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Entrenched relations and the permanence of long-term refugee camp situations

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Abstract
This paper reviews literature on protracted refugee situations and constructs a theoretical structure to explain the entrenched nature of refugee camps – a de facto fourth 'durable solution.' It argues that the relations among UNHCR, state governments (developed and developing), and refugees are often rigid and create a trajectory for similar future relations and for continued protracted refugee situations. Through this theoretical lens, the paper looks at Kakuma and Dadaab refugee camps in Kenya, where state deterrence, a lack of refugee protection, struggles with identity, and the neo-colonialism and power synonymous with humanitarianism are evident. This paper also looks at proposed and possible solutions to the long-term nature of such situations.

1. Introduction: Triangles and Trajectories

The international refugee system has consolidated in its short history, solidifying roles among key groups. The relations among players may now be embedded to a point of, at least partial, intractability. I examine relationships and power dynamics among UNHCR (United Nations High Commissioner for Refugees), state governments in both developed and developing countries, and international refugees. Other participants also factor, but my scope is to look at these three, which are sufficiently broad in and of themselves. Relations among the three form a triangle that appears to be entrenched - established in trajectories that will foreseeably re-create current dynamics in the future.

UNHCR, for instance, has a mandate of refugee protection and thus a mandate to pressure governments into action and cooperation. However, UNHCR also receives funding from state governments as well as permission to enter and work in sovereign territory. Sovereignty and state power, then, place UNHCR in a compromised position with only rhetoric, rather than any force, on its side. Further, states and interstate relations favour prevention of migration over burden-sharing that welcomes refugee migrants. These dynamics result in long-term camp situations, and protracted situations have become a norm, having increased as a total of all refugee situations from 45% to 90% over the 1993-2003 period.[1] They are normative precisely because they fit nicely into the above-mentioned interactions. Keeping refugees in camps means that refugees are not repatriated, at least not immediately; and this serves UNHCR's mandate to protect against refoulement. To serve state interests of prevention and deterrence, refugees are kept in camps for excessively long periods, rather than being allowed to integrate into host countries or resettle to third countries.

In the triangle of relations, refugees are often an object, passively given an identity at the bottom of a hierarchy. Authoritative humanitarianism and coercive state power aim to keep refugees *in their place* – both in terms of identity and geographic location in camps. To states and UNHCR, refugees can be the *means* [to secure funding, international attention, and thus legitimacy to run humanitarian operations through camps] and the *ends* [the object of aid and protection] (Harrell-Bond, et. al. 1992, p. 205). But, as Lisa Malkki insists, refugees are also agents of their own identities and lives, whether they reclaim power from states and UNHCR, or whether they decide to settle into pre-defined camp roles and "refugee" identities.

In these introductory paragraphs I have mentioned only examples of the ways that refugees, UNHCR, and state governments interact. Their interactions are multi-faceted and intricate, complexities I intend to explore in this paper. I will look at camps and camp literature generally with a specific focus on Dadaab and Kakuma camps in Kenya.[2] My interest in the Kenyan camps comes from work during 2004 with Somali Bantu peoples resettled in the United States. The men and women I worked with had been in Dadaab for over ten years and in Kakuma for one or two years of "pre-departure processing." The triangular relationship among states, UNHCR and refugees will be the lens through which I look at UNHCR's mandate and history, at state policies of deterrence, at protection and the lack of it, at refugee identity, and at humanitarianism's compassionate colonialism and coercive power (Hyndman 2000, p. xvi). All of these issues are part of a literature review, which, in the end, paints a picture of refugee camp permanence. Indeed, the average duration of protracted refugee situations has increased from 9 to 17 years from 1993-2003

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[1] For this statistic UNHCR defines 'protracted refugee situations' as circumstances in which exiled communities of over 25,000 people have been in developing countries for 5 or more years (2004b, p. 2). It excludes exiled Palestinians because UNRWA [United Nations Relief and Works Agency for Palestinian Refugees in the Near East] has a separate mandate.

[2] In 2004 UNHCR counted 240,000 refugees in Kenya, 153,600 of whom are Somalis, with Sudanese and Ethiopians comprising other significant groups. The Somali refugee case is particularly interesting because Somalis are in a protracted stateless position, due to civil war and a disintegration of the government after an early 1990's coup de etat. Beginning around October 1992, Somalis fled to refugee camps about 40 miles within the Kenyan border. Between 1991 and 1993, 1.4 million Somalis were internally displaced. An additional 1 million fled as refugees to neighbouring countries. On an average day during the displacement, 800 people crossed to Kenya, but that number sometimes climbed as high as 2,000 per day (Kirkby, et. al. 1997, p. 181). Somali refugees in Kenya now live in four camps, a consolidation from an original fifteen. Three of the four are located in the northeast of the country within 10 miles of the Dadaab Division town centre – a locale not detailed on the majority of Kenyan maps. The other camp, Kakuma, is in the northwest and has a majority population of Sudanese refugees.

(UNHCR 2004b, p. 2). I ask, then, whether the relations among UNHCR, state governments and refugees necessitate long-term refugee camp situations and whether there are viable alternatives.

2. UNHCR: History, mandate, and shifts

The current international refugee system has its roots in post-WWII efforts to deal with statelessness in Europe. Camps became a standard and have remained as such (Arendt, H., cited in Hyndman 2000, p. 7). The 1951 Convention Relating to the Status of Refugees was a Eurocentric agreement emphasizing burden-sharing among states, as well as civil and political rights for refugees. [3] As Hyndman (2000, p. 8) notes, it was intended to apply primarily to refugees in post-WWII Europe.

Significantly, the 1951 Convention had minimized social and economic reasons for flight in determining the definition of a refugee. Arguably these are more relevant in refugee-producing countries today than they were in post-war Europe. Under the 1951 Convention people cannot, for instance, flee their home countries and claim refugee status if they are victims of social and economic rights abuses, i.e. denied food, health, employment, etc. Today, Hyndman (2000, p. 11) notes, "the [1951 C]onvention definition is increasingly irrelevant to the majority of refugees, who...face violence on a broader scale and for different reasons than those of post-war Europe." She adds that "the [C]onvention's definition was never intended...to be universal." Yet today, though subsequent agreements have moved towards universalism and the inclusion of circumstantial reasons for flight,[4] the Convention's diction remains the litmus test to identify 'real' refugees. The Convention has been left irrelevant precisely because that irrelevancy is limiting. Because many people do not fit into the Convention's definition of a refugee, they cannot be classified as such. Therefore, no state is necessarily responsible for their asylum.

As for UNHCR's involvement in Africa, Holborn (1975) recounts material assistance was initially a priority because African states invited UNHCR to provide that assistance, rather than to advocate for protection. UNHCR in Africa also had to shift to accommodate large numbers of refugees there. It, therefore, became difficult to make individual assessments of refugee status. Though UNHCR felt responsibility to help in Africa, the agency limited itself to what it could handle: giving material assistance to political refugees (tending to leave out political protection to social, economic, environmental and even political refugees).

The 1951 Convention lacks practical force and specific stipulations, and UNHCR has had to shift to deal with the practical realities of the Convention's nature. It has had to continue to work with states who only partially follow their Convention agreements and who argue that the "implementation [of rights outlined in the Convention] is not 'rationally possible,' given geopolitical 'realities'" (Malkki 2002, p. 354). UNHCR must relate to states as partners and, at the same time, must challenge, criticise and prod states.

As cooperative partners, governments sit on the executive committee of UNHCR, donate funds, and grant UNHCR permission to work within their boundaries. Yet, UNHCR's (2004, p. 2) mandate is to confront states that have caused refugees to flee or that are failing to provide hosted refugees within their boundaries with protection or aid. Its

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[3] In Article 1 the Convention states that a refugee is someone who "as a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country..." Part B of that first article says that each state agreeing to the Convention can decide whether the above will apply to "events occurring in Europe before 1 January 1951" or to "events occurring in Europe and elsewhere before 1 January 1951" (UNHCR 1992, p. 189).

