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The American University in Cairo

School of Global Affairs and Public Policy

YOU DON'T HAVE TO GO HOME, BUT YOU CAN'T STAY HERE:
THE IMPACT OF A CAMP-CENTRIC INTERNATIONAL REFUGEE REGIME ON URBAN
REFUGEES

A Thesis Submitted to the

Centre for Migration and Refugee Studies

in partial fulfillment of the requirements for
the degree of Master of Arts

by Ainslie Avery

(under the supervision of Prof. Shaden Khallaf)

April 2013

The American University in Cairo

School of Global Affairs & Public Policy (GAPP)

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In partial fulfillment of the requirements for
The degree of Master of Arts
in Migration and Refugee Studies

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DEDICATION

This thesis could not and would not have been completed without the unwavering support of my family. In particular, I thank my mother for her keen editing and insightful questions, and my father for his good humour and encouragement. I would also like to thank my friends, both in Cairo and Canada, for their support and patience throughout the writing process – particularly my friends and colleagues in the Centre for Migration and Refugee Studies, Daniela Pitts and Samantha Angwenyi, for their understanding and patience in listening to my challenges and concerns, and for their reassurance that I would overcome them.

This thesis is dedicated to my late grandmother, Clementine Anne MacLellan, who passed away during the writing process. Her belief in my ability to undertake this project and years of love and support gave me the courage to take the leap of faith required for this adventure.

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I have been incredibly fortunate to work directly with refugees throughout the latter portion of my studies at St. Andrew's Refugee Services' Resettlement Legal Aid Project. I am extremely grateful for this experience, which contributed to the topic of this thesis, and through which I gained a more nuanced understanding of refugee lives and livelihoods in urban settings of the developing world. I thank my supervisors and colleagues for their support of my many simultaneous undertakings and for helping me throughout my time at St. Andrew's Refugee Services.

ABSTRACT

You Don't Have to Go Home, But You Can't Stay Here: The Impact of a Camp-Centric International Refugee Regime on Urban Refugees

by

Ainslie Avery

(under the supervision of Prof. Shaden Khallaf)

The American University in Cairo

The insistence of states on confinement to camps, which developed into near-orthodoxy in the late twentieth century, has emerged alongside increasing refugee urbanization. I argue that the concept of “refugee” and state policy responses to refugeehood interact in a cyclical and self-perpetuating manner. The concept of refugee comes to act as a master category, or definitional term that draws clear, immovable borders around a particular discursive space; and in doing so ignores both people and places which do not adhere to its standards. The international community maintains a “camp bias” in refugee response policy, while urban refugees fall through the cracks of the international refugee regime and face significant service and protection gaps. This thesis poses the question, “*What are the impacts of Agier’s conception of the refugee master category, translated into camp-centric refugee policy, on urban refugees?*” I argue that the international refugee regime bases policy-making on a refugee master category that strives to embed the characteristics of collectivity, exceptionality, and temporality into popular concepts of refugeehood, while those refugees who do not conform to these characteristics, namely urban refugees, are excluded from assistance and face significant structural protection gaps. Based primarily on extensive literature reviews and case studies of Kenya, Egypt, and Lebanon, this thesis begins by discussing the urbanization of refugeehood and by defining the refugee master category in contrast to the realities of this urbanization. This thesis then describes the emergence of the camp-centric refugee response policy regime, using the development of Kenya’s camp-confinement policies as a case study. The challenge posed by urban refugees to the refugee master category is discussed, followed by an evaluation of the protection gaps facing urban refugees that result from both a refugee master category and refugee policy regime that turns a blind eye to the experiences of urban refugees. I conclude that both camp-centric refugee policies such as camp confinement and persistent protection gaps facing urban refugees effectively condition refugee behaviour in conformity with the dominant refugee master category, regardless of its inability to accurately describe contemporary displacement experiences, because the refugee master categories allow states to justify refugee policies that seek not the best interests of refugees, but the best interests of states through the externalization, marginalization, and exclusion of refugees.

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INTRODUCTION

In describing the isolation and marginalization of refugee camps, French anthropologist Michel Agier observes that, “[n]othing can ever be totally achieved in such contexts, the incompleteness of the integration process is cosubstantial to [refugees], quarantine being their very horizon.”¹ It is little wonder, then, that a growing number of refugees – approximately one-third of the world’s refugees, according to UNHCR² – are fleeing not once, but twice, or more: first, from persecution and violence, and second, from refugee camps that deprive them of their livelihoods, their dignity, and their humanity. The insistence of states on confinement to camps, which developed into near-orthodoxy in the latter twentieth century, has emerged alongside increasing refugee urbanization. Camp confinement has become a common practice in the developing world, which hosts the vast majority of refugees. Thus, policy-makers tend to focus on camps rather than refugees in urban settings. Developed countries also have a blind spot in addressing the specific needs and challenges facing urban refugees within their jurisdiction. The camp-bias may have been a logical policy trend initially, as camps were viewed as one of the few means to deal with significant numbers of refugees. The persistence of camp-biased policies in light of growing urbanization among refugees is problematic. Why does this “camp-bias” persist, in light of trends toward urbanization among refugees, and what are the impacts of this bias on urban refugees?

I argue that the concept of “refugee” and state policy responses to refugeehood interact in a cyclical and self-perpetuating manner. The concept of refugee comes to act as a master category, or definitional term that draws clear, immovable borders around a particular discursive space; and in doing so ignores both people and places which do not adhere to its standards. States – with the complicity of international organizations – use the international refugee regime to advance a particular conceptualization of who is and who is not a refugee. The international refugee regime thus functions for the benefit of states, rather than for refugees. Far from being grounded in objective reality, this conceptualization serves the objectives of dominant states that seek to perpetuate the

¹ Michel Agier, *On the Margins of the World: The Refugee Experience Today* (Cambridge: Polity Press, 2008), 40.

² UNHCR, “Urban Refugees,” UNHCR, www.unhcr.org/pages/4b0e4cba6.html (accessed October 2012).

externalization and marginalization of refugees through, among other things, camp-centric refugee policies. Camps have become an essential element of refugeehood. As the international community maintains this “camp bias”, urban refugees fall through the cracks of the international refugee regime and face significant service and protection gaps.

This thesis therefore poses the question, “*What are the impacts of Agier’s conception of the refugee master category, translated into camp-centric refugee policy, on urban refugees?*” In Chapter 1, I will describe the conceptual framework through which the refugee master category will be addressed, while in Chapter 2, the refugee master category is defined. In Chapter 3, drawing on a case study of Kenya’s camp confinement policies, I will outline the evolution of the refugee master category and link its development to the emergency of a camp-centric refugee response regime. In Chapter 4, I argue that urban refugees pose clear challenges to a refugee master category that is inextricably linked to refugee camps. In Chapter 5, I will demonstrate the impact of a camp-centric refugee master category and refugee policy regime on urban refugees, using case studies of urban refugees in Egypt and Lebanon. I argue that the international refugee regime bases policy-making on a refugee master category that strives to embed the characteristics of collectivity, exceptionality, and temporality into popular concepts of refugeehood, while those refugees who do not conform to these characteristics, namely urban refugees, are excluded from assistance and face significant structural protection gaps.

Research Problem, Context, and Justification

What is the purpose of investigating the conceptual framework that structures discussion of refugees? The way refugees are conceptualized intimately impacts how the wider community – particularly public opinion, non-governmental organizations and governments – respond to refugees. While this paper focuses primarily on spatial conceptualizations, discussions of dialectical conceptualizations are closely related. For example, although “refugee” is a legally defined term, its meaning in the public consciousness is much more fluid. The socio-cultural concept of “refugee” for those in

the developed world is manifold. In the public imagination, the term conjures images of the weak, vulnerable, poor, weary, gathering in camps set up on the fringes to contain their misery. But is this the reality for those who seek refuge from persecution? While their persecution is common, their refuge is not. Contrary to popular imagery or belief, refugees are not always poor, not always weak, and not always confined to the fringes. To believe so serves to disenfranchise individual refugees – to assign generalized characteristics to refugees negates their individual circumstances. The 1951 *Convention Relating to the Status of Refugees* (Refugee Convention) guarantees each individual seeking refuge the benefit of individual consideration. For example, not every Somali faces clan-based persecution; not every woman from a Muslim country has a gender-based claim. To believe so eliminates the uniqueness of each individual refugee case.

Most significantly for the purposes of this paper, not all refugees are confined to refugee camps in peripheral locales. In fact, a growing proportion of refugees flee their homes – and, indeed, their lives in refugee camps – for urban areas. Karen Jacobsen notes that, despite government efforts to contain refugees to camps or other designated settlement areas, such policies are difficult to enforce. This lack of enforcement, combined with poor living conditions in camps, have led to significant numbers of refugees moving to urban areas or otherwise self-settling. Refugees seeking shelter in urban areas may flee directly to cities, or may arrive from camps settings; in some instances, refugees may have a choice between the two options, while in others a choice may not be available. Regardless of how or why refugees seek shelter in urban settings, they often face significant service and protection gaps on arrival.

Once in urban settings, Jacobsen argues that refugees exist at the nexus of two populations: the urban poor and foreign-born migrants. Urban refugees face numerous challenges. For example, they may lack access to social networks or have depleted their resources during their flight, while being more likely to have witnessed or experienced violence, leading to additional physical and/or mental health issues³. Yet these refugees are rarely dealt with in national refugee policies, particularly in the developing world,

³ Karen Jacobsen, “Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective”, *Journal of Refugee Studies* 19 (2006): 276.

where the majority of refugees reside. Instead, national policies consistently emphasize refugees in camp settings, and urban refugees are thus often dramatically underserved.

UNHCR estimates that approximately one-third of the world's 10.5 million refugees live in urban settings⁴. Urbanization among refugee populations, like urbanization among the general population, has increased dramatically in the latter half of the twentieth century. For the first forty-five years of its existence, UNHCR had no clear policy on urban refugees, suggesting that no distinction was made between refugees on the basis of where they sought asylum. During this period, the majority of refugees seeking asylum originated from Eastern Europe, and it was largely assumed that these refugees would settle in urban areas. Distinctions between urban and camp refugees did not emerge until the end of the Cold War, when the changing characteristics of refugees and evolving strategic interests of states led to the development of the current *non-entrée* regime and to efforts to contain refugees to camps.

Despite the efforts of states, directly and indirectly through UNHCR, to contain refugees in camps, significant numbers continue to seek refuge in urban areas. Unlike camps, urban areas offer opportunities for employment and financial independence, as well as freedom from the Foucauldian observation and control of camp officials. Some refugees believe cities also offer greater access to medical services, educational opportunities for children, humanitarian aid, or even resettlement. Perhaps most significantly, given the challenges posed to the dominant myth that refugees want to return home⁵, seeking refuge in urban areas represents for many the opportunity to leave behind the trauma of their flight and build a new life. In many ways, camps seek to perpetuate the temporality of refugeehood. Agier describes those in camps as, “people waiting apart from society”⁶. But a growing number of refugees are no longer content to wait, despite the efforts of governments to confine them to these “out-places”⁷.

It is within this context that this paper questions the perpetuation of camp-centric refugee policies. While numerous previous studies have examined protection and

⁴ UNHCR, “Urban Refugees.”

⁵ B.S. Chimni, “From Resettlement to Voluntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems,” *Refugee Survey Quarterly* 23 (2005): 59.

⁶ Agier, *On the Margins of Society*, 40.

⁷ Michel Agier, *Managing the Undesirables: Refugee Camps and Humanitarian Government* (Cambridge: Polity Press, 2011), 17.

servicing gaps facing urban refugees – often the outcome of camp-centric refugee policies – few have questioned why such policies persist. It is no longer sufficient to simply investigate how these policies are failing. It is necessary to interrogate why they persist if they fail to achieve the purpose states and the international community attribute to them in the public sphere – refugee protection. It is hoped that by understanding why such policies persist – particularly *vis a vis* their relationship with the concept of “refugee” – it may be possible to de- and re-construct not only the flawed policies themselves, but the biased conceptualization on which they are built. I argue that, a flawed refugee concept is at the root of flawed refugee policies, leading to the exclusion of urban refugees from protection and assistance. To demonstrate this phenomenon, I will first define the refugee construct or “master category” in order to illustrate how this “master category” has led to the creation of a camp-centric refugee policy regime. I will then describe the challenge urban refugees pose to the refugee master category, as well as service and protection gaps urban refugees continue to face despite longstanding trends of urban refuge.

Research Questions

This thesis seeks to address the primary question, “*What are the impacts of Agier’s conception of the refugee master category, translated into camp-centric refugee policy, on urban refugees?*” In order to answer this primary question, a number of secondary questions will also be addressed:

- What or who does the refugee master category include, and what or who does the refugee master category exclude? Is there a justification for inclusion or exclusion, or are they political strategies?
- What policies have governments and policy-makers used to cultivate and sustain the camp-centric conceptualization of refugees? How have these policies evolved, how have they been justified, whose interests do they serve, and who benefits from their application? Who challenges this conceptualization, and how?
- What are the effects of camp-centric policies on refugees in urban settings? Do those in urban settings face greater protection gaps or vulnerabilities?

I argue that the refugee master category privileges camp-based refugees, while excluding urban refugees, because a camp-centric concept of refugeehood allows states to justify policies that externalize, marginalize and exclude refugees. The camp-centric refugee concept is maintained by camp-based policies such as camp confinement, which have become predominant since the end of the Cold War. Urban refugees challenge the camp-centric refugee concept, but in doing so, are subject to service and protection gaps that, by disadvantaging urban refugees, work to condition their behaviour to conform with the camp-centric refugee concept.

Objectives

The primary objective of this investigation is to interrogate how the “refugee” master category structures and disciplines refugee policy, and to determine the impact of a “camp-bias” in both the refugee master category and refugee policy on refugees outside of camp settings. By conceptualizing of refugees in a particular way, certain types of refugees – such as urban refugees – are excluded; response policies based on such concepts neglect those who do not conform, leaving them under-protected and under-served. This thesis seeks to highlight both the power relations inherent in developing and maintaining the refugee master category, and to illustrate the role of the refugee master category in structuring refugee policies. To achieve this, the thesis contrasts “camp-biased” or camp-centric policies, such as those present in Kenya, with the growing trend toward urbanization among refugees. Trends toward urbanization in light of camp-centric policies are then problematized by highlighting protection gaps facing urban refugees, as illustrated by the cases of urban refugees in Cairo and Beirut.

Key Terms and Definitions

Throughout this thesis, several key terms will be used in describing characteristics of both the refugee “master category” – discussed further in Chapter 1 – and the international refugee policy regime, as well as their impacts on urban refugees. These terms are defined and described below.

Refugee and Refugeehood

Although at particular points throughout this thesis, the legal definition of “refugee” as outlined in the Refugee Convention and Protocol are discussed, the term “refugee” is interpreted herein to describe the popular concept of who is and who is not a refugee. The popular concept of “refugee” is closely related to the refugee master category and is defined in greater detail in Chapters 1 and 2. The popular concept of “refugee”, rather than the legal definition of “refugee”, is used because this thesis describes how refugees are viewed in terms of their location in the social context of both states and the international community. This location is inextricably linked to how refugees are viewed by governments, policies, and the general public, and has a significant impact on the development of refugee policies at both the national and international level.

Closely related, the term “refugeehood” is used to describe the state of being a refugee. Like the term “refugee”, “refugeehood” is used in relation to the popular construction of what it means to be a refugee. “Refugeehood” is the condition upon which the socially- and politically-defined characteristics of being a refugee are projected; one enters into “refugeehood” after first being displaced and becoming a “refugee”. “Refugeehood” is therefore related to one’s experiences once they have already been displaced, rather than to the conditions that caused their displacement, and describes their characteristics during the post-displacement period.

Camp-Centric/Camp-Biased Policies

The “camp-centricity” or “camp-bias” of the international refugee policy regime describes the reliance of states, the international community, and international organizations on refugee camps as the primary response mechanism to refugee-producing situations. Though this reliance was originally grounded in operational expediency, ongoing urbanization among refugees highlights both the divide between the conceptual foundations of refugee policy and contemporary displacement experiences.

This camp-bias is evident at the national and international level. At the national level, the camp-bias is manifested in policies such as camp confinement and restrictions on assistance to and protection of refugees in urban areas. Through these policies,

governments, the international community, and international organizations such as UNHCR establish refugee camps as the primary response mechanism for refugees. In addition, camp-centric policies divert response resources away from urban refugees, despite their numerical significance and equal need for assistance and protection. At the international level, the camp-bias appears in both the preference of international response agencies and states for camp-centric responses and in the unequal distribution of resources between camp-based and urban operations. Inequitable distribution of response resources lead to significant, long-term protection gaps for urban refugees, even in states where seeking refuge in camps is not an option.

Protection Gaps

The term “protection gaps” is used to describe areas in which refugees generally, and urban refugees in particular, are lacking in the services or assistance necessary to actualize their rights and entitlements under both international human rights law and international refugee law. Protection gaps refer not only to shortfalls in legal and physical protection, but also to obstacles that prevent refugees from achieving a sustainable livelihood and accessing social services that are unaddressed by states. In Chapter 5, protection gaps are further broken down into legal gaps, economic gaps, and social service gaps.

Methodology

Research for this paper will be conducted primarily through literature review and secondary research. Although literature review dealing directly with the conceptual foundations of refugee policy is lacking, numerous authors have dealt with related topics that contribute to the subject herein. Case studies will be incorporated to illustrate aspects of the argument. First, in Chapter 3, in describing the development and maintenance of camp-centric policies, the case of Kenya will be used to illustrate the national and international contexts within which camp confinement policies, in particular, emerged. This case study will help illustrate the role of camps in maintaining particular aspects of dominant refugee concepts – namely, temporality, exceptionality, and marginality – as

well as suggest who is the primary beneficiary of the international refugee regime. Second, in Chapter 5, following a discussion of how urban refugees challenge dominant refugee constructs, case studies of Egypt and Lebanon will be used to describe the protection gaps that result from an emphasis on camp refugees as “true” refugees. The purpose of these case studies is to highlight different aspects of a larger phenomenon: that the persistence of a camp-centric refugee concept ignores and disadvantages urban refugees. The Kenyan case study highlights the significance of camps, and camp-centric refugee policies, in the international refugee regime and in developing national and global refugee policy. The Egyptian and Lebanese case studies illustrate the outcome of such global policy trends for urban refugees – isolation, socio-economic exclusion, and impoverishment. Recognizing that these case studies are not directly comparable – nor are they intended to be so – each case study illustrates a portion of the paper’s overall argument.

Limitations and Ethical Issues

The majority of research conducted for this work will be secondary research, drawing on existing literature and case studies. While authors in various disciplines have approached topics related to conceptualizing refugees, few have dealt specifically with the topic at hand. As a result, there is a limited amount of pre-existing research at the conceptual level to draw upon. While this paper aims to fill this gap, the dearth of literature to date has proven challenging in developing research foundations and the conceptual framework. Despite these challenges, this research design is intentional, as the paper is concerned with macro-level, conceptual analysis, rather than micro-level analysis of individual experiences. This method also limits ethical concerns that would otherwise impact researchers in direct contact with individual refugees. Literature gaps on this topic are themselves revealing, and I hope to address these gaps by offering new insight into challenges facing urban refugees at a conceptual level.

In researching this chapter, I had hoped to interview staff of non-governmental organizations in each city; in Cairo, staff at AMERA, Caritas, St. Andrew’s Refugee Services, Catholic Refugee Services, the Psycho-Social Training Institute of Cairo, and

Refuge Egypt, and in Beirut, staff at the Lebanese High Relief Commission, Caritas, AMEL Association, RESTART, Danish Refugee Council, Makhzoumi Foundation, Association Justice et Misericorde. Interviewees were to be offered the option to conduct interviews via email or Skype, or, in Cairo, in person. Interviews were intended to discuss NGO relationships with UNHCR Regional Offices in Cairo and Beirut and with government officials, challenges in working with and facing urban refugees, and significant protection gaps impacting urban refugees. Unfortunately, the majority of organizations approached for research assistance were unresponsive, and as such I was unable to conduct the desired primary research. However, I was able to draw on personal experience obtained while working with urban refugees in Cairo during an internship from August 2012 to May 2013. Given this experience, as well as the significant number of studies conducted on urban refugees, particularly in Cairo, I feel that, despite the absence of primary sources, protection gaps facing urban refugees as well-described.

Summary

This study questions why “camp-biased” refugee policies persist in the face of growing urbanization among refugees. It is argued that camp-biased policies serve to reinforce the dominant refugee concept or master category. It is states, rather than refugees, who benefit from this conceptualization. By challenging the refugee master category, urban refugees effectively challenge fundamental pillars of the international refugee regime. This challenge is met with neglect of their unique protection needs, ongoing marginalization, and enduring impoverishment.

The case of urban refugees is by no means the only example of the effect of a reality that differs from a strategically valuable socio-political construct. However, this author contends that undertaking this study not only highlights the divide between concepts and reality, but that it offers a concrete starting point from which to bring the two more closely in line. The case of urban refugees also contributes to broader policy-making discourse, exposing flaws in the refugee construct upon which policies are based. By questioning these concepts, and policies based on them, it may be possible to adjust

refugee policies and responses to displacement in order to offer better protection and assistance to urban refugees. This paper therefore aims to critique the very root of refugee policy and add to policy discourse an understanding of how the conceptual basis of refugee policy dramatically impacts the provision of protection and response to urban refugees.

