



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

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Abstract

This paper reviews literature on protracted refugee situat

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

(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.”

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

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.

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,

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

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

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” campaign⁹

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 communication¹¹ 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

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

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.

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

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

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