[4] The international community added inclusive universalist elements to the document in 1967 with the Protocol relating to the Status of Refugees, which eradicates temporal or geographical limitations to the definition of a refugee. Further, in 1969 the African Union added circumstantial reasons for flight with the Convention Governing the Specific Aspects of Refugee Problems in Africa. The OAU Convention, as it is known, adds that "[t]he term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country...is compelled to leave...and to seek refuge in another place..." (African Union 1969).

purported position as an apolitical outsider is compromised by these dynamics. States are responsible for the security of refugees, yet UNHCR has failed, for instance, to criticise the Kenyan government for security and protection-related human rights violations, including police harassment, detainment, extortion, intimidation, sexual abuse, and arbitrary arrest (Bartolomei, et. al., 2003, pp. 75-76, and Refugee Consortium 2003). Because UNHCR needs to maintain favour with the Kenyan government in order to operate there, it feels it cannot criticise the government.

UNHCR is further compromised in Kenya because it has taken on duties that should be government responsibilities: receiving refugees, conducting interviews, determining status and establishing eligibility for appeals. With the large influx of refugees in 1990 and 1991, the Government of Kenya's Eligibility Committee collapsed, along with the state's ability to form and carry out refugee policy. The government has since left nearly all refugee-related responsibilities to UNHCR (Verdirame 1999, pp. 56-57). The UN agency has become both the determiner of refugee status and the protector of it, compromising its autonomy and protective role (Refugee Consortium 2003, p. 17).

The Kenyan government claims it is only a 'transit country' and thus does not give refugees legal recognition. UNHCR's status determination is therefore not officially legal under Kenyan law, but only a recommendation to the Kenyan government to offer protection to certain individuals. Some claim that the 'protection cards' they receive from UNHCR are "not worth the paper [they are] written on" (Verdirame 1999, pp. 58-60), and no more than 20% of refugees have documents of any kind (Turton 2005, p. 5).

Because of its compromised relations with state governments, UNHCR often cannot provide refugees with mandated protection. Harrell-Bond (1986, Ch 4, Sec 2) questions UNHCR's competence in this position,

The unwillingness of the UN to sanction its members who carry out such serious breaches of international law raises the question of whether any organization which directly depends on the support of these same member states is competent *to carry out the protection functions with which it has been entrusted.*[5]

Rather than questioning competence, as Harrell-Bond does, Hyndman (2000, p. xix) gives another view of the situation. She wonders, not whether UNHCR is qualified to do the job, but whether,

within the context in which it must work, UNHCR is able to "take consistent and effective steps in safeguarding [security]." Its problems, therefore, are at least partially contextual. Later Hyndman (2000, p. 156) even praises the agency: "UNHCR has...provided critical responses to human crises where no state apparatus exists." Competent or not, any agency working in UNHCR's circumstances would be very limited in what it could achieve.

The structural system of the refugee regime would need significant transformation to dislodge it from its current trajectory. Because of its relations with states, UNHCR is embedded in a particular way of operating, i.e. compromising its own autonomy and taking on state responsibility.

Assuming state responsibility has meant UNHCR taking on more humanitarian duties. There has been a post-Cold War shift from legal protection to emergency assistance, from protection to operational activities (Hyndman 2000, p. 15). Emergency assistance, or "humanitarian pragmatism" (Loescher 2001, p. 28), may be easier to provide than protection. Because its hands are tied by states and it is unable to demand that states protect refugees, the least UNHCR can do is sustain life.

In this position, UNHCR has had to shift away from its protection-assuring role. It has been forced to take on states' agendas of deterrence, repatriation and sometimes containment. Loescher (2001, p. 28) notes that "[i]n recent years, in order to demonstrate its 'relevance' to states, UNHCR has regularly cooperated in the containment of the internally displaced within countries of origin and the enforcement of repatriation programmes that are often less than voluntary."

Barnett (2001, p. 31) follows talking about an early 1990's situation in Kenya, "The agency...had little alternative: patrons held the purse strings and were going to send refugees back whether UNHCR liked it or not." On the Kenya-Somalia border during that period UNHCR set up a preventative zone to avert refugee border crossing and to aide repatriation. Kenya did not want more refugees pouring into its northern regions, and rather than watching the Government of Kenya take harsh action against the refugees, UNHCR set up a softer form of prevention and repatriation. Directly after President Moi's 1992 announcement that refugees would be returned to Somalia, the UN Secretary-General requested that UNHCR establish a Cross Border Operation preventative zone (Hyndman and Nylund 1998, p. 24). The agency also initiated Quick Impact Projects, development programmes in Somalia intended to encourage would-be refugees to remain at home.

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[5] Harrell-Bond refers to and cites, but does not quote, Guest 1983 here.

There has also been a shift in preference of durable solutions. "Durable solutions," though not specifically coined as such in the 1951 Convention, are customarily described by UNHCR and the refugee regime as 1) repatriation, 2) integration into host country, and 3) resettlement to a third country. While local integration was historically a preferred option, a shift in the 1970s and 1980s toward resettlement resulted in resettlement 'fatigue' (Hynd 2002, section 3.1). In the mid-1980s another shift placed repatriation as 'the only viable solution' (Crisp 2003, p. 3). Repatriation can, however, mask illegal and forced refoulement.

UNHCR has tried to be euphemistic and positive through the shifts. In the 2000 edition of *The State of the World's Refugees,* UNHCR (p. 4) says that post-Cold War it has been "pro-active, homeland-oriented, and holistic." That is certainly more positive diction than "preventative" and "deterrent." The shift has meant an erosion of the non-refoulement principle, but UNHCR paints that erosion as "homeland-orientation." Goodwin-Gill aptly notes that protection is no longer "the fashion" (Goodwin-Gill, cited in Hyndman 2000, p. 1).

Not only do developing countries like Kenya put pressure on UNHCR to prevent people becoming refugees, but developed countries pressure as well. While developing countries have leverage over UNHCR by deciding whether or not to let them into the country, developed countries have financial leverage, as UNHCR's main funders. Developed countries tend to prefer to avoid their international responsibilities to potential refugees and are, therefore, often willing to intervene into conflict zones in order to prevent international migration – even though this is often costly. "Where they [developed states] were once content to react on the basis of obligation, states now commonly extend their reach, acting extra-territorially to prevent obligations ever being triggered" (Goodwin-Gill 2001, p. 14).

The 'right to remain' now takes precedence over the 'right to leave' (Hyndman 2000, p. 17). While the right to remain is valid, in situations where remaining is dangerous, another option must be available.

3. State Deterrence

States not only pressure UNHCR into a compromised position, where UNHCR ends up aiding refoulement rather than protection, but states also engage in active refugee-prevention themselves.

Deterrence is sometimes preferred by states over protection, or even tolerance. Prevention of movement and "a repatriation culture" (Barnet 2001, p. 33) often dominate. As discussed in the previous section, state bodies often prefer that displaced people never become refugees at all, and thus never become states' international responsibility. Rationales and excuses are common: refugees bring instability; refugees and local populations will not co-exist peacefully; refugees use too many state resources; we have no room; they are a liability. Environmental justifications and the labelling of refugees as "exceptional resource degraders" are also familiar (Black 1998b).