Chapter 1: URBANIZATION OF REFUGEEHOOD

Urbanization is not a trend confined solely to refugees. Over half of the world's population currently resides in urban areas, and it has been estimated that, by 2030, approximately five billion people will live in urban settings⁸. Throughout this period, approximately ninety-five percent of urban growth will likely occur in the developing world⁹. Nor is urbanization a new trend among displaced persons. In earlier decades government leaders and international organizations largely assumed that refugees would settle in urban areas – and a large portion did. This assumption persisted until the mid- to late 1980s, when refugee camps emerged as the preferred choice for responding to refugee situations, particularly in Africa and Asia. Camps have come to dominate the international refugee regime to the extent that some scholars have characterized them as a fourth durable solution, despite their purportedly temporary nature. Camp-based response policies are now so fundamental to the refugee management that many question whether UNHCR should provide long-term assistance to urban refugees, despite the fact that neither the Refugee Convention and Protocol nor UNHCR's mandate distinguish between the rights and services to which refugees residing in different areas are entitled¹⁰. The reversal of attitudes to camp-based refugee management, including characterising refugees as potential criminal or politically de-stabilizing influences is examined in a case study of Kenya in Chapter 3.

Despite increasingly camp-centric response policies, refugees have continued to settle in urban areas. Their ongoing desire to do so challenges and subverts a notion of refugeehood that is inextricably linked to camps. Currently, UNHCR estimates that approximately one-third of all refugees live in urban areas, a portion that has remained relatively stable over the past five years¹¹. In contrast, approximately twelve percent of

⁸ Dale Bruscher, Karen Jacobsen, and Andrea Lari, "Addressing Urban Displacement: Specific Needs and Vulnerabilities" (paper presented at a seminar of the Brookings Institute-University of Bern Project on Internal Displacement, Washington, USA, March 10, 2008).

⁹ Ibid.

¹⁰ Ibid.; Alice Edwards, "'Legitimate' Protection Spaces: UNHCR's 2009 Policy," *Forced Migration Review* 34 (2010).

¹¹ UNHCR, "Urban Refugees"; Tara Polzer and Laura Hammond, "Invisible Displacement," *Journal of Refugee Studies* 21 (2008): 420.

refugees live in camps, while the remainder are unaccounted for¹². The statistics describing urban refugees are likely to be underestimated as one of the primary reasons many seek refuge in urban areas is anonymity and a desire to minimize contact with authorities¹³. Since the early 2000s, the proportion of UNHCR's persons of concern living in urban areas has increased dramatically. In 1996, approximately one percent of persons of concern lived in urban areas; by 2005, this proportion increased to eighteen percent, and by 2007 to twenty-seven percent¹⁴. This suggests that, despite the assistance available in refugee camps as they have developed through the 1980s and early 1990s, large numbers of refugees believe that urban settings offer better livelihood and protection opportunities.

At present policies that prioritize camp-based responses have a significant and overall negative impact on the ability of urban refugees to access services and protection. “Instead of considering mobility as an asset to enhance self-reliance, [camp-centric policies] focus on enhancing self-reliance to prevent mobility.”¹⁵ UNHCR's urban refugee policy shift from “care and maintenance” to “self-reliance” results in fewer available services. Fewer officially sanctioned urban-based services from UNHCR are compounded by the structural barriers imposed by many host states, which prevent refugees in urban areas from developing sustainable livelihoods. Taken together, urban refugees face significant challenges in securing protection and accessing services. These challenges are discussed further in Chapter 5, drawing on case studies of Egypt and Lebanon.

Refugees chose to flee to urban areas for a variety of reasons. In some cases, a state may host no established refugee camps within its borders, forcing refugees to settle wherever they can. Once somewhat settled, one can imagine the lack of interest in moving to a camp if and when such a location is established. Living conditions in camps also factor in the choices refugees make. Word of mouth descriptions of dismal sanitation and lack of shelter are impetuses to avoid more desperation. A similar result occurs once refugees have spent some time in a refugee camp – life outside the camp, despite its

¹² Ibid., 420.

¹³ Sara Pavanello and Marzia Montemurro, “Displacement in Urban Areas: Implications for Humanitarian Action,” *Forced Migration Review* 34 (2010); Jacobsen, “Refugees and Asylum-Seekers in Urban Areas.”

¹⁴ Karen Jacobsen, *The Economic Life of Refugees* (Bloomfield: Kumarian Press, 2005).

¹⁵ Giulia Scalettaris, “Refugees and Mobility,” *Forced Migration Review* 34 (2010): 59.

dangers and restrictions, still seems a better alternative for many. Generally, scholars describe the motivations of refugees in seeking refuge in urban areas in terms of access to resources and services that are not available in either camp settings or rural areas. These resources can be broadly categorized as resources to increase power and anonymity or as resources to improve livelihoods.

Many scholars suggest that one of the primary motivations behind settlement in urban areas is a desire to maintain power within and control over their living situation. Whereas camp settings strictly proscribe the activities and livelihood strategies available to refugees – partially by eliminating their individual agency and reconstituting them as passive recipients of aid – urban settlement offers greater opportunities for independence and choice among livelihood strategies. Urban settlement can thus be interpreted as a means of emphasizing individual refugee agency. Further, urban settlement may be viewed as an assertion of control over identity formation *vis a vis* the “refugee” label. As Roger Zetter suggests, despite the significant role of powerful institutions and actors in the labelling process, those subject to labelling are not without influence in defining the labels they are assigned¹⁶. By asserting independence in contrast to the passivity implied by the refugee label, urban refugees subvert contemporary understandings of who or what a refugee is. The challenge urban refugees pose to the refugee concept are discussed further in Chapter 4.

One of the most well-described factors behind urban settlement is a desire among refugees to remain anonymous¹⁷. Given that many refugees’ personal histories and displacement experiences include interactions with authorities ranging from malicious neglect to persecution, a desire for anonymity is not surprising. Harrell-Bond and Voutira suggest that, when residing in camps, refugees are subsumed under bureaucratic structures that embed the control of camp administrators over them¹⁸, while Agier

¹⁶ Roger Zetter, “More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization,” *Journal of Refugee Studies* 20 (2007): 183.

¹⁷ See, for example, Roger Zetter and George Daikum, “Meeting Humanitarian Challenges in Urban Areas,” *Forced Migration Review* 34 (2010): 5; Pavanello and Montemurro; Anne Davies and Karen Jacobsen, “Profiling Urban IDPs,” *Forced Migration Review* 34 (2010); Anita Fabos and Gaim Kibreab, “Urban Refugees: Introduction,” *Refuge* 24 (2007); Jacobsen, “Refugees and Asylum-Seekers in Urban Areas.”

¹⁸ Barbara Harrell-Bond and Eftihia Voutira, “In Search of ‘Invisible’ Actors: Barriers to Access in Refugee Research,” *Journal of Refugee Studies* 20 (2007): 283.

describes the evolution of camps into a form of humanitarian government that integrates control into humanitarian assistance¹⁹. In this context, refugees may and often do perceive attempts by camp administrators to control virtually every aspect of their lives – through the distribution of aid, management of movement, registration and research – as a threat to their independence. Seeking the anonymity of an urban area offers an alternative to such Foucauldian control. Polzer and Hammond characterise attempts at anonymity as a manifestation of James Scott’s “weapons of the weak” – a vulnerable population using the limited resources available to avoid Foucauldian “powers that be”²⁰. Polzer and Hammond go on to suggest that anonymity, or invisibility, functions as a survival resource for urban refugees. Efforts to attain anonymity often include minimizing contact with bureaucratic authorities, including health or social service providers. Unfortunately, this exacerbates their vulnerability to discrimination and harassment, and importantly inhibits efforts to accurately estimate their numbers, understand their particular vulnerabilities, and develop policies that address their needs.

Where a choice is available, refugees frequently choose urban settlement because urban settings offer greater access to livelihood and survival resources. Alexander Betts argues that the need to secure resources necessary for survival is as important to many refugees as flight from persecution²¹; similarly, once an individual or family chooses to flee, the choice of destination is partially determined by where survival resources can be obtained. These survival resources include employment, housing, education for children, and possible material assistance from humanitarian or social service organizations. By moving to urban areas, refugees may be able to access social networks or migrant enclaves²². In addition, refugees may believe that they can only seek international protection by approaching UN agencies in urban centres. The “pull factor” thesis has been advanced to describe how asylum-seeking behaviours are influenced by the availability of international aid programs, such as resettlement programs²³. Paradoxically, many of the resources refugees seek by settling in urban areas are in reality either

¹⁹ Agier, *Managing the Undesirables*.

²⁰ Polzer and Hammond, 418.

²¹ Alexander Betts, “Survival Migration: A New Protection Framework,” *Global Governance* 16 (2010): 361.

²² Jacobsen, “Refugees and Asylum-Seekers in Urban Areas.”

²³ Michael Kagan, *Shared Responsibility in a New Egypt: A Strategy for Refugee Protection* (Cairo: Centre for Migration and Refugee Studies, 2011), 29.

unavailable or difficult to access. This is due, in part, to camp-biased refugee policies that dedicate resources to camps at the expense of urban refugees. The protection and service gaps that result are discussed further in Chapter 5.

Finally, when faced with the prospect of settling in either a rural or urban area, refugees may choose to settle in a location similar to their home region for reasons relating to familiarity. For instance, refugees originating from an urban setting would naturally chose to settle in another urban area because their skills and experience are better suited to urban life. Familiarity with the circumstances in the location of refuge are balanced with the opportunities available for securing a sustainable livelihood. On the other hand, a refugee from a rural area may believe that settling in an urban area provides access to opportunities for education or training that can help them to develop a more diverse set of skills and thus maximize their potential for securing a higher standard of living in the future. The factors leading refugees to opt for urban settlement are diverse and vary between individuals, yet are highly persuasive for many when weighing asylum options.

1.1 Conceptual Framework

I contend that, in popular discourse, the concept of “refugee” acts as a type of master category. The concept of master categories was first discussed by C.W. Mills in the 1959 manuscript, *The Sociological Imagination*. Mills suggested that it was impossible to investigate a particular subject or phenomenon – in his case, from a sociological perspective – without first establishing precisely who or what is included for study. As understood by Mills, master categories serve to structure discursive space, drawing borders around particular subjects in order to undertake meaningful analysis. Master categories operate much like labels, in that they define an inside/outside dichotomy that then serves as the basis of investigation – that is, master categories allow for the definition of a subject of analysis, while simultaneously defining the boundaries of the subject. Mills argued that establishing master categories was an imperative first step to undertaking research and to unpacking sociological phenomenon, to creating order out of

chaos by structuring the world of social interaction. Through master categories, complex issues can be illuminated and simplified.

However, it is this simplification that is also cause for concern, and as Saskia Sassen asserts, master categories can effectively obscure as much as they explain. For example, Sassen illustrates how construction of “the global” as a master category, with “its own power logics and exclusions”²⁴, overlooks the role of national and subnational components that continue to structure globalizing processes. Sassen argues that it is therefore essential to “unsettle” such master categories on the understanding that they are not discreet, standalone beings. Instead, master categories are necessarily a product of social and political relations, and are produced by a power struggle for control over knowledge production. To understand a master category, and its effect on its subject, it is necessary to evaluate the dynamics within which it developed and operates.

I argue that “refugee” acts as a master category that structures both public discourse and government policy. Adopting Sassen’s critique, this thesis will investigate, first, the outward manifestation of the refugee master category and how this has structured government policy responses – particularly through camp confinement policies. As governments, through public policy toward refugees internally and through action toward refugees externally, embed a “camp bias” into the refugee concept that is they reify their physical externalization²⁵. Once the confinement of refugees to camps in marginal areas – typically in the developing world – is accepted as a defining characteristic of refugeehood, the manipulation of the international refugee regime to achieve this end, as illustrated by Chimni²⁶, becomes palatable to the public consciousness. In other words, the refugee master category is as much a child of politics and socially constructed power relations, as it is of its humanitarian concern.

Second, this thesis will explore the effect of the refugee master category on a specific subset of refugees who are excluded from both public and government conceptions of refugeehood: urban refugees. Reliance on “refugee” as a master category comes with a price – particularly for those falling outside of it. For example, it has been

²⁴ Saskia Sassen, “Unsettling Master Categories: Notes on Studying the Global in C.W. Mills’ Footsteps,” *International Journal of Politics, Culture and Society* 20 (2008): 69.

²⁵ Agier, *On the Margins of the World*; Agier, *Managing the Undesirables*.

²⁶ B.S. Chimni, “The Geopolitics of Refugee Studies: A View from the South,” *Journal of Refugee Studies* 11 (1998): 359.

argued that, in the legal sense, achievement of refugee status places one in a privileged category. This does not account for the hierarchies within the category of refugees²⁷. The dissolution of “refugee” as a discreet category in public discourse through its conflation with mixed migration and its application to displacement not captured by the Refugee Convention and Protocol may further erode the status granted by legal recognition. The term “refugee” becomes at once heavy with connotation, yet devoid of meaning.

In investigating the exclusion of urban refugees from public and policy conceptions of refugeehood, this thesis will discuss why the exclusion still exists. Urban refugees pose a significant challenge to the refugee master category, in that they call into question characteristics that are considered fundamental to refugeehood, such as temporality and separateness. The increasingly protracted nature of displacement further problematizes these characteristics. Protracted displacement renders characteristics of the refugee master category, particularly temporality and exceptionality, inapplicable to both urban and camp-based refugees, despite the efforts of states and the international refugee regime to advance these characteristics as fundamental to refugeehood. If these characteristics, accepted by many policy-makers as virtual truisms, are inaccurate, refugee policies structured on them are in danger of being ineffective. It is already evident that the outcome of sustaining a “camp biased” refugee policy is to leave the significant protection gaps facing urban refugees unaddressed. By examining in depth a particular aspect of the refugee concept, I hope to “unsettle” this master category and problematize public discourse and government policy – or, alternatively, sporadic, unguided government responses – founded upon it.

1.2 Literature Review

As the primary research methodology is based on the review of existing case studies and relevant literature, a proposed bibliography outlining relevant source materials is attached. However, there is little written, to date, about how conceptualizing “refugees” in a particular way can exclude and disadvantage specific refugee populations. This may

²⁷ Sarah Bailey, “Is Refugee Status Enough? Legal Status and Livelihood Obstacles for Urban Refugees,” MA Thesis, Tufts University (2004).

be due, in part, to an understanding among academics that, as experts, their conceptualization of refugees is far broader than that adopted by the general public, policy-makers, or government leaders. However, given that the general public, policy-makers, and government leaders each play a role in actualizing protections, services, and rights for refugees, it is important to consider the effect of a popular refugee concept that neglects certain populations or subgroups – such as urban refugees. Given this lack of concentrated literature, it is necessary to consolidate a variety of key works from various disciplines in order to describe the function, purpose, and outcome of conceptualizing refugees in a particular manner.

Building on Saskia Sassen’s critique of master categories, Tara Polzer, Laura Hammond, and Roger Zetter describe processes by which governments and international institutions manage the refugee master category. Zetter, in discussing the process of labelling refugees, effectively charts the application and function of the refugee master category to the international institutional refugee regime. Labels, Zetter notes, “are the tangible representation of policies and programmes, in which labels are not only formed but are then also transformed by bureaucratic processes which institutionalize and differentiate categories of eligibility and entitlements... labels develop their own rationale and legitimacy and become a convenient and accepted shorthand”²⁸ – seeking, much like master categories, to simplify and explain their subjects to permit an institutional response. Zetter goes on to argue that, as changing migration patterns and shifting causality make it increasingly difficult to maintain the “convenient images” of refugees upon which institutional responses are based, the effectiveness of the refugee label is fracturing. Like B.S. Chimni, Zetter argues that dominant states are not only the key actors in (re)defining the refugee label, these states use the redefinition process to serve their interests. If, as Zetter notes, refugee status remains “the only systematic and relatively accessible route for large-scale, globalized migration,”²⁹ these states have a vested interest in closely managing the distribution of the refugee label. The result is that, “the concept of labelling reveals how seemingly essential bureaucratic practices to

²⁸ Zetter, 180.

²⁹ Ibid., 180.

manage the influx of refugees, and thus manage *an image*, in fact produces highly discriminatory labels designed to mediate the interests of the state.”³⁰

By encouraging fracturing of the refugee label, governments effectively create categories of less preferential refugee protection. For example, refugees in urban settings are more closely associated with economic migrants, and it is often assumed that the ability to make the journey to an urban area implies that urban refugees can take care of themselves, rendering them less deserving of protection³¹. At the same time, through a “draconian mix of deterrent measures and in-country policies and regulations”³² – such as camp confinement policies – states seek to manage claims to refugee status, thus shrinking the available protection space. However, Zetter argues that the transformation or fracturing of labels is not a one-way process, and that refugees are not always “dependent victims of larger institutional powers outside their control.”³³ Rather, refugees have a degree of agency in choosing to adopt or oppose the characteristics imposed by labels. For example, by claiming status in opposition to the restrictions defined by states, urban refugees subvert the institutional labels imposed on them – making them a significant threat to both the state’s ability to manage the refugee master category, and to the legitimacy of its attempts to do so.

In a similar vein, Polzer and Hammond argue that, “by seeing, describing and categorizing social reality, we also make people and processes invisible.”³⁴ Applying concepts of visibility and invisibility to “self-settled” refugees, Polzer and Hammond discuss how both governments and UNHCR seek to manage the visibility of refugee subsets to serve institutional interests. For example, by managing the (in)visibility of its subjects, governments and agencies can restrict the scope of their obligations to provide protection or assistance³⁵. Further, Polzer and Hammond note that academia, by seeking “policy-relevance”³⁶ in analysis and by adhering to institutionally defined categories, can be complicit in reproducing invisibility; for instance, “self-settled” refugees in the global

³⁰ *Ibid.*, 184, emphasis added.

³¹ See, for example, Karen Jacobsen, *The Economic Life of Refugees*.

³² Zetter, 84.

³³ *Ibid.*, 183.

³⁴ Tara and Hammond, 417.

³⁵ *Ibid.*, 424.

³⁶ *Ibid.*, 427.

south are less studied than their counterparts in camps, while urban refugees were “almost entirely invisible to both practitioners and academics”³⁷ until around 2001.

Invisibility, they contend, is the outcome of relationships between those with power and those without: “invisibility is therefore fundamentally relational; its impacts depend on the power relations and interests connecting those who see and those who are to be seen (or not).”³⁸ Keeping people and processes invisible requires power, but institutions that have such power can impose visibility or invisibility – through the application of categories and labels – against the will of their subjects. Like Zetter, Polzer and Hammond suggest that the subjects of labelling and categorization play a role in determining their own (in)visibility – albeit in a different way. While Zetter emphasizes the ability of the subjects of labelling to challenge both the labels themselves and the legitimacy of those imposing labels, Polzer and Hammond suggest that invisibility can be used to the advantage of the invisible – that, in fact, refugees may chose to remain invisible in order to avoid regulation or intervention by authorities. Drawing on James Scott’s “weapons of the weak”, which describes ways that disempowered citizens work to remain invisible to Foucauldian “powers that be”³⁹, the authors draw parallels to survival strategies adopted by urban refugees that reinforce their invisibility. For example, by avoiding contact with institutions and authorities, or obscuring or adopting new identities, urban refugees may seek greater freedom to pursue livelihoods, while simultaneously reifying their invisibility. Therefore, “neither visibility nor invisibility are inherently routes to empowerment – the impact depends on the relationship between actors and the functions which visibility plays.”⁴⁰

Anita Fabos and Gaim Kibreab illustrate the translation of the labelling and categorization of refugees into government policy, both as an outcome of and a mechanism for maintaining public conceptions. Fabos and Kibreab view state policies of segregation, securitization, and criminalization – manifested, for example, in restrictions on freedom of movement – as being linked to a specific political objective of creating and perpetuating differences between insiders (citizens) and outsiders (refugees). In order to

³⁷ Ibid., 420.

³⁸ Ibid., 420.

³⁹ Ibid., 418.

⁴⁰ Ibid., 421.

prevent integration and prolong refugee status, which reinforces popular concepts of refugeehood, spatial segregation becomes a common tool. However, by removing spatial segregation, urban refugees challenge, among other characteristics, the division between insiders and outsiders, and the temporary basis of refugeehood –undermining popular concepts of “refugee” and the policies built upon them.

How do these concepts translate into refugee policies? B.S. Chimni tracks the evolution of the refugee regime, arguing that dominant Western states manipulate the refugee regime and refugee discourse to achieve political objectives – particularly spatial segregation, or “containment”⁴¹, of refugees and the maintenance of a “myth of difference”⁴². Chimni’s work locates refugee studies and the refugee regime within shifting twentieth century geopolitics, arguing that Western states’ policy toward refugees has moved from neglect to manipulation to containment⁴³. Though the legal framework through which refugees are recognized and protected has not changed, the interpretation of the Refugee Convention and Protocol and operational policies have shifted toward advocacy of assistance and protection in regions of origin. By adopting this approach, Western governments are not necessarily seeking the best method for addressing refugee protection, but rather the best method of containing refugees to the developing world, far from their borders. Such practices reflect the self-interest that underlies not only the international refugee regime, but the international state system on a whole.

In order to justify this spatial segregation, Western states have adopted and perpetuate a “myth of difference”. Chimni articulates this myth – a new way of conceptualizing refugees – as establishing “the nature and character of refugee flows in the Third World... as being radically different from refugee flows in Europe since the end of the First World War.”⁴⁴ From this “myth of difference” came explanations that refugee flows resulted from internal conflict in post-colonial states a view of circumstances which simultaneously rejects external causality (i.e. invasion by a hostile government) and the resulting exilic basis of refugeehood (i.e. being forced to move to

⁴¹Chimni, “Geopolitics of Refugee Studies,” 350.

⁴²Ibid., 351.

⁴³ See also Laura Barnett, “Global Governance and the Evolution of the International Refugee Regime,” *International Journal of Refugee Law* 14 (2002): 238-262.

⁴⁴Ibid., 351.

avoid invading forces). If the West is not culpable for refugee situations, and protection can be provided in regions of origin, the West has no moral obligation to accommodate refugees in their territory. Chimni argues that such justifications have been increasingly invoked to permit the institutionalization of a *non-entrée* regime which seeks to contain refugees in the “empty” spaces of the developing world⁴⁵. Further, Chimni finds UNHCR equally culpable in the production and dissemination of knowledge to reinforce the policy orientation of developed states.

