

Regulatory exemptions illustrate the humanitarian-development nexus in highly developed cities

Miriam E. Hacker^{a,*}, Kasey M. Faust^b, Jessica Kaminsky^c, Sebastien Rauch^d

^a The Water Center, University of Pennsylvania, Philadelphia, Pennsylvania, USA

^b University of Texas at Austin, Austin, TX, USA

^c University of Washington, Seattle, WA, USA

^d Chalmers University of Technology, Gothenburg, Sweden

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ABSTRACT

In recent years, forcible displacement has increased around the globe, with significant numbers of people seeking shelter in urban areas. However, increased densification has added pressure to housing in these urban host communities, creating a situation where temporary accommodation is not always readily available. The integration of humanitarian response and pre-existing sustainable development activities is necessary to avoid disruptions to the provision of infrastructure services. This humanitarian-development nexus (HD-nexus) has proven to be difficult to operationalize. Using the experience of Sweden in 2015, this study looks at the provision of temporary accommodation for asylum-seekers within the existing regulatory framework as a place to explore the HD-nexus. Results show that humanitarian actors justify circumventing government institutions to achieve short-term response while development activities operate within these same institutions. Regulatory exemptions are one pathway by which we can observe this fundamental difference between the two approaches. Interviews with 19 individuals from government agencies, nonprofit organizations, and private companies were qualitatively analyzed to relate legitimacy with humanitarian response and development logics in the context of providing temporary accommodation. Results show that although formal regulatory definitions of *temporary* for temporary accommodations exist, this is not always adopted by stakeholders, leading to regulatory exemptions and non-compliance. Findings support decision-makers in improving response time and coordination for future events, and development goals of sustainable urban development.

1. Introduction

There is an inherent disconnect between humanitarian response and long-term development activities. *Humanitarian response* prioritizes immediate assistance and possibly circumventing governmental institutions, while *development* focuses on “long-term structural and societal transformation” to achieve goals for sustainable growth [1], ([2], 9); [3]. Both logics experience some degree of overlap [4,5], but for the purposes of clarifying the key differences between the two logics within the built environment, we refer to Howe [6]; summarizing Macrae [7] in that “humanitarians work around governments and systems, while development is focused on working through them” (p. 3). Although coordination between these logics is essential and does exist in practices, responses center around differing mandates and operational roles. This juxtaposition is evident in the functional role of personnel,

tangible outcomes, and time frames for related projects. For example, a humanitarian response might prioritize housing in non-residential buildings to provide immediate shelter and may be executed by an emergency manager in a process similar to those used to develop shelter in refugee camps. In contrast, development of future housing is created through strategic plans that are designed over extended periods by a team of city planners and other planning officials, accounting for existing zoning regulations and broader goals for absorbing future population growth. This contrast of the humanitarian and development approaches can be considered as showcasing two competing institutional logics (referred to as “logics” moving forward); institutional logics are a combination of priorities and demands which shape and motivate one’s functional role in a given context [8,9]. For instance, logics in the humanitarian space prioritize immediate shelter whereas in the development logic, housing is evaluated through the lens of what is

* Corresponding author.

E-mail address: hackermiriam@gmail.com (M.E. Hacker).

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sustainable within the long-term layout of the existing city's infrastructure. The tension between these two logics shows the tradeoffs between immediate relief provision for natural and manmade hazards and longer-term sustainable development solutions is referred to as the humanitarian-development nexus (HD nexus).

Existing literature tends to center the conversation surrounding the HD nexus to developing contexts—i.e., the immediate response; however, the lessons learned in this literature can be extended to developed contexts as well. The nexus is relevant in developed and developing countries, and in some cases, crises link these contexts. This study analyzes the ambiguous and artificial boundary at the intersection of the humanitarian-development nexus, contextualizing this transition through a pre-existing regulatory framework for shelter in Sweden during 2015 when the arrival of people forcibly displaced (predominantly from Syria, Afghanistan, and Iraq) reached an all-time high [10]. Individuals and families seeking safe living conditions fled their home countries to neighboring countries, such as Turkey, Lebanon, and Jordan [11]. Although neighboring countries host the largest proportion of people forcibly displaced (e.g., Lebanon saw one fourth of its population represented by displaced persons in 2015; [12], affected populations sought refuge outside local regions, taking high-risk journeys through the Balkan and Mediterranean passages to reach the European Union (EU). In 2015, the number of people arriving to Europe by sea increased by fourfold, as did lives lost at sea [13]. Once in Europe, people sought asylum status in countries perceived to have more welcoming refugee policies. Sweden received the highest number of unaccompanied children per capita in the EU, and the second highest number of applications for asylum in 2015 [14,15].

Sweden has procedures for temporary housing for asylum seekers, reflecting their ability to provide humanitarian response. However, when the pre-designated temporary housing facilities exceeded capacity, the humanitarian operations were forced to house people in non-residential buildings throughout Swedish cities. At one point, the Swedish army was consulted for logistical assistance in finding temporary accommodations when all existing facilities reached capacity [16].

In this paper, we explore how various actors engaged with – and sometimes worked around – the Swedish regulatory system while procuring temporary accommodations for displaced persons arriving in Sweden in 2015. Regulations and the way they are interpreted and applied represents one aspect of governmental institutions that depict the humanitarian and development logics. We investigate the functional role of stakeholders involved with arranging temporary accommodation for people seeking asylum and their perception of regulations in the process. While building regulations are intended to ensure safe buildings and sustainable urban development, we suspected that stakeholders using a humanitarian logic might find regulations far too slow and cumbersome to adequately meet urgent sheltering needs.

Results from this study provide a practical assessment of one area where humanitarian and development activities overlap and an opportunity to improve this nexus. Findings can support decision-makers in both city planning and emergency response roles to achieve both humanitarian goals of improving response time and coordination for future events, and development goals of sustainable urban development. Similar challenges with housing and other aspects of the built environment has been observed in host communities within the United States due to increased wildfires, requiring more policy and funding allocations for such communities [17]. In addition, understanding how humanitarian and development logics engage with existing regulatory mechanisms provides an opportunity to more efficiently transition the provision of housing from an immediate response to long-term sustainable housing solutions.

