, 22:3, 2022, p. 280, <https://doi.org/10.1177/13582291221116476>

In the context of forced displacement, a policy path towards a recognition of the life project is probably the broadest alternative. It joins interdependent tracks of migratory system, incentives for integration, cultural policies to change the perception of refugees, international cooperation, and more. Paying tribute to the contributions of the interview participants, the focus at this time will be put on making observations applicable to Norway and to Oslo, adding to the *extent* that they could protect the right to a life project.

A hot topic for integration is the settlement process, and it is also one of the initial steps. Putting aside any shortcomings, Norway has demonstrated a high shelter capacity having settled over 90% of Ukrainian refugees, well above its neighboring countries³³⁶. It is also positive that five of the interviewees felt included in the decision process, as they perceive that declaring to have relatives in Oslo was considered to be assigned to the capital. Although it is important to note that this might have been a mere coincidence, as all of them were settled in Oslo in the first instance, so none of them had a reason to complain.

In turn, two participants stated that, despite that they had some academic or professional opportunities in the city, their request was denied. One of them completed the introductory program and then moved back. The second case is that of participant 2, a 19-year-old girl who arrived from Ukraine alone and was sent to north Norway in spite of being accepted into the University of Oslo's refugee program. Notwithstanding her efforts to be reconsidered, she was ultimately rejected, contrary to others who got media attention³³⁷. But her testimony is a wonderfully tangible sign of the impetus that has a definite life project, for she renounced the state benefits to stay in the place where she was closer to her dreams.

³³⁶ *Supra*, note 243.

³³⁷ *Supra*, note 153.

It has been said to exhaustion that work and professional aspirations are classic means of manifestation of the life project. Thus, IMDi, as the institution responsible for the settlement process, must give it priority in the distribution. Even more so when the request is accompanied by palpable signs of attainment, as provided by participant 2. In line with the professional field, and also with the case of the referred participant, I second the proposals made by NIBR in its 2022 report: There is a need of facilitating the approval of Ukrainian's higher education and of expanding the offer of supplementary education for those who do not get their degrees accepted, or who need to reinforce their skills before they enter into the working life³³⁸.

In the interview for this thesis, Hernes, the research leader of NIBR's report, suggested that such arrangements can be strengthened preferably by integrating them into the introduction program³³⁹. Her proposal is completely in harmony with one of IMDi's recent initiative for "increasing job skills in the introduction program" that will lead them to reach adequate jobs³⁴⁰. It is too in accordance with some of the answers given by interviewees to the question "what would you ask from the government". For instance, participant 6 wished an "individualized assessment", in which relevant authorities could get to know them better and not just for solving their needs, but also to take note of their relevant skills that could be of use in Norway. Apropos, participant 1 commented that the best advantage for her (professional) life project that she had received was a "career plan" made by the Norwegian Labor and Welfare Agency (NAV), to connect her skills with potential employers. Participant 6 did not know about this service. So, there are good initiatives in place, but it seems that there is as well little information for latent beneficiaries and poor coordination between the providers involved, as identified by NIBR³⁴¹.

³³⁸ *Supra*, note 24, p. 115.

³³⁹ *Supra*, note 187.

³⁴⁰ *Supra*, note 247.

³⁴¹ *Supra*, note 198.

It must be noted: This initiatives shall be applicable to all persons in situation of forced displacement without discrimination, without an “A team and a B team”³⁴². Additionally, this initiatives shall be taken while striking a balance and not by putting at stake existing measures that have proven to pay off in the long-run, i.e. reducing the language course to an extent where their Norwegian communication abilities can only become basic³⁴³. That would signify that refugees get stuck into what Luckana (2022) has called the “entry trap”, meaning that they take part in unskilled workers jobs with low income and are left with no time to search for better opportunities —while permeating refugee’s social interactions, hence the perceptions of society towards them³⁴⁴. Besides, it is worth retelling that what the interviewees asked the most for was, indeed, an extended language course. And their voice, their life projects, must be put at the center, not aside. In that sense, I might as well recollect accurate words of the participants: “I notice a different, empathic treatment from the authorities when I try to speak Norwegian. Otherwise, I’m just a number”³⁴⁵; “They will be wasting the help that they have given us if they don’t allow us finish our course and, eventually, to stay and work”³⁴⁶.

Another increasingly important policy factor, following the findings of scholars such as Betts and Collier³⁴⁷, is the role of non-traditional agents in the reception, integration and, why not, in the life projects of refugees. These are non-governmental organizations, like the Red Cross, which for decades have understood that they have much to contribute in all stadiums of the refuge process³⁴⁸, offering from legal advice to supplementary language classes for free³⁴⁹.

³⁴² Supra, note 269.

³⁴³ Supra, notes 241 and 243.

³⁴⁴ Rujirin Luckana, “Refugee Integration in Norway: A System Dynamics Modeling Approach”, *University of Bergen*, 2022, p. 49, https://bora.uib.no/bora-xmli/bitstream/handle/11250/3046018/RujirinLuckana_Thesis.pdf?sequence=1&isAllowed=y

³⁴⁵ Supra, note 293, min. 27.

³⁴⁶ Supra, note 255.

³⁴⁷ Supra, note 142, preface.