To illustrate both the turn toward *non-entrée* and containment-focused policies, as well as UNHCR’s role in legitimating this shift, Chimni discusses trends in durable solutions. Of the three durable solutions available to refugees – repatriation, resettlement, and local integration – Chimni suggests that Western preferences have shifted in tandem with changing characteristics of refugee flows. Specifically, during the Cold War era, refugees, who originated primarily from behind the Iron Curtain, were perceived to be less of a socio-cultural intrusion, and to have significant geopolitical value. As such, resettlement to the West was pursued in the majority of cases. However, following the end of the Cold War, as more refugees arrived in the West from the global south, Western states increasingly pursued repatriation as the preferred solution. This shift was aided by UNHCR, which declared the 1990s to be the “decade of repatriation”⁴⁶. The “myth of difference”, or the conceptualization of “refugee” in the public consciousness, plays a key role in legitimating such a policy shift. Chimni thus illustrates how dominant states both construct and perpetuate a particular image or master category on which to base and justify self-interested and politically motivated refugee policies.

Michel Agier expands further on the role of spatial segregation, in the form of refugee camps, in reinforcing particular aspects of refugeehood. Agier’s works on the role of camps in the development of humanitarian government, the transformation of camp spaces and the adaptation of refugees to camp settings provide relevant insights into camps as “spaces of exception”. In describing refugee camps and camp confinement policies, he illustrates how camps have come to define the refugee experience, and feed into a self-perpetuating cycle of both physical and conceptual separation from the

⁴⁵ *Ibid.*, 358.

⁴⁶ Chimni, “From Resettlement to Involuntary Repatriation,” 59.

developed world. Agier makes several observations about the exceptionality of refugee camps. First, he highlights the role of camps in establishing and maintaining the physical separation of refugees from both their country of origin and from the local population. Drawing on Foucault, who argued that refugees were the first people to be “imprisoned outside”⁴⁷, Agier argues that refugee camps – as well as the reception/detention centres that sprang up across Europe during the 2000s – represent an extension of strategies that seek to distance “the undesirables”⁴⁸. Once in camps, refugees are further distinguished from other populations because they become the subjects of a parallel set of international guarantees of rights – despite their limited abilities to actualize these rights. In camps, rights and freedoms become resources whose distribution depends on the favour of those with administrative and operational authority. Camps thus become “zones of exceptional rights and power, where everything seems possible *for those in control*”⁴⁹. Tellingly, Agier notes that the necessity of this separation is reified through the distribution of international aid: in both Kenya and Uganda – whose camp confinement policies are to be investigated in depth – aid to refugees is conditional, depending on their segregation in camps.

Agier’s observations on the separateness of camps is closely related to his description of the relegation of camp refugees to both the spatial and conceptual margins. Refugee camps, to Agier, represent a consolidation of the division between a “clean, healthy and visible world” (us) and “the world’s residual ‘remnants’, dark, diseased and invisible” (them)⁵⁰. Their location in border spaces, at the physical margins of a state, distanced from the theoretically civilized core, is simply the spatial manifestation of the conceptual division. Their location is the product of both operational expediency – in that many camps are located in remote areas near borders where refugees cross – and deliberate political strategy. By locating camps on the margins, their status is clearly delineated from a host state’s society, creating physical and conceptual barriers to integration and preserving their exceptionality.

⁴⁷ Agier, *Managing the Undesirables*, 181.

⁴⁸ *Ibid.*, 183.

⁴⁹ *Ibid.*, 81, emphasis added.

⁵⁰ *Ibid.*, 4.

Finally, Agier's observations on the role of camps in giving the illusion of a suspended state of emergency, despite their often protracted nature, completes the conceptual image of "refugee". The association of refugeehood with states of emergency seeks to reinforce its temporary nature – an association which makes the confinement of significant numbers of people in marginal, extra-territorial space less morally reprehensible. As Agier suggests,

[i]t is only the emergency situation and its exception character that justify these spaces, but at the same time these factors tend to reproduce themselves, to spread and establish themselves over the long term. This permanent precariousness is the first fact that strikes you when you arrive in a camp.⁵¹

Further, the temporality of camps impacts perceptions of the ideal durable solution to refugee situations: "humanitarian sites are supposed to be precarious spaces, always provisional. The principle implies that the official end of a war is followed by departure of refugees..."⁵², presumably to their country of origin, rather than to either a neighbouring area or a distant third country. However, Agier goes on to suggest that camps, despite their supposed temporality, take on "a certain duration"⁵³ and in many ways come to resemble cities in themselves.

Agier's observations lead to the ultimate conclusion that, above all, the primary function of refugee camps is control – as he writes, "there is no care without control"⁵⁴. By controlling the physical separation and movement of refugees, it is possible to control public perceptions of refugeehood in a way that permits ongoing marginalization and externalization. Similarly, in illustrating the role of refugee camps in both informing definitions of "refugee", Agier shows how camps support the self-perpetuating cycle of spatial and conceptual externalization of refugees. By nurturing a concept of "refugee" in the public consciousness that is defined by the camp experience, a camp-based response to refugee situations is constructed as the primary solution, which then further reinforces the place of refugees on the margins. Agier's conclusions serve to reveal the strategy of

⁵¹ *Ibid.*, 71.

⁵² *Ibid.*, 120.

⁵³ Michel Agier, "Between War and the City: Toward an Urban Anthropology of Refugee Camps," *Ethnography* 3 (2002): 321.

⁵⁴ Agier, *Managing the Undesirables*, 4.

marginalization and externalization pursued by Western states in promoting and maintaining the existing concept of “refugee”.

What is the outcome of incorporating such “camp-biased” concepts into refugee policy? While specific outcomes for refugees vary by location – as will be shown by reviewing protection gaps and servicing challenges facing urban refugees in Cairo and Beirut – Karen Jacobsen advocates the use of a livelihoods framework to approach urban refugee situations. In doing so, she illustrates the outcome of a camp bias in refugee policy and servicing. A livelihood framework considers both assets and strategies that are used to achieve a desired outcome, and the structural or institutional context that can constrain access to these assets and strategies⁵⁵. Three components make up the livelihood framework: vulnerability context; assets and strategies; and outcomes⁵⁶. In applying this framework to urban refugees, Jacobsen finds that, “[c]ompared with their co-nationals in camps, urban refugees often face greater protection risks, and receive less support in terms of shelter, health care, education, and other social services – and sometimes none at all.”⁵⁷ Specific – and common – gaps Jacobsen identifies include the inability to secure housing; lack of identification and documentation; xenophobia and competition with locals for scarce resources; and access to credit and financial services⁵⁸.

1.3 Conclusion

This chapter describes the framework through which the concept of refugeehood is to be addressed. This chapter reviewed literature surrounding the construction of refugeehood, how understandings of refugeehood and policies toward refugees have evolved since the end of the Cold War, and the emergence of a camp-based refugee policy regime. The camp-based policy regime has come to inform how refugeehood is understood by governments, policy-makers, and the public, despite its exclusion of urban refugees from popular concepts of refugeehood. I argue that many of the challenges facing urban refugees are causally linked to a refugee master category that favours camp-based refugee

⁵⁵ Jacobsen, “Refugees and Asylum Seekers in Urban Areas,” 279.

⁵⁶ *Ibid.*, 280.

⁵⁷ Jacobsen, *The Economic Life of Refugees*, 39.

⁵⁸ *Ibid.*, 42-47.

response policies and camp-settled refugees over urban refugees. The following chapters will illustrate how the conceptual exclusion of urban refugees leads to neglect of their needs for protection and assistance.

Chapter 2: “REFUGEE” AS “MASTER CATEGORY”

This chapter describes the primary characteristics of refugees and key assumptions about refugeehood that shape the refugee “master category”. It is important to discuss the foundational assumptions of the refugee master category, in order to contrast these assumptions – and policies based on these assumptions – with the evolving realities of contemporary displacement. These assumptions relate to the belief that refugeehood is a collective condition, an exceptional state of being, and temporary. While these are not the sole characteristics of refugeehood, they play an important role in shaping how refugeehood is conceptualized in the public sphere and among policy-makers. The essential challenge with these assumptions is that they exclude a significant number of refugees who cannot conform to this image of the “ideal” refugee. When these assumptions become the foundation of refugee policy, despite their inaccuracies, the refugee master category loses its definitional functionality and becomes an exclusionary construct which deepens existing vulnerabilities among excluded populations.

As discussed, the contemporary refugee construct or master category shifted dramatically following the Cold War. When the binary international balance of power collapsed, dominant states saw less urgency in intervening in potentially refugee producing conflicts. Simultaneously refugees lost their significance as political tools who could be used to illustrate the flaws in opposing political and socio-economic ideologies. B.S. Chimni describes the resulting phenomenon as “new refugees,” constructed against a backdrop of a “myth of difference”⁵⁹. These “new refugees” came to dominate refugee discourse in the public sphere, and to influence what policy-makers saw as appropriate responses to refugee situations, leading them to turn toward camp-based refugee response policies. This new trend differed dramatically from prior trends in refugee response policies, which favoured resettlement in dominant states based on assumptions that, if Cold War refugees returned to their countries of origin, they would face imprisonment or death. Seeking refuge during the Cold War was considered a fundamentally political act, with significantly negative impacts of the relationship between individuals and their states.

⁵⁹ Chimni, “Geopolitics of Refugee Studies.”

Since the end of the Cold War, seeking refuge has been effectively removed from its political context and is increasingly considered a mechanism of socio-economic and physical survival – without necessarily impacting the relationship between citizens and states over the long term. Because the bond between states and citizens, in theory, remains intact, it is assumed that refugees want to return to their country of origin as soon as possible, further embedding the exceptionality and temporality of asylum into popular concepts of refugeehood. These assumptions are used to justify new trends in refugee response and management policies that externalize refugees from dominant, Western states, marginalize refugees within host states in the developing world, and exclude refugees from integrating into host societies⁶⁰. These policies have evolved into a camp-based refugee response regime, which includes both camp confinement policies and restrictions on the provision of assistance to refugees in urban areas – up to criminalizing urban settlement. Yet amidst mass influxes of “new refugees”, refugees continued to flee to urban areas in significant numbers, as they had since the birth of the international refugee regime. What changed was not the refugees themselves, but perceptions of what these refugees wanted and needed.

2.1 Defining the Refugee Master Category

As described by C.W. Mills, a “master category” is a definitional concept that permits academics, policy-makers, government representatives, and the public to describe and analyse a particular subject. A master category draws clear boundaries around a subject, simultaneously establishing both the scope and limitations of analysis and creating order within a world of chaotic and often overlapping social constructs. The “refugee” classification acts as a master category, and has significant connotations in the popular imagination. The term “refugee” is legally defined in the Refugee Convention and Protocol as a person who,

... owing to 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; or

⁶⁰ Chimni, “From Resettlement to Involuntary Repatriation.”

who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

However, in the public consciousness, refugeehood has evolved and taken on new meaning. It is in the realm of popular imagination that Roger Zetter's fracturing of the refugee label occurs, as states and policy-makers increasingly use terms such as "genuine" or "legitimate" refugees in contrast to "bogus" or "illegal" refugees and asylum-seekers⁶¹, who are offered varying degrees of assistance and protection. As Zetter argues, "the proliferation of new labels designating different kinds of refugee claimants underpins a deliberately transformative process to create far less preferential categories of temporary protection."⁶² Similarly, the application of the term "refugee" to emerging issues – such as environmental refugees or tax refugees – confuses both the legal underpinnings and humanitarian origins of the international refugee regime. The application of the refugee label, as opposed to the use of "refugee" in a legal context, illustrates how an essentially bureaucratic process is used to manage refugees, "and thus manage an image [in order to] produce highly discriminatory labels designed to mediate the interests of the state to control in-migration."⁶³ The fracturing of the refugee label, or the proliferation of additional labels within the refugee master category, functions to remove people from an international regime whose very existence illustrates their need for protection. It is in this realm that the refugee label becomes both heavy with connotation, but devoid of meaning.

However, despite this fracturing, certain assumptions about what it means to be a refugee remain embedded in the public consciousness. These assumptions are so firmly embedded in refugee discourse that they take on the appearance of fundamentality in structuring popular understandings of displacement and refugeehood – and, subsequently, in developing refugee response and management policies. These characteristics are described by Michel Agier and B.S. Chimni in contrast both to refugees and refugeehood in the Cold War era and to the refugee definition articulated in the Refugee Convention and Protocol. Agier's and Chimni's analyses prove helpful in articulating these

⁶¹ Zetter, 183-184.

⁶² Ibid., 182.

⁶³ Ibid., 184.

characteristics and in describing the characteristics – and boundaries – of the refugee “master category”.

Chimni and Agier describe assumptions of the causes and sources of displacement. Both argue that since the Cold War, the causes of displacement have evolved from primarily political-ideological, individualized persecution to general violence and intra-state conflict – or what Zetter refers to as “muted conditions for refugeehood”⁶⁴ – contributing to changing interpretations of the refugee label. Examples of such general violence and intra-state conflict may include ongoing civil conflict and persecution of minority clans in Somalia, or violence against Darfuri or Nuba Sudanese. Similarly, the countries in which refugee-producing circumstances occur have been increasingly geographically concentrated in the developing world – that is, Africa, Asia and Southeast Asia rather than Eastern Europe and Russia – leading to the racialization of refugeehood since the end of the Cold War. While Chimni describes shifting political understandings of refuge and refugeehood based on these changes as the “myth of difference”, Agier adopts a more politically-charged phrase – “the undesirables”⁶⁵ – to describe “new refugees” based on the international community’s response to their displacement.

Descriptions of both the causes and sources of “new refugees” displacement lend themselves to the assumption that flight, rather than affecting individuals and families, is increasingly a phenomenon that affects large numbers of people, up to and including entire communities, resulting in mass displacement. Generalized violence, or persecution targeting a particular community, clan, or ethnic group, has contributed to mass displacement throughout the developing world, particularly since the end of the Cold War. For example, as will be discussed in Chapter 3, internal conflict in Somalia led to the displacement of approximately 50,000 refugees into Kenya in 2009 alone – despite the Kenyan government closing its border with Somalia in 2007⁶⁶. Such causality was formally recognized in the 1969 Organization of African Unity *Convention Governing the Specific Aspects of Refugee Problems in Africa* (OAU Convention). This causality has

⁶⁴ Ibid., 178.

⁶⁵ Agier, *Managing the Undesirables*.

⁶⁶ Avery Burns, “Feeling the Pinch: Kenya, Al-Shabaab, and East Africa’s Refugee Crisis,” *Refugee* 27 (2010): 8.

become as significant in shaping public perceptions of refugeehood in contrast to the legal requirement for individualized persecution; in the public sphere, for example, refugees are frequently referred to as “huddled masses”⁶⁷. Assumptions about the characteristics of refugees from the developing world also contribute to the association between refugeehood and mass displacement. For instance, belief in cultural traits – such as the nature of familial or communal ties – add to a belief that displacement from particular regions or ethno-cultural groups will necessarily be *en mass*. Therefore, the “myth of difference” described by both Chimni and Agier contribute to the belief that refugeehood is inherently a condition that affects people *en masse*.

Agier further discusses the role of exceptionality in defining the refugee master category. The exceptionality of refugeehood refers to the understanding that being a refugee is an abnormal condition, and implies that an unusual, often immediate response is required. As discussed, Agier argues that refugees, owing largely to misguided refugee policies, are held in protracted states of emergency in refugee camps. The camp model itself is based on emergency response principles intended to provide exceptional assistance to large numbers of individuals and families; similar response activities are undertaken in cases where significant numbers of people are displaced due to natural disasters. However, policies that intend to provide exceptional, emergency assistance is inadequate for sustaining refugees over an extended period of time. For example, food rations provided on an emergency basis often meet only minimum nutritional and caloric standards as it is assumed that, at some point, the emergency will end and those receiving assistance will resume sustaining themselves independently. Food rations are not a sustainable solution for refugees residing in camps for decades or more – particularly refugee children, who have greater nutritional requirements over the long term. Further, over the long term, funding for a particular camp often plateaus or decreases, as donor attention shifts to other priorities, making it difficult to provide even basic food, shelter, health care, and education as the duration of displacement increases. While an exceptional, emergency response to large-scale displacement may be justified from an operational perspective, maintaining such a response in light of the prevalence of long-term, protracted displacement is ineffective and unsustainable.

⁶⁷ Bailey; see also Zetter, “More Labels Fewer Refugees.”

Drawing on the example of refugee camps, Agier describes an emergency response which has become a normal state of being in order to justify the continued provision of humanitarian aid⁶⁸. By emphasizing a shared sense of exceptionality, combined with effective imprisonment in marginalized camps – discussed further in the following chapter – Agier notes that a sense of abnormality develops around camps: “by fixing them and gathering them collectively, these other spaces turn their occupants into permanent deviants, abnormals who are kept at a distance.”⁶⁹ From a legal standpoint, refugeehood is further understood as an exceptional condition that occurs only when states fail or are unable to protect their citizens from persecution; however, practically, the increasingly protracted nature of displacement has contributed to the effective normalization of refugeehood among displaced populations. Exceptionality is, indeed, a significant area of divergence between the legal foundations of refugeehood and the refugee master category on one hand, and the reality of contemporary displacement on the other. Exacerbated by policies that institutionalize states of emergency and abnormality, the belief that refugeehood is an exceptional condition has become both entrenched in public concepts of refuge and internalized by refugees themselves.

Finally, Agier discusses an insistence on the temporary nature of refugeehood; with reference to refugee camps, Agier notes, “the humanitarian sites are supposed to be precarious, always provisional. The principle implies that the official end of a war is followed by departure of refugees and the closure of the camp.”⁷⁰ The temporality of refugeehood is closely related to the exceptionality of refugeehood, and refers to the belief that seeking refuge or being a refugee is a fundamentally temporary condition. Like exceptionality, the temporality of refugee status is implied in the refugee definition articulated by the Refugee Convention and Protocol, yet conflicts with the effective permanence of refugeehood in a growing number of cases. For example, in addition to the increasing incidence of protracted displacement, refugees face significant challenges accessing durable solutions other than voluntary repatriation – either local integration or resettlement. UNHCR primarily measures local integration by the ability of refugees to access citizenship through the naturalization process. However, given that most states

⁶⁸ Agier, *Managing the Undesirables*, 120.

⁶⁹ *Ibid.*, 182.

⁷⁰ *Ibid.*, 120.

utilize either *jus sanguinis* or *jus solis* – or a combination thereof – to grant citizenship, refugees face substantive obstacles to obtaining citizenship, and by extension, local integration. Many key host states, such as Egypt, refuse to recognize local integration as a solution for refugees, arguing instead that their role as a host state should be temporary, and matched by the availability of resettlement to third countries because they lack the resources to protect and assist refugees⁷¹. On the other hand, the extremely small numbers of resettlement spaces available globally – less than 100,000 spaces annually – make accessing resettlement challenging⁷². In combination with the increasing reliance of Western states on a *non-entrée* refugee policy regime, refugees have limited options for accessing durable solutions other than voluntary repatriation.

Despite the preference of resettlement states for voluntary repatriation⁷³, there are numerous cases in which voluntary repatriation is not a viable option. The permanence of refugeehood can be compounded by the unwillingness of refugees to return to their country of origin, and by their inability to return home due to conditions in the country of origin. Chimni offers an example of assumptions of the temporality of refugeehood by describing persistent assertions that “new refugees” want to return home as soon as possible⁷⁴. Giorgio Agamben, in illustrating the fallacy of this assumption, describes circumstances in which the bonds between citizen and state are so thoroughly severed that becoming stateless is preferable to returning to the country of origin. Though Agamben’s comments were made in relation to stateless persons rather than refugees in particular, his observation is equally relevant in instances of state persecution. While not applicable in every case of displacement, it is certainly important to recognize that, in many cases, refugees have no desire to return home, whether because they fear ongoing persecution or because they believe they have access to greater livelihood opportunities elsewhere. Where refugees have no desire to return to their country of origin, refugeehood becomes a permanent and normal condition, rather than temporary and exceptional condition. Agier and Agamben’s comments illustrate the divide between the

⁷¹ Gaim Kibreab, “Local Settlements in Africa: A Misconceived Option,” *Journal of Refugee Studies* 2 (1989).

⁷² RLAP, “RLAP Training and Orientation” (presentation to RLAP training session hosted by St. Andrew’s Refugee Services, August 26-30, 2012).

⁷³ Chimni, “From Resettlement to Involuntary Repatriation.”

⁷⁴ *Ibid.*; Chimni, “Geopolitics of Refugee Studies.”

assumption that the temporality of refugee is based primarily on the will of refugees, and the reality that many refugees do not wish to return but rather to build new lives in asylum or resettlement states. When refugees can neither integrate into countries of first asylum, move forward to resettlement states, nor return to their countries of origin, they become trapped in a state of permanent temporality.

Equally important in interrogating the assumed temporality of refugeehood is the increasing incidence of protracted displacement. UNHCR defines protracted displacement as that which lasts for over five years, during which a refugee's basic rights and social, economic and psychological needs are unfulfilled in the asylum state. Currently, approximately seven million refugees are facing protracted displacement – two-thirds of the total population of refugees globally⁷⁵. Further, in contrast to approaches to durable solutions taken prior to and during the Cold War, the international community is less likely to offer resettlement opportunities to refugees, leaving a significant number of individuals and families with only one option: attempt to rebuild their lives in asylum states, which offer little assistance and few economic opportunities. Where asylum states accept refugees with the understanding that they will be either resettled or repatriated when appropriate, denying refugees the opportunity to settle within their borders, the temporality of refugeehood is even more pronounced. However, in such cases, temporality is imposed by the circumstances and structural conditions of displacement rather than a characteristic inherent to refugeehood.