Another state approach is to ignore refugees altogether, shrouding them in a cloak of invisibility. While nation-states form "imagined communities of belonging," recent refugees to a country form "non-communities of the excluded," (Hyndman 2000, p. xxv) i.e. invisible non-entities. In Kenya after issuing encampment policies and ensuring refugees were UNHCR responsibility, the government has largely ignored the presence of refugees. It has issued no refugee legislation other than an encampment policy, and it has declared itself a transit country, implying that since refugees *are* going to leave, it need not worry about them (Crisp 1999).[6]

Additionally, camps in Kenya are in "invisible" areas of the country because the government fears refugees would use valuable agricultural lands if they were allowed to locate in fertile areas (Perouse de Mondclos and Kagwanja 2000, p. 207). The northwest of Kenya is infertile, arid land populated by racially Somali people, who generally are regarded by the government with racially-motivated contempt (Hyndman 2000, p. 47). Receiving little to no development, the north of Kenya is an area the government has ignored for decades. The government has neither extended effective courts nor jurisdiction to the camps, and, of course, it does not necessarily recognise the protection cards UNHCR hands out *prima facie*. As Bartolomei et al. (2003, p. 89) aptly note,

Kenya currently honours its minimum obligation under the 1951 Refugee Convention and 1969 Organization of African Unity Protocol, in that it has

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6 Crisp outlines Kenyan policy measures/attitudes, including an assumption of refugee repatriation.

not recently *prevented refugees from crossing its borders in search of safe asylum. However, the degree to which safe asylum or effective international protection is achieved by most refugees is highly questionable.*

Bartolomei et al. are arguing that Kenya does enough to avoid serious criticism by letting refugees cross into its borders, but beyond that, the government has not been necessarily committed to the well-being and protection of refugee peoples. Some of that may be changing, as we will examine later, and, in Kenya's defence, we must remember that Kenya is a developing country with limited resources. It lacks adequate resources to feed refugees - just as international agencies often do. The country bears the brunt of refugees in the east Africa region, as conflict continues in surrounding countries. Kenya further has its own employment problems, and dealing with a mass influx of more unemployed people is far from easy. Refugees may strain health and education services in Nairobi, and many view refugees as the reason for increased crime in Kenya, especially because small arms are easily smuggled in from surrounding war-torn countries. The Government of Kenya has reason for concern about the large numbers of refugees in its borders. Cynically, however, some literature suggests that the Kenyan government has only tolerated refugee populations because they attract needed foreign aid (Hyndman 2000, p. 51).

Ignoring refugees may be a passive act, yet it is arguably sometimes active, as part of a deterrent attitude that aims not to gain a reputation as a country which provides incentives or pull factors for migration. Further, states do not necessarily stop at ignoring refugees. As evidenced by raids, removals, involuntary repatriations, pushbacks, and police harassment; prevention in receiving countries can be largely proactive. The Kenyan government has relocated refugees, resisted their integration into Kenyan society, and instilled surveillance measures to 'watch' them. Refugees are, after all, a "security threat" (Verdirame 1999, p. 54). Receiving countries have had a spectrum of responses to refugees, which range from passive aggressive to bellicose. Allowing for occasional breaches, the state-to-refugee side of the relational triangle is rather solidly defined as a relationship of state deterrence of refugees.

I have mainly talked here about developing countries attitudes towards refugees, and it is worth mentioning that developed countries have a similar stance. They, however, are more geographically distanced from refugee producing areas. Still most states feel as though the influxes into their borders are enough to raise concern about the 'refugee problem.' Shifts in the refugee regime have resulted in developed country states being less disposed to provide asylum and more willing to intervene in war torn areas to thwart potential migration.

4. Protection

The aim of this section is to expand further on the effects and consequences refugees face from historical UNHCR shifts and from state preventionist attitudes. The 1951 Convention put forward an intention to protect refugees. That intention too often lacks de facto fulfilment.

A member of UNHCR Kenya staff notes, "you cannot create [an] island of security in a sea of insecurity" (Interview, Kakuma, August 1999, cited in Crisp 1999, 19). James Milner (2000, p. 1) also states that "refugee protection cannot effectively take place in conditions of acute and protracted state insecurity." Firmly connecting the triangle of relations, Milner is saying that UNHCR or any other body cannot provide security for refugees when state insecurity exists. Because most states perceive refugees as an additional threat to state security, Milner (2000, pp. 1-36) argues that state security must be addressed in order to attend to refugee protection.

Violence can be unbridled in camps. Ethnic violence among refugee groups in Kenyan camps is especially common, and the violence is frightening enough that UNHCR and international staff do not spend nights in camp compounds. Additionally, their day compounds at the camps geographically give staff better access to safety than is available to the camps' refugee populations (Hyndman 2000, p. 95).[7] Armed robbery and violence between camp refugees and locals living outside camps threaten security further. Live fencing [razor-wire replaced with thorn bushes] has been a solution in the Kenyan Dadaab camps. Yet, ironically, people outside the camps cut through the fencing to gain access to fenced in residents (Abdi 2005, pp. 227-229, Abdi 2004, pp. 6-7).

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[7] Hyndman additionally notes that some camps are built to protect staff.

Domestic abuse and sexual violence further plague women. Women are vulnerable to such an extent that four out of five of the Somali Bantu women, with whom I worked with in Dallas, Texas, in 2004, reported that they had been raped at Dadaab. Rape was so frequent in the refugee camps that the Dallas community has normalized it. Most of the Somali Bantu women collected firewood in the bush outside the camp, and most talk about being raped there. Some were robbed first. Some had infants on their backs. Some were raped at gunpoint. Listening to Somali Bantu women talk about this experience is alarming because they tend to laugh about it. In storytelling, at least, they have made it normal and even laughable, thereby numbing their pain. While most laugh, one or two tell the story solemnly with glazed-over eyes. Abdi (2005, p. 223) cites a woman in Dadaab who says:

*How many times have we been raped now? We have become grateful that it is only rape. Being only raped by this stranger becomes a luxury (*caano iyo biyo)*. When you have to choose between being raped and being killed, you think that it is better to be raped.*

Although an extreme example, Kenyan Security Forces are noted to have once responded: "You are raping our trees, so you got what you deserved" (Schwoebel and Haji, cited in Hyndman 2000, p. 136). A report by Fowzia Musse (cited in El Bushra 2001) says that girls as young as 4 and women as old as 56 have been raped in Kenyan camps. Sometimes they are forced to marry the perpetrator.

The use of the psychoactive drug *khat* heightens sexual abuse. One report says that domestic violence is worse in Kakuma among Sudanese than it is in southern Sudan – a situation termed "assistance-related sexual exploitation" because of its elevated nature in camps (USCRI 2004, p. 39). Victims have little access to report filing or justice mechanisms, and sometimes a stigma is attached to reporting.

At one point in her work, Hyndman says that in camps refugees exchange rights of citizenship [and, I would add, the right to freedom of movement in closed camps] for safety (Hyndman 2000, p. 93). But do they receive safety in camps? Or are state fears that refugees bring insecurity true? Or, further, are camps, themselves, the problem?: "Camps do not solve security problems. They are in fact added sources of instability and insecurity...because they aggravate existing security problems and create new ones" (Jacobsen, cited in Schmidt 2003). Camp populations are often very crowded, which heightens problems (Long 1993, p.

58),[8] and in some situations local populations are angered by the apparent unequal distribution of aid, favouring refugees over locals. Adding to situations of insecurity, some camps are militarised with a presence of military or armed groups among the encamped refugees. Camps can become military bases for groups that continue to fight at home but use the camps as a base. Lischer argues that camps can be the cause or catalyst of heightened civil and/or international war (Lischer 2004). Civilian security risks increase greatly, with particular risks of attacks, kidnappings, and assassinations (UNHCR 2000, p. 248). One encamped refugee notes, "it is of no advantage for us to get a full ration from UNHCR if our lives are always at risk from insecurity" (Interview, Kakuma, August 1999, cited in Crisp 1999, p. 4).

At this point we must ask where the mechanisms for justice are? Where are courts, judges, and legal protection? In terms of legal jurisdiction, Dadaab camp is a "legal anomaly." Because the Government of Kenya largely ignores the arid north, it extends little jurisdiction to the area, leaving judicial administration to UNHCR and other agencies (Verdirame 1999, pp. 54-55). Camps in Kenya, then, become de facto stateless areas, where refugees are "in the shadow of the law" (Malkki 1996, p. 387). Crisp (1999) reports that from 1997 to 1999, only five people were convicted for rapes in Dadaab, suggesting the system for justice is ineffective. He further notes that trials are impeded by the lack of a witness protection scheme, the fear of retribution for taking a matter to court, shame (especially by victims of rape), and the unwillingness of people, especially women, to travel to courts in Garissa. More recently a Kenyan-run mobile court system, which does circuits of the camp areas, has been introduced. Ironically, UNHCR's protection officer has said that "the high insecurity in Dadaab region and its environs remains a major stumbling block to the functioning of the court" (UNHCR, cited in Crisp 1999, p. 23).