2. Point of departure

2.1. Exemptions and non-compliance in regulations and standards

Regulations are defined broadly as a form of governance [18]. Standards, or voluntary guidance about the “generally desired qualities of a product, an activity, or a document,” ([18]; 127) are included as a form of regulation. However, reflecting the vocabulary of our respondents, the authors do not distinguish between the specific definitions for regulations and standards but refer to both as “regulation” moving forward. Regulations not only provide consistency in standards, but also serve as a representation of *legitimacy*, or a “generalized perception that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions,” for what is being regulated [19]; 574). Consistent regulations for housing infrastructure are representative of the pre-existing development goals, but regulations are unique to each logic (humanitarian and development). For example, humanitarian activities in developing countries are guided by minimum standards, such as the Sphere Standards, to provide a minimum level of service to maintain human rights and dignity [20,21], and development is required to conform to local, national, or international institutional regulatory frameworks in order to receive government approval. Both examples demonstrate different mechanisms used by humanitarian and development logics to meet subsequent mandates. In the Swedish context, the Swedish Migration Agency was the government agency with jurisdictional authority to oversee the procurement and coordination of temporary accommodation facilities, with the expectation that buildings met certain regulatory requirements [22].

Deviations from regulations are considered inevitable for multiple reasons: insufficient resources to support uniform enforcement, the creation of laws for symbolic use rather than practical application, and the transitioning from enforcement to voluntary compliance frameworks [23,24], to name a few. In this study, deviation is categorized by exemptions and non-compliance; exemptions are instances where governing bodies gave allowances in interpretation or implementation of existing regulations. Non-compliance is deviation from these regulations without permission from regulatory authorities. Both were present in the procurement of temporary accommodations in 2015 and are the focus of this study. The legitimization of exemptions or non-compliance of regulatory mechanisms contextualizes whether actors circumvent or engage with formal institutional frameworks [25]. While exemptions enable faster delivery of a service in an emergency, this priority to meet temporary needs may conflict with long-term development goals in communities. For example, standardization, or the formal integration of regulations for disaster response within the regulatory framework impacted the coordination of short-term shelter during events [26]. In the case of receiving people forcibly displaced, the use of buildings zoned for commercial use in a residential capacity may lead to segregation of communities and sub-standard buildings in the long-term by isolating low-income populations from resources made available in areas zoned for residential use [27–29].

2.2. Humanitarian-development nexus and forcible displacement

For all countries, there is tension between meeting sustainable development goals such as resilient infrastructure (SDG 9), creating safe and resilient cities (SDG 11), and building inclusive institutions (SDG 16), while at the same time meeting short-term needs of large population movements such as housing, basic needs, and due legal process for asylum [1,6]. This overlap between the short and long term is an ongoing conversation that has evolved conceptually over the years [30]; moving from ‘linking humanitarian relief and development’ [31,32], to a ‘humanitarian-development continuum’ (ibid.), and more recently the ‘humanitarian-development-peacebuilding nexus’ [6] leveraged through the ‘New Way of Working’ guiding principles, released by the

United Nations Office for the Coordination of Humanitarian Affairs [33]. Collective outcomes of resilience and protection, utilizing comparative advantages through participation, and mobilizing multi-year time frames for response within the host community are key themes used to bridge the mandates for humanitarian and development actors [33,34]. Recent studies reflect these major themes (e.g. protection, participation, integration) by increasing participatory involvement of displaced communities to design their living spaces, or promoting integration to reduce tension between the host community [35,36]. In spite of this extensive work, challenges remain as to how these themes and conceptual frameworks can be operationalized in practice.

Two separate streams of literature focus on both development and humanitarian response. For shelter, one stream of literature focuses on temporary accommodation resulting from natural disasters, highlighting the need for resilience activities to reduce the need for emergency shelter by improving existing infrastructure and institutional response in communities [37–40]. Another major stream of literature focuses on improving infrastructure (e.g. medical facilities, water and sanitation network upgrading) and development activities in host communities in developing communities in order to improve conditions for both hosts and refugees, reducing tension between the two communities [4,41–43].

Recent policy developments have attempted to address the need to bridge these two streams of literature, specifically stemming from forcible displacement [44]. The New York Declaration for Refugees and Migration was adopted in 2016 to address the need for more intentional and coordinated approaches to refugees and migrants [34]. Strengthened coordination between humanitarian and development actors is highlighted as a key intervention, along with fulfillment of institutional mandates by the host countries in parallel with internationally adopted standards, for example integrating recommended shelter approaches within city planning departments [45]. One example of these are the Sphere Standards, which are guidelines for the minimum level of service provision to ensure dignity for affected persons [21]. This guidance document is intended for all socio-economic levels, but is typically implemented within developing contexts, highlighting the traditional divide between developed and developing countries [46].

This study adds to the literature looking to more effectively transition between humanitarian response and development activities by demonstrating the distinction between both approaches in the context of a highly developed institutional framework. The nexus is operationalized through the analysis of how decision-makers engage with regulatory frameworks, giving a framing for other contexts looking to respond to similar contexts of displacement. This approach provides a pathway for better discussing the HD nexus and practically relating it back to regulatory mechanisms within a governance structure.

3. Methodology

3.1. Context: temporary accommodation for the asylum process in Sweden

During the 2015 influx of individuals and families seeking asylum, separate levels of the Swedish government (i.e. state and municipal) had different regulatory exemptions for the types of temporary housing provided, but ultimately both levels used the same facilities. In correspondence with Swedish asylum law, temporary services such as accommodation (housing) and infrastructure (e.g. water, sanitation, electricity) are provided for those displaced and seeking asylum in the country [22]. Accommodation for people seeking asylum are provided in two major forms: *asylum accommodation* (Fig. 1) during the application process by the Swedish Migration Agency, followed by *migrant accommodation* through the social affairs department in municipalities upon receiving a temporary residence permit, colloquially known as “refugee” status [22]. For the purpose of this study, we use *temporary accommodation* to refer to both of these terms (i.e. asylum

accommodation, migrant accommodation) because municipalities and the Swedish Migration Agency deviated from conventional building regulations. Further, existing buildings intended for these temporary accommodations exceeded capacity, forcing government agencies to procure new and unconventional (not intended for residential use) accommodations which did not always comply with building regulations.

We suspected, and sought to empirically test, if the logics of humanitarian response and sustainable housing development compete in the highly developed Swedish institutional framework as they have been observed to do elsewhere. In the sections that follow, we claim to show that in Sweden, as in any context, the conflict between the need to provide temporary accommodation quickly and the resulting long-term impacts from non-compliance with building regulations exemplifies the challenges within the humanitarian-development nexus. By doing so, we provide data supporting a logical expansion of the theory of the humanitarian-development nexus to include all nations, rather than only ones with a ‘developing’ economic status. As described below, we used organizational legitimacy theory to structure our exploration of the ways Swedish actors experienced and navigated the tensions between development and humanitarian mandates.