These assumptions form essential characteristics of the refugee master category. Agier suggests that, in contrast to those in political exile prior to and during the Cold War, who “carried with them a powerful ideological message and a sense of personal honour,”⁷⁶ contemporary refugees experience displacement as, “an accumulation of losses, rejection and flights, of family, administrative or material imbroglios, the only outcome of which, for those who experience it, is to have themselves as victims and receive emergency humanitarian aid.”⁷⁷ This conceptualization views refugees as perpetual victims who are unable to help themselves, and eliminates the voices of individual refugees from structuring the international response. Based on these

⁷⁵ UNHCR, *UNHCR Global Trends 2011: A Year of Crises*. (Geneva: UNHCR, 2012), 3.

⁷⁶ Agier, *On the Margins of the World*, 24.

⁷⁷ *Ibid.*, 24.

characteristics, as emphasized by states, international organizations and the media, the “ideal” refugee – or those who most closely adhere to the refugee master category – is one who is part of a collective movement, and who exists in a prolonged state of emergency and temporality. The mass displacement of Somalis into Kenya, of Burmese into Thailand, or of Afghans into Pakistan offer examples of displacement that adheres to the refugee master category.

2.2. Conclusion: Inclusions, Exclusions, and Practical Implications of the Refugee Master Category

Before turning to the impact of the refugee master category on concepts of refugeehood and refugee response policies, it is important to recall Saskia Sassen’s critique of master categories generally. Sassen argues that master categories obscure as much as they illuminate, and that over time, develop their own “power logics and exclusions”⁷⁸. From this perspective, the following section discusses first, who is included in the refugee master category and who is excluded from it, and second, the practical implications of these inclusions and exclusions on refugee policy.

Based on the refugee master category's characteristics, as identified by Agier, Chimni, Agamben, and others, a refugee construct emerges that parallels the displacement experiences of many refugees in Africa and Asia throughout the 1990s – for example, displacement of Somalis into Kenya, of Burmese into Thailand, or of Afghans into Pakistan. Indeed, as discussed, the foundations of the contemporary refugee construct are to be found in this period. Such refugee movements are characterised by large-scale flight triggered by a specific, exceptional event. The exceptionality of the event justifies the emergency measures taken in response. It is assumed that, once the trigger event is appropriately dealt with, refugees will return home, their displacement is understood as temporary. Refugees are thus perceived – and defined by international refugee law – as large numbers of people displaced by exceptional events and on a temporary basis.

⁷⁸ Sassen, 69.

Given this characterisation, it is possible to rationalize response policies that favour containment, provided that displacement is, in fact, temporary. It is within this context that policies such as camp confinement – discussed further in Chapter 3 – emerged. However, as noted, significant numbers of refugees cannot and/or will not conform to this construct. Many are fleeing by themselves, rather than *en masse*. Many are fleeing not single, exceptional events, but constant and ongoing persecution – such as ongoing persecution of Darfuri and Nuba people in Sudan. Many are fleeing situations that make it impossible to return, or who have no desire to return to their country of origin – such as Eritreans fleeing conscription who face imprisonment, torture, and possibly death at the hands of the government if they return. Many have the awareness and agency to make decisions about how they wish to protect themselves and their families – such as well-educated, middle-class Iraqis settling in Cairo. Refugees fleeing such circumstances are entitled to the same rights to protection and services, yet are often disadvantaged by policies directed solely to refugees within the narrow, politically-motivated definition of the refugee master category – namely those who settle in designated refugee camps.

International refugee law can be understood as intimately related to the refugee master category, in that the refugee master category provides the conceptual framework through which refugee law is interpreted and translated into refugee policy. When the relationship between the refugee master category, refugee law, and refugee policy is understood in this way – as cyclical and self-reinforcing – it is possible to understand, though problematic, how treatment of refugees has changed so dramatically when international refugee law has remained largely static. Even more problematic is the inability of either international refugee law or the refugee master category to adequately describe contemporary displacement. Given the significance of the refugee master category as the conceptual framework through which responses to contemporary displacement are formulated, it is essential to ask, what are the implications of the inclusions and exclusions inherent in the refugee master category, as currently constructed, on refugee policy?

As discussed, the refugee master category has become biased toward camp-based refugees, favouring an outdated refugee construct rather than evolving in tandem with

contemporary displacement. Camp-based refugees conform to the international refugee regime's insistence that refugeehood is an exceptional, temporary circumstance that affects people *en masse*, whereas urban refugees contradict these understandings of refugeehood by their individualized flight, their desire to normalize their status, and the effective permanence of their displacement. Yet within the policy-making context, governments and policy-makers are constrained in their ability to adapt to changes in refugee discourse by the necessity of developing and implementing refugee policy. Policy-making attempts to categorize the socio-political realm in order to effectively respond to issues and events. However, when the categories upon which response policies are based are flawed, the response will typically be ineffective. These inefficiencies – or, in the parlance of the refugee regime, service and protection gaps – are discussed further in Chapter 5.

Though the camp-centric refugee response regime that developed in response to post-Cold War understandings of refugeehood – the foundations of the refugee master category – was built on a particular operational logic, that logic was limited to a specific set of circumstances. These circumstances portrayed displacement as collective, exceptional, and temporary, suited to situations of mass displacement as opposed to individualized, permanent displacement during the Cold War. Contrary to the propagation of the refugee master category described above, refugees continued – and continue to – settle in urban areas rather than camp settings. This trend has, historically, been the constant, while camp-based settlement has been the exception, emerging only since the end of the Cold War. For example, in Kenya prior to the 1990s, refugees were generally permitted to self-settle on a largely permanent basis, leading to frequent settlement in urban centres such as Nairobi; camp confinement has only emerged since the early 1990s and has not been entirely effective in curbing urban settlement among refugees⁷⁹. Although camp-based policies had a significant initial impact on refugee settlement patterns, since the early 2000s the proportion of UNHCR's persons of concern living in urban areas has increased dramatically and consistently. Whereas only one percent of persons of concern lived in urban areas in 1996, approximately eighteen percent had settled in urban areas by 2005, and approximately twenty-seven percent in

⁷⁹ Burns.

2007⁸⁰. This figure has stabilized over the past five years, while the proportion of refugees residing in camps has dropped to twelve percent⁸¹.

Despite their numerical minority, camp-based refugees possess an advantage in that their settlement patterns conform to the construct advanced by the refugee master category. Further, their settlement patterns benefit dominant states in that, as Agier illustrates, they are both marginal and confined largely to the developing world. Promoting camp-based settlement, by, for example, criminalizing settlement outside designated camps and restricting assistance provided to refugees outside of camps, is thus preferred by both host governments and Western states, despite the significant number of refugees settling in urban areas. Through the 1990s and 2000s, refugee response policy-making came to be dominated by the belief that the exception – camp-based settlement – was, in fact, the rule. The ensuing policy regime, characterised by policies that perpetuate the refugee master category, thus favours the exception, resulting in a policy regime that fails to consider the needs of a significant portion of the refugee population. When the assumptions underlying the refugee policy regime have so clearly failed to evolve in tandem with the realities of contemporary displacement, and result in flawed policies that dedicate the vast majority of limited national and international resources to a subgroup while neglecting the needs of the refugee population at large, it is essential to re-evaluate these assumptions against actual experiences of displacement and the protection and assistance needs of refugees writ large.

⁸⁰ Jacobsen, *The Economic Life of Refugees*.

⁸¹ Polzer and Hammond, 420.

Chapter 3: EMERGENCE OF THE CAMP-CENTRIC REFUGEE RESPONSE REGIME – KENYA’S CAMP CONFINEMENT POLICIES

Throughout the latter half of the twentieth century, responses to refugee-producing situations came to rely on large-scale refugee camps. In many ways, camps have effectively become a defining feature of refuge and refugeehood, particularly in the developing world. This chapter reviews the emergence of camp-centric response policies through a case study of Kenya’s camp confinement policies. Camp confinement policies require refugees to remain in designated areas, and make it illegal for refugees to live elsewhere except under exceptional circumstances. Such policies have been adopted in a number of African countries, particularly Kenya and Uganda, and in 2002, over eighty percent of refugees assisted by UNHCR resided in refugee camps⁸². The evolution of refugee response policies in Kenya, including the emergence of camp confinement as the primary mechanism for dealing with refugees, is indicative of the role camps play in the geopolitics of refugeehood. While camp confinement policies serve a practical purpose in creating a “captive audience” for humanitarian assistance, they also illustrate a desire to maintain the temporality and exceptionality of refuge in host countries, and of the state of refugeehood itself.

Government and international policy responses to refugee situations reveal their concepts of and attitudes toward refugees. Camp confinement policies serve geopolitical and strategic functions in maintaining the segregation of refugees from domestic populations. Over the course of the twentieth century, response policies have evolved, depending on the geopolitical and strategic value governments assign to refugees. Since the end of the Cold War, dominant states have assigned progressively less strategic significance to refugees and refugee protection. A growing emphasis on refugee camps, enforced through camp confinement policies, suggests that dominant states feel little moral, legal or strategic obligation to assist refugees by either accepting refugees into their territory or encouraging host states to permit refugees to pursue independent livelihoods through legal, economic, and social integration. Instead, dominant states seek their marginalization and confinement in territories other than their own. This chapter

⁸² Agier, *Managing the Undesirables*, 36.

undertakes a critical historical investigation of camp confinement policies, locating these policies in their geopolitical context. Based on the evolution of refugee camps and camp confinement policies, this chapter argues that a camp-centric approach to refugee situations forms part of a political strategy that seeks to confine refugees in marginal areas, and in doing so, advance a specific conceptualization of refugees that is progressively less useful in describing contemporary displacement experiences.

The objectives of this chapter are to understand the political context giving rise to camp confinement policies; to illuminate whose interests are served by camp confinement policies, and what effects they have on refugees writ large (including non-camp refugees and those who leave camps, sometimes irregularly); and to illustrate camp confinement policies as both drawing on and feeding into a particular conceptualization of refugees that obscures diversity and excludes significant numbers of vulnerable individuals who do not fall within the vision propounded by these policies. To achieve these objectives, the chapter will address the political and historical context of camp confinement policies. Drawing on the Kenyan case, the chapter will evaluate the political environment within which camp confinement policies have developed. How have concepts of the geopolitical and strategic value of refugees evolved, and has this evolution contributed to the development of camp confinement policies? As refugees are increasingly politicized, what goals do camp confinement policies seek to achieve, and are they successful in achieving these political goals? Whose interests do camp confinement policies serve, and who benefits from their application? At the international level, do camp confinement policies achieve their objectives and meet the goals of host governments and/or the international community?

3.1 Refugees in Politico-Historical Context

Before reviewing B.S. Chimni's work, which offers insights into the politico-historical context surrounding the emergence of camp confinement policies since the end of the Cold War, it is helpful to briefly outline the practical impact of the Cold War, and its conclusion, on refugees. The international refugee regime as currently structured is founded upon massive displacement within Europe between World Wars I and II. Aware

that the international community was not capable of protecting all displaced persons in Europe, prioritization was enshrined in the international refugee protection regime based on concepts of fundamental, “universal” human rights – particularly civil and political rights, despite disputes between Western and Eastern blocs over whether these were indeed fundamental or universal. Further, at the outset, the international refugee regime was formulated to care for European refugees, rather than refugees from other regions. In these nascent years the international refugee regime was never intended to protect displaced persons on a global scale. Although the 1967 Refugee Protocol removed geographic and temporal limitations on international refugee law, this universalization was formal rather than substantive, in particular because established refugee criteria were not re-evaluated to consider displacement as a result of non-civil or political grounds⁸³.

These weaknesses were obscured with the rise of the Cold War, as preoccupations with maintaining the binary balance between the Soviet Union (the east) and the United States (the west) took centre stage. Both Chimni and Michel Agier argue that, during the Cold War, refugees took on greater strategic political value in international relations. Refugees fleeing from within the Communist bloc were taken to represent the flaws of the Communist ideology, and Western governments accepted them on a largely permanent basis, acting as “the land of asylum for the ‘good’ victims of communism.”⁸⁴ Within both Eastern and Western spheres of influence, dominant states had an interest in projecting an image of stability, making early intervention and conflict resolution a strategic priority. Where spheres of influence clashed, resulting in the threat of proxy wars, dominant states had an interest in resolution to protect the international balance of power, encouraging early intervention to restore stability – stability which frequently prevented mass refugee movements.

The end of the Cold War removed the strategic motivation for intervention in refugee producing conflicts and regions. Almost immediately, regions that had previously been of strategic importance were abandoned by dominant states, the incidence of regime collapse and state failure rose dramatically, and economic woes deepened. Public and political opinions toward refugee movements in regions such as Africa and Asia had also

⁸³ James Hathaway, *The Law of Refugee Status* (Canada: Butterworths Ltd., 1991), 10-11.

⁸⁴ Agier, *Managing the Undesirables*, 11.

shifted: state failure was blamed on internal, rather than international causes, while refugees who were able to make their way to the West were portrayed as economic migrants rather than “true” refugees. As Roger Zetter argues, the refugee label has become increasingly fractured, resulting in the “proliferation of new labels designating different kinds of refugee claimants, [underpinning] a deliberately transformative process to create far less preferential categories of temporary protection.”⁸⁵ Further, the use of degrading labels such as “illegal asylum-seeker” or “bogus asylum-seeker” have been used to embed marginality and dishonesty into understandings of “new refugees”⁸⁶. These labelling processes obscure the increasingly complex nature of forced migration, particularly in relation to mixed migration, where forced and voluntary migrants use the same routes – and where an individual migrant can be considered both forced and voluntary, depending on the weight assigned to each factor motivating their movement.

This phenomenon was, in part, due to increasingly strict interpretations of international refugee law, emphasizing civil and political causes of flight rather than generalized violence, natural disaster, and economic upheaval, which are more frequently at the root of displacement within the developing world. The changing causality behind refugee flows has not been explicitly accounted for in international refugee law, allowing states to reject asylum-seekers on the basis that the factors leading to their flight do not fit the criteria outlined in the Refugee Convention and Protocol. Though the 1969 OAU Convention recognized generalized violence as a legitimate cause for granting refugee status, the Convention is only applicable in states who are party to it – that is, OAU members – while criteria established in the Refugee Convention and Protocol remain applicable in most other states. The need for the 1969 OAU Convention’s expanded definition at all illustrates the failure of international refugee law to keep up with the changing causality of forced migration.

Internationally, the Refugee Convention and Protocol have been interpreted by Western states in an exclusionary rather than inclusionary manner, limiting the ability of “new refugees” to obtain refugee status in the West⁸⁷. In the post-Cold War world, fewer and fewer refugees are considered “legitimate” refugees by the West; marginalization and

⁸⁵ Zetter, 182.

⁸⁶ *Ibid.*, 184; Chimni, “Geopolitics of Refugee Studies.”

⁸⁷ Chimni, “Geopolitics of Refugee Studies.”

containment, as Chimni and Agier discuss, translate this perception into policy. The impact of these interpretations are overtly visible in the West, as governments favour *non-entrée* regimes that increasingly restrict refugees from the developing world from accessing protection, and in the developing world, policies such as camp confinement create physical separation.

3.2 Refugees in Kenya: From Self-Settlement to Camp Containment

Prior to the 1990s, Kenya was generally hospitable to refugees arriving at its borders. During the 1970s and 1980s, Kenya hosted between 12,000 and 15,000 refugees, largely from Uganda. These refugees were typically granted “full status rights”⁸⁸, including access to work permits and the educational system, as well as the right to apply for legal integration through naturalization. This liberal treatment served both political and economic functions. Granting refuge to victims of oppression and those fleeing apartheid regimes was politically “generous”, and a logical extension of the government’s support for liberation movements in surrounding states⁸⁹. At the time Kenya suffered from a shortage of labour, particularly skilled labour, which refugees from professional backgrounds could fill. Additionally, refugees from professional classes were viewed as a source of new investment⁹⁰. Finally, relatively small numbers of refugees arriving each year were fairly easily managed within the government’s reception and assistance structures.

The 1990s brought political upheaval in East Africa, triggering dramatic increases in refugee movements. Internal strife and civil war emerged in Ethiopia, Sudan and Somalia and despite the restoration of peace in Uganda, drought conditions beginning in 1985 pushed many to seek more favourable conditions in Kenya. In the aftermath, the number of refugees in Kenya rose from 12,000 to 15,000 throughout the 1980s to around 400,000 in 1992, stabilizing at 220,000 near the end of the decade⁹¹. The Kenyan

⁸⁸ Elizabeth Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms for Survival, Possibilities for Integration,” *Journal of Refugee Studies* 19 (2006), 599.

⁸⁹ Edward Mogire, *Victims as Security Threats: Refugee Impact on Host State Security in Africa* (Ashgate: Farnham Books, 2011), 147.

⁹⁰ *Ibid.*, 148.

⁹¹ Campbell, 599.

government's capacity to receive and respond to this influx was quickly overwhelmed. Its main reception facility at Thika, for example, had a maximum capacity of only 500 refugees, forcing new arrivals to settle in the surrounding area.

At the same time, Kenya faced challenges that effectively crippled its domestic economy. Ongoing financial hardship forced the government to seek assistance from the International Monetary Fund and the World Bank, which imposed a structural adjustment program on Kenya. Based on neoliberal economic principles, the program required drastic cuts in government spending, resulting in less government funding for the national asylum system. Lacking both the institutional and financial capacity to accommodate the mass influx of refugees seeking protection, the government of Kenya pulled out of refugee response operations and transferred responsibility to UNHCR. As Avery Burns suggests, "it is difficult for Kenyans to want to help others when they seem unable to help themselves."⁹² Almost immediately, UNHCR established massive refugee camps, primarily in Dadaab and Kakuma, channeling aid to these settlements. In order to ensure refugees were "UNHCR's problem"⁹³, Kenya implemented policies requiring refugees to remain in UNHCR's camps, making it illegal for refugees to leave the camps and settle elsewhere without government-issued permits.

To be sure, camp confinement policies serve an operational objective: creating a "captive audience" which can be provided with targeted humanitarian assistance. Faced with mass refugee influxes, states and aid agencies are challenged with responding to significant housing, medical and sustenance needs, which proves particularly challenging when those requiring assistance are geographically dispersed. When self-settlement is permitted, identifying individuals and families at risk, let alone providing assistance, becomes significantly more complicated. As Karen Jacobsen argues, in the context of self-settlement, refugees become part of two larger sub-groups within a national population: urban poor, in the case of urban self-settlement – or, more generally, impoverished communities – and foreign-born residents⁹⁴. Both of these populations face obstacles accessing the livelihood resources necessary for survival. Given that, for many

⁹² Burns, 11.

⁹³ Jeff Crisp, "A State of Insecurity: The Political Economy of Violence in Kenya's Refugee Camps," *African Affairs* 99 (2000).

⁹⁴ Jacobsen, "Refugees and Asylum-Seekers in Urban Areas."

refugees, one of the key benefits of self-settlement is anonymity, self-settled refugees often seek to minimize their contact with authorities, creating self-imposed limitations on their ability to access humanitarian services. In addition to these obstacles, refugees often face psycho-social barriers to survival, including physical and mental health issues resulting from trauma experienced during their displacement and flight. In contrast, refugees in camp settings are relatively easily reached, eliminating many of the logistical barriers to service provision present in contexts of self-settlement. However, living conditions in camps are often poor; basic sanitation infrastructure poses a significant and ongoing challenge for camp administrators, let alone ensuring that educational and medical resources are available to meet demands. Further, as Jeff Crisp argues, camps often suffer from poor security, leaving refugees vulnerable to physical threats which camp administrators are unable to counter⁹⁵. Lacking the ability to engage in productive activity in camps, refugees from both urban and rural backgrounds find themselves grappling to adapt to a life characterised by dependency. From the refugee's perspective, self-settlement often seems the lesser of two evils, despite the significant vulnerabilities they face outside of the theoretical protection of the refugee camp.

In Kenya, refugees choosing to self-settle in contravention of camp confinement policies effectively become irregular migrants, and are vulnerable to arrest and detention. The Kenyan government, conducts frequent “round-ups” or sweeps in areas of Nairobi and other cities where refugees are known to congregate, either forcing refugees to return to camps or forcibly repatriating them to countries of origin in violation of the customary law principle of *non-refoulement*. These sweeps are justified on the basis that Kenyan refugee law requires refugees to reside in camps, and that Article 2 of the Refugee Convention and Protocol obligates refugees to conform to the laws and regulations of host states – although neither consider the implications of conflict between national refugee law and internationally guaranteed human rights and freedoms, such as freedom of movement. While the Kenyan government may be within its rights to enforce its law governing the residence of refugees by returning them to camps, the principle of *non-refoulement* suggests that refugees should not be returned to places of harm even in cases where they contravene national laws.

⁹⁵ Crisp, “A State of Insecurity.”

The irregular status of those outside of the camps permits the government to characterise these refugees as criminal. As Elizabeth Campbell suggests, “keeping urban refugees [in Nairobi] in a state of legal limbo benefits the government, which uses them as a scapegoat for a wide variety of social and economic ills plaguing the city.”⁹⁶ Police harassment thus becomes a fact of everyday life, further isolating refugees opting for self-settlement from both Kenyan society and aid agencies, which are generally prohibited from assisting refugees outside of camps.