Because the justice system is ineffective and non-functioning, many people in Dadaab seek justice in traditional elder courts. While more legitimate than state courts for some refugees, traditional courts can be problematic as well. Traditional Sudanese judges in Kakuma have used corporal punishment, such as flogging, and prison detention as

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[8] Ban Vanai Camp in Thailand was built for 5,000 people; at its height it held 43,000-45,000 on slightly less than one square mile of land, making it one of the most densely populated places in the world. Comparable to density in Hong Kong, the camp differs in that there are no multi-story buildings.

mechanisms of justice (Crisp 1999, p. 5, and Verdirame 1999, p. 63). And, Harrell-Bond reports 'dispute treatment centres' in Kakuma full of small children and their mothers, who had been accused of adultery. Though adultery is not a crime in Kenya, women have been detained for it in the camp (Gainsbury 2003). In Kakuma some traditional courts have even been established with funding from the Lutheran World Federation [LWF] (Verdirame 1999, pp. 62-63). The LWF is responding to the state's lack of action by funding and effectively giving refugee groups the judicial mandate.

Crisp is quick to assure us that improvements have been, and are being, made to security and protection in Kenyan camps for refugees. Listing completed and potential plans for site planning, a new firewood collection scheme, community organizations on security issues, local development around the camps to cut down on refugee-locals tensions, fence repair, improved lighting, additional security training, and the availability of legal representation, Crisp aims to assure us that UNHCR remains focussed on its mandate of protection. Yet, here it is directly providing protection, rather than ensuring the state provides it. Crisp adds that

UNHCR resources are limited and that UNHCR can only mitigate security problems, rather than solve them. Governments are supposed to provide security; UNHCR is supposed to assure that provision. But, in Kenya, UNHCR has had to do both. Thus, it also funds a large police force at the Kenyan camps, paying for equipment and salaries. Hyndman and Nylund (1998, p. 40) note that "[i]t is ironic that the word 'asylum' – which is derived from the Greek asylon – means ' something not subject to seizure' or 'freedom from seizure.'" How much protection and assurance of 'freedom from seizure' do refugees receive? In a recent edition of UNHCR's publication *Refugees* (2004, p. 16), former High Commissioner Ruud Lubbers is interviewed and asked why there has been an "increasing erosion of refugee protection." His response cites "heightened security and terrorism concerns globally," coupled with "xenophobia." He is right in that UNHCR is limited by state preventionist measures largely fuelled by xenophobia. If that is the case, then, can the agency ever do its job? States hold a rooted power relationship over UNHCR, one that can negatively affect refugees' security.

5. Identities: De facto and in narrative

A further expression of power, UNHCR, states, and the entire refugee regime, including researchers, have found a convenience in typologising refugees, ascribing them an identity which may or may not be theirs. What do they gain in doing so? What is the effect on de facto refugee identity? Indeed, can non-refugees ever claim to understand de facto refugee identity? Further, what effect does perceived – or de facto – identity have on refugee power and agency and on policy?

The 'refugee experience' is generalisable, and all too often the entire global refugee population receives blanket characteristics (Malkki 1995b, pp. 510-513). In order to create a neat, less complex, and thus less daunting picture of refugees, the refugee regime forms a refugee narrative. The narrative gives clear roles not only to refugees but also to the regime members. It includes the following recurrent themes:

Hungry, helpless and displaced, refugees have identities and entrenched characteristics of dependency.

Uprooted and pathologically problematic, refugees must be helped back to stability.

Untrustworthy and "bandit-like," refugees need to be controlled.

Refugees have no action or agency of their own in any of these descriptions, and the refugee regime's role is to feed, help, root, heal, and control (Malkki 1995a, 1995b, 1996, Dini 2005, Hyndman 2000, Kagwanja 2000, Harrell-Bond 1986).

I feel I can only talk here about narratives which are depicted in literature. I can only conjecture about the diverse spectrum of de facto refugee identities, and to claim to know and understand that reality would be untruthful.

I have already touched on themes of dependency in other sections, yet because it is recurrent, it is worth discussing again. Kibreab writes about dependency in Somali camps as a myth, implying the dependency does not becomes reality. In the 1980's, he writes, relief agencies assumed refugees were helpless and traumatised. As such, the agencies assumed refugees "lack[ed] the motivation and energy to take their own initiatives" (Kibreab 1993, p. 326).

Harrell-Bond, on the other hand, in her canonical *Imposing Aid*, establishes dependency not as a myth, but as something, which with rhetoric and time, becomes reality. She writes that she "did...suspect that a major reason for this psychological dependency might lie in the manner

in which relief is given and the supplicatory role which the refugee is forced to assume" (Harrell-Bond 1986, Introduction). For Harrell-Bond, because the narrative is powerful, it becomes reality. The narrative assigns refugees a supplicatory role, and refugees take on that assigned attitude of dependency. Further, the narrative she describes says that refugees in dependent camp situations do not support each other, do not cooperate, and have a generally "destructive and anti-social behaviour," all because they have the "dependency syndrome," imposed on them by relief agencies (Harrell-Bond 1986, Ch 7, Sec 1).

Kibreab (1993, p. 330) goes on to refute the "dependency allegory" saying that if dependency equals a lack of initiative, then dependency is not the issue since he has seen overwhelming evidence of Somali willingness to work when given the chance. Dependency is structural, and, he argues, not necessarily embedded in identity. Because the dependency narrative has become pervasive, UNHCR is naturally concerned about identities of dependency as a *problem*, but, Hyndman aptly points out, UNHCR is not concerned about its responsibility for the structural and legal causes of it.

Instead, refugees are the problem. In fact, they are "pathologically ill" (Malkki 1992, p. 31), an objectification which allows UNHCR to fix blame on them. Because refugees have been traumatised and displaced, they are no longer rooted in normalcy. They are in a liminal void, the narrative explains (Agier 2002, p. 337). But, Malkki says, this is a "sedentary point of view" – "a sedentarist metaphysics." A literary norm of *nomadology* is needed to de-pathologise refugees (Deleuze and Guattari, cited in Malkki 1992, p. 31). Malkki (1992) points to nomadism throughout human history and notes that its pathological connotations are not seen in descriptions of refugee camp aid workers, who are just as out-of-place as refugees, if not more so because usually they are on different continents, whereas the majority of refugees are relatively close to home. The displacement ascribed to them, Malkki (1995b, p. 518) goes on, often places them "beyond or above politics" and "beyond or above history" in a "floating world."

From a place of sedentarism, roots are seen as a "moral and spiritual need" (Malkki 1992, p. 30). Without roots and thus without morality, the narrative says refugees lack honesty (Malkki 1992, p. 32). Without honesty, they must be controlled. The wielding of state and UNHCR power, therefore, becomes justified. Harrell-Bond (1986, p. 329) cites Alula Pankhurst saying, "Pankhurst discussed the

mechanisms used by field workers to insulate themselves from the suffering around them which, in turn, leads them to stereotype refugees 'either as sheep (dependent, unthinking) needing a shepherd, or wolves (greedy, lying, calculating, mercenary) needing a hunter.'" Sheep needing a shepherd or wolves needing a hunter – roles for all involved are clear.