3.2. Organizational legitimacy theory

To organize this conversation, we use organizational legitimacy theory as the theoretical lens to analyze how stakeholders perceive regulatory exemptions and non-compliance. Legitimacy is the perceived consonance with the established institution and its rules, norms, and cultural-cognitive frameworks ([47]; 72). Suchman [19] organized this relationship between legitimacy and organizational behavior into three major categories: legitimacy based on direct exchange or benefits at a personal or societal level (Pragmatic Legitimacy), what is considered socially acceptable (Moral Legitimacy), and inherent beliefs based on personal experiences (Cultural-Cognitive Legitimacy). Table 1 provides detailed definitions for each of these legitimacy types. In dynamic situations such as mass population displacement (due to natural or man-made hazards), institutions rely heavily on commonly accepted actions to maintain legitimacy ([48]; 169). Legitimacy helps researchers understand how an actor navigates a formal institution by providing the justification for their decisions; such decisions can be made using one or multiple types of legitimacy. For example, a driver might follow traffic laws to keep themselves safe but also because they think people should follow laws. Institutions create pathways for legitimate activities through regulation and sanctioning activities ([47]; 93), these activities have deeply integrated moral and legal implications [49]. By understanding how actors (de)legitimize exemptions and non-compliance, the authors more clearly distinguish whether actors are motivated by a humanitarian or development logic when providing temporary accommodations. These findings create a better understanding for how the humanitarian-development nexus is delineated in real-time and such information can be used to create more intentional transitions between the two.

3.3. Data collection

Ethnographic interviews capture key insights from participants using their experiences and insight through interviews and observations [50]. Legitimacy can be subconsciously expressed rather than directly; for example, someone may not say whether or not a certain type of accommodation is ‘legitimate’, but rather express justifications for their decisions implicitly in a conversation (e.g., the housing was good because it provided shelter). Therefore, participants were selected based on their involvement with temporary accommodations and were invited to participate in semi-structured interviews to hear about their experience during the process [50]. Questions in a semi-structured format loosely follow a series of questions, allowing flexibility in response based on what the interviewee values as important.

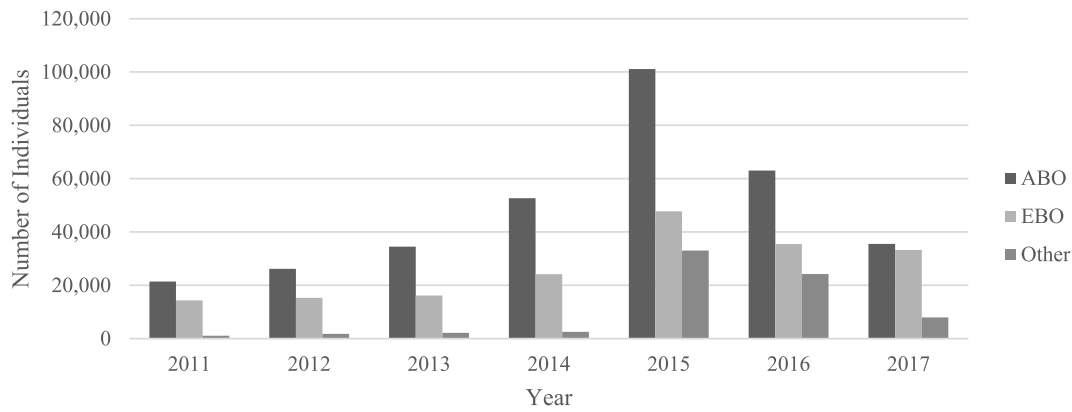


Fig. 1. Number of individuals enrolled in temporary accommodations through the Swedish Migration Agency from 2011 to 2017, arranged by type of accommodations.¹¹ See definitions for accommodation types in footnote.

Table 1
Types and subtypes of organizational legitimacy, based on definitions from Suchman [19] and Hacker et al. ([69]; A-1).

Type of Legitimacy	Definition	Example
Pragmatic Legitimacy	Support based on the ability for an organization to provide direct benefits, affecting the well-being at the individual or societal level.	<i>One might legitimize compliance in order to avoid penalties (e.g., fines, sanctions) or de-legitimize compliance to procure housing options more quickly.</i>
Moral Legitimacy	The normative assessment of whether an outcome, organization or approach is considered socially acceptable.	<i>One might justify legitimization of following protocol or lack thereof based on what is considered “the right thing to do”; e.g., displaced persons need immediate housing, and similarly, rules are meant to be followed.</i>
Cultural-Cognitive Legitimacy	The comprehension or lack thereof of a situation based on what is typically done. This is the acknowledgement of an unspoken cultural standard based on personal experience.	<i>Decision to comply with regulations is based on “what makes sense” to someone, e.g., the accommodation will be ‘temporary’ therefore it does not need to follow standard protocol.</i>

From October 2016 through June 2017, 19 semi-structured interviews were conducted with employees from various levels of government agencies (state, municipal), nonprofit organizations, and private companies (Table 2). The selection of interviewees was one third women and two thirds’ men, predominantly Swedish nationality, with experience ranging from 2 to 30 years in their respective fields (working in municipal government, humanitarian aid, etc.). For example, some interviewees with less experience had been part of the rapid hires in response to the influx of accommodations needed, while others (e.g., utility employees) were part of the existing institution. Participants were

Table 2
Distribution of interview participants by employer.

Employer	Number of Interviews	Area of Involvement
Nonprofit Organization	4	Temporary Housing Coordination
Private Company	1	Social Housing
Municipal Government	12	Social Affairs Department, Environmental Health Department, Real Estate Department, Permitting Department, Building Department
State Government	2	Migration Agency, National Board of Housing, Building and Planning

selected based on their involvement with the temporary accommodation process and a snowball method was used to solicit interviews from people most directly involved with decision-making [51]. At the time of interviews, emergency accommodations had been discontinued. Due to confidentiality, contact information for private companies and building owners who had contracts with the Swedish Migration Agency were not accessible. Although not statistically significant, a small sample size still provides analytical generalizability through its exploratory nature [52–55].