3.2.1 The Government of Kenya and Refugees in Kenya: Security, Isolation and Enduring Temporality

This isolation, however, is not merely an unintended consequence of camp confinement policies. Camp confinement has become a strategic political tool, in addition to its operational logic. In Kenya, isolation is justified in part on security grounds. Throughout the late twentieth century, Kenya has been the victim of terrorist attacks and threats that Somalia will attempt to annex its Northeastern Province. Since the rise of Al-Shabaab, the Kenyan government has been particularly concerned about the possibility of the group’s penetration into refugee camps. A 1997 news report stated that:

President Moi yesterday said foreign spies and criminals masquerading as refugees had invaded Nairobi. President Moi revealed that some of these criminals were engaged in incitement at the behest of local collaborators. Emphasizing that the government will not allow foreigners to abuse the peace and stability in the country, President Moi said that many of them were engaged in business as a cover-up for their evil activities.⁹⁷

In 1998, Al Qaeda bombed the US Embassy in Nairobi, and in 2002, a series of hotel bombings rocked Mombasa. These events, among others, set the stage for increasing securitization of refugee management policy, leading to government crackdowns on refugees living in Nairobi and increased security around refugee camps. The government went so far as to place former army officers in refugee camps to “support” aid workers in

⁹⁶ Campbell, 401.

⁹⁷ Burns, 9.

addressing “security issues”⁹⁸. Isolation, or containment, thus took on a role of preventing the “infiltration” of terrorist groups into Kenyan society under the guise of refugeehood.

Camp confinement policies also serve to reinforce the temporality of refuge. Isolation, whether in camp or urban settings, prevents refugees from integrating into the national population, emphasizing the temporary nature of their presence in the country. Isolation emphasizes the presumed “extreme material precariousness, and the feeling that those people who settle there will remain only for a short period.”⁹⁹ By maintaining a state of temporality, the Kenyan government is able to shift the burden of dealing with refugees – economically, socially, materially, and so on – to alternative actors, such as UNHCR and humanitarian agencies, over both the short- and long-term. Physical isolation, while ostensibly focused toward addressing and containing security threats, contributes to the overall marginalization of refugees within host states such as Kenya.

3.2.2 UNHCR and Refugees in Kenya: Physical Marginalization and Externalization

As the major facilitator of global refugee assistance and policy implementation, UNHCR legitimizes the containment of refugees in camps. In order to assist refugees and displaced persons, UNHCR requires the invitation and approval of host states, which also develop the policy framework within which UNHCR must operate. The presence of UNHCR in a country contributes to the attitude of externalization by removing responsibility for the refugee “problem” from host states. In the Kenyan case, as in other states opting for a camp confinement approach, UNHCR enforces this policy direction by providing aid only in camp settings. When viewed in the context of the strategic importance of the refugee construct, UNHCR’s actions are essential in facilitating ongoing physical marginalization and externalization.

Polzer and Hammond argue that, “by seeing, describing and categorizing social reality, we also make people and processes invisible.”¹⁰⁰ Applying concepts of visibility and invisibility to “self-settled” refugees, Polzer and Hammond discuss how both governments and UNHCR seek to manage the visibility of refugee subsets to serve

⁹⁸ *Ibid.*, 8.

⁹⁹ Agier, *Managing the Undesirables*, 45.

¹⁰⁰ Polzer and Hammond, 417.

institutional interests. For example, by managing the (in)visibility of its subjects, governments and agencies can restrict the scope of their obligations to provide protection or assistance¹⁰¹. Invisibility, these authors contend, is the outcome of relationships between those with power and those without: “invisibility is therefore fundamentally relational; its impacts depend on the power relations and interests connecting those who see and those who are to be seen (or not).”¹⁰² Keeping people and processes invisible requires power and institutions that have such power can impose visibility or invisibility against the will of their subjects. By allowing relying on camp-based solutions and failing to advocate for the ability to assist refugees outside of camp settings, UNHCR is complicit in the Kenyan government’s attempts to make refugees structurally invisible through the enforcement of camp confinement policies.

3.3 Camp Confinement and the International Community

In Kenya and elsewhere, the containment of refugees in camps not only shifts the burden of management to UNHCR and other non-state actors, it also ensures that refugees remain apart from the domestic population. In this way, camps function to marginalize and isolate refugees from the domestic population, preventing their permanent integration, and to externalize refugees by shifting the “burden” to UNHCR and other non-state actors. Refugee treatment in Kenya is reflective of the emphasis by dominant states that displaced populations should remain as much *in-situ* as possible and only as a last resort be offered resettlement. While camp confinement policies are not entirely effective at restricting the movement of refugees, they are successful in effecting the containment of refugees, as Agier suggests, on the margins of the world – first, far from the borders of powerful, Western states, and second, in remote areas within host states in the developing world. According to geographer Luc Cambrezy, accommodating refugees in camp settings has become “the speciality of poor countries”¹⁰³. Agier describes those

¹⁰¹ *Ibid.*, 424.

¹⁰² *Ibid.*, 420.

¹⁰³ Quoted in Agier, *Managing the Undesirables*, 36.

in camps as “a population reduced to the sole imperative of keeping alive far from home, in places of waiting.”¹⁰⁴

Since the conclusion of the Cold War, camp confinement has come to characterize the vast majority of refugee experiences in Africa, as well as Asia. The geopolitical and strategic value assigned to refugees has plummeted. The parallel overriding emphasis on containment in camps, now almost exclusively located in the developing world, is closely linked to the political self-interest that is at the heart of the international community’s attitudes toward refugees. Rather than permitting refugees entry into dominant, Western states through resettlement, these states, through UNHCR, encourage a “care and maintenance” approach based on the belief that repatriation should be pursued as the primary solution for refugees – regardless of the fact that, for many residing in camps, displacement has become protracted and will likely continue for the foreseeable future. Camp confinement has become, “a massive and lasting solution, and clearly the preferred one in Africa and Asia, to the detriment of the other three solutions: repatriation, integration in the land of asylum, and resettlement in a third country.”¹⁰⁵ Given the poor living conditions in camps and the obstacles put in place that prevent refugees from actualizing their internationally guaranteed human rights in such settings, it can be argued that camp confinement primarily benefits dominant states rather than refugees themselves.

Camp confinement plays a role in maintaining the conceptual foundations of the international refugee regime. Insistence on containment of refugees in marginal areas, far from the shores of dominant states, and in a state of extended temporality allows for the perpetuation of a refugee concept which portrays refugees to the public and to policy-makers as transitory, external subjects – “the most distant [and] the least visible”¹⁰⁶. When the confinement of refugees to camps in marginal areas – typically in the developing world – is accepted as a defining characteristic of refugeehood, the manipulation of the international refugee regime to achieve this end, as illustrated by Chimni, becomes palatable to the public consciousness¹⁰⁷. Camp confinement policies

¹⁰⁴ Agier, *On the Margins of the World*, 8.

¹⁰⁵ Agier, *Managing the Undesirables*, 37.

¹⁰⁶ *Ibid.*, 45.

¹⁰⁷ Chimni, “Geopolitics of Refugee Studies.”

facilitate the maintenance of a self-reinforcing dialectic by requiring refugees to adhere to a particular definitional construct or face consequences, ranging from the withdrawal of humanitarian assistance to arrest, detention, and *refoulement*. Once refugee behaviour is conditioned to conform to this construct, response policies based on this construct – such as camp confinement policies – may be more easily formulated and legitimized.

3.4 Conclusion

Refugee camps have become a common mechanism for responding to displaced populations, particularly in the latter decades of the twentieth century. Refugees early in the twentieth century – those fleeing conflicts in Europe, such as the Spanish civil war, or from Eastern Europe during the Cold War – tended to have similar political experiences with democracy and diversity in their host communities and states. The involvement of dominant states such as the US, Great Britain and France in many of these conflicts carried with it a desire to “save the world”, coloured by an inherent acceptance of democracy and economic capitalism as the best solution for global peace. More recent waves of refugees do not share the “European” cultural, religious or political norms and present a very different set of needs. Since the end of the Cold War the geopolitical response to mass refugee situations has shifted from one of deliberate and quick response to one which offers help after the fact and only under well-defined conditions. Two of those conditions include the approval of a host state to the presence of UNHCR and the insistence of UNHCR on the distribution of aid only in camp environments. The now predominant approach of camp confinement as a solution to these “new refugees” suggests that there is less strategic value assigned to refugees in the latter twentieth and now, the twenty first century. This decline in strategic value has contributed to the marginalization and externalization of refugees and the potential creation of large populations with unavoidably negative attitudes to the dominant states who largely define the rules for international assistance.

Marginalization and externalization of refugees occurs in three ways: first, by containing refugees in the developing world, far from the territory of typically wealthy and healthy Western states; secondly, by physically locating refugees in camps in remote

areas within host states; and thirdly, by shifting responsibility from governments to UNHCR. While providing aid to a defined location has clear operational advantages, camps have become more than they were ever intended to be. Rather than temporary places of refuge, they have become long-term cities of impoverishment¹⁰⁸, where refugees face poor living conditions, a lack of personal security and livelihood opportunities, and restrictions on human rights. Camp-based refugees have little control over their own lives, and their dependence on humanitarian aid is a challenge to their ability to assert themselves in relation to the humanitarian government that develops around them¹⁰⁹. As Agier notes in describing discussions with camp-settled refugees, “in a repetitive way, the refugees express above all feelings of impotence and uselessness.”¹¹⁰

Those who choose to leave camps are often targeted as criminal elements and increasingly cited as politically dangerous to the host state. Long-term confinement also threatens to increase the radicalization of younger refugees who see a lack of will and concern from dominant states, rightly or wrongly, as deliberate. At the same time, dominant states are more and more cautious about who is granted asylum in an effort to maintain their own internal stability and to show their citizens the positive impacts of nation-building through immigration. The camp confinement strategy, rather than offering a temporary solution to sustain large numbers of people while a more durable solution can be found, has evolved into a tactic of avoiding permanent settlement for large numbers of displaced populations.

After many decades of using refugee camps to respond to protracted conflicts in the developing world with no noticeable improvement in the outcomes for either host states or the hundreds of thousands of refugees, one wonders what critical mass is necessary to trigger reconsideration by the international community of its response to long-term mass displacements. This reconsideration must address both weaknesses in response policies and inaccuracies in constructions of refugeehood that allow for and perpetuate flawed policies. A refugee master category that is too narrowly biased toward a particular type of refugee disadvantages those that do not fit within its definitions by inequitably distributing limited resources and services. When confronted with growing

¹⁰⁸ Agier, “Between War and the City.”

¹⁰⁹ Agier, *Managing the Undesirables*.

¹¹⁰ Agier, *On the Margins of the World*, 53

proportions of refugees who cannot or will not conform to the refugee master category's boundaries, the construct of refugeehood faces challenges both in terms of conceptualizing refuge more broadly and in terms of providing protection and services to these refugees.

Chapter 4: THE URBAN REFUGEE CHALLENGE

Despite the efforts of states to condition refugee behaviour by promoting camp-centric responses, significant numbers of refugees continue to settle outside of camps and, in so doing, pose a challenge to the refugee master category. As discussed in Chapter 2, the refugee master category is defined by its collectivity, its exceptionality, and its temporality. However, the refugee master category is based on concepts of refugeehood that reflect the displacement experiences of only a subset of refugees – those conforming to camp-centric response policies. Refugees who do not conform to this construct are excluded from protection and assistance, and, as illustrated by the Kenyan case study, cast as threats to domestic security rather than highly vulnerable individuals and families. The camp bias exists in refugee policy to reward refugees who fit within the narrow refugee construct and disadvantage those who cannot or will not adapt.

While camp-centric response policies grew out of operational logic within a particular context, they must be continually evaluated against the evolving characteristics of refugeehood. The refugee master category upon which camp-centric policies are based, aligns with the strategic approach emphasized by dominant, Western states. This viewpoint arises from a combination of enthusiastic humanitarianism and fear of involvement. Great Britain, France, Spain, Portugal and the United States are well known as the original colonizers – in many instances not in a benevolent way. Their twentieth century military success, as well as their rise to economic predominance, has resulted in them being viewed both as threats and saviours. But faced with fatigue among their citizens with respect to continued involvement in violent internecine conflicts far from their shores, these states have become much more wary about rushing in with aid of any kind. Once too often a toe in the water of humanitarianism has led to a bath of war. This historical context, while understandable, appears now to be the only lens through which refugee response policies and practices are viewed. The consequences may be devastating for all refugees, with urban refugees even more vulnerable to a lack of vision in how to keep them safe, let alone offer them any hope of returning to a life of peace and stability. And so it is that refugees are to be hosted far from their territorial jurisdiction, confined to marginal spaces and kept apart from the host society by emphasizing the temporary

nature of their refuge. Such policies are now evident throughout Africa, including Kenya, and South East Asia. Beyond the inequities resulting from the simple mechanics of insisting on providing aid primarily within organized camp settings is the growing set of facts regarding a problem which is not going away – that is to say, there are more and more cases where refugees become caught in a particular place because it is too dangerous to return home, or it is perceived that there is nothing to return to. The fact that some refugees chose to settle in urban areas is a testament to perhaps the most significant failure of camp centric policies – that they fail to come to a proper and lasting end.

Refugee response policies, rather than considering the best interests of refugees themselves, seek to condition refugee behaviour to conform to the characteristics of the refugee master category in order to achieve three strategic goals – externalization, marginalization, and exclusion. This chapter argues that urban refugees contradict the refugee master category because they pursue living conditions that abide by neither camp-centric refugee response policies nor the refugee master category – namely, they seek socio-economic integration into the host society so that they can recover from the trauma experienced in their country of origin and rebuild their lives.

4.1 Externalization

States pursue three key strategic goals by manipulating the international refugee regime in their favour: externalization, marginalization, and exclusion. The first strategic goal pursued by dominant states through the international refugee regime is the externalization of refugees, or ensuring that refugees are primarily hosted outside their territorial jurisdiction. Both B.S. Chimni and Michel Agier discuss ongoing attempts to externalize refugees. For Chimni, the goal of externalization – or, in his words, containment – is a key motivating factor contributing to the promotion of the *non-entrée* regime, which seeks to prevent refugees from entering the Western world. Instead, the *non-entrée* regime seeks to confine refugees to the developing world in order to limit the West's moral obligation to protect and assist refugees by rejecting the exilic basis of refugeehood

and removing refugees from Western jurisdiction¹¹¹. Given that the vast majority of refugees are hosted in the developing world, far from the territorial jurisdiction of Western states, it can be argued that the externalization of refugees has largely been successful. Indeed, as geographer Luc Cambrezy notes, the accommodation of refugees has largely become “the speciality of poor countries”¹¹².

While Chimni observes this trend most clearly in relation to trends in the implementation of durable solutions, Agier draws specifically on camp-centric policies to illustrate the externalization of refugees. Locating camps far from their territorial jurisdictions, dominant, Western states are able to reify the conceptual division between a “clean, healthy and visible world” and “the world’s residual ‘remnants’, dark, diseased and invisible”¹¹³. What obligations persist for Western states to assist refugees are translated as providing assistance to developing states and UNHCR to ensure refugees can be hosted offshore¹¹⁴. This binary construction frequently manifests itself in debates over burden-sharing – or burden-shifting – within the international refugee regime. The camp-centric refugee policy regime plays a key role in legitimating this informal burden-sharing, providing a focal point for assistance while disguising the strategic externalization of refugees as a humanitarian gesture.

Moreover, Agier argues that, in addition to its operational role, the camp-centric refugee policy regime fills a further role: control. Camps ensure that host states and international organizations exercise authority over camp residents, including limiting their freedom of movement. Agier suggests that the development of a camp-based regime, particularly in Asia, Africa and the Middle East, functioned to “[close] the gates of the developed world”¹¹⁵. Humanitarian intervention in camps, in addition to disguising the shifting of the refugee burden to developing states, ensures control over both the camps and their inhabitants: “every policy of assistance is simultaneously an instrument of control over its beneficiaries.”¹¹⁶ This control function, through camp-centric policies

¹¹¹ Chimni, “Geopolitics of Refugee Studies,” 350-358; see also Stephen Castles, “Towards a Sociology of Forced Migration and Social Transformation,” *Sociology* 37 (2003): 13-34.

¹¹² Quoted in Agier, *Managing the Undesirables*, 36.

¹¹³ *Ibid.*, 4.

¹¹⁴ *Ibid.*, 21; see also Chimni, “From Resettlement to Involuntary Repatriation.”

¹¹⁵ Agier, *Managing the Undesirables*, 4.

¹¹⁶ *Ibid.*, 12.

such as camp confinement, conditions the behaviour of refugees in line with both the refugee master category and the strategic goals of dominant states.

4.2 Marginalization

The second strategic goal pursued by states through the international refugee regime is the marginalization of refugees within host states. Marginalization of refugees or containing them in spatially separate areas such as border regions, runs parallel to externalization in that both seek to keep refugees apart from their host societies. Interesting – and troubling – has been the growth of this type of treatment to refugees and asylum-seekers who are able to reach the shores of dominant states. Throughout the 2000s, European states increasingly relied on camp-based approaches to asylum-seekers, including detention and reception centres, while Australia’s “Pacific Solution” literally confines asylum-seekers to detention centres on islands off the coast of Australia rather than permitting them to enter Australian jurisdiction. It is note-worthy that policies seeking the externalization and marginalization did not originate in the developing world. Camp-based approaches are utilized by both developing states with encouragement from dominant, Western states, and by Western states themselves, creating layered buffer zones as the foundation of the *non-entrée* regime.

As noted, Chimni discusses the containment of refugees in their region of origin; the marginalization of refugees within these regions is equally as important as their externalization from dominant, Western states. Marginalization has the effect of making refugees confined to camps, virtually invisible to local populations. As Tara Polzer and Lara Hammond argue, making someone or something invisible requires power¹¹⁷ – in this case, the power to confine refugees to marginal, frontier spaces, thus restricting their ability to interact with and integrate into the host society.

Agier suggests that the marginalization of refugees is intended to achieve this very goal: the separation of refugees from the host society. Locating camps in marginal areas – in Agier’s words, “out-places” or “spaces of exception”¹¹⁸ – is the physical

¹¹⁷ Polzer and Hammond, 420.

¹¹⁸ Agier, *Managing the Undesirables*.

manifestation of the conceptual division between refugees and the host society. These spatial and conceptual divisions are reified by policies such as camp confinement policies, which reward camp-settled refugees by providing livelihood resources, but which punish self-settled refugees by withholding protection and assistance – regardless of the fact that both are entitled to the same rights and protections under the 1951 Refugee Convention and 1967 Refugee Protocol. For example, drawing on the Kenyan case study described in Chapter 2, those seeking refuge in Kenya are required to reside in a refugee camp, located in marginal, border areas, with those choosing to reside elsewhere considered irregular immigrants and subject to arrest.. Further, NGOs and UNHCR are prohibited from offering assistance to refugees and asylum-seekers outside of camps. A senior immigration official within the Kenyan government defended these policies in a 1999 interview with Guglielmo Veridrame, saying, “refugees in Kenya misbehave because they do not want to go to the camps. If someone comes to my home and I tell him where he has to sit, he has to obey, otherwise he leaves!”¹¹⁹ The Kenyan government thus seeks to separate refugees from Kenyan society by incorporating positive and negative reinforcement into policies on refugee settlement.

In addition to preventing local integration, the spatial marginalization of refugees permits both formal and informal burden-shifting within host states. One of the primary concerns voiced by host states, particularly within the developing world, is that the state’s limited resources will be overwhelmed by having to address the material and servicing needs of large numbers of refugees. Many host states therefore often prefer to limit their involvement in refugee protection and services as much as possible. When refugees are spatially segregated in camps, they are unable to access services available to citizens, and the burden of providing services – with the exception of camp security – is typically borne by international non-governmental organizations and/or UNHCR. As illustrated by the Kenyan case study, marginalization has both conceptual and practical benefits for host states.

¹¹⁹ Burns, 9.

4.3 Exclusion

The third strategic goal pursued by states through the international refugee regime is the exclusion of refugees from host societies, thus exaggerating the temporary nature of their refuge and preventing their integration into the host society. Emphasizing the temporality of refugeehood is achieved both by successful spatial externalization and marginalization, as well as the conceptual exclusion of refugees from full participation in the socio-economic, cultural and political life in the host state. From the beginning of the contemporary international refugee regime, refugee protection was conceived as temporary, surrogate protection that became active when an individual's country of origin failed to offer effective protection. However, as noted, during the Cold War, refugees had greater strategic and political value, leading dominant, Western states to view refugeehood as a permanent condition. Refugees originating in Europe during the World War and Cold War era were accepted more readily as fully functioning members of "Western" society and, in an era of economic growth, were positive assets which could feed and nurture more growth. Since the end of the Cold War, considerations that refuge and refugeehood is and should be temporary has played an increasingly important role justifying Chimni's "myth of difference" and perceptions of "new refugees"¹²⁰. The emphasis on temporality necessarily rejects the exilic basis of refugeehood, and suggests that refugees themselves want to return home as soon as possible.

For Agier, the exclusion of refugees by emphasizing the temporality of their refuge is linked to the exceptionality of asylum, particularly in camps. The very terms used to describe refugees suggest, "for the most part a movement that is incomplete, in suspense, an instant and a condition that is midway between a point of departure and an inaccessible end point, either of arrival or return. 'Return' itself denotes a temporary shelter, while waiting for something better."¹²¹ Camp settings solidify this perception by permitting refugee-producing situations to be cast as temporary states of emergency, with definitive beginning and end points – regardless of the evidence of long-term persecution and of protracted displacement. For example, many Somali refugees residing in the

¹²⁰ Chimni, "From Resettlement to Involuntary Repatriation"; Chimni, "Geopolitics of Refugee Studies."

¹²¹ Agier, *On the Margins of the World*, 30.

Dadaab and Kakuma camps in Kenya have been displaced for twenty years, giving a “certain duration”¹²² to camps, despite their purportedly exceptional, emergency nature. As Agier states, “the humanitarian sites are supposed to be precarious spaces, always provisional. The principle implies that the official end of a war is followed by departure of refugees and the closure of the camp”¹²³. If refugeehood is understood as a fundamentally exceptional and temporary condition, as suggested by the refugee master category and camp-centric response policies, the exclusion of refugees from host societies becomes justifiable. That is, the principles of temporality and exceptionality assume that displaced persons will return home as soon as possible and, upon doing so, regain access to the protection and services of their country of nationality. Further, where responsibility for camp-based refugees is shifted from the host state to UNHCR – such as in Kenya – developing plans of any type loses its political importance because refugees are considered “UNHCR’s problem.”¹²⁴ Emphasizing the temporality of refugeehood by externalizing, marginalizing and excluding refugees from access to any society absolves asylum states of long-term responsibility for refugees, while the growing reality is, the original cause of displacement is not being resolved in a manner which encourages refugees to return home.