³⁴⁸ Already from 1980, the UN Economic and Social Council acknowledged the “essential role played by the International Committee of the Red Cross and other non-governmental organizations” to meet humanitarian needs in emergency situations. See ECOSOC, Resolution 1980/43, file://hume.uio.no/student-u45/ramonjb/pc/Downloads/E_RES_1980_43-EN.pdf

³⁴⁹ See Oslo Red Cross, *Norwegian practice*, <https://www.rodekors.no/tilbudene/norsktrening/>

These are also companies, increasingly large, when deliberately creating more inclusive work-places. These are too different levels from regular governmental actors such as municipalities, which reinforced the decision to focus on interviewees being settled in the same place. UNHCR has emphasized that cities are, in fact, the first responders to refugees and persistently have the responsibility to ensure access to rights and services and to promote social cohesion through their practices. They are also channeling agents in direct contact with the victims, so they can elevate their requests to higher ranks of political and legal decision-making³⁵⁰.

I see positively that IMDi, in its mission to achieve the integration of minorities, seems to have understood this, since it has developed incentives for these actors including awards for the best municipality in settlement³⁵¹, and for the best company in creating more diverse and inclusive spaces, not only by hiring immigrants but by demonstrating that they are making good use of their skills³⁵². A valuable support network is being weaved with synergy, yet the actors engaged must raise their awareness of this organic process in order to catalyze it purposefully. They should also be aware of the life project's concept to encompass it in this support network.

At the level of international cooperation, political negotiations have produced fruitful results such as the Global Compact on Refugees³⁵³ and the Global Compact on Migration³⁵⁴, both designed in 2018 to warrant responsibility-sharing in their respective mandates among the members of the international community. Given that refugees are migrants³⁵⁵, it is relevant that the Compact addresses that all migrants should be able to “fulfill their personal aspirations”³⁵⁶.

³⁵⁰ See UNHCR, *Cities and Municipalities*, <https://globalcompactrefugees.org/compact-action/cities-and-municipalities>

³⁵¹ See IMDi, *Mangfoldsprisen* [Diversity Award], 2023, <https://www.mangfoldsprisen.no/om-mangfoldsprisen/>

³⁵² See IMDi, *Bosettingsprisen* [Settlement Award], 2023, <https://www.imdi.no/om-imdi/aktuelt-na/tonsberg-vant-bosettingsprisen/>

³⁵³ UNGA, *Global Compact on Refugees*, 2018, <https://www.unhcr.org/media/global-compact-refugees-booklet>

³⁵⁴ UNGA, *Global Compact for Safe, Orderly and Regular Migration*, 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/PDF/N1845199.pdf?OpenElement>

³⁵⁵ *Supra*, note 5.

³⁵⁶ *Supra*, note 354, para. 18.

The phrase was inserted within the objective of minimizing the structural causes compelling people to seek livelihood elsewhere, but nothing averts applying it in the host countries and that it can enable further to care the life project.

Regrettably, the Norwegian state has shown a lack of self-awareness in debates before and after the adoption of the Compact on Migration by stating the national legislation “is well-functioning and do not call for any changes (...) *Norway does not interpret the Global Compact to require a review of the portability of Norwegian benefits for migrants*”³⁵⁷ (Emphasis added). The little stability Norway provides to its non-nationals, not to say to the life project, clearly demands urgent revisions of its migratory framework, as it has been warned in a handful of studies³⁵⁸. Moreover, this is in line with the impact measurement of the Refugee Compact, in which it was found that donor states perceive the pact mainly as a matter of foreign policy, undermining the instrument “by being constructive abroad and obstructive at home”³⁵⁹.

At the level of regional cooperation, Europe is about to adopt next year a New Pact on Migration and Asylum³⁶⁰, though already since 2022 they adopted a package to “attract skills and talents” to the EU which, broadly speaking, implies simplifying migration procedures and improving labor rights for which “revised legislative framework, enhanced cooperation with partner countries, an improved governance of labor migration involving all key stakeholders is needed”³⁶¹. Seemingly, this is a task out of Norway’s ‘to-do list’.

³⁵⁷ See Norwegian Foreign Ministry, *Statement at the Intergovernmental Conference to Adopt a Global Compact on Migration*, 2018, p. 03, <https://www.un.org/en/conf/migration/assets/pdf/GCM-Statements/norway.pdf>. Also, Norway – *Inputs to contribute to the Review for the Global Compact for Migration*, 2020, p. 01, https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/norway_voluntary_input_to_unece_on_gcm_implementation_2020.pdf

³⁵⁸ See supra, notes 177, 178, 179 and 204.

³⁵⁹ Catherine Osborn and Patrick Wall, *The Global Compact on Refugees Three Years On: Navigating barriers and maximizing incentives in support of refugees and host countries*, Commissioned by International Rescue Committee, Danish Refugee Council and Norwegian Refugee Council, 2021, p. 03, <https://www.rescue.org/sites/default/files/document/6324/ircdrcnrcjointreportv4final.pdf>

³⁶⁰ See European Commission, *New Pact on Migration and Asylum*, 2023, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en

³⁶¹ European Commission, *Attracting skills and talent to the EU*, 2022, Conclusion, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A657%3AFIN>

To close, I must come back to the ‘Achilles heel’ of the Norwegian immigration system, which is stability. Having saturated the arguments on how an uncertainty regime determines the ability to create and pursue a life project (Section 3.2.2), and how such uncertainty is only aggravated within the Temporary Protection Directive (Section 3.1.1), it must be stressed one more time the concrete psychological evidence (gathered in Norway) about the impact of failing to provide a secure and defined path for refugees: “in a bewildering system in which one has no influence and in which one’s future destiny lies in the hands of others, people lose the ability to visualize their future life, integrating the future in the experience of the present”³⁶². One can now conclude that the protection’s extend of the right to a life project is currently limited in the Norwegian migratory system. However, it has opportunities for improvement at its fingertips.