Some literature does ascribe agency to refugees and talks of refugee control over refugee identity. Agier, for instance, says that the ambivalence of camp life creates a space in which a refugee can redefine his or her identity (Agier 2002, p. 337). Refugees, then, are not necessarily lost in camp liminality. And, Malkki in *Purity and Exile* goes to lengths describing two refugee situations. In the Mihamo camp in Tanzania, she says, refugees actively claim 'refugee-ness' and 'Hutu-ness.' They see themselves with an identity of categorical purity, while aid agencies see them as naked and having lost their identity. The self-settled refugees in the townships refuse to be categorised. Theirs is a "subversion of identification" in which they "manage a series of different identities." Both situations Malkki describes involve refugee agency, whether that be to take on the narrative's prescription whole-heartedly or whether that be to defy all essentialising categories. They prove that they are not just objects (blank slates to be written upon) but subjects "creating their own refugee-ness" (Malkki 1995, pp. 3, 4, 11, 153, 235).

In a study of gender-based violence and resistance at the Dadaab camps, Abdi (2005, pp. 217) looks at agency further saying that although women refugees may be victimised, the "victimisation … does not annul their agency." Instead they "demonstrate agency in action by having survived the atrocities of the previous conflict that first uprooted them and by also surviving, articulating, and condemning both in narrative and in poetry the constant threat of violence and rape that confronts them in Dadaab." Women in Dadaab, she says, are agents of resistance precisely by creating their own narratives.

If the policymaker and indeed the refugee see refugeeness as an identity with agency and action, then will policy and the refugee reaction to situations be any different? Self-sustainability might be affected. While circumstantial factors can always block self-sustainability, an attitude and ethos of agency in a situation are key as well. Discourse and narrative, we have learned from Foucault, are forces that the author shapes and also forces that shape the author and hearer. Thus, a narrative of agency could shape an identity of agency, and thus shape reality. A narrative of

dependency or of greedy calculation might do the same in shaping an identity of dependency or greed.

The following statements from Ugandan encamped refugees are telling of dependency and child-like identities. USCRI [United States Committee for Refugees and Immigrants] uses the quotes in its "warehousing" campaign[9] to describe the disempowerment in long-term camp situations:

"I like it here. The Camp Commander is bringing me food. There is no other place I could go to. I am just like a child now. I don't know where I am. I don't know where to go."

"We refugees are like small children, we only follow what the Camp Commander says and orders."

"As I am under the umbrella of UNHCR it is impossible for me to move of my own accord. It is up to them. They choose our life.".

"We don't have any suggestions as refugees, it is UNHCR who have all the suggestions" (Hovil, cited in USCRI 2004, p, 42)

A policymaker or UNHCR worker who looks at this picture of refugee identity might see his/herself as the powerful, the decision maker. Policy, then, becomes and is, in fact, parental, giving care to child-like refugees and doling out punishment for wrongdoings as a control measure. Though this narrative is indeed dominant, I cite Malkki again to say that while it is powerful and does shape identity, it is not determinative.

However, because UNHCR and states largely see this narrative as reality, they wield power in reacting to it by creating domineering and parent-like policy towards refugees which becomes entrenched and normalised with time.

6. Humanitarianism: "A colonialism of compassion?"[10]

How, then, does UNHCR react to refugees and refugee identity? More often than not, states and aid organisations consider refugees objects, objects to be helped, aided, developed, pitied, and controlled. They can remain objects because UNHCR staff are too few and too overworked to get to know refugees as subjects or agents. As it is they are a large mass of people, which must be controlled and organized under a humanitarian umbrella of aid. The distance between aid workers and refugees is great (Refugee Consortium 2003, p. 17), and for the organisational feat of large camps to be pulled off, as well as for funds to be raised, refugees in camps must have "the docility proper to objects of humanitarian and development assistance" (Malkki 2002, p. 359). As we have seen a shift in UNHCR's agenda and actions toward humanitarianism, it is worth looking at the relationship between UNHCR and its object of humanitarian action in more detail.

Much of the existing literature talks about a link from today's humanitarianism to historical colonialism. Malkki points out western "embedded histories" of charity, philanthropy, colonialism, missionary work, and development. In all, foreigners have entered new territories to impose what they consider morally right systems of aid (Harrell-Bond 1986, Introduction). Because it is foreign territory, a new country and new peoples tend to remain under a shroud of us-and-them objectification. Without understanding, "[t]here is a very great tendency for outsiders to mistake the poverty of a country for incompetence and a lack of capacity to organise relief operations" (Harrell-Bond 1986, Ch 2, Introduction). In Foucauldian fashion, Harrell-Bond links this imposition of aid to the creation of an ethos of helplessness among refugee populations. Just like Foucault's prison turns prisoners into criminals, Harrell-Bond's camps turn refugees into "refugees" - docile, helpless, dependent recipients of aid.

International agency fieldworkers continually underestimate the abilities of local people... This is an example of the way in which the logic of compassion is pursued to the point where it helps create the problems it attempts to solve. Often interpretations of compassion seem to define those in need as helpless, and then work in ways which makes sure they are useless (Harrell-Bond 1986, Ch 2, Sec 7).

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[9] USCRI (2004, pp. 38-56) has labelled the protracted situations as 'warehousing,' coupling the problem of indefinite time spent in camps or settlements with a denial of rights, including the rights to work, movement, property, access to courts, travel documents, education, and non-discrimination. USCRI estimates that at the end of 2003, two thirds of refugees, or 8,057,500 people, were in protracted situations.

[10] Phrase used by Hyndman 2000, see, for instance, p. xvi.

I am hesitant to so quickly put all refugees in this prison, a place which ironically underestimates their ability to resist it. I concede that after ten years in a camp in Kenya where refugees have not been allowed to take part in an economy, people will become economically dependent. Informal economies and the systems of money transfer and communication[11] are mechanisms people use to maintain some modicum of economic agency. The refugee population I worked with in Texas was quick to point out that they were entitled to certain rights in their new home. Rather than docile and accepting of all fates, they knew that they had a right, for instance, to work, and many people feverishly sought employment – only to be turned down for lack of language and job skills. Situationally skill-less because of their previous camp circumstances, many had not become Harrell-Bond's "refugees." Yet, others had. Whether they were docile because they were part of a humanitarian system can only be conjectured. Nonetheless, Harrell-Bond is right to point out aid's imposition and power.

Chimni (2000, p. 244) argues that humanitarianism "establishes and sustain[s] global relations of domination." Its power, he says, lies in its "justification of the use of force." Refugees are often in a limbo, which leads to complications about who will seek recourse to change the situation if they are treated as sub-humans. Humanitarianism, Chimni (2000, p. 244) posits, "manipulates the language of rights to legitimise a range of dubious practices, including its selective defence." The moral correctness driving compassion breaks down at this point as the corners of rights are cut so that humanitarianism can be [en]forced. In its 2000 report, the UNHCR (p. 283) argues that, yes, humanitarianism can lead to increased conflict, assistance to human rights violators, and a reduction in self-reliance, but its [humanitarianism's] lack could result in death and unneeded suffering. While the shortcomings of humanitarianism are known, a political consensus prevails for aid action rather than for an observation stance watching preventable suffering go unheeded (Hyndman 2000, p. 61).

Humanitarianism (and the literature surrounding it) seems to be a mine-field without a clear prescription for future action. As UNHCR points out, there are shortcomings with and without

humanitarian action. In UNHCR's implementation and delivery of humanitarianism, several things do seem to be fairly consistent. First, while the effects of humanitarian aid are debatable, it has much more international backing than does protection. Thus, UNHCR's role has largely become aid focused. That aid has a characteristic of distance (between provider and recipient), which results in an objectification of refugees. Objectified further in the bureaucracy that large camp aid creates and sustains, refugees find themselves with restricted rights. As Chimni suggests, in order to make the aid machine work, aid agencies and workers can exchange rights for control and force.

Humanitarian double-speak talks of power-sharing and self-determination, of autonomy and democracy, but a control and power exist alongside or underneath that language (Hyndman 2000, p. 144). Whether it is an accepted authority or a coercive power, which is based on fear and force, is something I can only speculate about as a non-refugee. Much literature (also mostly by non-refugees) would suggest that it is the latter – a coercive power.