Questions included the participant’s professional responsibilities associated with the provision of temporary accommodations, general observations about the response to the influx of displaced persons during 2015, whether exemptions were used, reasons for these exemptions, and what went well, along with recommendations for future events. An interview template is included in the supplementary materials for reference. Participants expressed varying descriptions of regulations, exemptions, non-compliance, as well as the different types of accommodation. Interviews lasted between 45 and 60 min and were recorded in English with occasional Swedish verbiage, ultimately transcribed and translated as needed using professional services.

3.4. Data analysis

A qualitative analysis of interview transcriptions was conducted using Dedoose software [56] through two iterations: first, isolating excerpts legitimizing and de-legitimizing exemptions and non-compliance, and second, determining whether these instances of legitimacy and de-legitimacy is aligned with humanitarian response or development logics. Perception can be subjective and is not always consistent across individual experience. However, the use of perception assists in better understanding the role of regulation to improve regulatory interactions and engagement for future instances. For example, if a federal government wants to introduce new regulations, it is essential to understand the perception of regulatory actors towards these regulations to better coordinate enforcement, avoiding a primarily symbolic regulation [24]. Instances where participants express support (or lack of support) for exemptions or non-compliance followed by a reason for this sentiment is coded for (de)legitimacy, according to the definitions in Table 1. For example, when discussing the necessary permits and regulations in accommodations provided for displaced persons, one government employee said,

We had the agreement with the fire department that [for] one month, it’s okay [not meeting all fire regulations]. (Interview, Municipal Government Employee)

This is an example of Moral Legitimacy; the municipal government’s non-compliance was appropriate because they had made an agreement

with the fire department that allowed them an exemption from some building regulations (usually related to fire and safety) for that month-long period.

In the secondary analysis, the authors identified whether the legitimization was in the context of providing temporary response (*humanitarian logic*) or grounded in maintaining regulatory status quo (*development logic*). Excerpts for humanitarian logic are statements that suggest the response to the operation at hand is the main focus. Excerpts for development logic are statements that prioritize other factors outside of the immediate response to the population influx (e.g., impact to local communities or long-term affect to municipalities). For example, a municipal employee with the fire department expressed their opinion on temporary accommodations: “*The fire safety should be at the same level.*” (Interview, Municipal Government Employee).

The level of fire safety aligns with appropriate outcomes and is coded for *development* because the emphasis is on maintaining existing regulations. Some respondents may be predisposed to discuss certain aspects of their work in more detail than others, possibly producing emphasis on certain topics more than others. For example, if an employee is responsible for inspecting fire safety in a building, they are more likely to mention examples regarding fire cells than water facilities. To address this, the authors provide relative frequencies of legitimacy across types of employer to show concentration by interview in the primary analysis (Fig. 2). The authors focus on emergent themes of humanitarian and development logics as they relate to legitimacy and de-legitimacy for exemptions and non-compliance.

An analysis of 19 interviews results in 112 excerpts were coded expressing legitimacy (67 excerpts) or the lack thereof (45 excerpts) towards exemptions and non-compliance in providing temporary accommodations. Emergent themes were analyzed for patterns between type of legitimacy and logic (humanitarian response vs. development) across various descriptors such as location, employer and level of government.

4. Results

A pattern exists (Fig. 2): excerpts expressing legitimacy are predominantly associated with humanitarian response (64 excerpts) while excerpts expressing de-legitimacy align with development (48 excerpts). Twelve excerpts did not follow this pattern; seven excerpts legitimizing exemptions had a development logic and five excerpts de-legitimizing exemptions had a humanitarian response logic. Excerpts were also analyzed for (de)legitimacy based on whether the interviewee was discussing non-compliance or exemptions, however, Fig. 2 shows a generally even distribution across the various types of categories.

4.1. Humanitarian response usually legitimizes exemptions

The humanitarian logic prioritizes immediate needs and focuses on the task at hand. It is intuitive that efforts to provide accommodation quickly would result in legitimizing exemptions in order to accomplish this goal. For instance, an organization providing a temporary shelter

¹ Swedish asylum law guarantees accommodation for people during their asylum application process in two forms: asylum accommodations (abbreviated as “ABO”) which are collective centers provided by the Swedish Migration Agency and also private housing arrangements arranged by those seeking asylum (abbreviated as “EBO”) [22]. Asylum accommodations were distinguished by type of building and contract (private vs. public) and had various names used, such as evacuation accommodation and emergency accommodation; in Fig. 1, ‘Other’ represents these unconventional accommodations. These values do not include the number of unaccompanied minors that were accommodated by municipalities. Sweden received over 35,000 applications for asylum from unaccompanied minors in 2015 [75]. These numbers also exclude the number of displaced persons who were provided accommodation in transit to other countries.

may not have the time to go through the conventional permitting process to obtain a building permit for occupancy. This intuition is validated by 64 excerpts legitimizing exemptions and non-compliance. Additionally, this legitimization is based predominantly in Moral and Cultural-Cognitive Legitimacy, with reasons including providing housing quickly to minimize negative impacts to displaced persons (Moral Legitimacy), and the reasonableness in reducing regulations due to the temporary nature of the situation (Cultural-Cognitive Legitimacy). For example, in one statement, one interviewee explained their reasoning for being open to lower building regulations:

I can understand that you have to be very sure about is it right to build a building here if it’s going to be there for 100 years or forever, but since we’re in this situation and maybe it’s just going to be there for 10 years, I mean 10 years, sure, it’s a long term, but 10 years is not much when you think about a building. (Interview, Private Company Employee)

Cultural-Cognitive Legitimacy is used to justify not following conventional building regulations because typical buildings being regulated are intended to last longer than those being used for temporary accommodations. Similarly, this same individual used Moral Legitimacy to justify the exemption as an acceptable approach to the situation:

These are not supposed to be there forever, so maybe you could short it down for some [reason]. (Interview, Private Company Employee)

In both cases, exemptions are seen as legitimate because they are considered necessary for responding to the immediate situation. Other work shows that Pragmatic Legitimacy motivates compliance in avoidance of official sanctions, and Moral Legitimacy is a motivation through acceptable processes and outcomes [57]. In this case, with increased uncertainty due to unclear regulations and sensitive timeframes, Cultural-Cognitive Legitimacy justifies decisions based on personal experiences and comprehensibility of the situation. In some instances, people compare alternatives, such as people sleeping in a non-compliant building versus having to sleep in a park or on the street. One employee with the Swedish Migration Agency expressed the following:

During the worst peak, it was better to have a roof over your head and maybe be 15 people to have to share a shower. (Interview, State Government Employee)

The urgent need to provide accommodation sometimes supersedes the need to follow pre-existing regulations, rationalized through Cultural-Cognitive Legitimacy. In another example, a municipal employee explained the use of weaker regulations during the situation:

[It]is not just here, it’s been the entire country. Rules are being broken all the time. (Interview, Municipal Government Employee)

The majority of excerpts expressing legitimacy for exemptions and non-compliance align with humanitarian logic, prioritizing the immediate need as a rationalization for not following building regulations. Non-compliance occurred regularly, making it understandable that they would not always comply or use existing regulations (Cultural-Cognitive Legitimacy). Not following conventional regulations is not a matter of receiving a direct benefit from the exemption or non-compliance (Pragmatic Legitimacy) but based on the moral belief that it is the right approach to take (Moral Legitimacy). Whether wanting flexibility to respond, or providing urgently needed shelter, this theme is prevalent across all categories of interviewees. The use of Moral and Cultural-Cognitive Legitimacy is used to justify exemptions in standard protocol, but this also reflects decision-makers within a host country using their own perceptions of what is acceptable or understandable to uphold decision-making. One perspective missing from this rationalization is the input of people impacted by such decisions and exemptions; this would be in line with existing policy that pushes for inclusion through participation of affected populations [34,58]. Regardless the legitimacy

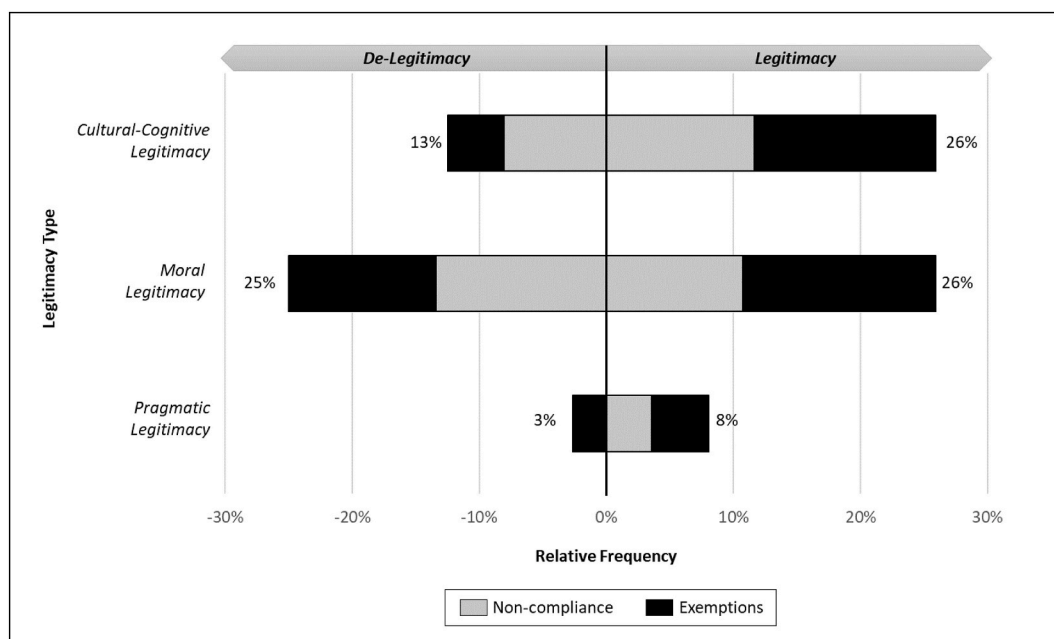


Fig. 2. Distribution of excerpts (de)legitimizing regulatory exemptions or non-compliance.

used, these exemptions and non-compliance added a sub-group of buildings to the housing supply that were either not up to minimum regulation or not intended for residential use. In the immediate time-frame, this creates an inconsistent quality of living for people residing in the temporary accommodations and in the long-term, positioning the cities for having sub-standard buildings in the housing supply. This outcome potentially jeopardizes the ability for the cities to maintain a consistent level of quality for residential housing in the cities, inhibiting or deviating from the achievement of SDG 11, which aims to make cities 'inclusive, safe, resilient, and sustainable' [1].

4.2. Development logic usually de-legitimizes exemptions

Conversely, excerpts that de-legitimize exemptions and non-compliance in temporary accommodations usually align with development logic or support for going through established regulatory mechanisms; priorities are centered in long-term structural transformation [2] or maintaining status quo for the larger community. One example of this is seen in cities within the United States to create legal frameworks for informal settlements for people experiencing homelessness to control informality [59,60]. Forty-eight (48) excerpts de-legitimize exemptions for reasons including that the building use would change, the addition of sub-standard buildings into society, or that building regulations were neglected. In one case, a clergy member did not consider their building as a place to live, but rather shelter from the elements:

Because then you have changed the purpose of the house from a church to a hostel. (Interview)

Exemptions are seen as compromising the long-term function of a temporary accommodation due to humanitarian logic. Building use was also a discussion between temporary accommodations provided by the Swedish Migration Agency versus municipalities. Accommodations managed by the Swedish Migration Agency are different in that they are eligible for official exemptions when used as temporary accommodations [61], but a different perspective was taken with accommodations managed by municipalities:

Then they should have just a normal apartment or something. (Interview, State Government Employee)

The municipalities were in a unique situation where some of their departments were responsible for maintaining regulations through regulatory agencies, while other departments were responsible for providing accommodation to unaccompanied minors and displaced persons who had received a temporary residence permit through the Swedish Migration Agency. In one example, a regulatory employee expressed de-legitimacy for a temporary accommodation managed by a nonprofit organization:

They didn't really accept that they were doing something not according to the building laws. (Interview, Municipal Government Employee)

This was an example of Moral de-Legitimacy because the nonprofit organization did not conform to existing regulations.

To summarize the results, when interviewees legitimize a deviation from conventional building regulations, this is generally motivated by the need to circumvent formal mechanisms – in line with humanitarian logic [6]. The de-legitimacy of deviation is based in a need to operate within existing regulatory frameworks, consistent with development logic [2]. The types of legitimacy used by respondents shows that non-compliance is generally based in a normative interpretation of the situation rather than a pragmatic impact of such decisions, not to say that a secondary motivation is how decisions affect people. For example, someone might break building code and house people so they have a space to sleep, but when asked, their primary reason is the social acceptability of the decision. These results demonstrate a clear delineation of how humanitarian and development logics play out within a need to provide housing. These findings are juxtaposed with implications for the humanitarian-development nexus in the following sections.