Finally, missing from the principles of separation described above are considerations of a refugees internationally guaranteed human rights. Numerous scholars and researchers have documented a range of human rights violations in camps. Sarah Bailey, for example, quoting comments by United States diplomatic and consular staff, notes that, “it is a violation of international law to deprive persons of their freedom of movement and to confine them in conditions of hardship...”¹²⁵; Guglielmo Verdirame and Barbara Harrell-Bond argue that freedom of movement is essential to the enjoyment of numerous other human rights¹²⁶. Verdirame and Harrell-Bond go on to catalogue human rights violations that not only occur in camps but that are part of the structural

¹²² Agier, “Between War and the City,” 321.

¹²³ Agier, *Managing the Undesirables*, 120.

¹²⁴ Crisp, “A State of Insecurity.”

¹²⁵ Quoted in Bailey, 20.

¹²⁶ Barbra Harrell-Bond and Guglielmo Verdirame, *Rights in Exile: Janus-Faced Humanitarianism* (Oxford: Berghan Books, 2005), 179.

makeup of camps, including rights to employment and adequate standards of living¹²⁷. Such restrictions on refugees' human rights contribute to significant frustration within camps. Where humanitarian assistance received by refugees is more generous than government assistance received by those residing in proximity to camps¹²⁸, tension between refugees and locals. Frustration within camps and tensions between refugees and locals can boil over into violence and crime; for instance, Jeff Crisp documents outbreaks of violence committed against refugees both by other refugees and local in the Dadaab and Kakuma camps in Kenya¹²⁹. These limitations on and derogations from human rights standards may be justified on a temporary basis and in exceptional circumstances. However, as discussed, the camp-based response regime has taken on a degree of permanence, with many refugees residing in camps for decades with little hope of return to their country of origin or onward movement to another destination. Hyndman and Bo Viktor Nylund go on to ask, "at what point do civil and political, economic and social, and cultural rights outweigh the privileges of safety..."¹³⁰ This question is especially poignant given that many camps take on a prison-like quality, turning highly vulnerable displaced persons into prisoners or "permanent deviants"¹³¹. Refugees are literally "locked"¹³² in camps in certain locations; as Jennifer Hyndman describes in the case of the Dadaab camp in Kenya,

It is fortified with two security fences made of dry acacia bushes, which have sharp spikes that easily puncture the skin... A large staff of guards is stationed at the entrance gates to various sections of the compound. At night, a number of armed guards provide extra security.¹³³

Humanitarian intervention in the form of camps transforms into a policing function; rather than simply acting as zones of protection for refugees, the camp functions more to protect the host state and host society from refugees themselves.

¹²⁷ Ibid., 179.

¹³⁰ Jennifer Hyndman and Bo-Viktor Nylund, UNHCR and the Status of *Prima Facie* Refugees in Kenya," *International Journal of Refugee Law* 10 (1998): 22.

¹³¹ Agier, *Managing the Undesirables*, 182.

¹³² Agier, *On the Margins of the World*, 42.

¹³³ Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism* (Minnesota: University of Minnesota Press, 2008), 97-98.

Hyndman and Nylund argue that camps “can provide short-term safety, but they also institutionalize long-term exclusion, marginalization, and waste of human and financial resources.”¹³⁴ Indeed, containing refugees in effective quarantine is, as Agier argues, “a function of the political inability to conceive their place in society as a whole.”¹³⁵ Camp-centric policies thus become a strategic tool, used in tandem with other *non-entrée* policies that increasingly characterise the international refugee regime, to meet other goals and priorities rather than attempting to address the specific – and pressing – needs of refugees themselves. Urban refugees’ priorities, in particular, directly conflict with the aforementioned strategic goals.

4.4 The Urban Refugee Challenge

Despite the efforts of dominant states to condition refugee behaviour to achieve the goals of externalization, marginalization, and social exclusion, significant numbers of refugees cannot or will not conform to the refugee construct. During the height of the camp-centric refugee regime, the proportion of refugees residing in urban areas was low – approximately one percent in 1996¹³⁶. Since then, the proportion of refugees residing in urban areas has increased dramatically, reaching approximately twenty-seven percent in 2007¹³⁷. This increase can be attributed to a number of factors. The urban area option might be evaluated as “less bad” than the camp asylum one – either through hearsay or previous experience. For example, having resided in a camp, refugees may choose to flee a second time in order to improve their living conditions. Or, having sought refuge in a camp for the duration of a particular conflict, the camp may have closed, leaving refugees to either return home or seek refuge elsewhere. Whatever the reason, the relevant fact is urban self-settlement is on the rise without a concomitant following of resources to reduce the suffering experienced from an identifiable crisis. It is this gap in protection that is most glaring when set against the general policy and practice which requires a

¹³⁴ Hyndman and Nylund, 48.

¹³⁵ Agier, *On the Margins of the World*, 62.

¹³⁶ Jacobsen, *The Economic Life of Refugees*.

¹³⁷ Ibid.

refugee to be conceptually defined, in part, in terms of where they can be contained and counted.

Giorgio Agamben argues that refugees challenge the concepts of the “nation-state” and the “rights of man”, urban refugees challenge the concept of refugeehood – by exposing the limitations of the refugee master category’s usefulness in structuring the international refugee regime. Urban refugees pose a clear challenge to the “ideal” refugee defined by the refugee master category. They do not necessarily flee in large groups, but instead may be an individual or a single family. They are not necessarily fleeing exceptional circumstances, but rather, as Agamben suggests, a series of persecutory actions that cause an irreparable break between citizen and state. Consequently, their flight is not necessarily temporary; rather, they may seek a permanent home where they can rebuild their lives and recover from the trauma experienced in their country of origin.

This latter point may be the most significant challenge that urban refugees pose to the refugee master category, and by extension to the strategic goals of dominant states *vis a vis* the international refugee regime. Despite widespread discourse on burden-sharing within the international refugee regime, the priority of dominant, Western governments is more akin to burden-shifting, in that integration in neighbouring countries is, for Western governments, the “cornerstone of national and international refugee policies by which permanent solutions are sought...”¹³⁸ – to the chagrin of developing states into which refugees are to be integrated. Rather than residing in marginal areas apart from society, urban refugees seek to locate themselves in the heart of their host society. While their motivations vary, the desire to build a new life, characterised by integration into the host society, is a recurrent theme.

According to Gaim Kibreab, integration is:

an economic, social and cultural process by which refugees become members of the host society on a permanent basis irrespective of how things develop in their countries of origin. Refugees are accepted on a permanent basis. This is followed by legal integration whereby the refugees concerned acquire the citizenship of the country of their asylum through naturalization.¹³⁹

¹³⁸ Kibreab, “Local Settlements in Africa,” 469.

¹³⁹ *Ibid.*, 469.

Kibreab's definition of integration is set forth here due to both its emphasis on the potential permanence of refugeehood, and its separation of integration from the naturalization process. While legal integration through naturalization is an important step in establishing the legal validity of a refugees' integration into the host society, it cannot be does not necessarily need to be the only indicator of integration, particularly given the numerous obstacles both host and resettlement states place on the attainment of citizenship by refugees. Though integration is a somewhat subjective concept, with a variety of meanings depending on the particular context, it can be understood to encompass economic integration actualized by employment, and social integration actualized by cultivating social networks and accessing social services with legal integration actualized through naturalization as the highest achieved outcome.

Although flight from persecution is a key characteristic of refugeehood according to the 1951 Refugee Convention and 1967 Refugee Protocol, it is not necessarily the only factor pushing individuals and families to flee. As increasing discussion of mixed migration suggests, and scholars such as Roger Zetter and Alexander Betts affirm, the refugee label is no longer a discreet category that can easily capture the displacement experiences of all who fall within the realm of such experiences. In many cases, the inability to build a sustainable economic livelihood as a result of systematic discrimination or to be surrounded by adequate protection resources can contribute to displacement and flight. Evidence suggests that when a refugee or family of refugees is burdened by economic instability in the country of asylum, it is unlikely that they will be able to fully recover from the trauma of their displacement. Being caught in economic limbo exacerbates the perception of being stuck in a state of flux, unable to return home and, in most cases, unable to seek refuge elsewhere. It is therefore unsurprising that refugees place significant importance on economic integration in the host society. For example, research on refugees in Cairo shows that, despite significant protection concerns and rampant discrimination, integration through employment leading to financial self-sufficiency is the primary concern¹⁴⁰.

¹⁴⁰ Based on informal discussions between author and refugees during a refugee legal aid internship in Cairo, August 2012 – April 2013; see also Chapter 5.

Opportunities for economic integration play an important role for many refugees in determining where to seek refuge, where such choices are available. Karen Jacobsen argues that a relatively small portion of refugees actually choose to live in camps, and those that do not often believe that the economic opportunities offered by urban settlement outweigh the potential legal instability of urban residence, even when their residence contravenes camp confinement policies¹⁴¹. Urban settings offer greater opportunities for economic integration than camps, where refugees are generally reduced to victims and passive recipients of humanitarian aid¹⁴². By seeking economic integration through employment, urban refugees seek the stability that will allow them to overcome their trauma and rebuild their lives. However, in doing so – and in tandem with the increasing incidence of protracted displacement – their refuge becomes a more permanent condition, rather than the exceptional, temporary condition, suggested by dominant states through the refugee master category and reflected in camp-centric refugee policies.

By seeking refuge in urban settings, refugees are also seeking stability through social integration, such as cultivating informal networks and accessing social services. Large urban centres in developing states, such as Nairobi, Cairo, Johannesburg, Kampala, Bangkok, and others, host significant refugee populations, creating social networks that newcomers can access. Newcomers can seek housing, financial and material assistance, and information about social service organizations through networks of refugees already settled in host cities¹⁴³. Similarly, many refugees believe that they will have greater access to social services, such as health care and education, in urban centres. However, social services are often shared with citizens, stretching the limited resources of host states, which is of particular concern to developing states which lack the resources to provide social services to citizens. For example, as discussed in the following chapter, many of the reservations expressed by Egypt to the 1951 Refugee Convention and 1967 Refugee Protocol relate to social services such as education, public relief, and social security, on the basis that, as a developing country, Egypt was not in a position to provide such services for refugees. Competition for social resources causes tension between host

¹⁴¹ Karen Jacobsen, “Livelihoods in Conflict: The Pursuit of Livelihoods by Refugees and the Impact on the Human Security of Host Communities,” *International Migration* 40 (2002): 104; see also Betts, “Survival Migration: A New Protection Framework.”

¹⁴² Agier, *On the Margins of the World*, 24.

¹⁴³ Jacobsen, “Refugees and Asylum-Seekers in Urban Areas,” 280-283.

state societies and refugees, leading host states to seek to prevent social integration.¹⁴⁴ However, once urban refugees have gained access to social networks and services through social integration, they regain a degree of agency that was lost during flight. Rather than remaining passive recipients of humanitarian aid, they are able to regain a degree of self-sufficiency and reassert some of their independence. In Cairo, for example, many NGOs assisting refugees rely heavily on social networks within refugee communities to publicize their services and reach clients¹⁴⁵. In extreme cases, being able to access legal aid organizations and other advocacy networks may discourage host governments from detaining, expelling or *refouling* urban refugees, whereas refugees residing in camp settings remain “the most distant, the least visible and the least integrated”¹⁴⁶ and, due to this invisibility, vulnerable to the whims of the state “that keeps the power to control and abandon [them].”¹⁴⁷ From the refugees’ perspective social integration may make expulsion from an urban area less likely due to both the logistical challenges of locating refugees among large urban populations, and the ethical sensitivity of undertaking expulsion from within a highly visible urban environment. The social service organizations and NGOs that refugees seek to access by moving to urban areas can, in this case, perform a dual function – first, providing direct assistance to refugees, and second, monitoring and raising awareness about government practices toward refugees. When these considerations are accounted for, it is clear why economic and social integration are so highly valued by refugees, in terms of the role integration plays in personal recovery and the resources that can be attained through integration.

At the root of their desire for integration is the aspiration to find a permanent solution to their situation. Displacement causes significant disruption, and, faced with an international policy regime that emphasizes the temporality of refugeehood *writ large* and the temporality of their refuge in particular, re-establishing a stable and sustainable life takes on greater importance. In camps, Agier suggests, “nothing can ever be totally achieved... the incompleteness of the integration process is co-substantial to them,

¹⁴⁴ Ibid., 278.

¹⁴⁵ Based on informal discussions with refugees and NGO workers during a legal aid internship, August 2012 – April 2013.

¹⁴⁶ Agier, *Managing the Undesirables*, 45.

¹⁴⁷ Ibid., 45.

quarantine being their very horizon.”¹⁴⁸ However, seeking permanent solutions in the host state runs contrary to one of the key assumptions underlying Chimni’s “myth of difference”: that refugees want to return to their country of origin as soon as possible¹⁴⁹. Agier illustrates the significance of the “myth of difference” using the example of an applicant for resettlement in the US:

... a young Somalian, Mohammed, a second-year student of medicine when he fled Mogadishu, tells how he passed an “oral test” for possible resettlement in the United States and everything was going well, until he “tripped up” on a single question. When he was asked if he wanted to return eventually to Africa, he answered with a sincere and enthusiastic “no”, understanding only too late that his examiners would rather have heard “yes” as a proof of attachment to his original identity.¹⁵⁰

Agier’s example suggests that, although the candidate was being interviewed for theoretically permanent resettlement, the belief that refugees *should* want to return to their home state – and by extension, the belief in the temporality of refugeehood – is so deeply embedded into understandings of refugeehood that it holds influence despite the implied permanence of resettlement. Interestingly, in this case a lack of attachment to the home state and identity poses a barrier to acceptance by the resettlement state, in contrast to more common assertions that too much attachment to the home state and identity can pose barriers to integration into host or resettlement societies.

Through their behaviour, urban refugees suggest that seeking refuge is not necessarily an exceptional or temporary condition, but rather a road to permanent settlement and integration. Similarly, by seeking integration, urban refugees express their opposition to the strategies of externalization and marginalization – or “distancing of undesirables”¹⁵¹ – pursued by dominant states through the international refugee regime. Rather than accepting camp-based solutions, where, as Agier suggests, “humanitarianism... becomes a second-best to integration for all those who, for various reasons, we do not want to integrate into the social and political world of human beings, keeping them instead in vague waiting-rooms, *on the margins of the world...*”¹⁵², urban

¹⁴⁸ Agier, *On the Margins of the World*, 40.

¹⁴⁹ Chimni, “Geopolitics of Refugee Studies”; Chimni, “From Resettlement to Involuntary Repatriation.”

¹⁵⁰ Agier, *On the Margins of the World*, 95.

¹⁵¹ Agier, *Managing the Undesirables*, 183.

¹⁵² Agier, *On the Margins of the World*, 62.

refugees challenge the refugee master category by seeking permanent settlement in the spatial heartland of host states.

4.5 Conclusion

This chapter argues that urban refugees challenge the refugee management strategies pursued by dominant states – externalization, marginalization and exclusion. Dominant states use the refugee master category, which assumes refugeehood is a collective, exceptional, and temporary condition, to rationalize these strategies, leading them to pursue camp-centric refugee response policies. In contrast, urban refugees seek to settle in the conceptual and spatial heartland of host states and pursue economic and social integration in host societies. Economic and social integration represent opportunities to recover from the trauma of flight, re-establish stable livelihoods, and regain the independence lost during displacement. By avoiding camps and intentionally seeking integration, urban refugees disrupt the principles of the refugee master category which are increasingly transforming refugeehood into a permanent condition. This disruption makes it difficult for dominant states to uphold the strategic priorities enshrined in camp centric policies. Further, as will be discussed in the following chapter, host states also place significant restrictions on refugees’ access to economic and social integration, leaving significant gaps in protection and services unaddressed. By withholding access, host states attempt to condition all refugees’ behaviour to conform to the refugee master category. Neither party has shown a willingness to acknowledge that the refugee master category is inapplicable to many contemporary displacement crises and that there is a pressing need to re-evaluate the refugee concept in light of the contemporary displacement experiences generally and the increasing urbanity of refugeehood in particular.

Chapter 5: PROTECTION GAPS FACING URBAN REFUGEES – EGYPT AND LEBANON

In contrast to camp settings, urban areas offer opportunities for economic and social independence. While camp settings effectively require refugees to give up a variety of human rights, such as freedom of movement, in exchange for humanitarian assistance, urban settlement allows refugees opportunities to lay claim to their rights while they seek their own economic and social livelihoods. By constructing camp-settled refugees as passive victims whose primary function is to be the recipient of humanitarian aid, camp-based refugee policies strip refugees of individual agency and exacerbate power imbalances between refugees, states, and “humanitarian government”.¹⁵³ These power imbalances prevent refugees from resisting policies implemented upon them in an organized manner. Camp-based policies further embed the temporality and exceptionality of refugeehood, and facilitate the exclusion of refugees from host societies. Michel Agier describes camp-settled refugees as “people waiting apart from society”¹⁵⁴; however, significant numbers of refugees are no longer content to wait. Despite what UNHCR describes as the “iconic image” of refugees – “row upon row of white tents in a sprawling emergency camps” – over half of refugees assisted by UNHCR reside in urban areas¹⁵⁵. Refugees seek shelter in urban areas to gain access to medical services, educational opportunities for children, humanitarian aid, or even resettlement. Perhaps the most significant feature of refugee urbanization is the challenge to the dominant assumption that refugees want to return home. Seeking refuge in urban areas represents for many the opportunity to leave behind the trauma of their flight and build a new life.

The objective of this chapter is to understand the specific protection gaps affecting urban refugees in Egypt and Lebanon, as indicative of protection gaps affecting urban refugees in the Middle East and North Africa region and elsewhere. Despite differences in the legal and policy frameworks between Egypt and Lebanon, the service gaps affecting urban refugees are strikingly similar. The most compelling observation arising from this inter-country comparison is the underlying rationale: fear that, in

¹⁵³ Agier, *Managing the Undesirables*; Agier, *On the Margins of the World*; Harrell-Bond and Veridrame.

¹⁵⁴ Agier, *On the Margins of the World*, 40.

¹⁵⁵ UNHCR, “Urban Refugees.”

granting urban refugees full access to rights and services, refugees would settle permanently in host states and integrate into host societies. Withholding protection and services is a simple means to discourage refugees from permanent settlement and to reinforce the temporary nature of refuge and refugeehood.

Although there are many protection gaps documented in the literature and discussions regarding refugees, the purpose of this chapter is to highlight protection gaps that most frequently and most deeply impact the ability of urban refugees to establish and sustain their livelihoods. Shortfalls have been grouped into three categories: gaps in legal status; gaps in economic capacity; and gaps in social services. Legal status gaps relate to the legal recognition given to refugees and whether this recognition offers protection from arbitrary arrest and deportation. Economic capacity gaps concern whether refugees are granted the right to work, and whether substantial administrative obstacles prevent them from actualizing this right. The ability to earn an income is a prerequisite for obtaining other key livelihood resources, including food, housing, and medical attention. Social services may attempt to address some of these gaps, but reliance on charity is fundamentally unsustainable over the long term. Finally, social service gaps relate to the availability and accessibility of services including education and health care, which are indicative of the potential for the integration of urban refugees into host societies.

Although the following case studies are intended to illustrate protection gaps facing urban refugees throughout the Middle East – and other developing regions – the extent of the gaps is not solely the blame of these host countries. While host states have a clear responsibility for protecting refugees – particularly those which, like Egypt, are signatories to the 1951 Refugee Convention and 1967 Refugee Protocol – many of the expected protections and services have a significant financial impact. Given that most refugees are hosted in the developing world, where states often face challenges providing for their own citizens, there is a clear role for the international community to assist in the provision of protection and services. As Karen Jacobsen notes, “what does it mean for the international community to say that refugees have rights, but do nothing to ensure that they enjoy them?”¹⁵⁶

¹⁵⁶ Jacobsen, *The Economic Life of Refugees*.

5.1 Seeking Asylum in Middle Eastern States

Prior to examining protection gaps facing urban refugees in Egypt and Lebanon, it is helpful to describe the legal environment within which urban refugees are offered protection. The legal status of refugees in the Middle East has varied over time and between states, depending on both domestic and regional political dynamics. Only four states – Egypt, Israel, Yemen, and Iran – are parties to the 1951 Refugee Convention and 1967 Refugee Protocol, and of these, only Israel has adopted domestic refugee legislation. Middle Eastern states have largely relied on the UNHCR to deal with refugees on their behalf.

The events of September 11, 2001, deepened hostility towards refugees in the Middle East. Discourse surrounding refugees, particularly refugees from the Middle East and North Africa, has increasingly centered on the potential security risk refugees may pose to host countries. The securitization of asylum-seeking has created significant obstacles to improving the treatment of refugees both in the Middle East and around the world. Securitization has also given Middle Eastern governments a “free pass” to persecute refugees for the sake of “protecting security”¹⁵⁷. Despite this discouraging trend, refugee rights remain on the agenda for Middle Eastern governments. In 2003, the OIC Islamic Summit passed a resolution on “Problems of Refugees in the Muslim World”, which called for greater co-operation with UNHCR and for those states not party to the Refugee Convention to work toward accession. In 2004, the Arab League affirmed support for the right to seek asylum outlined in Article 28 of the Arab Charter on Human Rights. Yet despite these declarations, no new refugee legislation has been adopted by Middle Eastern governments and no additional Middle Eastern states have signed on to either the Refugee Convention or Refugee Protocol. Global security remains a higher priority and increasingly provides the framework through which refugee issues are addressed.