These are all observations on a political path which, although sometimes having a preventive function, primarily alleviate the refugees’ present and becomes determinant for their life projects and for their whole future life if they deepen their roots in their host country. As stated by Jacques et al., within this mix of the longed for and the impossible, both the refugee informants and the academic literature suggest that integration policies can make the difference “when supporting a migrant’s transition *from dreaming to reality*”³⁶³ (Emphasis added). In the recent closing ceremony of IMDi’s annual conference, its Director declared: “I myself think we’ll never be finished with integration”³⁶⁴. I myself think so too, but we can do better.

Transitional justice and jus post bellum path

The concepts of transitional justice and jus post bellum are often interchanged in the literature as they both focus on broad aspects of the post-conflict stage, seeking to accomplish and preserve a delicate equilibrium between ‘peace’ and ‘justice’. And still they are different.

³⁶² Supra, note 288, p. 15.

³⁶³ Supra, note 109.

³⁶⁴ See IMDi, 2023, <https://www.instagram.com/p/C0MoSSxKugy/?hl=es>

As May and Edenberg (2013) have identified, the scholarship from both fields has bifurcated in that transitional justice, which may begin its work before the closure of the conflict, sometimes can justify the use of violence to achieve its ends; while jus post bellum always aspires, because it needs to, to the end of hostilities to establish not simply peace, but a ‘just’ peace³⁶⁵. For the objectives of this thesis, both sub-disciplines can be utile for the life project since, as the authors affirm, both place *reparation* for victims at the center. In this vein, and on this occasion, precedence will be granted to the common departure of their path and not to their bifurcation point, attaining cross-fertilization around the life project.

After this premise, the ‘roadmap’ summarized as follows: The legal path is the path par excellence of the life project for its *prior* recognition as a right and for its reparation efficiency on an individual basis; the political path is one of relief suitable for collective damages to the life project *during* its occurrence; and the path of transitional justice and jus post bellum is the most appropriate for the reparation of the project *after* the cause of harm ceases when such cause involves massive violations of human rights with proportionally massive consequences, as the massive forced displacement of Ukrainians. The roadmap for safeguarding the life project foresees preventive, active and proactive intersected paths.

That being said, one of the overlaps between transitional justice and jus post bellum rests, as anticipated, in the area of reparations. The former UN Secretary General’s definition of transitional justice embraces judicial and non-judicial reparations mechanisms³⁶⁶. At once, doctrine points out that reparations is also one of the foundational pillars of jus post bellum³⁶⁷.

³⁶⁵ Larry May and Elizabeth Edenberg, Elizabeth, “Jus Post Bellum and Transitional Justice”, *ASIL Studies in International Legal Theory*, (Cambridge: Cambridge University Press, 2013): p, 2, DOI: 10.1017/CBO9781139628594.001.

³⁶⁶ UNSC, *The rule of law and transitional justice in conflict and post-conflict societies – Report of the Secretary General*, 2004, para. 8, <https://digitallibrary.un.org/record/527647?ln=en>

³⁶⁷ *Supra*, note 365, p. 05.

What is needed, once more, is that all these mechanisms integrate the life project as an analytical filter, considering that the damages they seek to repair are not (or should not be), exclusively physical, emotional, moral, but also spiritual. Victims of conflict-induced forced displacement is reaching record numbers that are being constantly surpassed³⁶⁸. Accordingly, post-conflict response's tools have to approach the existential breakdown of those victims subjected to a disturbing limbo in an alien context, with limited rights and plagued by uncertainty.

Equipped with this filter, transitional justice and *jus post bellum*, which naturally have a predominant collective arrangement in their reparations, can build, for example, on IACtHR's jurisprudence regarding the plurality of its reparation measures. Fernández Sessarego (2008) compiled in his work many of them, ranging from satisfaction derived from the sole recognition of the harm they have endured; restitution of the enjoyment of property rights; rehabilitation procedures for the victim's psychological attention and reestablishment of capacities to design a new life project; monetary compensation and added socioeconomic incentives for restoring frustrated projects; community-based reparations with the reconstruction of key infrastructure for the personal development of the victims; guarantees of non-repetition, and more³⁶⁹.

As a matter of sample, in the modern case of Colombia, the 2016 Peace Agreements established restorative measures with participation of the victims including processes for the *return* of displaced persons, reparations for victims *abroad*, and *development plans* for conflict-affected communities³⁷⁰. In spite of contextual differences, there are some promising compatibilities for the protection of the life project. In short, all of these models can be coupled to ongoing labors of specialized agencies, as the International Center for Transitional Justice³⁷¹, and to any other mechanism with prospective benefits for the right to a *post-conflict* life project.