Harrell-Bond (1986, Introduction) gives vivid description in an extended metaphor comparing camps to the psychiatric ward in *One Flew Over the Cuckoo's Nest*. She cites Sheldon Gellar whose description is again Foucauldian.

Nurse Ratched, who runs a ward in a mental hospital with an iron hand...has the right to define the inmates' problems, and to assign prescriptions to resolve them... She has the resources and power to coax and coerce her charges to accept her recommendations and methods... Nurse Ratched sets the agenda, controls the discussion, and resists any questioning of her approach.

The refugee regime and UNHCR particularly do largely define problems in camps identified through discourse in the triangular relations. The regime has the ability to further define identity and discussion, and to resist questioning. Distance (from refugees) and bureaucracy serve to make that possible.

Verdirame describes two situations of UNHCR-inflicted collective punishment in Kakuma in 1994 and 1996, situations which give validity to the Ratched metaphor of hierarchical omnipotence and to the notion that humanitarian aims can dissolve into human rights abuses. In April 1994 UNHCR found the buildings which the agency used for counting refugees and distributing rations destroyed. UNHCR suspended food distribution entirely in Kakuma for 21 days. Remember that Kakuma is in an arid, non-fertile region, and

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[11] Cindy Horst has written extensively about the xawilaad system of remittance transfer and the part it plays in flows of money from diasporas to the Somali economy. See Horst 2001, 2004.

refugees in the camp are consequently almost entirely dependent on food aid. In 1996 similar events occurred, and UNHCR cut food distribution and 'incentives' [extremely low wages paid to refugee employees] for 14 days. Verdirame (1999, p. 64) stresses that "collective punishment is considered so abhorrent under international law that it is an act prohibited even to an occupying power in a time of war [Geneva Convention IV, Art. 33]." One refugee community leader responded to the 1996 situation, describing it as paternalistic and colonial: "It is the colonial idea that some individuals are always children and that you have to punish them, however hardly [severely] and indiscriminately, because you need to educate them" (quoted in Verdirame 1999, p. 66). UNHCR wanted to restore order and did it through collective punishment, a strong form of coercive power. UNHCR is a 'supra-state' with 'supra-citizens' running it and with refugee 'sub-citizens' subject to their power (Hyndman 2000, p. 111).

Malkki looks at UNHCR's power over refugees in camps by describing the order inflicted on them through camp structures. Spatial ordering is evident in the patterned rows of tents and the concentration of people into small areas. Many camps look like military-style barracks. Administrative processing, head counting, and documentation often belittles refugees for the sake of bureaucracy (Malkki 1995b, p. 498). The alphabet soup of agency acronyms mark everything from tents to clothing to sacks of food, as items belonging to NGOs and state governments rather than to refugees. To reappropriate Foucauldian terms after my criticisms, the camps exhibit a technology of power. In *Purity and Exile* Malkki (1995a, pp. 234-235) follows Harrell-Bond describing power dynamics as techniques of control. She describes relations between camp administration and refugees in Mishamo refugee camp in Tanzania, saying,

...the direct relations of control that existed between the camp administrators and the administered had further objectifying effects. All the techniques of control – the control and monitoring of mobility with Leave Passes, the issuing of refugee identity cards, the tours by District officials, the reports and project evaluations,

the visits from international funding agencies and "experts" – all these practices of authority had the effect of helping to constitute and produce the Hutu as refugees and, hence, as a categorical object of interventions.

Malkki's list of control techniques gives evidence of more subtle means of control than examples above of collective punishment. Control of mobility, identity cards, reports and evaluations, and visits from refugee 'experts' are, nonetheless, mechanisms of power. The descriptions of mobility control, for instance, are descriptions of restrictions on the right to freedom of movement. As Stephen Castles (2005) notes, movement equals increased power [for refugees], and control [of refugees], therefore, requires a halting of movement. I cite these to give a more rounded picture of power relations, both subtle and brutally life threatening, between UNHCR and refugees.

But, because many Foucauldian models want to depict the powerful negatively, they leave out descriptions of power taken by the second party and focus only on the powerful and the consequences of their power. Refugees do reclaim some power from UNHCR. Claiming power for themselves, the Hmong refugees in Thai camps took it upon themselves to organise the Ban Vanai camp spatial layout, and unaccepting of Western medicines from World Vision, they maintained traditional healing and ceremonial practices (Long 1993, p. 59). Indeed, though often working against UNHCR's mandate of protection, the Somali traditional courts in Kenyan camps are a mechanism of refugee power as well, albeit refugee elite power over other refugees.

Power moves both ways in the relational discourse between refugees and UNHCR. As explored in the previous section, some refugees claim power through expression of agency and resistance and through the active shaping of identity or the acceptance of pre-determined roles. UNHCR, as a supra-state authority, on the other hand, controls refugees through a variety of forcefully harmful and subtly demeaning methods. Coercive power and the humanitarianism that goes with it (and often disguises it), thus, certainly play a role in the UNHCR repertoire.

7. Solutions?

In this entrenched situation involving humanitarian power, state deterrence, shifts away from foci on refugee protection, and handicapping narratives of identity, where does one turn to find solutions?

UNHCR suggests three 'durable solutions:' repatriation, integration and resettlement. The fourth, de facto solution seems to be camps because state interests and UNHCR interests

converge at camps as "solution." Unfortunately camps are a limiting solution for refugees in protracted refugee situations, who are now spending an average of 17 years in these long-term circumstances. Suggestions for getting out of the camp rut are varied, and any solution, if a solution is even possible, must necessarily be multi-faceted. In refugee camp literature, solutions (as well as critiques of them) include self-settlement, greater emphasis on host country integration, "self-reliance pending return," improved rights, planning for the long-term rather than assuming short-term situations, host and home country development, compensation for host governments, renewed emphasis on resettlement, and attempts to end conflict in home countries. All, as expected, have merits and drawbacks. I argue that there is a gap in this solution literature which does not take into account some of the root causes of these systemic protracted situations. A narrative shift away from refugee dependency, an increase and freedom in UNHCR funding, and a future lessening of state sovereignty will, I envision, contribute to an eventual move away from camps. I will move through proposed solutions (both those from literature and my own), looking at their advantages and drawbacks.

First, a debate exists which considers camps versus less organised settlements. There is a spectrum between the two, along which refugee living environments take many forms. Thus, differentiating and defining a camp, from a settlement, from the community that has characteristics of both can be difficult. The spectrum of refugee communities includes communities which can be open or closed, peacefully interacting with the local community or completely separated from it. Planned or unplanned, they can attract varying forms of assistance. They can be self-settled, self-sustaining places or they can be entirely reliant on international aid. Permanent or temporary. Hierarchical, self-governing, or somewhere in between. Varying in size and density, camps and settlements can be in favourable or unfavourable environments. At one extreme end of the pole is a closed, separated, planned, permanent, dependent, hierarchical, high-density camp. On the other is a rights-sustaining, open, self-settled, self-sustaining, self-governing settlement. In looking for solutions to the long-term refugee camp, many people suggest this open self-sustaining settlement (Schmidt 2003, Black 1998c, Van Damme 1995).

Governments, however, give rationales for camp containment that include wanting to minimize conflict with locals and wanting to minimize change in the country's political stability. Some states want camps to attract media and thus international funds. But, there is a clear anti-camp argument in the literature that pushes for informal settlements which can provide better health situations, less dependency, self-sustainability in terms of food, shelter, livelihood, and settled integration into society. Further, camps can actually create hostility with locals because refugees often receive a disproportionate amount of international aid compared to locals nearby. Self-settlement of refugees and allocation of aid to them could develop the local infrastructure, whereas services in camps run parallel to existing local services.

Refugee camps can also prove to be expensive. If they were temporary, as intended, finances would not be problematic because donors tend to pour money into crisis situations at their beginnings. Yet, as camps become permanent and as refugees become materially dependent without other means of income or survival, camps require the same emergency-situation funds to continually to run the city-like humanitarian monoliths.