¹⁵⁷ Amnesty International, “State of Human Rights in the Middle East and North Africa: January to mid-April 2011”, www.amnesty.org/fr/library/asset/POL10/012/2011/en/a31cf35a-0d47-4374-82ff-a4d440398861/pol100122011en.pdf, 35 (accessed October 2012); see also Amnesty International, “Fear, Flight and Forcible Exile in the Middle East,” www.amnesty.org/en/library/asset/MDE01/001/1997/en/17e5591e-aaa6-11dd-9f63-e5716d3a1485/mde010011997en.pdf (accessed October 2012).

Despite differences in legal and policy frameworks for implementing refugee protection in Egypt and Lebanon, the experiences of urban refugees in each state illuminate protection gaps facing urban refugees both in the Middle East and in the developing world at large. Though legal and policy frameworks influence the experiences of urban refugees, there are great similarities between protection gaps in Egypt and Lebanon. It is these parallels that permit comparison between the case studies that follow.

5.2 Egypt

Egypt is home to a significant number of refugees and asylum-seekers. Official estimates suggest that 114,000 refugees and asylum-seekers reside in Egypt, excluding approximately 50,000 Syrian refugees and asylum-seekers, although unofficial estimates range up to 500,000¹⁵⁸. Thirty five nationalities have been documented, including sizable Sudanese, Iraqi, Eritrean, Somali and Ethiopian populations. The vast majority of refugees in Egypt reside in Cairo, with a smaller number residing in Alexandria. Though Egypt has been described as generally “tolerant”¹⁵⁹ of refugees within its borders, they nonetheless face numerous legal and socio-economic barriers to achieving stability and rebuilding their livelihoods.

5.2.1 Legal Protection Gaps

Egypt is a signatory to both the Refugee Convention and Protocol, and to the 1969 *Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa* (OAU Convention). An individual may be recognized as a refugee under either – or both – conventions. In theory, the availability of two protocols expands protection space for refugees, by broadening the definitions used to qualify a displaced person. For example, in addition to the basic refugee definition articulated in the Refugee Convention and Protocol, which focusses on individualized persecution for reasons of

¹⁵⁸UNHCR, “2013 UNHCR Country Operations Profile – Egypt,” <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356&submit=GO> (accessed October 2012); AMERA, “AMERA – Egypt,” www.amera-egypt.org/ (accessed October 2012).

¹⁵⁹ AMERA.

race, nationality, religion, political opinion, or social group, the OAU Convention provides for the recognition of persons who are fleeing generalized violence or aggression by a foreign power. Given the prevalence of ongoing conflicts in the countries of origin for most refugees in Cairo – Sudan, Somalia, Eritrea, Ethiopia, and Iraq – the OAU Convention significantly enhances opportunities for protection. Sadly, in practice, it does not appear that dual protection regimes translate into better protection or assistance for refugees.

Prior to ratifying the conventions, the Egyptian government expressed reservations to a number of provisions, including articles providing for elementary education, public relief, the right to work, social security and personal status, effectively exempting itself from otherwise internationally accepted expectations of providing basic socio-economic rights to refugees. Most significantly, the government reserved the right to regulate the entry of refugees into the labour force by issuing work permits¹⁶⁰. The effect of this reservation will be discussed further below; here, it suffices to say that Egypt’s reservation to the right to work is the single biggest impediment to refugees’ ability to establish and maintain stable livelihoods and by extension to remove themselves from requiring ongoing state aid.

Recognition of refugee status in Egypt offers little legal protection; as Katarzyna Grabska notes, “due to their unstable legal status and the often hostile attitude of the local population, many refugees constantly fear arrest and harassment.”¹⁶¹ Random arrests, arbitrary detention and police harassment are particularly prevalent within refugee communities originating from Africa, although Iraqi refugees have reported similar abuse. A shared religious identity does not seem to reduce hostility from the Egyptian community or being a target for state harassment¹⁶². In illustrating an ongoing protection crisis facing refugees in Cairo, Michael Kagan describes increased incidences of *refoulement* and prolonged and arbitrary detention over the past five years¹⁶³. The vulnerability of refugees to harassment by legal authorities is exacerbated by a lack of

¹⁶⁰ Katarzyna Grabska, *Who Asked Them Anyway? Rights, Policies and Well-Being of Refugees in Egypt* (Brighton: University of Sussex, 2006).

¹⁶¹ Katarzyna Grabska, “Marginalization in Urban Areas of the Global South: Urban Refugees in Cairo,” *Journal of Refugee Studies* 19 (2006): 296.

¹⁶² *Ibid.*, 296-297.

¹⁶³ Kagan, *Shared Responsibility in a New Egypt*, 4.

awareness among front-line law enforcement officers about UNHCR identification documents and by UNHCR's inability to successfully intervene in legal or national security matters on behalf of refugees¹⁶⁴. Despite confirmed recognition of their status by the Egyptian government, refugees in Cairo continue to face a significant absence of legal protection.

5.2.2 Economic Protection Gaps

As noted above, while acceding to the Refugee Convention and Protocol, Egypt entered reservations regarding the right of refugees to obtain employment, presumably to protect its national labour force, which already faces high rates of unemployment. To be clear, refugees are not expressly denied the right to work; however, in order to obtain formal, legal employment, refugees must obtain individual work permits which impose significant administrative burdens on both refugees and potential employers. Employers must meet labour market tests, including proving that the national labour force is unable to meet job requirements, as well as paying fees to sponsor refugees to obtain work permits.

As a result of these obstacles, most refugees – not unlike many Egyptian citizens – must rely on employment in the informal economy. A survey conducted among Iraqi refugees in Cairo, arguably the most well-educated and highly qualified refugee population in the city, showed that only twenty-two percent has obtained either formal or informal employment¹⁶⁵. Studies of Sudanese refugees suggest that most work “sporadically, with no job security, and often under exploitative conditions”¹⁶⁶. Employment rates vary between refugee groups, as well as within refugee communities; for example, female refugees are somewhat more likely to obtain work as domestic aides, which offers a degree of income stability, while male refugees typically rely on

¹⁶⁴ Based on informal interviews conducted with refugees and NGO staff during a legal aid internship, August 2012 – April 2013.

¹⁶⁵ Abdul Kareem Al-Obaidi and Sherif Attalah, “Iraqi Refugees in Egypt: An Exploration of Their Mental Health and Psychosocial Status,” *Intervention* 7 (2009).

¹⁶⁶ Fateh Azzam (ed), *A Tragedy of Failures and False Expectations: Report on the Events Surrounding the Three-Month Sit-In and Forced Removal of Sudanese Refugees in Cairo, September-December 2005* (Cairo: American University in Cairo, 2006), 13.

employment as day labourers¹⁶⁷. What emerges is a clear trend toward reliance on informal employment to support refugee livelihoods in Cairo. Unfortunately, participation in the informal economy has significant drawbacks, leaving refugees vulnerable to abuse and exploitation.

Lack of economic resources impacts virtually all aspects of refugee livelihoods in Cairo, particularly the ability to secure housing. Stefan Sperl argues that the “true predicament” of refugees in Cairo is an uneven income to expenditure ratio¹⁶⁸. While the cost of living for refugees rises significantly from year to year, the ability to earn a consistent wage to cover living costs does not improve in tandem. Where Egyptian nationals are able to access rent controlled housing, refugees are left to compete for housing in private rental markets with other foreigners, where rental prices are much higher and subject to arbitrary increases. As a result, refugees are forced into overcrowded housing arrangements with poor sanitation and little personal security¹⁶⁹. Where housing in metropolitan Cairo is unobtainable, many must reside in shantytowns in fringe areas, where “a windowless room in a dwelling under construction costs some \$18US per month”¹⁷⁰. In the absence of secure employment, many refugees rely heavily on allowances from UNHCR and Caritas, which cover less than one-third of household costs. Furthermore the allowances have been reduced by an average of seventy-two percent in keeping with UNHCR’s shift from “care and maintenance” to “self-reliance” in dealing with refugees in urban areas¹⁷¹. Egypt’s reservation to the right to work for refugees, while understandable in the context of its own workforce, has the effect of exacerbating desperation and potentially creating social unrest among refugees as a result of extended impoverishment.

¹⁶⁷ Erin Ajygin, “Livelihoods and Family Formation Among Eritrean Refugees in Cairo,” (MA Thesis, American University in Cairo, 2010), 22; Stefan Sperl, *Evaluation of UNHCR’s Policy on Refugees in Urban Areas: A Case Study Review of Cairo* (Geneva: UNHCR, 2001).

¹⁶⁸ Sperl, 15.

¹⁶⁹ Azzam; informal discussions between the author and refugees in Cairo during a legal aid internship, August 2012 – April 2013.

¹⁷⁰ Sperl, 15.

¹⁷¹ *Ibid.*, 15; Azzam, 13.

5.2.3 Social Service Protection Gaps

Social services for refugees are similarly uncertain. A 1954 Memorandum of Understanding (MOU) between Egypt and UNHCR formalized UNHCR's significant role in determining refugee status and providing social services for refugees and asylum seekers. The MOU articulated UNHCR responsibility for registration, education, health care, and social welfare services. To address the needs of refugees, UNHCR works with partner agencies and NGOs, including CARITAS, AMERA, CRS, Refuge Egypt, the Egyptian Red Crescent, and Islamic Relief Worldwide, as well as numerous community and faith based organizations. While it has been argued that the creation of a social services network separate from social services provided to Egyptian nationals may contribute to divisions within Egyptian society and the growth of xenophobia, it is clear that without the social services provided by UNHCR and its implementing partners, refugees and asylum-seekers would be significantly worse off.

Since 2005, refugees in Cairo have been eligible for primary health care services at government health institutions. However, after accessing medical attention at public hospitals and clinics, refugees report concerns about the quality of care, discrimination and racism among doctors, and fears of intentional malpractice, up to and including organ theft¹⁷². Secondary health care services are primarily provided by Caritas, which works with medical service providers and specialists as needed through a referral system. The cost of treatment is then split between the individual refugee, who typically pays for thirty to fifty percent of the cost, and Caritas, which is reimbursed by UNHCR¹⁷³. While cost-sharing appears reasonable, it is largely unaffordable for the majority of refugees in light of the broader economic context facing refugees in Cairo, particularly their inability to obtain formal employment. Work in the informal economy provides cash wages which are barely sufficient to cover food or rent, let alone medical expenses, even at a reduced rate¹⁷⁴. In cases where medical treatment is expensive – for example, surgical procedures – Caritas may decline to assist with even partial funding. Where medical treatment

¹⁷² Azzam, 14.

¹⁷³ Based on informal discussions between the author and refugees during a legal aid internship, August 2012 – April 2013.

¹⁷⁴ Grabska, *Who Asked Them Anyway?*

requires speciality attention not available in Egypt, refugees have been advised to seek resettlement¹⁷⁵. Altogether, despite the presence of an institutional framework intended to assist urban refugees obtain medical attention, refugees themselves feel chronically underserved in this area. One survey conducted among refugees in Cairo indicated that additional assistance in accessing health care was desired above all other forms of assistance¹⁷⁶.

Access to education for refugee children in Cairo is another significant concern. In general, with the exception of Sudanese children, refugee children have limited access to public education. However, even Sudanese children often fall victim to administrative obstacles and discrimination; Grabska notes that, “although officially Sudanese refugee children with valid residence permits have the right to public education, bureaucratic procedures, overcrowded schools and racial discrimination often experienced by pupils make access to government schools impossible.”¹⁷⁷ As a result, most families, resort to sending their children to schools run by faith-based organizations; even there refugees are often limited by sectarian restrictions on enrollment¹⁷⁸. Finally, these alternative schools are not accredited by the government, resulting in graduating students being ineligible to take state examinations required to earn a diploma which would qualify them for access to further educational opportunities¹⁷⁹.

Taken together, social service gaps compound legal and economic protection gaps, rendering integration into life in Cairo extremely difficult. As a result the majority of refugees in Cairo live a precarious existence, caught in a semi-permanent limbo between their inability to return or to move elsewhere. By leaving barriers to integration unaddressed, characteristics assumed to be present under the refugee master category – specifically temporality and exceptionality– are embedded into refugee policies, the attitudes of the general public, and hence the daily lives of refugees. By casting refugeehood as a temporary and exceptional condition – despite the presence of refugees

¹⁷⁵ Based informal discussions between the author and refugees during a legal aid internship, August 2012 – April 2013.

¹⁷⁶ Natalie Briant and Andrew Kennedy, “An Investigation of the Perceived Needs and Priorities Held by African Refugees in an Urban Settings in a First Country of Asylum,” *Journal of Refugee Studies* 17 (2004).

¹⁷⁷ Grabska, “Marginalization in Urban Areas of the Global South”, 299.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

who have resided in Cairo for decades – the Egyptian government, and by extension the international community justify behaviour whose main purpose is to exclude and marginalize more than it is to protect and assist refugees.

5.3 Lebanon

In contrast to Egypt, Lebanon hosts a significantly smaller and more heterogeneous refugee population¹⁸⁰. In January 2012, approximately 10,000 refugees and asylum-seekers were registered with UNHCR’s Regional Office in Beirut (RO Beirut), excluding Syrians displaced into northern Lebanon due to the ongoing conflict in Syria. The majority of Syrians hosted in Lebanon are housed in camps outside Beirut. As the focus here is on urban refugees in Beirut, protection gaps facing those in camps will not be discussed. At present the most numerically significant refugee population in Lebanon continues to be Iraqis, who compose over eighty percent of refugees registered with RO Beirut. It is estimated that the number of Iraqi refugees registered with UNHCR is approximately one-fifth of the total population of Iraqis residing in Lebanon¹⁸¹; however, for various reasons, the vast majority chose not to register with RO Beirut, and as such the population of Iraqi refugees residing in Lebanon is likely larger. Smaller communities from other countries, such as Somalia and Sudan, also reside in Beirut. In spite of a much smaller refugee “problem”, the Lebanese government expresses “less tolerance and a high level of rejection” towards refugees, exacerbating protection gaps facing refugees within its jurisdiction¹⁸².

¹⁸⁰ Palestinians are excluded from this study because their protection and assistance needs are managed by UNRWA, rather than UNHCR, and do not fall under the legal framework of the 1951 Refugee Convention and 1967 Refugee Protocol. Different operational and legal regimes make it difficult to compare Palestinian and non-Palestinian refugees. As such a comparison is not the central focus of this study, the Lebanese case study considers only non-Palestinians refugees in order to maintain comparability with Egypt.

¹⁸¹ Sara Sadek, “Iraqi ‘Temporary Guests’ in Neighbouring Countries,” in *On the Move: Migration Challenges in the Indian Littoral Ocean*, ed. Ellen Laipson and Amit Pandya (Washington: Henry Stimson Centre, 2010), 51

¹⁸² *Ibid.*, 51.

5.3.1 Legal Protection Gaps

Unlike Egypt, Lebanon is not a signatory to either the Refugee Convention or Protocol. While refugees entering Lebanon are registered and provided identification by UNHCR, this identification is largely ignored by Lebanese authorities except to the extent that those who have such identification can apply for short term residence permits. These permits must by necessity be frequently renewed and can be administratively difficult and expensive to obtain – if they are renewed at all. If, for instance, Lebanese authorities determined that refugees should be encouraged to leave the country, they would simply deny residence permits forcing them to leave or remain illegally. Individual refugees have little recourse, although UNHCR has, on occasion, intervened to legalize the residence of refugees in Lebanon. Because of the difficulties in obtaining and renewing residence permits, most refugees in Lebanon – particularly Iraqi refugees – reside in the country illegally. One survey conducted among Iraqi refugees in Beirut found that almost eighty percent entered Lebanon illegally¹⁸³. While some are able to regularize their status, many more lapse – or relapse – into illegality if and when they are unable to renew their residence permits. As a result, refugees in Lebanon are extremely vulnerable to arbitrary arrest, detention, and expulsion. According to UNHCR, detention of refugees in Lebanon is significantly higher than in neighbouring states¹⁸⁴. Although in 2008 UNHCR was able to intervene with Lebanese authorities to regularize the status of approximately 600 detained refugees¹⁸⁵, the vast majority live in fear of arrest and detention.

A lack of legal status has further psychosocial impacts that impair the ability of refugees to rebuild and sustain their lives. The constant fear of being discovered prevents many refugees from accessing health care or other social services¹⁸⁶, and causes refugees to congregate on the fringes of Lebanese society, avoiding contact with locals, and physically, in suburbs of Beirut¹⁸⁷. Similarly, because refugees have a lack of legal recourse to address unfair treatment, many find themselves taken advantage of by

¹⁸³ Andrew Harper, “Iraq’s Refugees: Ignored and Unwanted,” *International Review of the Red Cross* 90 (2008), 6.

¹⁸⁴ UNHCR, “Fact Sheet: Lebanon,” (September 2011), www.unhcr.org/4c90812e9.html (accessed October 2012).

¹⁸⁵ Harper, 18.

¹⁸⁶ *Ibid.*

¹⁸⁷ Sadek, 52.

exploitative employers and landlords¹⁸⁸. Refugees strive to “endure a permanently low profile” to avoid detection¹⁸⁹. On the other hand, their inability to access the formal labour market pushes many refugees into criminal economic activities such as prostitution or human smuggling, reinforcing the association between illegal residency status and criminal behaviour among both the Lebanese public and government authorities¹⁹⁰. Economic and social service protection gaps, discussed further below, are thus closely related to legal protection gaps facing urban refugees in Lebanon.

5.3.2 Economic Protection Gaps

As in Cairo, refugees in Beirut lack the right to obtain formal, legal employment without obtaining work permits. As in Cairo, these can be administratively difficult and expensive to obtain so that again, the vast majority of refugees in Lebanon rely on informal employment, which exposes them to abuse and exploitation in both wages and working conditions. However, due to their uncertain legal status, refugees working informally in Beirut are arguably more vulnerable to exploitation, because they must trust that their employer will not turn them over to the authorities. Knowing that refugees have no legal recourse, employers have been known to take advantage of refugee workers¹⁹¹.

Where refugees in Beirut are unable to find employment in the informal economy, studies have documented a turn to criminal activities. Refugee women become involved in prostitution, while refugee men – particularly young men – become involved in human smuggling, drawing in many cases, upon networks forged during their own initial, often illegal, transit¹⁹². These patterns of exploitation are particularly troubling due to increased youth involvement in the workforce among refugees in Lebanon. Believing that children and youth are less likely to be arrested and detained due to their irregular legal status, families frequently chose to send youth to obtain employment and support their

¹⁸⁸ Harper, 18.

¹⁸⁹ Sadek, 52.

¹⁹⁰ Ibid., 50-52.

¹⁹¹ Harper, 18.

¹⁹² Sadek, 50-52.

families¹⁹³. Putting aside the impacts on education and development of refugee youth, the participation of youth in the workforce – particularly in criminal activities such as prostitution and human smuggling – exacerbates the myriad social vulnerabilities of refugees in Beirut, not to mention the impact of these activities on the rest of Lebanese society and the need for additional government policing resources.

The high cost of living in Beirut further impacts the unstable economic situation of refugees in the city. While refugees in Egypt are subject to higher rent prices than nationals, the overall cost of living excluding housing is fairly low. Lebanon, on the other hand, is considered a middle income country, and the overall cost of living is reflective of this status. In terms of housing, in particular, landlords have been known to exploit the irregular status of refugees, knowing that they have no legal recourse to unfair treatment. Finally, there is a high degree of privatization of “public” services in Lebanon, including health care and education, the cost of which further stretch the limited financial resources of refugees.

5.3.3 Social Service Protection Gaps

Because Lebanon is not a signatory to either the Refugee Convention or Protocol, the government accepts no responsibility for providing social services for refugees within its borders. In its stead, UNHCR and community and faith-based organizations – including Caritas, the AMEL Association, RESTART, the Lebanese High Relief Commission, the Danish Refugee Council, the Makhazoumi Foundation, and Association Justice et Misericorde – offer social services to allow refugees to meet their immediate livelihood needs.

However, as is the case in Egypt, many basic and fundamental social services are controlled by the government. For example, though a significant number of refugees indicate that they suffer from acute and chronic illnesses, such as diabetes and hypertension, they are reluctant or unable to seek medical treatment at government health facilities for fear of being exposed as illegal residents. When accessing the public health

¹⁹³ Jeff Crisp, Jane Janz, Jose Riera, and Shahira Samy, *Surviving the City: a Review of UNHCR's Operation for Iraqi Refugees in Urban Areas of Jordan, Lebanon and Syria* (Geneva: UNHCR, 2009).

care system, refugees are further confronted with a system that suffers from chronic underfunding and endemic overcrowding¹⁹⁴. One of the most significant differences between Egypt and Lebanon is the extent of privatization in tertiary social services. For example, while basic emergency medical care may be available through state-run institutions, specialist care is outsourced to private care providers. This privatization significantly increases the cost of treatment, often beyond refugees' means. Combined with a deep-seated fear of exposure, many refugees simply chose to suffer in silence.

Access to education in Lebanon, on the surface, is the one potential ray of hope. In 2008, the Lebanese Ministry of Education issued a circular calling on both public and private schools to facilitate the registration of refugee children, and UNHCR provides school supplies and grants to cover tuition fees. The positive impact of this decision is debatable. UNHCR states that approximately eighty percent of refugee children between the ages of four and seventeen are enrolled in either primary or secondary school, while an independent study of Iraqi refugee children, the largest quotient of refugee children living in Beirut, suggested that less than sixty percent of Iraqi refugee children between the ages of six and seventeen actually attend school¹⁹⁵. This discrepancy is due to several factors, including differences in curricula between Lebanon and Iraq, second language requirements in Lebanon, and overcrowding in schools¹⁹⁶. As noted above, because many children are taken out of school to work, the drop-out rate among refugee children is high¹⁹⁷; UNHCR has noted that school enrollment is one of the most pressing issues facing the refugee community in Beirut. Therefore, although UNHCR has made progress in promoting and facilitating the entry of refugee children into the Lebanese educational system, their efforts have been virtually negated by the challenging economic situation facing refugee families. As in Egypt, the social, economic and legal protection gaps that structure refugee lives in Lebanon are inextricably intertwined, making it difficult for urban refugees in Beirut to establish sustainable livelihoods.