³⁶⁸ *Supra*, note 2.

³⁶⁹ *Supra*, note 70.

³⁷⁰ See Helga Malmin, Cyanne Loyle and Bård Drange, "In Law and War: Policy Legacies in the Adoption of Transitional Justice", *PRIO Policy Brief*, 10, 2023, p. 4, <https://www.prio.org/publications/13684>

³⁷¹ See, e.g., ICTJ, <https://www.ictj.org/our-work/research/transitional-justice-and-displacement>

On the other hand, Chetail (2014) cautions that the termination of hostilities “inevitably begs the question of the end of refugee protection and the correlative return to the state of origin”³⁷². For the scholar, this underscores the centrality of human rights law to comprehend to what degree the cessation of hostilities equals to a fundamental change of circumstances that justifying cessation of refugee protection: “When a sustained peace has not yet been established, massive return of refugees may be an extra source of destabilization”³⁷³.

It is pertinent to recall that Norway shall learn from its experience with the forced return of Kosovo Albanians to their unstable homeland and not repeat the same mistake with the Ukrainian people³⁷⁴. Repatriation can be encouraged, particularly noting that human capital is a crucial asset for the reconstruction of their country, but should not be another way of forced displacement. This dilemma is resolved with the durable solution of *voluntary* repatriation. Though, Chetail notices, the 1951 Refugee Convention is rather silent on this alternative as it failed to envision refuge from a holistic perspective encapsulating both states of origin and asylum³⁷⁵. Conveniently, the EU New Pact on Migration and Asylum encompasses a strategy on voluntary return and reintegration that, albeit flawed³⁷⁶, Norway can use as a guideline³⁷⁷.

In any event, there will be no factual peace, much less a ‘just’ peace, if the victims do not find peace within themselves. Irrespective of their final place of residence, this implies a reinstallation of the intimate relationship with their aspirations, goals, dreams and everything that together constitute their life projects. Lasting peace defeats uncertainty and provide with objective conditions for rebuilding the victim’s life project.

³⁷² Supra, note 124, p. 727.

³⁷³ Ibid.

³⁷⁴ Supra, note 204.

³⁷⁵ Supra, note 124, p. 728.

³⁷⁶ The European Council on Refugees and Exiles has proposed a series of recommendations before the Pact’s final adoption. Cf. *Reforming EU Asylum Law: The final Stage*, 2023, <https://ecre.org/wp-content/uploads/2023/08/Policy-Parper-Reforming-EU-Asylum-Law-the-Final-Stage-August-2023.pdf>

³⁷⁷ European Commission, *EU strategy on voluntary return and reintegration*, 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0120>

For the success of any of the three roadmap's paths, it is expedient to resume the pending task left by Fernández Sessarego who, having clarified the scope of the life project, with the complements IACtHR, urged the conformation interdisciplinary studies to set neutral standards for the *reparations* of the life project; avoiding anarchy and in this sensitive aspect that could give rise to eventual setbacks in the development of this human right³⁷⁸.

The complexity of the life project, reflecting the complexity of human life, calls for lawyers, political scientists, sociologist, psychologists, economists, and all types of experts scrutinizing the life project from their own prisms. And sadly there is an ever-increasing room for applied investigations in the context of forced displacement. There is a scarcity of studies on the impact of the life project of those who are caught in the middle of war territories, of those who are trapped waiting for generations inside refugee camps. We will also have to be ever vigilant of a new crisis sprouting or re-sprouting. It has been less than a year from the beginning of this research and Ukrainians are no longer at the top of the humanitarian list. Their position was overthrown by more than one and a half million Palestinians who, in less than two months, have fled their homes sheltering their lives and dignity from indiscriminate Israeli strikes³⁷⁹. *Sapere aude!*³⁸⁰ We are indeed morally bound to have the courage of using our own reasoning, nowadays in the name of endangered human dignity.

³⁷⁸ Supra, note 70.

³⁷⁹ See UN OCHA, "Urgent action is needed to stop the forced displacement and transfer of Palestinians within Gaza and prevent mass deportation to Egypt", *Reliefweb* (2023), <https://reliefweb.int/report/occupied-palestinian-territory/urgent-action-needed-stop-forced-displacement-and-transfer-palestinians-within-gaza-and-prevent-mass-deportation-egypt#:~:text=According%20to%20UN%20OCHA%2C%20as,in%20various%20UNRWA%20run%20shelters>.

³⁸⁰ That is the renowned "motto" of the Enlightenment period coined by Kant, meaning "have to courage to use your own reasoning". The philosopher is also credited with being the "the most plausible contender for 'inventor of jus post bellum'". See Immanuel Kant, *What is Enlightenment?*, 1784, <https://resources.saylor.org/wwwresources/archived/site/wp-content/uploads/2011/02/What-is-Enlightenment.pdf> and Brian Orend, "Roots and Branches: The Past and Future of *Jus Post Bellum*", *Just Peace After Conflict: Jus Post Bellum and the Justice of Peace*, ed. Carsten Stahn and Jens Iverson (Oxford: Oxford Academic, 2020), <https://doi.org/10.1093/oso/9780198823285.003.0002>

Conclusion

When refugees leave their homes behind, chances are that they are too leaving many of their aspirations and dreams for the future. It is not a voluntary decision, every refugee has as a shared experience fleeing from a “well-founded fear”. This maxim has led Chetail (2014) to claim that the very core of international refugee law is to ensure the effective respect for human dignity when victims of fear are forced to leave everything behind. In this vein, his overall conclusion is that this branch of law “cogently constitutes ‘a right to have rights’”³⁸¹. In concurrence, my own overall conclusion is that the human right to a life project shall be among those entitled to all forcibly displaced in a world where there have never been so many uprooted.