5. Discussion

Including *both* developing and developed contexts in the theory of the humanitarian-development nexus provides a better contextual understanding of how host countries respond to displacement based on the strength of institutional structures, rather than primarily through their socio-economic status. Up to this point, literature has focused primarily on developing contexts, withholding the opportunity for developed economies to improve their own processes in responding to mass

displacement and other natural and manmade hazard events. In addition, this nexus is not spatially constrained as previously implied in literature, which up to this point has approached the transition from humanitarian response to development work through increasing resilience and disaster risk reduction at the place of origin for hazards [37, 38,40,62,63]. In addition to improving resilience for countries of origin for these events, it is also critical to equip countries who receive displaced communities to absorb these population influxes. This theoretical lens introduces accountability for developed host communities and also insight for any country looking to strengthen their institutional frameworks.

An analysis of (de)legitimacy for regulations shows the ways in which actors responsible for temporary accommodation engage with the pre-existing regulatory framework; the data show that the tension between these reflects the humanitarian-development nexus. The legitimacy of non-compliance and exemptions to regulations in the provision of temporary accommodations hinged on the temporal perceptions of those responding. Three major results from the analysis represent this finding: (1) the reasons behind legitimacy or de-legitimacy aligned with humanitarian and development logics (respectively), (2) a majority of the actors legitimized the use of exemptions or non-compliance in response to the situation, and (3) this legitimization of circumventing conventional regulatory mechanisms were predominantly due to what was considered socially acceptable and understandable for the situation, not because of pragmatic benefits to actors. In this analysis, the contextualization of what defines temporary and permanent, and the overall implications for these interpretations in the housing supply are discussed further.

5.1. Defining temporary and permanent

How one defines *temporary* impacts whether or not one legitimizes exemptions to building regulations. The scope of what is considered temporary uncovers the boundary between two logics: humanitarian response and development. For example, humanitarian logic represents nonprofits at local, national and international levels, and within each of these organizations are individuals who are making decisions with the primary goal being to provide immediate relief and response to a disaster event impacted population. Development also represents a variety of organizations, but is primarily based in government with varying goals based on local, state and national priorities, generally working to improve resources for constituents within the built environment over an extended period of time. Sweden's response to the influx of displaced persons displayed both of these logics in the context of regulatory compliance. As with other contexts where temporary accommodation is urgently needed, disregarding or exempting regulations has the potential to impact long-term standardization of housing quality in the host community, introducing long-term equity issues to the housing supply [64]. Regulatory authorities are faced with retroactively formalizing exemptions and non-compliance or enforcing regulations [64,65].

The term *temporary* and *permanent* have varying interpretations across actors involved with providing temporary accommodation. For example, in Sweden the National Board of Housing, Building and Planning (Boverket) allows a temporary permit for up to ten years for residential buildings used for temporary accommodation [61]. However, actors from various regulatory authorities interpret *temporary* differently, ranging from a few days up to a few months. Understanding the scope of what constitutes 'temporary' affects the type of allowable exemptions. For example, one permitting employee expressed the difficulty in what constituted a formal building permit:

That was really the first question. To really need a building permit, how short-term can it get, or how long can the short-term be before you are required a building permit. And we were in this discussion; I think we land at something like four weeks or something like that. (Interview, Municipal Government Employee)

Even when temporary is considered to be a few days, it still preempts discussion on acceptable exemptions. A government employee in a fire department, who described the conversations that decision-makers had surrounding temporary accommodations and regulations, expressed this. On one hand, exemptions to conventional building regulations were legitimate due to the temporary nature of the building:

In the fall of 2015, we got many suggestions of what we can do to lower the fire safety regulations, so we can use more places to stay. Many talked about it, 'but it's just temporary.' They're just going to sleep here for a few days or a week or so, and then we can accept that. (Interview, Municipal Government Employee)

However, in the same explanation the employee uses the same timeframe of three days to de-legitimize providing exemptions due to the fact the building, although used for a few nights, ultimately is being used for a longer period:

Some thought it was okay that there slept 4,000 people in gymnastic room. We didn't think that that would be okay, because for one person would stay there for three nights, but the house would be used for a long time, for long term. (Interview, Municipal Government Employee)

Across both excerpts, it is evident that decision-makers struggled with providing humanitarian response and its implications for both the people living inside as well as long-term implications of allowing less than minimum regulations. When humanitarian response is considered beyond the immediate timeframe, it preempts an understanding of how these decisions function within the established regulatory systems.

5.2. Exemptions are unavoidable for humanitarian response

Stakeholders not accustomed to providing accommodation quickly were more prone to legitimizing exemptions or dismissing non-compliance because the primary goal is to provide housing quickly. This humanitarian logic is similar across other responses to natural disasters and forced displacement [26]. When looking at quick response to immediate needs, deviation from conventional regulations allows actors the flexibility to provide temporary accommodations in a timely manner, providing vulnerable populations with much-needed shelter.

Government agencies such as the Swedish Migration Agency and municipalities are responsible for providing temporary accommodation for people seeking asylum and those who receive a temporary residence permit. When capacity overwhelmed pre-existing accommodations in 2015, the primary goal became procuring buildings to create new accommodations quickly. These agencies (Swedish Migration Agency, municipal social affairs departments) are not conventionally responsible with creating or procuring housing; they previously acquired permanent buildings for temporary accommodation but typically, they focus their energy in social services and processing asylum requests. In this situation, humanitarian response was in play and these agencies were operating outside their conventional roles; due to exceeded capacity in preexisting temporary accommodations the Swedish Migration Agency and social affairs department in the municipalities also needed to procure new buildings for temporary accommodation. Interviews with municipal and federal levels of government produced a narrative that they needed immediate housing and it was understood that this was not a permanent arrangement. In temporary situations, however defined, rules can be rendered as obsolete because they don't fit in the parameters of the situation [24,66]. This is acknowledged in interviews, as expressed by one government employee:

The laws regulating public procurement, it's full of red tape. It's not made for situations like that, so that was very difficult. We had 60-70 buses leaving from here out in the parking lot every day during the worst period. Sometimes they would just send the bus away, but they

didn't have a destination because we didn't have any housing. (Interview, State Government Employee)