¹⁹⁴ Crisp, Janz, Riera and Samy, 27.

¹⁹⁵ UNHCR, "Fact Sheet: Lebanon"; Harper.

¹⁹⁶ Crisp, Janz, Riera and Samy.

¹⁹⁷ Ibid.

5.4 Trends in Protection Gaps

Despite significant differences in the legislative and policy environments structuring urban refugee experiences in Cairo and Beirut, a number of common protection gaps emerge. Although refugees in Cairo benefit from the recognition of refugee status, they receive little more protection than those in Beirut – both face arbitrary arrest and detention. Urban refugees in both countries are effectively excluded from the formal economy, leaving them vulnerable to exploitative wages and working conditions, severely impacting their ability to secure stable housing. Access to health care is impeded by a lack of financial resources, and by a degree of fear – in Egypt, related to discrimination and intentional malpractice by doctors, and in Lebanon, related to the potential of exposing illegal residency. Both countries have made attempts to address the education of refugee children by implementing policies to allow refugees access to public and private educational systems; yet in practice, refugee children face significant challenges in accessing education. These protection gaps are indicative of challenges facing urban refugees throughout the Middle East, and in other developing states. UNHCR staff frequently note that assisting geographically dispersed refugee populations entails a host of obstacles not present when dealing with a “captive audience” in camp settings¹⁹⁸.

The most compelling trend arising in Egypt and Lebanon is the relationship between protection gaps and the inability of urban refugees to integrate into their host community. Despite UNHCR’s advocacy of a policy of “self-reliance” among urban refugees, state policies – or the lack thereof – appear to undermine the ability of refugees to attain a sustainable livelihood. While UNHCR seeks to effectively wean refugees away from institutional assistance, state policies work to make refugees more dependent on aid. For example, the denial of the right to work in both Egypt and Lebanon prevents refugees from earning a stable income and benefiting from labour protection laws, leaving them vulnerable to exploitation and abuse and impairing their ability to sustain themselves and their families in the long term. Despite the frequently articulated rationale of the necessity of protecting the ability of domestic populations’ access to limited state resources, there

¹⁹⁸ Ibid., 27.

is also a discernible fear that closing protection gaps – for instance, by granting refugees the right to work – will result in refugees choosing to permanently settle in host states. This alternative is unacceptable to the vast majority of host states, including Egypt and Lebanon, which see themselves as temporary hosts; Egypt, in particular, has explicitly denied that local integration is an option for those seeking refuge within its territory. Integration runs contrary to the characteristics assumed by the refugee master category, as it implies permanence and normalization of refugeehood, and subverts the strategic priorities of both host states in the developing world and Western states. Refugees who are legally, economically, and socially integrated cannot be excluded, marginalized, or externalized, and host states are harder pressed to reduce their responsibilities toward refugees.

The existence of protection gaps is therefore rooted not only in state self-interest and operational challenges, but also in a belief in the exceptionality and temporality of refugeehood. Exceptionality and temporality have long been fundamental pillars of refugeehood. From the outset, refugeehood was conceived as temporary, surrogate protection that came into effect under exceptional circumstances, while an individual's country of nationality would not or could not protect them. Refugeehood was never imagined to be a permanent – or even long-term – condition. However, the increased incidence of protected refugee situations, particularly since the end of the Cold War, has challenged the pillars of exceptionality and temporality. Unwilling to acknowledge the erosion of these principles, many host states in both the developed and developing world cling to the exceptionality and temporality of refugeehood in the hope that doing so will exonerate them from long-term responsibility for refugees within their jurisdiction. Integration suggests a degree of permanence, as refugees replace the ties severed with their country of origin with ties forged with their host state and society. Urban refugees explode the notions of exceptionality and temporality, as unlike camp refugees, they cannot be sequestered from the local population in a sustained state of emergency.

In both Egypt and Lebanon, the possibility of integration is severely curtailed by the denial of access to core livelihood assets – security from arbitrary arrest and detention, legal employment, and access to social services. This attitude can be partially attributed to a fear of “Palestinization” of refugees living in Egypt and Lebanon, or the

facilitation of long-term settlement of refugees in host states¹⁹⁹. This temporality or “in-betweenness” is completely institutionalized in Lebanon, where Iraqi refugees are removed from the international refugee regime altogether, due to Lebanon’s non-recognition of refugee status. While Lebanon may provide temporary residence permits to urban “refugees”, this only exacerbates a “feeling of transitory residence”, highlighting the incompleteness of flight from the horrors of home to a “dream destination” that has not yet been reached²⁰⁰. Urban refugees are stranded between a lack of long-term alternatives in the host state and, increasingly, an inability to return home due to the protracted nature of conflicts in countries of origin. The shrinking number of resettlement spaces available suggests parallel attitudes among developed states²⁰¹. If the preservation of exceptionality and temporality is understood as essential to the international refugee regime, the persistence of protection gaps can be interpreted as serving a strategic function in upholding the foundations of refugeehood.

The insistence on the exceptionality and temporality of refugeehood, particularly in urban settings, is further highlighted in the inability of refugees in either Egypt or Lebanon to become naturalized. Naturalization, while not the sole indicator of permanent integration, is frequently cited as a key step in the process. Article 1C(3) of the Refugee Convention states that refugee status ceases to apply when an individual acquires a new nationality and enjoys the protection of their new country of nationality, a process which occurs through naturalization. Once naturalized, a refugee gains all rights and privileges granted to a citizen of the state, and ceases to require the protection of the surrogate refugee regime. However, in both Egypt and Lebanon, naturalization is denied to refugees, regardless of the length of their residency in either country or of their social or economic integration into national communities. This denial “exacerbates the feeling of transitory residence”²⁰², reinforcing the exclusion of refugees from the national community, legally, economically and socially.

¹⁹⁹ Sadek, 50-52.

²⁰⁰ Karine Le Roch, et al, “Two Psychosocial Assistance Approaches for Iraqi Urban Refugees in Jordan and Lebanon: Center-Based Services Compared to Community Outreach Services,” *Journal of Muslim Mental Health* 5 (2010), 101.

²⁰¹ Chimni, “Geopolitics of Refugee Studies.”

²⁰² Le Roch, et al, 101.

5.5 Conclusion

A desire to prevent permanent integration of urban refugees leads both Egyptian and Lebanese authorities to leave glaring legal, economic and social service protection gaps unaddressed. In both states, refugees face significant obstacles accessing a key economic need – the right to work. Although Egypt offers greater legal protection than Lebanon due to its accession to the Refugee Convention and Protocol, in practice urban refugees in both states are vulnerable to arbitrary arrest and detention. In spite of the reality of long term displacement, a continuing environment of insecurity and instability prevents refugees from rebuilding their lives and becoming productive consumers and citizens in their host state.

Fundamentally, protection gaps which prevent integration, such as those facing urban refugees in Cairo and Beirut reinforce the characteristics assumed by the refugee master category. The refugee master category constructs refugeehood as a fundamentally collective, temporary, and exceptional condition; in contrast, urban refugees and their efforts to achieve legal, economic, and social integration suggest that refugeehood is more aptly conceptualized as an individual condition that is effectively normalized through its increasingly protracted nature. Despite the changing nature of refugeehood, host states in the developing world and dominant, Western states continue to base refugee policies on the existing refugee master category due to its convergence with their strategic priorities – exclusion, externalization, and marginalization. Ignoring the growing trend of urbanization among refugees and their specific protection needs must necessarily lead to a host of new economic and social problems, the least positive outcome for all parties. Clearly, an alternative concept of refugeehood which moves beyond the original master category characteristics and incorporates both contemporary displacement experiences and evolving refugee needs is overdue.

Chapter 6: CONCLUSION

This thesis seeks to address the primary question, “*What are the impacts of Agier’s conception of the refugee master category, translated into camp-centric refugee policy, on urban refugees?*” This thesis set out to answer questions surrounding the experiences and status of urban refugees with respect to the concepts of the refugee master category, specifically, how the refugee master category conceptualizes refugeehood, and how this conceptualization fails to reflect the displacement experiences of a significant portion of the refugee population. This thesis further addressed the impact of an exclusionary refugee construct on the development of refugee response policy by examining how states seek to condition refugee behaviour to conform with the refugee master category, and how by consequence, states disadvantage those who fail to conform to the refugee master category. I argue that the international refugee regime bases policy-making on a refugee master category that is heavily tilted towards characteristics of collectivity, exceptionality, and temporality, and that these characteristics have become the overriding perception of refugees in the popular consciousness. These characteristics are advanced in order to justify policies whose priorities are externalizing, marginalizing, and excluding refugees rather than addressing the needs of refugees themselves. Above all, those refugees who do not conform to the characteristics advanced by the refugee master category and who, by making a different location choice in response to their personal crisis – namely urban refugees – challenge the priorities of international refugee policy and face significant structural protection gaps.

I contend that the refugee master category favours camp-settled refugees while disadvantaging urban refugees. Relying on a camp-centric refugee master category allows states to justify policies and practices that externalize, marginalize, and exclude refugees and therefore to a large extent create a class of persons whose existence becomes one of permanent need rather than rehabilitation. Urban refugees in particular pose a challenge to the camp-centric master category, illustrating its inability to describe their displacement experiences. In spite of attempts to act upon their wishes and desires to integrate somewhere that is safe, being outside the camp exposes them to a myriad of service and protection gaps which render most of their efforts futile. These protection

gaps become part of a circle of failure to escape, reinforcing behaviour which conforms to the camp-centric conceptualization of refugeehood. That is, rather than overcoming their trauma and rebuilding their lives, refugees remain wary of authority, living on the fringes of civil society and pursuing, in some cases, desperate measures to survive.

This thesis began by introducing the statistical significance of urban refugees as well as some of the unique protection and servicing challenges they face. Chapter 1 outlined the conceptual framework through which the concept of refugees generally, and the disadvantaging of urban refugees in particular, would be addressed. As this author argues that the challenges facing urban refugees are causally linked to a refugee construct, or master category, that favours camp-settled refugee response policies – and camp-settled refugees themselves – over urban settlement, Chapter 1 undertook a review of literature articulating and describing concepts of refuge and refugeehood.

Chapter 2 sought to define the characteristics of the refugee master category and illuminate overriding assumptions of who is and who is not a refugee. Drawing from the works of Michel Agier and B.S. Chimni, this chapter describes how the foundations of the refugee master category have evolved since the Cold War. Assumptions about refugeehood prior to and during the Cold War have given way to “new refugees”, whose characteristics, Chimni notes, are perceived as fundamentally different from Cold War refugees and who therefore merit different treatment from the international refugee regime and dominant, Western states. Three key characteristics of the refugee master category were discussed: the collective nature of displacement and flight; the exceptionality of seeking refuge; and the temporality of refugeehood. Based on these three characteristics, it is possible to define the parameters of refugeehood – and in doing so, to understand that refugees who do not conform to these characteristics, regardless of their Convention status, are excluded from the protections and benefits of refugeehood.

Chapter 3 investigated the relationship between the refugee master category and refugee policy, arguing that refugee response policies have increasingly emphasised camp-based settlement so as to make real and practical the characteristics of refuge, in turn conforming to the concept of refugeehood. Policies that favour camp-based settlement, such as camp confinement policies, have come to dominate the international refugee response regime since the 1990s, despite the fact that significant numbers of

refugees continue to settle in urban areas. Using the case study of Kenya's camp confinement policies, this chapter describes the geo-political context surrounding the emergence of camp confinement policies, and highlights that the apparent beneficiaries of camp confinement policies are not refugees themselves but the hosting state and the international community. This chapter also describes the UNHCR as a major facilitator in the strategic use of camp confinement policies. Finally, this chapter links camp confinement policies to the strategic goals of states in their interactions with the international refugee response regime: to promote a specific concept of refugees – the refugee master category – in order to justify the externalization and marginalization of refugees.

Chapter 4 discussed at greater length the purpose and effect of the strategic goals of externalization, marginalization and exclusion, which can be observed in the refugee response policies within the international realm, policies largely framed by dominant, Western states. This chapter touched on some additional differences between the ideal version of a refugee and those that flee to urban areas. They are different because they do not necessarily flee in large groups, but instead may be an individual or a single family. They may be fleeing a series of persecutory actions that cause an irreparable break between citizen and state, rather than a single cataclysmic event. Consequently, their flight is not necessarily temporary because they may never be able to return to their country of origin. In contrast, urban refugees seek to settle in the conceptual and spatial heartland of host states and economic and social integration in host societies. By actively pursuing a location where there is a possibility of integration, urban refugees transform their refugeehood into a permanent and normalized condition, upsetting the strategic foundations of the refugee master concept.

Chapter 5 drew on case studies of urban refugees residing in Egypt and Lebanon to illustrate the restrictions host states place on the ability of refugees to achieve integration. State-imposed restrictions create additional complex legal, economic, and social service protection gaps for urban refugees, and contribute to an environment of instability and insecurity which fundamentally reinforce the temporality and exceptionality of refugeehood. By perpetuating these gaps, host states – with the complicity of the international community – disadvantage urban refugees to condition

their behaviour in conformity with the refugee master category, rather than accepting that the refugee master category is fundamentally flawed and re-evaluating the refugee concept in light of contemporary displacement experiences generally and the increasing urbanity of refugeehood in particular.

I have argued that the refugee master category embeds particular characteristics – namely collectivity, exceptionality, and temporality – into refugee policy discourse, allowing national governments and international institutions to advance three apparent strategic priorities – externalization, marginalization, and exclusion. These strategic goals are pursued even though these defining attributes do not necessarily reflect the displacement experiences of a significant number of refugees – specifically urban refugees.

To condition refugee behaviour in conformity with the refugee master category, states adopt camp-centric response policies which have led to the emergence of a camp-biased refugee policy regime. Further, the bias towards camps manifests itself at both the national and international level. At the national level, camps are in most instances, the only alternative through which refugees may be officially recognized within another country's borders. As described through the Kenyan case study those found in contravention of camp confinement laws are subject to penalties including forcible relocation to the camp and, in some cases, *refoulement*. In addition, the Kenyan government restricts the ability of UNHCR and other NGOs to offer protection and assistance outside of camps. In this way, governments deliberately construct camps as the only legitimate response to refugee influxes, while purposefully limiting the resources available to urban refugees. These actions run counter in theory, to the rights and protections offered refugees as articulated in international refugee law, which makes no distinction regarding where a refugee seeks shelter.

At the international level, both international response agencies and dominant members of the international community clearly favour camp-based responses. In the Kenyan case, UNHCR established large camps almost immediately after responsibility for refugee management was transferred to it by the Kenyan government. Some have gone so far as to question whether UNHCR should provide assistance to refugees in

urban settings²⁰³. The agency's recent shift from "care and maintenance" to "self-reliance" suggests that urban refugees will not benefit from the same protection and assistance as camp-based refugees. The inequitable distribution of response resources is the major cause of long-standing protection gaps for urban refugees, even in states where seeking refuge in camps is not an option.

Alice Edwards offers an interesting critique of UNHCR's 2009 *Policy on Refugee Protection and Solutions in Urban Areas* (Urban Refugee Policy), which suggests that, despite some recognition of the urbanization of refugeehood, a camp-bias is still prevalent in refugee response policies at the international level. The Urban Refugee Policy claims as its partial purpose to shift the agency's working ethos from a focus on camps to recognizing the legitimacy of urban refugeehood. However, despite recognizing that UNHCR protection should not be impacted by the location of asylum, the Urban Refugee Policy is limited to non-legal terminology describing "protection space" rather than rights-based language with legal foundations. Further, Edwards argues that in its concluding pages, UNHCR's Urban Refugee Policy "seems to suggest that one of the aims of the document is to acknowledge that if camp environments improve, motivations for leaving them will be reduced and there will be fewer refugees seeking protection in [urban areas]."²⁰⁴ The Urban Refugee Policy, rather than seeking to truly establish urban areas as legitimate protection spaces for refugees, plays "into the hands of governments operating camp confinement policies who argue that UNHCR should spend its time improving camp conditions rather than engaging with urban refugees."²⁰⁵

In addition to the direct efforts of the camp-bias to condition refugee behaviour in conformity with the refugee master category, international refugee policy directs attention and response resources to refugee camps. In states where seeking refuge in camp settings is generally not an option, such as Egypt and Lebanon, the national government rests its case of doing less on the limited resources they are allotted to support urban refugees, as much as the covert desire to perpetuate the exceptional and temporary nature of refugeehood. As illustrated by the Egyptian and Lebanese cases, urban refugees face almost impossibly intractable legal, social and economic protection

²⁰³ Buscher, Jacobsen and Lari.

²⁰⁴ Edwards.

²⁰⁵ Ibid.

gaps. In the absence of reasonable means to create sustainable livelihoods they remain in precarious isolation within the heart of the host society, which severely hinders their ability to build sustainable livelihoods, perpetuating the precariousness of their asylum and preventing their integration into their host society. States attempt to influence refugee settlement patterns by implementing a camp-centric refugee policy regime, as illustrated in Kenya, and by disadvantaging those who do not conform to camp confinement policies, as discussed in Egypt and Lebanon. If refugee behaviour can be conditioned in conformity with the refugee master category, both Western and non-Western states can justify refugee policies that aim to externalize, marginalize, and exclude refugees. In this way, both the refugee master category and the camp-centric response policy regime built upon it can be seen as playing key roles in the *non-entrée* regime that currently characterises international attitudes toward refugees.

Addressing flaws in the refugee master category and policies built upon it will require ongoing re-evaluation of popular concepts of refugeehood in light of contemporary displacement experiences. Numerous scholars have described the changing nature of conflict and sovereignty. A similar dialogue, with a view to clarifying the evolution of refugeehood, must be undertaken with respect to the refugee master category. However, it is essential that such debate rapidly cross over from academia, not only into the policy-making realm but into the public consciousness. Re-evaluation of the refugee master category must begin with the recognition that displacement and refugeehood take on many forms, last for varying durations, and occur in numerous locations. It must be recognized that different choices of refuge, including seeking settlement in urban areas, can be legitimate responses to displacement, and that there is value in supporting these choices. For refugees whose original lifestyle centered in an urban area, the result is a certain familiarity and opportunity for independence from national and international aid. For a host state, it is more challenging, but over as little as the medium term it could mean new loyal entrants into the national population and active contributors to growth of the national economy. Adopting a human rights-based approach to interpreting international refugee law and developing refugee response policies may assist in facilitating such debate. What has become clear through the previous fifty years of the international refugee regime is that a state-centric approach to displacement and

refugee management is not conducive to achieving sufficient, substantive refugee protection.

One of the key issues that must be addressed in re-evaluating the refugee master category is the contrast between the increasing permanency of displacement – manifested in the long life of purportedly temporary refugee camps and the preference of many refugees for resettlement or integration over repatriation – and the persistent assumption that refugees want to return home as soon as possible. Though initially conceived as a temporary condition to ensure surrogate protection in the absence of state protection, refugeehood has evolved to become an almost normalized state of being. It is not unusual for refugee families displaced for generations to now include members who have never entered their country of origin. If refugeehood is understood as a potentially permanent condition, policies that emphasize only externalization, marginalization and exclusion must be questioned and more effort should be directed to best practices for integrating refugees into host states as well as to increasing opportunities for other places of permanent resettlement.

Finally, it must be recognized that re-evaluation and debate cannot occur solely among host states in the developing world, or among refugee response agencies such as UNHCR; in order to achieve substantive and lasting change within the international refugee regime, dominant, Western states must engage in meaningful evaluation of their involvement in and attitudes toward the international refugee policy regime. As Katja Luopajarvi writes, “when demanding that states act responsibly internally... and externally, towards the international community, we must also ask the international community to act responsibly when stepping in to provide surrogate assistance and protection.”²⁰⁶ The question that remains is, how can dominant, Western states be encouraged to engage in such self-reflection, when the contemporary refugee policy regime aligns so closely with their strategic priorities? Though this question lies at the root of numerous proposals for reform in the international refugee policy regime, including burden-sharing and issues linkage, it remains the most difficult to answer.

²⁰⁶Katja Luopajarvi, “Is There an Obligation on States to Accept International Humanitarian Assistance to Internally Displaced Persons under International Law?” *International Journal of Refugee Law* 15 (2003): 4.

Agier argues that, “what on reflection proves genuinely useful [to refugees] is... to resist by all means possible the establishment on a global scale of a regime of exceptionalism... that is of interminable delay, as well as other forms of quarantine in which so many millions of undesirables are confined.”²⁰⁷ To make such resistance effective will require intensive re-evaluation of the popular conceptualization of refugeehood. Numerous scholars have articulated structural and conceptual flaws in international refugee law and policy, but such flaws are rooted so deeply within the refugee construct that effective solutions cannot be discussed solely at the level of law and policy. Rather, it is necessary to problematize the refugee master category itself, evaluating whether its characteristics reflect contemporary displacement experiences or politically-driven ideas of who should be protected and assisted, and how protection and assistance is implemented. In light of the growing portions of the refugee population facing protracted displacement, settling in urban areas and seeking, if not resettlement, integration into their host community, is it still possible to describe refugeehood as a large-scale phenomenon that is exceptional and temporary? If refugeehood is no longer collective, exceptional, and temporary, how can policies that aim to externalize, marginalize, and exclude be justified? Conceptual questions must be answered before it will be possible to seek comprehensive, holistic solutions to the flaws in the international refugee response policy regime that trap urban refugees in limbo, unable to return, unable to move forward, seeking durability that is always out of reach.

²⁰⁷ Agier, *On the Margins of the World*, 72.

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