Throughout this thesis it was illustrated that, whilst upholding the mission to ensure effective respect for human dignity, the right to a life project is the most suitable to reflect the existential value of such dignity. The extent of human dignity, which is the flip side of freedom, is reduced as the universe of possibilities to exercise freedom contracts in the midst of forced displacement. Therefore, dignity clings to freedom in order to survive. It clings to the most existential type of freedom; that is, being free to pursue a meaningful life in the course of our lives and by designing projects. Expressed differently, the human right to a life project conveys a “well-founded hope” for all victims of displacement as it keeps alive the existential meaning to their lives and recall their human dignity beyond their current circumstances.

Arriving at this general conclusion implied exploring the unknown domain of the interplay between the life project and forced displacement. In this endeavor, the research embark on an interdisciplinary approach to the life project; deepening firstly into its philosophical underpinnings, which revealed *freedom* and *temporality* as the existential assumptions of the project.

³⁸¹ Supra, note 119, p. 734.

In attention to these premises, it was made a systematic scrutiny of the doctrine and of the IACtHR's case-law that has recognized the life project as a *right* and has sought reparations for its damage. The Court offers its own concept of the life project, in which it is understood as the manifestation of human freedom in search of personal fulfillment based on the set of options to define existential aspirations and goals in objective conditions³⁸². This interpretation was found consistent with the general theory of rights and with the macro-context of human rights. Hence, it can be claimed that the life project is a self-standing, universal human right.

Moreover, the interpretation is also valid in the micro-context of forced displacement. However, the contrast of the life project and forced displacement leads to conceptual collisions ranging from the semantic to the substantial. In both fields, freedom is antagonistic to *forced* displacement. This indicates that forced displacement places immediate and crucial limitations on the freedom to design and pursue a life project. Such obstructions produce a damage that has been considered an existential void for the person and whose symptomatology equals to the model of uprooting. When uprooted, victims lose the spontaneous means of interaction with the exterior by lacking a sense of belonging and the ability to find meaning in life³⁸³.

In light of these conditions, the main research question can be answered concretely by asserting that the *scope* of the right to a life project in the forced context is *distinctive*, insofar as it maintains the basic assumptions of the concept, but demonstrates particularity due to the following elements: (i) it represents a common meaning, a well-founded hope for the victims; (ii) the cause of the damage is specific, the forced displacement; and (iii) the damage has a precise configuration, which is uprootedness. Based on these particularities, a nuanced concept of the life project was elaborated and embodies the main academic heritage of this project.

³⁸² *Supra*, notes 56 and 57.

³⁸³ *Supra*, notes 115 and 117.

An added conclusion is that the contextualized concept of the life project is virtually incompatible with the framework of international refugee law. The 1951 Refugee Convention undertakes a hierarchical structure for the attribution of rights that further restricts the universe of possibilities for free choice, which is the basis of the life project³⁸⁴. Worse still, under a temporary protection regime as the European Directive, which shelters displaced Ukrainians by the millions³⁸⁵, the right to a life project encounters even more obstacles in its conduction. In those cases, the temporality element of the project is disrupted, as the present protection scheme has an expiration date and the victim's future horizon becomes uncertain.

This was the initial hypothesis that motivated an empirical second part for this research, interviewing eight Ukrainians who are 'beneficiaries' of the Temporary Protection Directive that has made them settle in Oslo, Norway. The interviewees narrated their life projects before and after being subjected to forced displacement and finding themselves, temporarily, having a new life in an alien place. This allowed, in addition to give a platform to their powerful stories, to test the results of the analysis of the life project vis-à-vis forced displacement, together with the accuracy and potential usefulness of the draft concept.

The interviews' inputs were processed under the method of thematic analysis³⁸⁶, which yielded two main themes from the conversations: types of life project and determinants of the life project. Although family-oriented and cultural types of life emerged and were discussed, a large majority exhibited a life project of a professional nature, with specific determinants. Out of the various observations made, it was noted with concern an inconsistency between the profile of the refugees and some integration and labor market measures that Norway has adopted.

³⁸⁴ *Supra*, note 128.

³⁸⁵ *Supra*, note 2.

³⁸⁶ *Supra*, note 30.

More than 80% of the Ukrainians who have arrived in Norway, including the totality of those interviewed, have a high level of education that generates proportionately high professional aspirations³⁸⁷, sometimes at the level of a life project. The implementation of a “fast-track” in language course for the sake of an expeditious insertion in the labor market³⁸⁸ exacerbate the probabilities that the ‘favored’ students get stuck in an “entry trap”³⁸⁹. The reduced offer is insufficient to reach a proficient level of Norwegian required in professional positions that match with their skills and aspirations. They are often compelled to accept an inferior offer that symbolizes the so-called trap, and accentuates the existential struggle of their life projects. It is alarming and regrettable that there are also proposals to reduce the economic benefits given to refugees³⁹⁰, as this would only widen the size of the trap. What is regrettable is that the proposals are based on the situation of neighboring countries and connote an ‘all-for-the-bottom’ logic instead of seeking increased benefits in other latitudes. On top of that, it prevents Norway from being ‘reimbursed’ with qualified work and healthier integration.