Many camps are established as temporary emergency measures when a crisis creates a sudden influx of refugees. It is arguable that there would be no other way to tend to the food, shelter, and health needs of so many people and to organize assistance in such a short period of time. Camps can be efficient at delivering aid quickly, and the bureaucracy they create makes them appear to have a transparent system for delivering that aid (Black 1998a, p. 5). Yet, as Jamal (2000, p. 3) is apt to point out, "when a person flees for his or her life, a plastic shelter, a jerrycan of water and a container of maizemeal provided in a camp far from home may be exactly what that person needs. Five years on, though, and those same minimum standards that once protected a life will, if unchanged, contrive to stifle it."

Black (1998c, p. 31) points to a good example of self-settlement in Guinea, saying it is largely disregarded in lieu of a preference for camps. Van Damme (1995) notes the same self-settlement success in Guinea, where villages that welcomed refugees received development and aid support. Epidemics were fewer, especially in comparison to extreme examples like the Goma camps in Zaire which experienced a cholera epidemic, which killed an estimated 50,000 people. In the Guinea case refugees enhanced the region's rice production, and the health care system benefited from the aid income. Yet, Van Damme (1995, p. 360) ends his report on Guinea saying that the "[m]ixing of refugees with the host population complicated targeting of food aid intended only for refugees;

consequently this liberal policy has been changed and new arrivals are now concentrated in camps." Camps were, in the end, preferred for the sake of targeting and efficiency.

In regards to the Kenyan situation, Crisp (1999, p. 32) realistically responds to anti-camp arguments:

Relocating the refugees to smaller camps in more secure areas of the country (or disbanding the camps altogether and giving the refugees the right to settle where they choose) represents an obvious means of responding to [the security situation]. Obvious but unrealistic. Financially and logistically, such proposals are confronted with some overwhelming obstacles. And even if UNHCR were to launch a vigorous advocacy campaign in support of such proposals, it seems highly unlikely that they would be accepted by the government.

And so Crisp (1999, p. 32) says that questioning should not be around whether camps should exist or not, but around how to improve them. Does this resignation "conced[e] the most important battle," leaving camps as a non-questioned assumption (Crisp 1999, p. 32)? It is precisely the purpose of this paper to ask why refugee camps have become this normative assumption.

Crisp is right in saying the Government of Kenya would not accept a change from camps to settlements. The government sees too much at stake: security for its own people, valuable land for its own people, and political stability (presumably for its politicians' own re-election campaigns). Therefore, Kenya ties UNHCR and refugees to camps. Aside from encouraging the third-country repatriation option, the Government of Kenya rarely allows or considers other options.

Each country situation will differ, changing arguments for or against camps, based on numbers of refugees, political climate, economy, and geography. But, states do generally tend to argue for camps. In Kenya the government enforces an encampment policy. All refugees are required to reside in camps. Caught outside, they are breaking the law. Again UNHCR is in a tight position. If it wants to help in Kenya, it must do so through camps. The government gives it no other option. In one statement UNHCR (Dualeh 1995, p. 1369) says: "We agree: refugees do not belong in camps," but "UNHCR does not control the options." Yes, UNHCR is in a compromised position, but I wonder if they can do anything about it other than resign themselves to the unfortunate situation. And, refugees? Most self-settle, a telling decision that reflects on the general refugee perception of camps (Schmidt 2003). Others find self-settling to be too dangerous (Schmidt 2003, and Van der Borght 1995, p. 908). Not much research has been done

here. Though the literature largely lacks a refugee voice, it lacks it here especially. Do refugees want to be in camps or would they like to self-settle? And, on what basis do they make that decision – if they do indeed have the choice?

Or, are there more options for solutions? Integration was the original preferred solution in initial years following the 1951 Convention. Integration means that refugees do not have to self-settle without status. It carries with it an agreement from the host government to provide the refugee with full rights and eventual citizenship. The person, then, becomes a national of the new country. In a 1950 report of the UN Secretary-General (Memorandum cited in USCRI 2004, p. 44), the following was envisioned as *the* refugee solution,

The refugees will lead an independent life in the countries which have given them shelter. With the exception of 'hard core' cases, the refugees will no longer be maintained by an international organization... They will be integrated in the economic system of the countries of asylum and will themselves provide for their own needs and those of their families. This will be a phase of the settlement and assimilation of the refugees. Unless the refugee consents to repatriation, the final result of that phase will be his (sic) integration in the national community which has given him (sic) shelter.

Yet, though rights may be improved through this integration solution, other circumstantial factors may be problematic. Land may be scarce, or it may be unproductive, hindering self-sustainability and resulting in poverty. In a study in Burundi by Nathaniel Goetz (2003, p. 36), for instance, integration and self-sufficiency failed because of the poor quality and small size of land that refugees had on which to live. Further, an economic system may not be strong enough, and state safety may not be high enough for an outsider to safely integrate and cross possible racial and ethnic barriers into society. Remember, too, that there has been a regime shift away from this option toward the repatriation/return 'solution.' In Kenya, particularly, local integration is difficult for several reasons. The land in the north of the country is unable to sustain very many people because of its infertility. And, populations in the south, including larger cities like Nairobi, are hesitant to refugees' integration. Popular opinion is concerned about already limited education, health, and employment. Further hindering integration, racism against Somalis is not uncommon.

Crisp (2003, pp. 3-4) insightfully suggests that integration is disliked for the following reasons:

because earlier efforts to promote local settlement and self-reliance in Africa's rural refugee settlements had achieved very limited results;

because refugees were increasingly regarded as an economic and environmental burden on the countries which hosted them;

because African countries with large refugee populations felt that the burden they had accepted was not being adequately shared by the world's more prosperous states;

because many refugee-hosting countries in Africa had declining economies, growing populations and were themselves affected by conflict, instability;

because refugees came to be regarded (especially after the Great Lakes crisis) as a threat to local, national and even regional security, especially in situations where they were mixed with armed and criminal elements; and

because the post-cold war democratisation process in some African states meant that politicians had an interest in mobilizing electoral support on the basis of xenophobic and anti-refugee sentiments.

States, thus, can be generally averse to integration as a solution because of economic, security, political, environmental, and unfair burden-sharing reasons. Yet, for the refugee, in the best of situations, integration can mean a regaining of freedom, escape from the protracted refugee situation and economic self-sufficiency.

A slightly different version of the integration solution is "self-reliance pending return" – a solution that tries to reassure states that the refugees will not stay indefinitely and thus should be allowed to integrate for the time-being. Through this solution, refugees have freedoms and contribute to the host country economy. Further, they gain employment skills (not possible in idle camp situations) that make reintegration/repatriation into their home countries easier. Also in this situation, UNHCR is no longer responsible for providing refugee 'care and maintenance programmes' (Crisp 2003, p. 26). All three groups – refugees, states, and UNHCR – potentially benefit. Circumstantial hindrances to success of this solution (such as insecurity or unavailability/infertility of land), however, can be the same as hindrances to the full integration solution.

Improving rights is yet another focus through which to reach a solution. While human rights as part of international law is regarded as customary, not all countries implement them. A push towards a focus on human rights in regards to camps is a push to implement rights which are already established. USCRI primarily says that while protracted situations are unacceptable, they exist, and rights

must be advocated to make them tolerable. USCRI particularly advocates rights to work, movement, property, access to courts, travel documents, education, and non-discrimination. The right to employment would lead to economic freedoms for refugees, the right to property would as well, the right to movement would lift restrictions on refugee encampment, and the right to access courts would ensure better justice. These are effectively rights that would make a person's life look like that of an integrated refugee, but they are expressed through the language of rights rather than through logistic solutions. The Government of Kenya is making some potential (and yet to be seen) changes in this vein. A Refugee Bill has been in deliberation for several years, and it appears that it may now be close to fruition. The bill defines refugees according to the 1951 Convention, the 1967 Protocol, and the 1969 OAU Convention, and also includes anyone whom the minister determines. The bill includes provisions for protection from non-refoulement, for documentation, for exemptions from punishment for illegal entry, and for general state protection. The bill would give the government responsibility for registering refugees in and out of camps – freeing UNHCR of this compromising task. Further, and importantly, it would give refugees access to land to cultivate food, and would allow them to participate in the economy legally – though in a limited capacity (Turton 2005, p. 9). Rights to social services are included as well. Interestingly, the Refugee Bill is presented as a cost-cutting measure, because presumably having refugees as a part of society - rather than in a marginalized position where they must be cared for, guarded, and reproached, is less expensive. Much of this seems ideal, but it remains unknown how much of it will result in de facto changes.