Employees in the Swedish Migration Agency reactively arranged destinations for these buses as they were in transit. With this urgent need for housing, exemptions were necessary to provide shelter to displaced persons (e.g. allowing residential use of buildings in areas zoned for commercial use or not meeting building regulations), and at times even these exemptions were not enough to help facilitate the process. This experience by various government agencies is reflective of the need to increase interaction and engagement between stakeholders in organizational responses, in line with goals for synchronizing the humanitarian-development nexus in response to large movements of people [34,67]. How a stakeholder is positioned within a collective response affects their ability to engage with the overall actions for the situation. Attempts to increase efficiency in this process can result in deviation from existing regulations and authority structures [66]. For example, one municipal employee described how fire officials justified allowing emergency accommodations with lessened fire safety:

They knew. It is a crisis. You can say, 'Yeah, you can be there for one month.' (Interview, Municipal Government Employee)

Some regulatory actors legitimize temporary non-compliance with the justification that building owners would come into compliance after they were made aware of the violations (Moral Legitimacy):

I can't say that we permitted to use these [buildings] against the rules, but we left the decision with the request that they will make the [buildings] possible to live after the decision. (Interview, Municipal Government Employee)

This is just one example of how the development logic seeks to control or structure the response using the regulatory mechanisms, exemptions were given with the assumption that compliance would ultimately be met.

5.3. Non-compliance can be problematic for development

Although a basis exists for needing to adapt or deviate from existing regulations in a crisis, this can be problematic for the long-term function of the built environment. For example, SDG 11 aims to "enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries" [1]; 26) and regulatory exemptions have the potential to impede this goal. Regulatory actors usually use a development logic, one where the argument of sustainable practice exists in desiring to "meet the needs of the present without compromising the ability of future generations to meet their own needs" [68]. This conflicts with the immediate needs of humanitarian response by instead emphasizing the future. This arose during an interview with a nonprofit employee working in a temporary accommodation:

This is a question that comes up every time you have displaced people. That you have, you need to settle people fast. Then you risk building structures in society that later on become permanent. They are supposed to be temporary, but they become permanent. And then sub-standards of living are generated. (Interview, Nonprofit Employee)

While exemptions are legitimized, these decisions had long-term impacts to the housing supply. One employee described the situation almost two years after the temporary accommodations were procured in 2015:

We felt like if we accept these types of accommodations now, what's going to happen in one year or two years. That I think the fire department is in mostly south of Sweden have that problem now, because they still have some of those accommodations that don't

follow the regulations in fire safety. (Interview, Municipal Government Employee)

This tension also existed in migrant accommodations. Swedish Migration Agency employees justified their emergency accommodations in unconventional buildings in that occupants did not yet have citizenship; when municipalities receive people with temporary residence permits, they are expected to provide permanent housing as though they were citizens. One respondent involved with developing the formal building exemptions for temporary accommodations de-legitimized the exemption for municipalities because of the citizenship status of occupants:

I think legally [the municipalities] can't use the exceptions, it could be a problem. Because [the occupants are] not seeking asylum anymore. (Interview, State Government Employee)

This concept was challenged with the reality that municipalities helped the Swedish Migration Agency with temporary accommodation using their own buildings but did not have sufficient capacity to provide migrant accommodation and were put in a position of using temporary accommodations as well. Officials were aware of this conceptual difference in regulation:

You are not providing a temporary standard. You are providing permanent household living. (Interview, Municipal Government Employee)

The federal building regulations only exempted temporary accommodations for buildings contracted with the Swedish Migration Agency, which led to some municipalities bypassing regulations in order to provide housing. In spite of this non-compliance, allowing exemptions was de-legitimized due to the fear that these actions would have long-lasting implications. It is also unclear what contributes to the reasonableness of exemptions or deviation from regulations that are justified with Cultural-Cognitive Legitimacy. This introduces a necessary discussion about how humanitarian response and development logics coexist in the built environment. Municipalities are required to receive a certain number of displaced persons who were granted temporary residents permits but are not eligible to use formal exemptions for temporary accommodations in the same way as the Swedish Migration Agency. One municipal employee expressed frustration with the inability to deviate from building regulations in a legal manner:

But I think it's not balanced to say that, 'Well, if you're living in what the government has provided, you can have this standard, but if you're living two years in what the municipality has provided, you have to have this standard.' It's not really fair. (Interview, Municipal Government Employee)

Conversely, state government employees did not perceive migrant accommodation as temporary, which influenced why exemptions were not afforded to municipalities:

Once they are received in the municipality, they live in the accommodation. That's like their permanent accommodation. (Interview, State Government Employee)

This statement demonstrates the importance of defining permanent and temporary entities and their effect on governance mechanisms. When housing is considered permanent, exemptions are no longer perceived as legitimate because of the long-term function of the building and the need to provide a certain quality. Although exemptions are clearly justified by study participants in humanitarian response, decisions cross over into permanent impact.

6. Conclusion

This conversation centers on the way in which stakeholders

legitimize the use of regulatory exemptions and non-compliance in providing temporary accommodation. It is evident from the data that participants predominantly use what is understandable (Cultural-Cognitive Legitimacy) and what is considered to be the normatively acceptable approach (Moral Legitimacy), rather than more pragmatic types of legitimacy. Sub-standard buildings are added to the host community's housing stock, creating inconsistent regulations for people residing in such buildings. One major barrier to bridging the overlapping humanitarian and development logics lies in how temporal regulations are defined. A host community can better structure the operating environment for actors with both logics by creating stronger definitions that are realistic for the overall response, and to supplement actor's decision-making based on normative and cognitive legitimacy. This ambiguity in regulation emerges a clear distinction between the humanitarian and development logic: humanitarian logic legitimizes working around regulations through non-compliance or exemptions in order to provide immediate response, while development logic de-legitimizes deviations from the regulatory framework as an attack on the existing regulatory mechanism. Host communities need to be aware of this contrast between humanitarian action and development logics in order to manage long-term impacts from temporary accommodation of communities, and to better inform future creation of regulatory exemptions for these contexts.