Likewise, the cross-cutting determinants of all the interviewees’ life projects are (non-)discrimination, the possibility of visiting Ukraine, and the tension amid nostalgia for the past and uncertainty about the future. None of the interview participants feel that discrimination is a current obstacle to their life projects. That outcome resonates with multiple evidences in recent studies denoting privileged treatment for Ukrainians over other refugee groups across Europe³⁹¹, including the privilege of being able to visit Ukraine derived from differentiated protection regimes³⁹². The influence of that last privilege on the life project was contentious among participants, but could be helpful as an ‘eye-opening’ moment to propel them forward³⁹³.

³⁸⁷ Supra, note 186.

³⁸⁸ Supra, note 241.

³⁸⁹ Supra, note 344.

³⁹⁰ Supra, note 243.

³⁹¹ Supra, note 263.

³⁹² Supra, note 297.

³⁹³ Supra, note 304.

For its part, Norway, in its unprecedented refugee solidarity for Ukrainians, has not been the exception in creating an “A team and a B team”³⁹⁴. That solidarity is merely positive, but it must then become the minimum standard in the response given to all forcibly displaced persons.

The undoubtedly key determinant is uncertainty. It is the other pole of the obstacles, since in this occasion all the interviewees expressed that it is the toughest problem they are facing nowadays. In general terms, they all feel that they are still “sitting on their backpacks”³⁹⁵, that their lives are “on pause”³⁹⁶ and that they have “no control over their lives”³⁹⁷. Ergo, the notion of *projecting* into the future turns fictional when they are anguished without knowing what would be of their lives beyond one year at the time.

These findings are almost identical to psychological inquiries conducted in Norway prior to the Ukrainian crisis³⁹⁸, underlining a historical³⁹⁹ and structural system failure in the responsibility to guarantee stability to its migrants —receiving criticism from international agents⁴⁰⁰. In a nutshell, lack of stability the ‘Achilles Heel’ of both the EU Directive applied by Norway and the regular Norwegian immigration system. Consequently, 75% of interviewees do not feel in the current capacity to design and pursue a life project. Thus, the protection given by the Norwegian state to the right to a life project of forcibly displaced people reach only until certain degree. Nevertheless, as the human right to a life project is so far silent in Europe, little blame can be attributed to those who err obliviously; and, in conjunction with the weaknesses, Norway has proven to have an elevated state aptitude to close the gap.

³⁹⁴ Supra, note 269.

³⁹⁵ Supra, note 281.

³⁹⁶ Supra, note 278.

³⁹⁷ Supra, note 280.

³⁹⁸ Supra, note 288.

³⁹⁹ Supra, note 204.

⁴⁰⁰ Supra, note 179.

According to all the issues identified, a ‘roadmap’ was drawn up to attain good practices for the protection of the life project in the context of forced displacement, which have not been available until now, at least deliberately. In this newly-explored territory, three intersected paths were sight: A legal path, a policy path and a path of transitional justice and jus post bellum. Along these paths, recommendations were listed at an indicative level, both general for dealing with refugee life projects and specific to Norway and to the eventual post-conflict period. Among the common suggestions remarked were that normative recognition of the life project is not required for its safeguarding; that there is an increasingly emerging role for non-state actors and municipalities in weaving a support network for refugees and their life projects with exploitable synergy; and, above all, that there is an urgent need to disseminate the paramount value of the life project as an analytical filter in normative, judicial, political, humanitarian and other social processes and decision making.

For this last advocacy task, further research from multiple disciplines is vital, focusing, for instance, on any of the sub-themes identified in this thesis. An ideal starting point for the research enlargement is the potential usefulness of the concept of the life project in the context of forced displacement that emerged from the participants’ own voices and that are summarized in four functions: (i) recall the human dignity of the victims; (ii) articulate the victims’ feelings for their reassurance in the midst of uncertainty and for catalyzing action; (iii) better integration of the victims by procuring a higher self-satisfaction without discrimination; (iv) provide with a conceptual basis for crafting new laws and policies.

As a closure, one last question that can be asked, one that was posited by the father of the life project as a human right. Before he passed away, Carlos Fernández Sessarego inquired: “how could we seek to legally protect what is not known at all or is just known narrowly?”⁴⁰¹

⁴⁰¹ Carlos Fernández Sessarego, “The Damage to the ‘Project of Life’ in the Jurisprudence of the Inter-American Court of Human Rights”. (2003): p. 668, https://revistas.pucp.edu.pe/imagenes/derechopucp/derechopucp_056.html

It is wished that the effort made herein could provoke the interest of other international lawyers, human rights researchers and practitioners, to gain an in-depth understanding of the right to a life project, dramatically underscored in the fast-growing context of forced displacement. But why only quote the scholar, when one of the victims said it too: “People need to know life project is a right. I am surprised no one knows about it, that is why many give up”⁴⁰². It is my dear hope that an expansion of this research can support countless refugees so that they do not give up on their dreams, on their *right* to a life project. To persist overlooking the significance of the life project would mean disregarding the complex reality of the human being, as a free and temporal being, and thus further diminish the dignity of those forcibly displaced. For all of them, including the eight Ukrainians interviewed in this thesis, the life project is a compass that guides them out of uprootedness and returns them, if not back home, then back to their dignity.