Another route to a solution is long-term, rather than short-term, planning for refugee situations. Camps administrators plan as though the emergency situation will subside within one or two years, or even a few months. Five, ten, or seventeen years of short-term emergency planning often continues for the same refugees in the same camps. Funding is rarely available for long-term projects. Herein lies a major problem, resulting in a "plastic sheeting syndrome" (UNHCR 2004b, p. 3), where permanent buildings and homes are infrequently built. Short-term fixes, such as plastic sheeting prove to be "fictitious savings" for funders and for all involved. Plastic sheeting must be replaced and disposed of time and time again at cost to the funder. In 2004 'care and maintenance' was 40% of UNHCR's budget, a recurring expense that the agency could

not spend on trying to find long-term solutions instead (UNHCR 2004b, p. 3). Additionally, development and the building of infrastructure are integral to long-term planning. However, acquisition of necessary long-term funding remains problematic.

Compensating governments for hosting refugees has also been a proposed solution – one that would be an incentive to governments to allow refugees to have more freedoms and to integrate. Problems, of course, remain. Who will pay whom? Will the money go through UNHCR? Is any wealthy state willing to fund this to a degree significant enough that it will change host states' opinions about refugee integration?

Resettlement has been a relatively well-used optional solution. Though because numbers of resettled refugees only make up a small proportion of refugees needing a 'solution,' it can hardly be considered the sole solution. In 2004, over 11,500 refugees left Kenya for resettlement in a third country. This is the largest ever resettlement outflow from Africa (Turton 2005, p. 49). A majority of those were Somali Bantu refugees headed for the United States because, as a persecuted minority, repatriation was judged near impossible for the group. Resettlement, however, is a limited option. When a country is hosting 240,000 refugees, an exodus of 11,500 is only a dent – a problem UNHCR recognises fully. Resettlement is minimal [affecting less than 1% of refugees in 2004], though seeing the largest numbers ever (UNHCR 2005c).

Ending armed conflicts is another favourable tactic, as it both prevents refugee outflow and allows for refugee return. Interestingly, nearly all stakeholders can agree to this. The ideological right and left even converge here. The ideological right generally does not want refugees entering their country, and the left generally does not want the refugee to have the negative experience of leaving their homes. Both right and left, then, want to prevent people from ever becoming refugees. But, agreeing on how to go about that interference in international affairs is more difficult. Further, this solution implies that repatriation is always positive once conflict has ended. In a study of Ethiopian repatriation to the Tigray region of Ethiopia, Hammond (2004) shows the extent in which home state or NGO support is needed to achieve successful repatriation.

Finally, in this medley of proposed solutions is UNHCR's Convention Plus, an effort to resolve refugee problems by facilitating multilateral special agreements. The agreements and discussion among states and other UNHCR partners would result in marshalled support and firmer commitments from stakeholders. Through the Convention Plus initiative, UNHCR (2005a) wants to focus on resettlement and development assistance. A potentially forceful effort on the part of UNHCR, implementation and outcomes of these agreements are yet unknown.

Given the entrenched nature of the triangle of UNHCR-refugee-state relations, I would like to propose a look at three systemic factors. First, state sovereignty is a large factor in the entrenched nature of the triangular relations, enabling states to hold significant power over UNHCR and over refugees that often results in unnecessary encampment and less than voluntary repatriation. As globalisation increases, state sovereignty may lose weight, which might make integration and resettlement options more accessible. Yet, I wonder if states would aid and support integrating and resettled refugees within their borders if this were the case, or if money for support is necessarily tied to power. New problems would undoubtedly arise with new power structures to which a decline in state sovereignty would give way. And, we must also realise that state governments can be positive in providing protection and sanctuary. The pre-1996 Tanzanian state, for instance, is such an example.

Second, if the dominant narrative shifts away from refugee dependence, there may be more trust of refugees to self-settle and to have freedoms rather than child-like restrictions and care. An average of seventeen years in a protracted situation without employment rights or access to food does foster, and indeed require, an inescapable material and circumstantial dependence, however. A change in the narrative of dependence, though, might change this reality at its roots of encampment policy. A change in narrative could lead policy makers to trust and see self-sustainability potential in refugees. It could also mean that refugees see the same in themselves, effecting a change in not only narrative but also reality.

Finally, an increase and freedom in UNHCR funding would enable the agency to be less tied to camps as solutions. UNHCR would not have to maintain its selling image of doing humanitarian "good" in the camps. The agency could be more objective in dealing with states and in advocating for refugee protection. And, with more funding, UNHCR staff might be able to spend more time with refugees, resulting in less refugee objectification that comes with stretched and distanced bureaucracy.

Will any of these proposals work, or are we stuck with camps? If UNHCR feels it can do nothing else, and if refugee concerns are unheard regardless, we

will see more camps and more protracted situations continuing into the future. Permanence and longevity in camps may be rooted qualities, since conflicts that create refugee situations never seem to be as short-term as camp planners initially anticipate. Yet, if the barriers stopping increased integration, increased resettlement, long-term (and realistic) planning, positive narratives, and increased, no-strings-attached UNHCR funding were to fall, a way out of entrenched camps might be possible.

8. Conclusion: Permanent, long-term camps?

Is the triangle of relations entrenched and immutable? Does it necessarily prescribe long-term camp situations?

UNHCR is controlled to a large extent by the leverage states wield through sovereignty and funding. UNHCR's mandate for protection of refugees has consequently waned in favour of humanitarianism and aid assistance. Refugees therefore suffer from insecurity and can experience rape, kidnappings, attacks, and the brunt of camp militarisation. States wield power over refugees, as well, in the forms of deterrence, repatriation, refoulement, prevention, terrorisation, and control of movement. Not all do, of course, but these seem to be tendencies, and are tendencies which often characterise the situation in the Kenyan camps. Because refugees are often stateless, liminal, invisible, and out of jurisdiction boundaries, their rights can be ignored or abused without much threat of repercussion. Humanitarianism's colonial compassion is, then, dubious.

It seems that these may be relations entrenched in a system of defined interactions. States often deter refugees and place UNHCR in a position of popularly-mandated prevention, rather than Convention-mandated protection. Refugees continue to either resist the system through often illegal, self-settlement, or through power and identity reclamation in camps. Their power, though, is limited – by states and by UNHCR, the supra-state. It is further limited by a narrative of restrictive identities that can lead to restrictive policy. These dynamics, I believe, will continue to recreate themselves in a trajectory that has no immediate reason to change course.

Do relations necessitate long-term camps? I think they may. UNHCR wants camps as a mechanism of preventing a quick refugee refoulement. But states are often unwilling to assist in large-scale repatriation or in refugee integration into host countries. Thus, states insist on and legislate encampment. Further, as the Guinea case shows, camps become the favoured option in terms of aid distribution efficiency and accountability. Camps, then, are favoured over both informal refugee settlements and refugee integration and repatriation options. They become long-term because no other viable solutions arise. This paper has, however, looked at proposed solutions. Some may have potential to dislodge the triangle, but others may not. Nonetheless protracted situations are a current reality, and refugee-producing situations are very rarely short-term. Refugees, thus, find themselves in camps for decades, unprotected, unwanted, and spoon-fed narratives of 'refugee-ness.'

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