As host communities respond to receiving large movements of people, we need mechanisms to better bridge the humanitarian and development logics. This study framed both logics through the legitimization of regulatory compliance with respect to organizing temporary accommodations in Swedish cities hosting large, displaced populations. Various actors such as nonprofits, state government, municipal governments and private actors came together to meet the immediate housing need during the influx of asylum seekers in 2015. This situation was considered a crisis for the governmental system responsible for providing temporary housing:

... it is obvious that the public systems or the public services and so on were put under extreme stress, which made it very difficult to provide the service that we are obligated to do. In [our city], there were some cases where we asked people to stay on the sidewalk, you know? (Interview, State Employee)

Analysis of excerpts from 19 interviews show that in the process of providing temporary accommodation quickly, regulatory mechanisms were intentionally compromised. Legitimacy for exemptions and non-compliance is associated with meeting immediate shelter needs (humanitarian response) while those expressing de-legitimacy for exemptions are due to the long-term implications for such decisions (development logic). Given the use of normative and cultural-cognitive justification for decision-making, an increase in pragmatic program structuring could supplement these decisions in a way that addresses the innate overlap between the two logics. In light of these findings, the authors propose three overarching recommendations:

6.1. Recommendation #1: recognize that the humanitarian-development nexus supersedes economic and spatial boundaries

This study identifies the relevancy of theories surrounding the humanitarian-development nexus regardless of a country's economic status, and the need to incorporate a development perspective within humanitarian response can be applied to developed contexts as well as the more frequently discussed developing contexts. Framing the provision of temporary accommodation for displaced persons through a humanitarian logic causes regulatory non-compliance, compromising the integrity of building regulations in the housing supply and quality of life for vulnerable populations in the accommodations. In meeting the immediate need of a crisis, it is inevitable that some regulations will be overlooked; this has been noted in literature [18,26,66], and

exemplified through this study. Although non-compliance may be inevitable, there is the potential for negative long-term impacts to development, such as inconsistency of building quality. Developmental impacts from humanitarian response need to be incorporated into short-term coordination. For example, if temporary accommodations are required and options include non-residential buildings such as those used in Sweden during the 2015 response and other countries such as Germany [69], the impact of these alternatives to the host community's housing supply should be considered during inter-agency discussions. Efforts have been made to improve coordination across the HD nexus, one example being the creation of the New Way of Working, which focuses on leveraging the comparative advantage of different humanitarian and development actors in order to reduce barriers and achieve 'collective outcomes' [33]. In the United States, the national government used for emergency response (FEMA) is only mobilized upon national declaration of emergency and coordination is still contingent on local coordination.

Ignoring long-term impacts to the built environment may result in resources being used for parallel infrastructure services and puts donors and host communities at risk for inefficient spending [70]. This requires increased coordination between stakeholders in the operation that represent various backgrounds related to long-term planning (i.e. enforcement agencies, urban planning, etc.) in addition to emergency response (e.g. nonprofit organizations, social affairs, immigration agencies, etc.) [71].

6.2. Recommendation #2: define terms

It is important for policymakers to clearly define what is considered *temporary* to limit non-compliance in such situations of mass population displacement. Definitions need to be both clear and contextually relevant to the situation to help structure desired outcomes for the transition. Swedish building regulations provided formal exemptions for temporary accommodations managed by the Swedish Migration Agency, however because *temporary* was defined as not to exceed 10 years, government agencies like municipalities were unable to function within the legal boundaries and experienced non-compliance. Defining *temporary* equips regulatory institutions for better control of the extent to which non-compliance exists in temporary accommodations and provides flexibility for stakeholders to accomplish their goal. Other emergency relief efforts have attempted to define emergency activity; UNHCR defined various levels of emergencies with varying administrative and funding mechanisms to be reviewed after six months [4,72]. In the United States, FEMA does not have specific definitions for shelter, interim or transitional housing, but its Public Assistance program defines emergency work to be completed in six months and permanent work to be finished within 18 months [73]. Similar to the Swedish context, these definitions have not always been closely followed, resulting in the use of temporary buildings for long-term use [26,64]. In this Swedish case study, if a temporary accommodation is defined for providing housing for a period of up to one month rather than the current limit of ten years, municipalities might have been able to legally provide interim housing while more adequate permanent housing was arranged. Buildings previously used by the Swedish Migration Agency were not allowed for use by the municipality because *migrant accommodation* was not considered temporary; however, municipalities regularly expressed the need for such intermediate housing. Redefining the scope of the response through a temporal perspective allows a chance for all stakeholders to adjust to the situation while maintaining the integrity of long-term accommodation for displaced persons.

6.3. Recommendation #3: build pragmatic frameworks that accommodate humanitarian and development requirements from the outset

Decision-makers rely on normative and cognitive understanding to

(de)legitimize decisions. It is therefore important to build pragmatic frameworks into decision-making to supplement moral judgements and to include participation from affected persons residing in temporary accommodations. Attempts were made to address the HD nexus which may prove useful in other developed contexts. Staff from a local fire department accompanied staff from the Swedish Migration Agency on initial inspections buildings to expedite the permitting and approval process; staff could identify whether a property was viable without the migration agency working through the initial application process. In another example, an employee with the Swedish Migration Agency explained that they had started mapping potential facilities for use as temporary accommodations and ranking them based on eligibility for residential use; when the number of displaced persons decreased and facilities were closed, the building was included in a larger database for any potential need moving forward. These are just two examples of how stakeholders overlapped short-term and long-term objectives to improve the accommodation system; this collaborative space allowed for both logics to integrate their (de)legitimization in a less sequential, but rather enmeshed way. Other host communities might be able to assess their procurement and decision-making processes to identify areas for improved efficiency during a displacement event using these examples. Lastly, this finding also necessitates the use of intermediaries to bridge normative and cognitive divides during periods of transition from short to long term activities [74]. In this study, regulatory agencies were present for inspections and helped mediate exemptions for building owners and the migration agency during procurement. Leveraging roles at the interface between both logics to translate mandates and roles during response can improve alignment and improve transition in the nexus.

These findings contribute to the ongoing academic and policy discussions surrounding the humanitarian-development nexus. Considering development priorities is essential across countries of varying economic status, irrespective of the degree of involvement by international partner organizations. This could also be a productive strategy in the Swedish context. Legitimization (or lack thereof) of the regulatory framework in well-established organizational responses serves as an indicator for how stakeholders engage with the overall response. In this case, the legitimization of exemptions is indicative of a humanitarian logic and de-legitimization of exemptions aligns with the development logic; such findings open the conversation for further understanding of the other ways in which challenges and interventions for the humanitarian-development nexus exist in developed contexts. Results inform decision-making that can affect the quality of living for occupants in temporary accommodation as well as reducing the introduction of sub-standard buildings within the housing supply of host communities.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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