⁴⁰² *Supra*, note 293.

Annexes

Annex 1: Information letter and consent form model

Are you interested in taking part in the research project “The Human Right to a Life Project in the Context of Forced Displacement”?

This is an inquiry about participation in a research project where the main purpose is to analyse what is the scope of the right to a life project of forcibly displaced Ukrainians in Oslo in order to create policy recommendations for enhancing the integration process and achieve better compliance with international human rights standards. In this letter, we will give you information about the purpose of the project and what your participation will involve.

Purpose of the project

This project is a master’s thesis at the University of Oslo, Faculty of Law, Department of Public and International Law. The right to a life project of forcibly displaced Ukrainians in Oslo builds on a concept coined in the Inter-American System of human rights about the possibility that every human must have to be free of setting expectations for the future and achieve them. Forced displacement sets an evident obstacle for the enjoyment of such right, and reception States should bear it in mind when providing protection measures. In that sense, this research is set to understand what is the scope of the 'life project' of forcibly displaced Ukrainians in Oslo and how can the state guarantee it. For that aim, there is a need to conduct interviews to hear your thoughts and to later contrast your considerations with jurisprudential and doctrinal criteria. The findings would be useful for policy recommendations replicable for all forcibly displaced in Norway.

The central research questions for this study are as follows:

- What is the scope of the right to a life project of forcibly displaced people, particularly forcibly displaced Ukrainians in Oslo?
- Which protection measures have the Norwegian State shall take in order to comply with the human right to a life project in the context of forced displacement?

Who is responsible for the research project?

The University of Oslo is the institution responsible for this research project, conducted in cooperation with the Norwegian Red Cross. Ramón Barreto, a master’s student and research assistant at the Faculty of Law, Department of Public and International Law, is the responsible researcher. Professor Cecilia Bailliet, Director of the LL.M. in Public International Law, is the project supervisor.

Why are you being asked to participate?

This study intends to conduct approximately 10 interviews, evenly divided between men and women. You are being asked to participate as a forcibly displaced Ukrainian between the ages of 18 and 40 who came to Norway before January 2023 under collective temporary protection status. Participant contact information was mostly gathered through the Norwegian Red Cross. As they provide humanitarian assistance to refugees, they permitted to disseminate information about the research project in their integration activities and those who voluntarily wanted to participate contacted the responsible researcher directly or through the Red Cross.

What does participation involve for you?

You are being asked to partake in a personal interview lasting approximately 30-60 minutes to discuss your personal experiences in the process of forced displacement, your settlement in Norway and your integration progression. The questions in the interview are open-ended, cover topics like how your life project before settling in Norway was, how has forced displacement affected such project, and how your integration in Norway has developed. These themes will be similar for all participants interviewed. The interviews will be conducted in-person at the facilities of the Oslo Red Cross or remotely via Zoom. Any remote interviews will be conducted in accordance with the University of Oslo's regulations for research conducted via Zoom, and any in-person interviews will be recorded using Nettskjema-diktafon (an application for smartphones that is the official recording service developed and approved by the University of Oslo).

Participation is voluntary

Participation in the project is entirely voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw.

Your personal privacy – how we will store and use your personal data

We will only use your personal data for the purpose(s) specified in this information letter. We will process your personal data confidentially and in accordance with data protection legislation (the General Data Protection Regulation and Personal Data Act). Meaning:

- Aside from the researcher, Ramón Barreto, the project supervisor at the University of Oslo, Cecilia Bailliet could also have access to the data gathered in this project.
- None beside the master's student and the project supervisor will have access to the data.
- All data will be stored on a protected, University of Oslo approved server within the Services for Sensitive Data (TSD).
- Participant identities and identifying data will be hidden in publications.

What will happen to your personal data at the end of the research project?

This project is scheduled to end in December 2023. The results will be reported in a master's thesis. Audio recordings will be deleted at the conclusion of the project in January 2024, only anonymized data will kept for potential future use. While the project is ongoing, these recordings and transcripts will be stored on Nettskjema, where only the master's student and the project supervisor will have access to it.

Your rights

So long as you can be identified in the collected data, you have the right to:

- Access the personal data that is being processed about you.
- Request that your personal data is deleted.
- Request that incorrect personal data about you is corrected.
- Receive a copy of your personal data (data portability).
- Send a complaint to the Data Protection Officer or The Norwegian Data Protection Authority regarding the processing of your personal data.

What gives us the right to process your personal data?

Your data will be processed based on your consent. This research project was approved by the University of Oslo and the Norwegian Agency for Shared Services in Education and Research (Sikt) (reference number 149 949), which means that the processing of personal data in this project was deemed to be in accordance with data protection legislation in Norway.

Where can I find out more?

If you have questions about the project, or want to exercise your rights, contact:

- The Department of Public and International Law at the University of Oslo via the responsible student researcher, Ramón Barreto (email: r.j.b.pirela@student.jus.uio.no) and/or the project supervisor, Cecilia Bailliet (email: c.m.bailliet@jus.uio.no).
- Data Protection Officer at The University of Oslo: Roger Markgraf-Bye (email: personvernombud@uio.no).
- Data Protection Services (email: personverntjenester@sikt.no or phone: +4753211500).

Yours sincerely,

Ramón Barreto (responsible student researcher) and Cecilia Bailliet (project supervisor).

Consent form

I have received and understood information about the project “The Right to a Life Project in the Context of Forced Displacement”, and I have been given the opportunity to ask questions. I hereby give consent:

- To participate in an interview and to have this interview be recorded.

I give consent for my personal data to be processed until the end date of the project, approximately January 2024.

(Signed by participant, date).

Annex 2: Interview guide

Research project:

“The Human Right to a Life Project in the Context of Forced Displacement”

Interview Questions

Introduction

Your participation in this interview will be most appreciated for this master’s thesis project looking at the right to a life project of forcibly displaced Ukrainians in Oslo. The right to a life project builds on a concept coined in the Inter-American System of Human Rights about the possibility that every human must have of being free to set expectations for the future and achieve them. Forced displacement sets an evident obstacle for the enjoyment of such right.

In that sense, this research is aiming to understand what is the scope of the ‘life project’ of Ukrainians refugees who recently settled in Norway under a collective and temporary protection. For that purpose, it is needed to conduct interviews to hear your thoughts as part of this group, in order to compare your answers with legal criteria. The findings would be useful for policy recommendations replicable for all forcibly displaced in Norway.

PLEASE NOTE: Everything that you share in this interview will be anonymized in the research publications and none of the details that you mention will be provided to local or foreign authorities in a way that could identify yourself. At the same time, you do not need to answer any question that makes you feel uncomfortable.

Background questions

1. How was your daily life before coming to Norway?
2. How would you describe your life project, your biggest aspirations, before coming to Norway? Have they evolved since you were younger?
3. Out of the following elements, which of them would you prioritize for your life project? Describe why.
 - Family life.
 - Professional life.
 - Social and cultural life.
 - Other. Which in that case?
4. Which were the main obstacles for your life project before coming to Norway?

The process of forced displacement and your life project

I want to put focus now in the process of forced displacement, the development of your integration in Norway and the new obstacles and opportunities that you see now in relation to your life project. I want to hear about your experience and feelings in this challenging period and how do you foresee your own future under this new conditions.

5. When did you arrive to Norway? Why did you pick this country?
6. Could you please describe how your settlement process in Norway has been?
7. Have you been informed about the rights and duties that you have in Norway as part of the temporary protection status? *If yes*, which of them would you highlight?
8. Have you been included in the decisions about your integration process in Norway? *If yes*, how has that happened?
9. Have you reached out to Ukrainian support or community groups since you arrived? *If yes*, for which purpose and how useful has it been?
10. How is your daily life nowadays?
11. Would you say that your life project has changed since you were forced to leave Ukraine or does it remain the same? *If yes*, how so?
12. Out of the following obstacles, which of them you is more endangering for your life project in Norway and why?
 - Uncertainty about the future.
 - Access to education/jobs.
 - Discrimination.
 - Other. Which in that case?
13. How do the Norwegian local and national authorities, aid organizations like the Red Cross and society play a role in the development and accomplishment of your life project? Have they placed any particular advantages or disadvantages for overcoming your obstacles?

14. Do you find yourself in the capacity of planning, developing and accomplishing a life project in the current context? Please describe.
15. If you could ask one thing from the Norwegian local and national authorities for the development of your life project, what would that be?
16. After all, do you regret the decision of leaving Ukraine? Do you see yourself returning or staying here in Norway?
17. What do you miss the most about Ukraine?
18. As you might know, you are entitled to return to Ukraine for visits. Have you used that possibility? Would you say that being able to travel back to Ukraine makes the adaptation of your life project easier? How so?

The concept of life project in the context of forced displacement

19. I am working on a new concept for 'life project in the context of forced displacement', and I would like you to give me your feedback about it. The concept's draft goes as follows: *For those forcibly displaced, the human right to a life project is a well-founded hope based on the collection of meaningful aspirations and goals and the freedom to pursue them. It gives existential purpose to their lives and recall their human dignity beyond current circumstances. Thus, it could be adapted to the context of displacement, but it could not be fully compromised, as that would signify for the person an existential void amounting to uprootedness.* Do you feel that the concept is accurate? Do you feel that it represents you? Is there anything that you would like to add/subtract from the concept?
20. Do you think that being familiar with the concept of a life project as a human right could empower you to plan, develop and accomplish your own life project? Could it help you to articulate better demands from the authorities the guarantee of that right? Is there any other way in which the concept could be useful for you?

Personal detail questions

21. What is your age?
22. Where in Ukraine are you from?
23. What level of education do you have?
24. Besides the condition of forcibly displaced, do you identify yourself as part of an ethnical, racial, sexual, or other minority? Which in that case?

Conclusion

25. Is there anything else you would like to add before we conclude our conversation?

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